

CHAPTER 11

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PART 1

**TRANSPORTATION OF PERSONAL PROPERTY AND
HOUSEHOLD GOODS**

§11-101. Definitions.

The following words, when used in this Part, shall have the meaning ascribed to them in this Section except where the context clearly indicates or requires a different meaning:

LESSOR or LANDLORD—one who grants a lease or rents real estate to another either for business or dwelling purposes.

PERSON—any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and neuter.

PERSONAL PROPERTY or HOUSEHOLD GOODS—any tangible property that is subject of ownership and is possible of being moved, and which is generally used in the operation of a business or for the maintenance of the household.

TRANSPORTATION—the moving of personal property or household goods by way of public streets or highways.

(Ord. 654, 8/9/1994, §101)

§11-102. Permit Required to Move or Transport Personal Property or Household Goods in Bulk.

No person shall move or transport, or cause to be moved or transported, from place to place within the Borough of Coplay or from a place within the Borough to another place outside the Borough, or to or from places beyond the limits thereof into the Borough, any personal property or household goods, in bulk, without first securing from the Borough Secretary of the Borough of Coplay a permit for such moving or transportation.

(Ord. 654, 8/9/1994, §102)

§11-103. Application for Permit.

Any person desiring such a permit for the removal or transportation of personal property or household goods in the manner herein described shall make application at least 48 hours in advance to the Secretary of the Borough of Coplay setting forth his/her name and address and also setting forth the name of the owners or reputed owners of the personal property or household goods to be moved or transported, the address and location from which the personal property or household goods are to be moved or

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transported, and the new address or location of the place to which the personal property or household goods are to be moved or transported. The applicant shall also produce proof of payment of Borough and school district taxes.

(Ord. 654, 8/9/1994, §103)

§11-104. Issuance of Permit.

The Secretary of the Borough of Coplay shall, upon application, issue a permit for which a charge of \$5 will be made, setting forth the name of the permittee as well as the name or names of the owners of the personal property or household goods to be moved or transported, and the address to which the personal property or household goods are to be delivered. A copy of said permit shall be delivered to the Borough of Coplay Bureau of Police, if deemed necessary by the Borough Secretary.

(Ord. 654, 8/9/1994, §104)

§11-105. Notice by Lessor or Landlord.

Any lessor or landlord leasing or renting any premises, or part thereof, within the Borough of Coplay to another person for the purpose of either business or as a dwelling shall give the Borough Secretary at least 24 hours notice of the intention of the lessee or tenant to move in or vacate the leased or rented premises.

(Ord. 654, 8/9/1994, §105)

§11-106. Duty of Movers.

Any person who is in the business of transporting or moving personal property or household goods in bulk from one location to another, as hereinbefore described, shall be obligated to verify that the proper permit has been issued, prior to the moving or transporting of any personal property or household goods either within the Borough of Coplay or to or from a point outside the Borough of Coplay.

(Ord. 654, 8/9/1994, §106)

§11-107. Conditions of Issuance of Permit.

The Secretary of the Borough of Coplay shall not issue any permit until after the applicant for a permit has paid all taxes and fees levied, with the exception of real estate taxes.

(Ord. 654, 8/9/1994, §107)

§11-108. Penalty for Violation.

Any person, lessor or landlord violating and of the provisions of this Part, or furnishing false information to the Borough Secretary or using false names or address shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 654, 8/9/1994, §108)

PART 2

RESIDENTIAL RENTAL PERMITTING AND INSPECTION

§11-201. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Part:

AGENT—any person designated by the owner of a residential rental unit who has charge, care or control of said residential rental unit.

CERTIFICATE OF OCCUPANCY—the certificate issued by the Code Enforcement Officer, which evidences a satisfactory inspection under the provisions of this Part.

CODE ENFORCEMENT OFFICER—an employee of the Borough of Coplay designated to serve as the Borough Code Official to act on behalf of the Borough. (Definition taken from Coplay Code Chapter 5, Part 6, §5-601.3.A.)

CODES—any applicable Parts of this Chapter, other codes or ordinances as adopted by the Borough from time to time, statutes and any rules and regulations promulgated thereunder.

