ORDINANCE NO. 01-2019

AN ORDINANCE OF THE BOROUGH OF CAMP HILL, CUMBERLAND COUNTY, PENNSYLVANIA, ADDING CHAPTER 162, RENTAL PROPERTY, TO THE CODE OF THE BOROUGH OF CAMP HILL.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Camp Hill, Cumberland County, Pennsylvania, that:

Section 1. The following shall be added as Chapter 162 of the Code of the Borough of Camp Hill:

Chapter 162

RENTAL PROPERTY

§ 162-1. Purpose.
§ 162-2. Definitions.
§ 162-3. Responsibilities of Owner(s).
§ 162-4. Responsibilities of Occupant(s).
§ 162-5. Licenses and Inspections.
§ 162-6. Grounds for Nonrenewal Suspension or Revocation of License.
§ 162-7. Violations and Penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Camp Hill XX-XX-20XX by Ord. No. XXX, approved XX-XX-20XX. Amendments noted where applicable.]

GENERAL REFERENCES
Construction Code – See Chapter 90
Garbage, Rubbish, and Refuse – See Chapter 120
Property Maintenance – See Chapter 154
Real Estate Registry – See Chapter 158
Land Use – See Zoning Ordinance

§ 162-1. Purpose.

The Council of the Borough of Camp Hill, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of dwelling units in the Borough, and to encourage owners and occupants to maintain and improve the quality of rental housing within the community, finds it to be necessary to provide for regulation of rental properties within the Borough. It is the intention of this section to provide for a system of registration, inspections, issuance and renewal of occupancy licenses and sets forth penalties for violations.

§ 162-2. Definitions and word usage.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CODE ENFORCEMENT OFFICER – The code official charged with the administration and enforcement of this code, or any duly authorized representative of the Borough.

COMMON AREA – In multiple unit dwelling, space which is not part of a regulated rental unit and which is shared with other occupants of the dwelling whether they reside in a regulated rental unit or not. Common areas shall be considered as part of the premises for the purposes of this chapter.

DWELLING – A building having one or more dwelling units.

DWELLING UNIT – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

GUEST(S) – A person or persons on the premises with the actual or implied consent of an occupant.

LANDLORD – Any person, agent or operator having a legal or equitable interest in a regulated rental unit who leases a regulated rental unit to a tenant or tenants.

MULTIPLE-UNIT DWELLING – A building containing two or more independent dwelling units including, but not limited to, double houses, row houses, town houses, condominiums, apartment houses and conversion apartments.

OCCUPANCY LICENSE – The license issued to the owner of a regulated rental unit under this chapter, which is required for the lawful rental and occupancy of a regulated rental unit.

OCCUPANT – An individual, whether or not the legal owner of record, who resides in a regulated rental unit under a legal relationship with the owner or landlord as established by a written or verbal lease or otherwise by the laws of the Commonwealth of Pennsylvania.

OCCUPANCY LICENSE – The license issued to the owner of a regulated rental unit under this chapter, which is required for the lawful rental and occupancy of a regulated rental unit.

OWNER – Any person, agent or operator having a legal or equitable interest in a regulated rental unit property who leases a regulated rental unit to a tenant or tenants, or otherwise having legal control of the property, including, but not limited to the guardian of the estate of the property owner, or the executor or administrator of the estate of a property owner, or mortgage holder in possession of a regulated rental unit.

OWNER'S REPRESENTATIVE – An adult individual designated by the owner of a regulated rental unit as described herein this chapter. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligations of the owner under this chapter and under rental agreements with occupants. This person is not required to have a property management license.

OWNER-OCCUPIED DWELLING UNIT – A dwelling unit in which the owner resides on a regular, permanent basis.

PERSON – A natural person, partnership, limited partnership, corporation, limited liability company, trust or any other entity or an unincorporated association.

POLICE – The Police Department of the Borough of Camp Hill, or any properly authorized member or officer thereof in any other law enforcement agency having jurisdiction within the Borough of Camp Hill.

PREMISES – Any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements on which one or more regulated rental units are located.

