

AN ORDINANCE SETTING FORTH REGULATIONS FOR NON-OWNER OCCUPIED RESIDENTIAL PROPERTIES INCLUDING PROVISIONS FOR OCCUPANCY PERMITS, INSPECTIONS, OWNER DUTIES, AND ENFORCEMENT PROCEEDINGS INCLUDING APPLICATIONS OF RENTAL OCCUPANCY PERMITS

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Milton, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. GENERAL PURPOSE

Purpose, Scope, and Declaration of Policy. It is the purpose of this Ordinance to establish policies and regulations which will facilitate the protection and promotion of the health, safety, and welfare of the residents of the Borough of Milton; to ensure the safe and responsible maintenance and inspection of those properties which are non-owner occupied residential properties within the boundaries of the Borough of Milton, to ensure the safety and well-being of the Occupants of those properties, and the safety and property values of the Borough of Milton.

SECTION 2. DEFINITIONS - All definitions are as stated in the Definitions Ordinance of the Milton Borough Code Book.

SECTION 3. PROPERTY AND TENANT REGISTRATION AND RENTAL OCCUPANCY PERMITS

A. PROPERTY REGISTRATION

Within sixty days of the adoption of this ordinance, the Borough shall provide to each known owner of a Rental Unit, a blank Property Registration Form, to be completed and returned to the Borough within 30 days.

The Owner of a Multiple Unit Dwelling may complete one Property Registration Form with an attachment listing multiple contiguous buildings within a complex, provided that the list clearly identifies each building by legal address and provides the listing of each Rental Unit within each building individually by unit number and address.

Following the initial property registration, the Owner shall be required to inform the Borough of any substantial change to the Property Registration information within ten (10) calendar days of the date on which the change occurs. Examples of such changes would include but are not limited to change in Owner contact information, change in ownership, change in building use, discontinuation of rental use, etc.

The Owner shall be required to verify the information contained within a Property Registration Form prior to the renewal date of a Rental Occupancy Permit, as part of the notification of required inspection.

A Property Registration Fee, payable to the Borough, may be assessed by the Borough upon adoption of a Resolution by Borough Council adopting such a fee, which Resolution shall have the same effect as if set forth herein in full.

Unoccupied / Vacant Rental Units are required to be registered with the Borough.

B. REQUIREMENTS FOR RENTAL OCCUPANCY PERMIT

No Rental Unit shall be permitted to be initially occupied until a Rental Occupancy Permit has been issued by the Code Enforcement Officer. The Rental Occupancy Permit will only be issued after completion of an inspection by the Code Enforcement Officer, and determination that the property is in compliance with the Code(s) of the Borough of Milton.

A separate Rental Occupancy Permit shall be required for each individual Rental Unit comprising a Multiple Unit Dwelling.

A copy of the current Rental Occupancy Permit shall be kept in the landlord's records and be available upon request from law enforcement, code enforcement, or tenant.

C. OCCUPANCY PERMITS

For a newly registered Rental Unit(s), the Rental Occupancy Permit will either be issued or denied for specified reasons within 15 days of the receipt of a completed application and the completion of a satisfactory inspection of the Rental Unit(s).

The denial of an initial application for a Rental Occupancy Permit will be for failure to provide the required information and / or documentation; failure to comply with applicable Federal, State or County regulations; or failure to comply with applicable Borough of Milton Ordinances or Codes.

Rental units are required to have a current Rental Occupancy Permit whether occupied, unoccupied, or vacant.

D. RENTAL OCCUPANCY PERMIT TERM

A Rental Occupancy Permit shall have a term of three (3) years, beginning from the issue date of the initial Rental Occupancy Permit, and renewable only upon completion of required inspection and verification of compliance with the regulations of this Ordinance.

E. RENTAL OCCUPANCY WITHOUT PERMIT

The Owner shall be in violation of this Ordinance if they allow the Rental Unit to be occupied prior to the issuance of the initial Rental Occupancy Permit for a new Rental Unit; or to be occupied during any period after which the Rental Occupancy Permit remains un-renewed / expired, suspended, or revoked.

F. RENTAL OCCUPANCY PERMIT FEE

Upon application for a Rental Occupancy Permit and prior to issuance or renewal thereof, each applicant shall pay to the Borough a Rental Occupancy Permit fee, in an amount to be established, from time to time, by a Resolution adopted by the Borough Council; which Resolution shall have the same effect as if set forth herein in full. Such Resolution may provide for more than one fee scale for different categories of premises, as set forth specifically in the Resolution. The Rental Occupancy Permit fee is intended to be used to pay for the costs associated with the administration and enforcement of these regulations, for the completion of investigations and periodic inspections by the Code Official, and for other reasonably necessary activities directly related thereto, as part of the annual code enforcement budget of the Borough.