COMMON AREA(S)—in multiple unit dwellings, space which is not part of a residential rental unit and which is shared with other occupants of the premises whether they reside in residential rental units or not. Common areas shall be considered as part of the premises for purposes of this Part.

DILAPIDATED—fallen into partial ruin or decay.

DWELLING—any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided, that temporary housing as hereinafter defined shall not be regarded as a dwelling.

DWELLING UNIT—a unit including, but not limited to, a single residence, double houses, row houses, town houses, condominiums, apartment houses, hotel units, motel units, and conversion apartments.

EXTERMINATION—the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or State authority having such administrative authority.

FEE—the fee required to be submitted with the operating license application as set by resolution of the Borough Council from time to time.

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HOTEL UNIT or MOTEL UNIT—any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used on a transient basis.

MEANING OF CERTAIN WORDS—whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming units,” “premises,” “structure” are used words in this Part they shall be construed as though they were followed by the words “or any part thereof.” Words used in the singular include the plural, and the plural the singular; the masculine gender includes the feminine and the feminine the masculine.

MULTIPLE-UNIT DWELLING(S)—a building containing two or more independent dwelling units, including, but not limited to, double houses, row houses, town houses, condominiums, apartment houses hotels, motels, and conversion apartments.

NOTICE OF VIOLATION or NOV—a violation notice issued by the Code Enforcement Officer under this Part.

OCCUPANT—an individual who resides in, but is not the owner of, a residential rental unit.

OPERATING LICENSE—a license issued in accordance with §11-204 of this Part.

OPERATOR—any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER—any person, agent, operator, firm, corporation, partnership, limited liability company, limited liability partnership, association, other entity, property management group, or fiduciary holding or having legal, equitable or other interest in any real property or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person’s estate. When used in this Part in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer and other individual having an interest in the entity, controlling or otherwise.

PERSON—any individual, firm, corporation, association, or partnership.

PREMISES—the real property on which a dwelling unit is located.

RESIDENTIAL RENTAL UNIT—a dwelling unit not occupied by the owner thereof.

SAFELY—the condition of being free from danger and hazards which may cause accidents or disease.

UNIT—any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

(Ord. 792, 2/8/2011, §2)

§11-202. Owner's Duties.

1. Each owner of a residential rental unit shall obtain an operating license pursuant to this Part in order to validly rent the residential rental unit. Each unit owner shall file the requisite operating license application initially no later than July 31, 2011, and thereafter upon a change in the occupant of the residential rental unit and/or at least 60 days prior to the expiration of the then current license.
2. The owner of each residential rental unit shall maintain the residential rental unit and all common areas used by the occupants of the residential rental unit and all facilities servicing the residential rental unit and the premises on which the residential rental unit is located in compliance with all applicable codes and regulations at all times.
3. The duties of the owner shall be to receive notices and correspondence, including service of process from the Borough; to arrange for the inspection of the residential rental unit(s) in accordance with this Part or in the event that the Code Enforcement Officer has identified a need for inspection due to alleged violations at that residential rental unit(s); to do or arrange for the performance of maintenance, cleaning, repair, pest control, etc. and insure continued compliance of the residential rental unit(s) with the current codes, and other ordinances in effect in the Borough.
4. No unit shall be occupied, knowingly by the owner, by a number of persons that is in excess of the requirements outlined in §11-203.
5. To protect the health, safety, and welfare of the residents of the Borough, it is hereby declared that the Borough shall require hazard and general liability insurance for all property owners, letting residential rental units for occupancy in the Borough contain minimum coverage of \$50,000 in general liability insurance and hazard and casualty insurance in amounts sufficient to either restore or remove the building in the event of a fire or other casualty. Further, in the event of a fire or loss covered by such insurance, it shall be the obligation of the owner to use such insurance proceeds to cause the restoration or demolition or other repair of the property in adherence to the Borough Code and all applicable ordinances. Owner shall be required to place their insurance company name, policy number and policy expiration date on their operating license application, or in the alternative, to provide the Code Enforcement Officer with a copy of the said certificate of insurance.