REGULATED RENTAL UNIT(S) – A dwelling unit occupied by any person(s) other than the owner under a rental agreement.

RENTAL AGREEMENT(S) – An agreement establishing a written or verbal residential lease of a regulated rental unit or units by and between an owner or landlord and an occupant or tenant.

TENANT – An individual who resides in a regulated rental unit under a legal relationship with the owner or landlord as established by a written or verbal lease or otherwise by the laws of the Commonwealth of Pennsylvania.

§ 162-3. Responsibilities of Owner(s).

A. General.

1. Owners shall keep and maintain all regulated rental units in compliance with the applicable provisions of any and all applicable State and local laws, ordinances, and codes.

B. Designation of Owner's Representative. Every owner who is not a full-time resident of the Borough of Camp Hill, and who does not reside within 35 miles of their Camp Hill properties, shall designate an owner's representative who shall reside within 35 miles of their Camp Hill properties.

1. If the owner is a corporation, an owner's representative shall be required if an officer of the corporation does not reside within 35 miles of the Camp Hill properties. If a corporate officer does reside within 35 miles of the corporation's Camp Hill properties, said officer shall perform the same function as an owner's representative.
2. If the owner is a partnership, an owner's representative shall be required if a partner does not reside within 35 miles of the Camp Hill properties. If a partner does reside within 35 miles of their Camp Hill properties, said partner shall perform the same function as an owner's representative.
3. The owner's representative 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 chapter and under rental agreements with occupants.
4. The owner and owner's representative shall provide the name, address, and contact information (telephone number(s) and email address) of the designated manager of a property to the Borough and such information shall be kept current and updated within fifteen (15) days of any changes.
5. The owner and owner's representative shall provide the name, address, and contact information (telephone number(s) and email address) of the designated owner's representative of a property to the occupants of all rental units. Such information shall be kept current and updated within fifteen (15) days of any changes.

C. Maintenance of Premises.

1. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance, including lawn mowing, ice and snow removal, and litter removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
2. In no case shall the existence of any agreement between the owner and the occupant(s) relieve an owner of any responsibility under this chapter or other ordinances or codes for maintenance of premises.

D. Enforcement.

1. Within 10 days after receipt of written notice from the Code Enforcement Officer that an occupant of a regulated rental unit has violated a provision of this Chapter, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.
2. Within 10 days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report (on a form provided by the Borough), setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent the reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.
3. The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation of this Chapter.

E. Code Violations. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

F. Borough Can Make Repairs. In the case where the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code(s) within the period of time stated in such notice, the Borough may cause the violation to be corrected.

1. There shall be imposed upon the owner a charge of the actual costs involved, plus 10% of said costs for each time the Borough shall cause a violation to be corrected and the owner of the premises shall be billed after same has been completed.
2. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs.
3. The remedies provided by this section are not exclusive and the Borough and its Code Enforcement Officer may invoke such other remedies available under this Chapter or other applicable codes, ordinances or statutes including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation or suspension, revocation or nonrenewal of the license issued hereunder.

G. Inspections. Upon receipt of complaint or finding of potential violation, the Code Enforcement Officer shall make all of the required inspections or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Enforcement Officer is authorized to engage such experts as deemed necessary to report on such should technical issues arise in the inspection process beyond the expertise of the Code Enforcement Officer, subject to the approval of the Borough.

H. Notices.

1. For purposes of this chapter, any notice required hereunder to be given to a owner's representative shall be deemed as notice given to the owner.
2. There shall be a rebuttable presumption that any notice required to be given to the owner under this chapter shall have been received by such owner if the notice was given to the owner in the manner provided by this Part.
3. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have given and deemed received in accordance with the applicable provisions of this chapter.

I. Changes in Ownership Occupancy. It shall be the duty of each owner of a regulated rental unit to notify the Borough in writing of any change in ownership of the premises within fifteen (15) days of said change. It shall also be the duty of the owner to notify the Borough in writing of the changing of a dwelling unit from owner-occupied to tenant-occupied, which thereby transforms the dwelling into a regulated rental unit for purposes of this chapter within fifteen (15) days of said change.