G. MAXIMUM OCCUPANCY

In accordance with applicable health and safety regulations, the Rental Occupancy Permit shall indicate the maximum number of Occupants permitted to occupy each Rental Unit as a living space.

H. RENTAL OCCUPANCY PERMIT - UNPAID FEES, COSTS, TAXES, OR FINES

No Rental Occupancy Permit shall be issued if the Owner has any unpaid fees, costs, taxes, or fines, past due and payable to the Borough.

I. RENTAL OCCUPANCY PERMIT REVOCATION

A Rental Occupancy Permit may be revoked due to non-compliance with regulations set forth in this Ordinance. See the Violation Penalty section of this Ordinance.

J. TENANT REGISTRATION

The Owner shall be required to furnish to the Borough a list of the current tenants occupying their Rental Units. Such registration shall be made each year at a minimum of one time between the period of January 1st and June 30th, and one time between the period of July 1st and December 31st, and additionally within 10 days of a change in tenant information.

SECTION 4. INSPECTIONS OF RENTAL UNITS

A. FREQUENCY OF INSPECTIONS

All Rental Units, including those Unoccupied or Vacant, and any applicable adjacent common areas as defined by the Borough Ordinance, shall be initially inspected by the Code Enforcement Officer prior to the issuance of an initial Rental Occupancy Permit, and inspected by the Code Enforcement Officer a minimum of tri-annually (once every three (3) years) thereafter. The Owner shall permit inspections of any regulated premises by the Code Enforcement Officer at reasonable times and upon reasonable notice. All such inspections shall be performed under and as provided for within this Ordinance and any applicable Borough Code.

Additional inspections may be performed at the request of the Owner or an occupant currently residing within the Rental Unit, or upon receipt by the Code Enforcement Officer of a valid complaint from a reliable person, agency, etc., and as otherwise permitted by law. Additional inspections may be subject to a fee in accordance with a fee schedule adopted by Resolution of the Borough Council. Additional inspections do not remove or alter the date of the inspection required for renewal of the Rental Occupancy Permit.

The property owner can request the mandatory inspection be done up to three (3) months prior to the required date; however, the Rental Occupancy Permit renewal date will still qualify as the benchmark for the next required inspection.

B. FAILURE TO COMPLY WITH INSPECTIONS

Should an Owner fail to comply with the inspection requirements set forth in this Ordinance, the Code Enforcement Officer may apply to the Magisterial District Judge having jurisdiction in the Borough for a search warrant to enter and inspect the premises. Entry with a search warrant issued to the Borough Police Department, will be completed under the direction and supervision of the Borough Police Department. Any and all costs relating to the application, issuance, and enforcement of a search warrant will be assessed against the Owner, and will be due and payable to the Borough.

Failure to pay the assessed costs will result in further collection proceedings and actions as allowed by current law, and any additional court costs and / or legal fees incurred by the Borough will also be assessed against the Owner.

C. INSPECTION DEFICIENCIES OR CODE VIOLATIONS

All deficiencies or code violations documented by the Code Enforcement Officer during an inspection must be corrected within 30 days of the inspection report, provided that such deficiencies or code violations do not cause the Rental Unit to be unfit for habitation or pose a serious threat to the safety of the Occupants, adjacent property, or the public. In the event that the Code Enforcement Officer, in their sole discretion, determines that the resolution of the violation is of such a nature or scope that it cannot be reasonably completed within the stated time requirements as set forth above, the Code Enforcement Officer may issue a written extension to a maximum of sixty (60) days, provided that such extension does not endanger the health and welfare of the Occupants, adjacent property, or the public.

SECTION 5. DUTIES OF OWNERS PERTAINING TO COMPLIANCE WITH THIS ORDINANCE AND MAINTENANCE OF RENTAL UNITS

A. REGULATORY COMPLIANCE: It shall be the duty of every Owner to comply with the regulations of this Ordinance, and any and all applicable codes or ordinances of the Borough and all applicable Federal, State, and County laws and regulations.

B. PERMITTED USE

Except as allowable by applicable law or Code(s), the Owner shall prohibit the use of or by an Occupant of a Rental Unit for any purpose other than as a residence.