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6. The owner shall certify in the operating license application that the residential rental unit(s) is currently compliant with all of the applicable rules and regulations and codes of the Borough.
7. Every owner, or agent shall provide each occupant with a copy of this Part, the current operating license for the residential rental unit and the certificate of occupancy for his/her residential rental unit.
8. It shall be the responsibility of every owner or agent to employ policies and to manage the residential rental units under his/her control in compliance with the provisions of this Part, Codes and applicable laws of the Commonwealth of Pennsylvania.
9. Designation of Agent.
 - A. If the owner is not a full-time resident of the Borough or does not reside in the Commonwealth of Pennsylvania, within a 60-mile radius of the Borough, then the owner shall designate a person to serve as agent, who does reside or work on a daily basis in the Commonwealth of Pennsylvania, within a 60-mile radius of the Borough. If the owner is a corporation, a separate agent shall be appointed unless an officer of the corporation is appointed as the agent and such officer lives in the Commonwealth of Pennsylvania, within a 60-mile radius of the Borough. If the owner is a partnership, an agent shall be required if a partner does not reside in the Commonwealth of Pennsylvania, within a 60-mile radius of the Borough. The agent shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Part.
 - B. The legal name, mailing address, daytime physical address (not a post office box), and daytime and evening telephone numbers of a person who is designated as the agent shall be provided in writing by the owner to the Borough, and such information shall be kept current and updated within five business days after it has changed.
 - C. The agent shall be authorized to accept service of process on behalf of the owner.
10. The owner shall comply with all provisions of the Pennsylvania Landlord-Tenant Act.
11. The owner shall not permit the residential rental unit to be occupied without a valid operating license issued pursuant to this Part.
12. Each owner of a residential rental unit shall notify the Code Enforcement Officer in writing within 30 days after any change in ownership of the premises or of the number of residential rental units on the premises, and to submit new contact information. Failure to so notify the Code Enforcement Officer shall be considered a violation of this Part.

13. The owner shall notify the Code Enforcement Officer in writing within 30 days after the changing of a unit from owner-occupied to being a residential rental unit for purposes of this Part. Failure to so notify the Code Enforcement Officer shall be considered a violation of this Part.

(Ord. 792, 2/8/2011, §2)

§11-203. Occupant Duties.

1. The occupant shall comply with all obligations imposed upon occupants by this Part, applicable codes and regulations of the Borough, and all applicable provisions of laws of the Commonwealth of Pennsylvania.
2. A residential rental unit shall not be occupied by more than three unrelated persons, as defined herein, unless specifically permitted otherwise by the Borough Zoning Ordinance [Chapter 27]. A residential rental unit shall also comply with the occupancy limits of other applicable Commonwealth and local codes and regulations.
3. Occupants shall collect and dispose of all rubbish, garbage and other waste in a clean and sanitary manner, and occupants shall comply with Borough solid waste, sanitation and recycling regulations. Occupants shall keep the part of the premises which occupant occupies or controls in a clean and sanitary manner.
4. Occupants shall not engage in, nor tolerate, nor permit guests on the premises to engage in, any conduct declared illegal under any Federal statute, and/or under the Pennsylvania Crimes Code (18 Pa.C.S.A. §101 et seq.) or Liquor Code (47 P.S. §1-101 et seq.), or the illegal sale or distribution of controlled substances under the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101 et seq.) or their successor laws.
5. Occupants shall permit the Code Enforcement Officer to conduct inspections of the residential rental unit during Borough business hours, after receiving notice from the owner, agent and/or the Borough.
6. The occupant shall comply with all provisions of the Pennsylvania Landlord-Tenant Act.

(Ord. 792, 2/8/2011, §2)

§11-204. Application for Operating License.

1. The owner(s) of the premises where a residential rental unit is located is/are responsible, jointly and severally, for filing an operating license application to the Borough for the operating license, which operating license application must comply with all the requirements, established pursuant to this Part, and any applicable regulation, for such applications. A new operating license application must be

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submitted every year and/or upon a change in the occupant of a residential rental unit.

