

BOROUGH OF ZELIENOPE
COUNTY OF BUTLER
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. #882-22

AN ORDINANCE OF THE BOROUGH OF ZELIENOPE, COUNTY OF BUTLER, IN THE COMMONWEALTH OF PENNSYLVANIA, PROVIDING GUIDELINES FOR RESIDENTIAL RENTAL LICENSES AND FOR RESIDENTIAL RENTAL INSPECTIONS WITHIN THE BOROUGH.

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of the Borough of Zelienople, Butler County, Pennsylvania (the “Borough”), the Borough has determined that it is necessary to inspect and license residential rental structures within the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF ZELIENOPE, BUTLER COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY AND WITH THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION ONE: DEFINITIONS

As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUILDING INSPECTOR

The duly appointed Building Inspector of the Borough of Zelienople.

CODE ENFORCEMENT OFFICER

The duly appointed Code Enforcement Officer of the Borough of Zelienople.

OWNER

One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit.

PERSON

A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

PREMISES

Any parcel or real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more residential rental units is located.

RENTAL LICENSE

A municipal permit, in the form of a license, issued by the Borough pursuant to this article authorizing rental of any residential rental unit.

RESIDENTIAL RENTAL UNIT

A dwelling unit rented to or available for rent by tenants or otherwise occupied by persons other than the record owner of the premises, including, but not limited to, units in single-family dwellings, two-family dwellings, multifamily dwellings and other buildings of similar character.

Occupants whom are direct relation to the record owner, specifically, mother, father, brother, sister, son or daughter will not not be considered a Residential Rental Unit.

TENANT or OCCUPANT

A person who resides in a residential rental unit.

SECTION TWO: LICENSE REQUIRED

It shall be unlawful for any owner to lease, rent, or otherwise allow any residential rental unit in the Borough of Zelienople to be occupied, unless a rental license has been issued by the Building Inspector or Code Enforcement Officer.

Each rental license shall have a term of three years.

A rental license shall not be issued until:

- All overdue and/or delinquent real estate taxes, refuse, and other outstanding fees or fines that are owed by the owner to Zelienople Borough have been paid in full.
- The owner has fully provided the required registration information.
- The premises and residential rental unit for which the rental license is sought have been inspected by the Building Inspector or Code Enforcement Officer and have been deemed to be compliant with the adopted International Property Maintenance Code and all ordinances of the Borough and any other applicable law of the Commonwealth.

SECTION THREE: APPLICATION FOR LICENSE

Prior to leasing, renting or otherwise allowing any residential rental unit to be occupied, every owner of a residential rental unit shall make application with the Building Inspector or Code

Enforcement Officer, on forms to be supplied by the Borough, containing the following information:

- A description of the residential rental unit(s) for which the rental license is sought by street number, apartment number, or other indicia sufficient to distinguish the residential rental unit from all others.
- The number of residential rental units located at the premises.
- The name, address, and telephone number of the owner. If the owner is a corporation, the registration statement shall provide the names, addresses, and telephone numbers of all officers and directors of the corporation. If the owner is a trust, partnership, or any other form of unincorporated association, the registration statement shall provide the names, addresses, and telephone numbers of all partners or principals with an interest of 10% or greater.
- The name, address, and telephone number for the person or business responsible for maintaining the premises, if different than the owner. In the case of an owner who does not reside within a twenty-five-mile radius of the premises, the name, address and phone number of his or her agent with authority for receipt of service or notice of a violation of the provisions of this article and/or for receipt of service or notice related to compliance and/or enforcement of this article and/or the building or zoning ordinances of the Borough of Zelienople.
- The names and telephone numbers of each tenant or occupant 18 years of age or older.
- The owner shall notify the Borough of changes to the tenant or occupant listing within 10 days of such change by submitting updated names and telephone numbers for each tenant or occupant on the form prepared and provided by the Borough. In so doing, the owner shall notify the Borough of Zelienople.
- Within 30 days prior to the expiration of a rental license, an owner of a residential rental unit shall make an application with the Code Enforcement Officer, on a form to be supplied by the Borough and containing the information required, for a renewal of the owner's rental license.

If a rental license application or rental license renewal application is denied, the Building Inspector or Code Enforcement Officer shall notify the owner and any tenant or occupant, if the rental unit is occupied, in writing, and the reason for denial shall be stated in the denial notice.