C. OWNER / OCCUPANT DISPUTES

Except as warranted by law enforcement activities of the Milton Borough Police Department in accordance with existing law, the Borough of Milton will not engage in the mediation of Owner / Occupant disputes with regard to property rights, etc. All such matters are the civil responsibility of the individuals involved.

The Code Enforcement Officer will respond appropriately with regard to any Owner or Occupant complaints regarding safety or maintenance issues within or upon the Rental Unit or adjacent Common Areas, and will take the appropriate action against the Owner with regard to compliance with all applicable regulations or Borough Code.

Regardless of the terms of any verbal or written agreement between the Owner and the Occupant, the Borough shall regard the Owner of any Rental Unit to be the sole entity responsible and liable for compliance with the regulations of this Ordinance. The Owner shall be responsible to provide, secure or contract the performance of all routine maintenance or repairs necessary to ensure full compliance. In no case shall the existence of any agreement between the Owner and the Occupant relieve the Owner of any responsibility or penalty under this Ordinance or other ordinances or codes regarding Property Maintenance.

SECTION 6. ENFORCEMENT PROVISIONS AND SUSPENSION OF RENTAL OCCUPANCY PERMIT

A. The Owner of a Rental Unit found to be in violation of this Ordinance shall be notified of the violation within ten (10) days of the occurrence and shall have ten (10) days after receipt of written notice from the Code Enforcement Officer to resolve the violation(s). Failure to resolve the violation(s) will result in the issuance of a citation in accordance with Section VII of this Ordinance.

B. In the event that three violations of this Ordinance, whether caused by either the Owner or Occupant, involving the same Rental Unit, occur within a one year period beginning on the date of issuance of a Rental Occupancy Permit, or within each one year period thereafter, the Code Enforcement Officer may

suspend the Rental Occupancy Permit, resulting in the mandatory vacating of the Rental Unit.

SECTION 7. VIOLATION PENALTIES

- A. All penalties for a violation of this Ordinance shall be a Level One violation under the Violation Penalty Ordinance of the Borough.
- B. In addition to the above penalties, failure to correct any violation above a Level One, may result in the revocation of a Rental Occupancy Permit.

SECTION 8. HEARINGS BEFORE BOROUGH COUNCIL ON REVOCATION OF A RENTAL OCCUPANCY PERMIT

Any landlord aggrieved by the revocation of a Rental Occupancy Permit shall have the right to request and have a hearing before the Milton Borough Council. If any person so aggrieved desires a hearing, they shall, within five days after receiving notice of the revocation, advise the Borough Manager, in writing, of the request for a hearing. The hearing before the Borough Council shall be held within thirty (30) days from the date on which the Borough Council received the hearing request. Upon completion of the hearing, the Borough Council shall, within ten (10) days, issue a written decision based upon written findings of fact affirming or overturning the revocation of the Rental Occupancy Permit.

SECTION 9.

This Ordinance, when enacted, shall repeal and replace in its entirety the previously enacted and amended Ordinance 147 of the Milton Borough Code, previously pages 14701 through 14705, and Ordinance 193, previously pages 19301 through 19302.

ENACTED AND ORDINANCED into an Ordinance this 13th day of May, 2015.

ATTEST:

Michelle R. Sandstrom J. B. [Signature]
Borough Secretary President of Council

APPROVED the 13th day of May, 2015.

Edward E. Nelson
Mayor

REGULAR — Occurring two or more times per calendar month.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation.

RELATED — Of or pertaining to persons related to one another through blood to the level of first cousins, adoption or marriage.

REMAIN — Refers to the following actions: to linger or stay at or upon a place, and/or to fail to leave a place when requested to do so by a police officer or by the owner, operator, or other person in control of that place.

DEFINITION:

RENTAL AGREEMENT/LEASE/OCCUPANCY OR RESIDENCY AGREEMENT — A verbal or written agreement between the owner of a non-owner-occupied residential unit and the occupant(s), embodying the terms and conditions concerning the use and occupancy of a specified non-owner-occupied residential property or premises. Hereafter referred to as "rental agreement."

RUBBISH — Any sylvan materials, plastic materials, leather, rags, grass, straw, or manure and all solid combustible matter not included in this section under the term "garbage."

SANITARY SEWER — A pipe for conveying sewage and excludes storm, surface, and ground water.

SOLID WASTE — Any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill coatings.

SOLID WASTE LICENSE — A written authorization from the appropriate County having jurisdiction for the transportation and disposal of local municipal solid wastes at a properly licensed and designated municipal solid waste disposal facility.