2. All operating license applications shall be in writing, shall use the form adopted by the Borough Council, shall provide all the information required pursuant to this Part and shall be accompanied by the required fee. The Borough shall have no duty to process any operating license application without the required fee.
3. The Code Enforcement Officer shall issue the operating license for the residential rental unit when:
 - A. The required operating license application has been filed with the Borough.
 - B. All the required fees have been paid in full.
 - C. A certificate of occupancy has been issued by the Code Enforcement Officer as set forth in this Part.
4. Denial of License. If, there is an inspection by the Code Enforcement Officer and, as a result of which, the Code Enforcement Officer has determined that the certificate of occupancy should not be granted, due to any condition(s) that does/do not comply with applicable regulations, the Code Enforcement Officer shall issue, to the owner, a written notice of violation (NOV) in accordance with §11-207 identifying the noncompliant condition(s) and ordering that compliance be achieved in a timely manner.
5. Fees. At the time of submission of the operating license application, owner shall pay the fee as defined above.
6. Hotels and Motels. The operating license application required by this Section shall only be required for a hotel unit or motel unit located in a hotel or motel which permits occupancy on a weekly or monthly basis, upon the request of and at the sole discretion of the Code Enforcement Officer. No operating license application shall be required of hotel units or motel units located in hotels or motels principally providing overnight lodging.

(Ord. 792, 2/8/2011, §2)

§11-205. Certificate of Occupancy Required.

No residential rental unit shall be occupied, and no operating license shall be issued in accordance with this Part, unless a certificate of occupancy evidencing compliance with this Part has been issued by the Code Enforcement Officer. Issuance of a certificate of occupancy shall represent compliance with the inspection requirements of this Part but shall not denote compliance with any other applicable Part, Chapter, other code, ordinance or statute. A certificate of occupancy shall be valid for a period of 36 months and/or until there is a change in the occupant of the residential rental unit. Every

certificate of occupancy shall be displayed in a conspicuous place in the interior of the residential rental unit.

(Ord. 792, 2/8/2011, §2)

§11-206. Inspections.

1. No certificate of occupancy shall be issued except as follows:
 - A. **Inspections Required.** Prior to occupancy and prior to issuance of a certificate of occupancy, each residential rental dwelling unit shall be inspected by the Code Enforcement Officer or other authorized inspector, and for such purpose and for any reinspection required hereunder, the owner shall provide access to the Code Enforcement Officer or authorized inspector. A residential rental unit where inspection access is denied may not be issued a certificate of occupancy until inspection access is provided.
 - B. All inspections conducted under the authority of this Part shall determine compliance with this Part and all Codes of the Borough and the laws of the Commonwealth of Pennsylvania. This inspection shall include the exterior and interior of the premises on which the residential rental unit is located.
 - C. Whenever permission for access to a residential rental unit cannot be obtained for any reason, or whenever the Code Enforcement Officer shall determine or have a reasonable belief that such residential rental unit is being occupied in violation of the provisions of this Part, he may seek to obtain a search warrant as set forth herein from a competent authority in accordance with applicable law.
 - D. **Exemption from Inspection.**
 - (1) In any instance where the Code Enforcement Officer shall lawfully issue a certificate of occupancy for a rental residential unit as a result of new construction or alterations, he shall concurrently issue a certificate of occupancy.
 - (2) In any instance where proper evidence is submitted to the Code Enforcement Officer to demonstrate compliance with a current inspection by a Federal or a State authority pursuant to a maintenance standard equivalent or more strict than the provisions required under this Part, the Code Enforcement Officer shall issue a certificate of occupancy dated as of the date of such inspection.
 - E. The Borough reserves the right at any time to inspect any premises to verify compliance with the provisions of this Part, which Borough inspection shall be made without charge. If, as a result of such Borough inspection, violations of the provisions of this Part are determined, additional inspections necessitated by such noncompliance shall be at the expense of the owner.