J. Owners Severally Responsible. If a regulated 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 severally responsible for the duties imposed under the terms of this chapter and shall be severally subject to prosecution for the violation of this chapter.

§ 162-4. Duties of Occupant(s).

A. General. Occupant(s) shall comply with all obligations imposed upon the occupant(s) by this chapter, all applicable codes and ordinances of the Borough, and all applicable State laws.

B. Health and Safety Regulations.
   1. The maximum number of persons permitted in any regulated rental unit at any time shall not exceed the requirements as outlined in the International Property Maintenance Code (IPMC) and/or the International Building Code (IBC). The maximum number of persons permitted in the common areas of any multiple-unit dwelling at any time shall not exceed the requirements as outlined in the International Property Maintenance Code (IPMC) and/or the International Building Code (IBC).
   2. The occupant(s) shall dispose from their regulated rental unit all garbage, rubbish, and other waste in a covered trash container, and separate and place for collection all recyclable materials, in compliance with the Garbage, Refuse, and Rubbish Ordinance (Chapter 120) and all other applicable ordinances, laws and regulations.

C. Residential Use. The occupant(s) shall, unless otherwise permitted by applicable law or ordinance, occupy or use their regulated rental unit for no other purpose than as a residence.

D. Inspection of Premises. Occupant(s) may request an inspection of their regulated rental unit or common spaces at any time if he or she has reason to believe that violations of this Chapter or any other local ordinance exist.

§ 162-5. Licenses and Inspection.

A. License Requirement.
   1. As a prerequisite to entering into a rental agreement or permitting the occupancy of any regulated rental unit (except as provided in **§ 162-5(A)(3)** below), the owner of every such regulated rental unit shall be required to apply for and obtain a license for each regulated rental unit.
   2. A license shall be required for all regulated rental units. For multiple-unit dwellings, a license shall be required for each regulated rental unit within the dwelling.
   3. The following categories of rental properties shall not require licenses and shall not, therefore, be subject to the permitting provision of this chapter.
      a. Owner-occupied dwelling units except Boarding Houses.
      b. Hotels and motels.
      c. Hospitals and nursing homes.
      d. Bed and breakfast uses, properly permitted in allowable zoning districts.
   4. The application for the license shall be in a form as determined by the Borough.
   5. The owner shall maintain a current list of occupants in each regulated dwelling unit, which shall include the name, permanent address, and permanent telephone number of each occupant. The owner shall furnish the list of current occupants to the Borough upon request.
   6. A license shall not be transferable. Any transfer of ownership in a regulated rental unit shall require that the new owner to procure a new license for continued rental.

B. Annual License Term, Fee and Occupancy Limit.
   1. Each license shall have an annual term, beginning January 1.
   2. Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay an annual license fee, in amounts to be established from time to time by resolution of the Borough Council, to either the Borough or, if the Borough so designates, to the company

which employs its duly authorized Code Enforcement Officer. Such resolution may provide for more than one fee scale for different categories of regulated rental units, to be more specifically set forth in the resolution.

3. No license shall be issued if the owner has outstanding fines or costs arising from enforcement of this Chapter or any of the ordinances, taxes, or utility fees of the Borough of Camp Hill, or if any licensing fees under this Chapter are due and owing the Borough.

C. Inspection.

1. The Code Enforcement Officer is hereby designated as the official authorized to enforce this chapter and to take appropriate measures to abate violations hereof, for and on behalf of the Borough.
2. This section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspections of premises, whether subject to the permitting and inspection requirements of this chapter or pursuant to any other ordinance or code.

D. Search Warrant. Upon a showing of probable cause that a violation of this chapter or any other ordinance of the Borough has occurred, the Code Enforcement Officer may apply to the District Justice having jurisdiction in the Borough for a search warrant to enter and inspect the premises.

§ 162-6. Grounds for Nonrenewal of License.

A. General. The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning or nonrenewal of the owner's license for violating any provision of this Chapter that imposes a duty upon the owner .

B. Definitions of Options.

FORMAL WARNING – Formal written notification of at least one violation. Upon satisfactory compliance with this chapter and any conditions imposed by the Code Enforcement Officer, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer.