SECTION FOUR: INSPECTIONS

The owner shall permit the Building Inspector or Code Enforcement Officer to inspect the premises and each residential rental unit for which a rental license application or rental license renewal application is submitted. Upon inspection, if the Building Inspector or Code Enforcement Officer determines that the premises and residential rental unit comply with the Borough Property Maintenance Code and all municipality fees have been paid in full, the Building Inspector or Code Enforcement Officer shall issue a residential rental license.

Each residential rental unit is required to be inspected by the Building Inspector or Code Enforcement Officer prior to the issuance of a rental license or renewed rental license. This inspection shall occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding unsafe conditions of the residential rental unit. If the premises and/or residential rental unit fails to comply with the provisions of the Borough Property Maintenance Code, or other applicable law, the Building Inspector or Code Enforcement Officer shall notify the owner in writing of the deficiencies within 10 days of the inspection. The owner shall be given 30 days from the date of the notice to abate all violations and schedule a reinspection of the premises and residential rental unit. A fee shall accompany the reinspection at a rate to be set by resolution of Borough Council.

SECTION FIVE: LICENSE FEE STRUCTURE AND PENALTIES

Registration and Inspection: \$0

Operating a rental unit without Registration and License: \$500 Fine per Unit in addition to the appropriate citations, court costs and daily fines for each day that the violation continues to exist.

SECTION SIX: REVOCATION OF RENTAL LICENSE

The Building Inspector or Code Enforcement Officer is authorized to revoke a rental license under the following conditions:

A residential rental unit has become noncompliant with the Borough Property Maintenance Code, and the owner or his/her agent fails to remedy the violation within the time frame specified within the applicable code.

The owner fails to provide all required documentation.

Upon notification of overdue or delinquent real estate taxes, refuse, or other outstanding fees that are owed to the Borough of Zelienople, the owner fails to pay in full said fees, or fails to enter into an authorized payment plan and meet the conditions set forth in said payment plan.

If the residential rental unit is occupied at the time that the rental license is revoked, it shall be vacated within 30 days, and it shall remain vacant until the rental license is reinstated. If the residential rental unit is vacant at the time that the rental license is revoked, it shall remain vacant until the rental license is reinstated.

If a rental license is revoked, the Building Inspector or Code Enforcement Officer shall notify the owner and any tenant or occupant, if the rental unit is occupied, in writing of such revocation, and the reason for the revocation shall be stated in such notice.

SECTION SEVEN: GENERAL DUTIES

The owner shall keep and maintain the premises and all residential rental units in compliance with all applicable codes of the Borough and the Commonwealth, including routine maintenance such as lawn mowing and snow and ice removal. In no case shall the existence of any agreement between the owner and tenant or occupant relieve the owner of any responsibility under this article or other ordinances or codes for maintenance of the premises and residential rental units.

The owner shall be responsible for regulating the proper and lawful use of every residential rental unit and shall also be responsible for regulating the conduct and activities of the tenants or occupants of every residential rental unit.

The owner shall provide each tenant or occupant with the name and telephone number of a responsible person who, in emergency situations, will be available on a twenty-four-hour basis and who has the authority to make repairs to the premises and/or residential rental unit as needed.

SECTION EIGHT: APPEALS

Any person aggrieved by any action or decision of the Building Inspector or Code Enforcement Officer concerning the administration of the provisions of this ordinance may appeal to the Zelienople Borough Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Building Inspector or Code Enforcement Officer.

Upon receipt of such appeal the Zelienople Borough Council shall consider the appeal in accordance with the International Property Maintenance Code and any other local ordinance.

Any person aggrieved by any decision of the Zelienople Borough Council may seek relief therefrom by appeal to the Court of Common Pleas of Butler County, as provided by the laws of this state.

SECTION NINE: SEVERABILITY

Any ordinance or part thereof in conflict herewith is hereby repealed to the extent of said conflict.

ORDAINED AND ENACTED INTO LAW BY THE BOROUGH COUNCIL OF THE BOROUGH OF ZELIENOPE THIS _____ DAY OF _____, 202__.

WITNESS:

BOROUGH OF ZELIENOPE

**DONALD C. PEPE,
ZELIENOPE BOROUGH MANAGER**

BY: _____

**MARY E. HESS,
PRESIDENT, ZELIENOPE COUNCIL**