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2. Search Warrants. If entry to any premises, common area or residential rental unit, for the purpose of inspection, is denied to the Code Enforcement Officer, the Code Enforcement Officer may apply to the appropriate authority for an administrative search warrant. Without limitation, when denied access, the Code Enforcement Officer may request a warrant for the following reasons:
 - A. The inspection is part of a systematic inspection, permitting and enforcement program.
 - B. The affiant has knowledge of or probable cause to believe that there is an existing or potential violation of applicable Borough regulations, in the residential rental unit.
 - C. The entry is necessary for the purpose of reinspecting a violation of a Borough regulation previously observed by the Code Enforcement Officer and which the Code Enforcement Officer ordered to be corrected.
 - D. No search warrant is required if an imminent danger to health and safety exists, or the Code Enforcement Officer has probable cause to believe that dangerous conditions exist and an inspection is required to determine if an inherent danger to health or safety exists.
3. If the Code Enforcement Officer determines that, within any residential rental unit, premises or common area, an emergency condition exists which requires immediate action to protect the public health, safety and/or welfare, the Code Enforcement Officer may issue a determination declaring the existence of such emergency condition and a NOV requiring the action necessary to be undertaken by any owner to correct such condition effectively and immediately.
4. The issuance of a certificate of occupancy shall not be deemed, nor construed as, a representation, guaranty or warranty of any land by the Borough, or its officials, agents or employees, and shall create no liability upon the Borough, its officials, agents or employees.
5. The issuance of a certificate of occupancy shall not preclude or otherwise affect the authority of the Code Enforcement Officer from the enforcement of any other part of the Code, applicable statute, ordinance, rule or regulation at any time.

(Ord. 792, 2/8/2011, §2)

§11-207. Notice of Violations.

1. If the inspection of a residential rental unit discloses noncompliance with the provisions of this Part, the Code Enforcement Officer shall issue a notice of violation. The notice of violation shall set forth the following:
 - A. The street address or appropriate description of the premises.

- B. The date of the inspection.
 - C. The identity of the inspector.
 - D. A list of the Code deficiencies.
 - E. The number of days in which the owner and/or occupant is to accomplish repairs and/or otherwise cure the violation.
 - F. Notice that if the conditions are not repaired or the premises are not otherwise brought into compliance with the provisions of this Part within the time specified, the occupant and/or the owner may be prosecuted and/or the residential rental unit may be placarded as unfit for human occupancy, in which event the occupants shall promptly vacate the residential rental unit, only the Code Enforcement Officer shall have authority to institute prosecutions under the provisions of this Part.
2. Notifications.
- A. Notices of violations shall be sent to the owner, and agent if applicable, by certified mail. In the event that the notice of violation is returned by the postal authorities marked “unclaimed” or “refused,” then the Code Enforcement Officer shall attempt delivery by personal service on the owner or agent if applicable. The Code Enforcement Officer shall also post the notice of violation at a conspicuous place on the premises.
 - B. The Borough shall not be responsible for failing to provide a notice of violation where the owner has not provided an up-to-date name and address for the owner or the agent for the residential rental unit.
 - C. There shall be a presumption that any notice of violation required to be given to the owner under this Part shall have been received by such owner if the notice of violation was given to the owner in the manner provided by this Part.
 - D. A claimed lack of knowledge by the owner of any violation hereunder cited shall not be a defense to non-issuance or non-renewal of an operating license.
3. Notice of Violations.
- A. The Code Enforcement Officer shall provide a written notice of violation to the owner within 10 days of the completion of an inspection of a residential rental unit. A copy of said notice of violation shall likewise be provided to the occupants of the residential rental unit.
 - B. The owner shall be permitted 30 days from the date of the written notice of violations to cure all violations enumerated therein. The only exceptions to this 30-day cure period are as follows:

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- (1) In the event the Code Enforcement Officer determines a residential rental unit is unfit for human habitation, and/or that the continued occupation of the residential rental unit poses an imminent threat to the health, safety and welfare of the occupants or to the neighboring occupants/owners, the Code Enforcement Officer shall order said residential rental unit to be vacated immediately, and to remain vacated until conditions are corrected to the satisfaction of the Code Enforcement Officer.
 - (2) For serious violations that do not require the premises to be vacated, the Code Enforcement Officer may require said violations be cured within 24 hours, or any other time period as determined by the Code Enforcement Officer.
 - (3) For violations requiring more than 30 days to cure, the Code Enforcement Officer may grant, in his discretion, the additional time required to effect a cure, and this period shall be noted in writing and provided to the owner.
4. Non-renewal.
 - A. A Code Enforcement Officer may delay and/or deny the renewal of an operating license if there are outstanding violations of codes for that residential rental unit that have not been corrected at the time of operating license renewal.
 - B. If the violations are not a threat to the safety of occupants or other members of the public, a Code Enforcement Officer may permit the current occupants to continue to reside in the residential rental unit for a reasonable period of time established by a Code Enforcement Officer in the notice of non-renewal, with the time limit removed when the violations of Codes are corrected. A Code Enforcement Officer may issue a temporary operating license that is conditioned upon certain actions being taken within a maximum time period.
 5. Revocation. The immediate revocation of the operating license to rent a residential rental unit shall occur if a Code Enforcement Officer determines that violations of Borough codes present a threat to the safety of occupants or other members of the public. Such revocation shall continue until violations of Borough codes are corrected and the property has been reinspected. Upon revocation, the owner shall take immediate steps to locate alternative housing for the occupants.
 6. Suspension.
 - A. A Code Enforcement Officer may suspend the operating license to rent a residential rental unit until violations of Borough codes have been corrected within a time limit established by a Code Enforcement Officer. Such suspension shall continue until such time as the violation(s) of Borough codes are corrected.
 - B. If the violations are not a threat to safety of occupants or other members of the public, a Code Enforcement Officer shall permit the current occupants to