NONRENEWAL – The denial of the privilege to apply for license renewal after expiration of the license term. The Borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer.

C. Criteria for Applying Discipline. The Code Enforcement Officer, when applying discipline, shall consider the following:

1. The effect of the violation on the health, safety and welfare of the occupant(s) of the regulated rental unit and other residents of the premises.
2. The effect of the violation on the neighborhood.
3. Whether the owner has prior violations of this chapter and other ordinances of the Borough or has received notices of violations as provided for in this chapter.
4. Whether the owner has been subject to disciplinary proceedings under this Chapter.
5. The effect of disciplinary action on the occupants.
6. The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.
7. The policies and lease language employed by the owner to manage the regulated dwelling unit to enable the owner to comply with the provisions of this Chapter.
8. In addition to applying discipline as set forth above, the Code Enforcement Officer may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Chapter.

D. Grounds for Imposing Discipline. Any of the following may subject an owner to discipline as provided for in this subsection:

1. Failure to abate a violation of Borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
2. Failure to file and implement an approved plan to remedy and prevent violations of this chapter by occupants of a regulated rental unit as provided for in **§162-3(G)** of this chapter.

E. Procedure for Nonrenewal of License.

1. Notification. Following a determination that grounds for nonrenewal of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner and shall contain the following information:
   a. The address of the premises in question and identification of the particular regulated rental unit(s) affected.
   b. A description of the violation which has been found to exist.
   c. A statement informing the owner of the right to appeal the decision declining to renew the license to the Appeals Board by submitting a written application on a form prescribed by the Borough for an appeal with the Borough Manager within 30 days following the date of the advising letter or notice, a detailed statement of the basis for the appeal, specifically identifying any provisions of applicable codes. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established from time to time by resolution of the Borough Council.
   d. Within 45 days of receipt by the Borough of the appeal in the proper form accompanied by the requisite fee, a hearing shall be held unless the applicant has agreed in writing to an extension of time.
2. Appeals. All appeals of a notice of nonrenewal of license shall be conducted by the Board and shall be governed by the procedures set forth in Camp Hill Code of Ordinances.
3. Delivery of Notification. The required notice shall be deemed to be properly served if a copy thereof is:
   a. Delivered personally; or
   b. Sent by certified or first-class mail addressed to the last known address; or
   c. Posted in a conspicuous place in or about the structure affected by such notice, but only in the case that a properly addressed and mailed letter is returned as not being delivered.

§ 162-7. Violations and Penalties.

A. Basis for Violation. It shall be unlawful for any person, as either owner or manager of a regulated rental unit for which a license is required, to operate without a valid, current license issued by the Borough authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a regulated rental unit to exceed the maximum limit as set forth on the license or to violate any other provision of this chapter.

B. Penalties. Any person who shall violate a provision of this chapter, upon conviction thereof, shall be guilty of a summary offense punishable by a fine of no less than $250 and no more than $1,000 and the cost of prosecution. Every day that a violation of this Part continues shall constitute a separate offense.

C. Nonexclusive Remedies. The penalty provisions of this chapter and the license nonrenewal, procedures provided in this chapter shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purpose of this chapter. The remedies and procedures in this chapter for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures

available to the Borough in the case of a violation of any other code or ordinance of the Borough whether or not such other code or ordinance is referenced in this chapter and whether or not an ongoing violation of such other code of ordinance is cited as the underlying ground for a finding of a violation of this chapter.

Section 2. Severability. The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the constitutionality, legality, and validity of the remaining provisions shall be unaffected thereby. It the intention of the Borough Council of the Borough of Camp Hill, Cumberland County, Pennsylvania, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

Section 3. Repealer. All Ordinances, or any parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in force and effect immediately upon its adoption and enactment.

DULY ORDAINED AND ENACTED this 13th day of March, 2019, by the Borough Council of the Borough of Camp Hill, Cumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Borough Manager

CAMP HILL BOROUGH:

President

APPROVED this 14 day of March, 2019

BY

Mayor