continue to reside in the premises for a reasonable period of time established by a Code Enforcement Officer in the notice of suspension.

- C. A Code Enforcement Officer may suspend the operating license to rent a residential rental unit if the owner of his/her designated agent are not available or do not respond to contacts by a Code Enforcement Officer, or if the name and contact information for the owner or agent are no longer valid, or if the agent no longer represents the owner.
- 7. Reinstatement. An operating license shall be reinstated if the owner of a residential rental unit corrects the reason for the non-renewal, suspension or revocation of the operating license.
 - 8. Procedure for Non-renewal, Suspension or Revocation of Operating License.
 - A. Following a determination that grounds for non-renewal, suspension or revocation of an operating license exist, a Code Enforcement Officer shall notify the owner or agent of the action to be taken and the reason therefore. Such notification of violation shall be in writing, addressed to the owner or agent, and shall contain the following information:
 - (1) The address of the premises and identification of the affected residential rental unit(s).
 - (2) A description of the violation which has been found to exist.
 - (3) A statement that the operating license for said residential rental unit(s) shall be suspended, revoked, or will not be renewed for the next period unless the violation is corrected within the time deadline provided in the notice of violation. In the case of a revocation, the notice shall state the date upon which such revocation will commence.
 - (4) A statement that during the operating license non-renewal or revocation, the property shall not be rented for occupancy except for any temporary conditional license extension that a Code Enforcement Officer may issue.

(Ord. 792, 2/8/2011, §2)

§11-208. Penalties for Violation.

- 1. Any person or owner who violates or permits a violation of any provision of this Part shall, upon conviction of a summary proceeding brought before a district justice, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violations continues or is permitted to continue shall constitute a separate offense, and each section of this Part that is violated shall constitute a separate offense.

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2. In addition to the above, the Borough may institute, in the name of the Borough, any appropriate action or proceeding to prevent, restrain, correct or abate violations of this Part.
3. This Part shall take effect 10 days after enactment. Any owner of a residential rental unit which has not submitted an operating license application in accordance with the terms of this Part on or before March 1, 2011, shall receive a mandatory fine of \$250 and be liable for all costs of prosecution including, but not limited to, the Borough's reasonable legal fees.
4. If the occupant of a residential rental unit shall provide a written complaint regarding the condition of a residential rental unit such that the Code Enforcement Officer, on the basis of such complaint, conducts an inspection of a residential rental unit pursuant to the authority of this Part, and such written complaint is determined to be without any basis in fact, then the occupant shall be in violation of this Part and shall be required to pay the expenses of the Borough in conducting the inspection at issue or, for failing to do so, shall be charged with a first offense subject to the penalties identified above.

(Ord. 792, 2/8/2011, §2)

§11-209. Miscellaneous.

1. **More Strict Standards to Apply.** In the event any provision of this Part is inconsistent with the provisions of any other ordinance in effect in the Borough, the provision applying the stricter standard shall apply.
2. **Owners Separately Responsible.** If any residential rental unit is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, each person shall be jointly and separately responsible for the duties imposed under the terms of this Part, and shall be separately subject to prosecution for the violation of this Part.

(Ord. 792, 2/8/2011, §2)