

**BOROUGH OF MANHEIM,
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF MANHEIM, LANCASTER COUNTY, PENNSYLVANIA, AMENDING THE MANHEIM BOROUGH CODE OF ORDINANCES BY (1) AMENDING AND RESTATING IN ITS ENTIRETY SUBSECTION R. OF SECTION 100-2, ENTITLED “DELETIONS, ADDITIONS AND INSERTIONS”, OF ARTICLE I, ENTITLED “PROPERTY MAINTENANCE CODE”, OF CHAPTER 100, ENTITLED “CONSTRUCTION CODES” OF THE MANHEIM BOROUGH CODE OF ORDINANCES GOVERNING THE LEASING OF ALL RESIDENTIAL RENTAL UNITS IN THE BOROUGH; AND (2) AMENDING AND RESTATING IN ITS ENTIRETY ARTICLE I, ENTITLED “RESIDENTIAL RENTAL UNITS”, OF CHAPTER 166, ENTITLED “RENTAL PROPERTY”, OF THE MANHEIM BOROUGH CODE OF ORDINANCES, ESTABLISHING RIGHTS AND OBLIGATIONS OF OWNERS AND OCCUPANTS OF RESIDENTIAL RENTAL UNITS IN THE BOROUGH, PROVIDING FOR INSPECTION, REGISTRATION AND PERMITTING OF RESIDENTIAL RENTAL UNITS IN THE BOROUGH, AND PROVIDING FOR PENALTIES FOR EACH VIOLATION

WHEREAS, the Borough of Manheim, Lancaster County, Pennsylvania (“Borough”), in order to protect the health, safety and welfare of Borough residents, adopted the International Property Maintenance Code, 2009 Edition, as published by the International Code Council (“Property Maintenance Code”) pursuant to Article 1, entitled “Property Maintenance Code”, of Chapter 100, entitled “Construction Code”, of the Manheim Borough Code of Ordinances (adopted by Ordinance No. 635 dated September 24, 2013), regulating and governing the conditions and maintenance of all properties, buildings and structures in the Borough, including but not limited to residential rental units; and

WHEREAS, it is the intent of Borough Council (“Borough Council”) of the Borough to follow the legislative intent of the Property Maintenance Code in regulating and governing the conditions and maintenance of residential rental units in the Borough; and

WHEREAS, Borough Council, in order to follow the legislative intent of the Property Maintenance Code, deems it in the best interest of the Borough and its residents, and the public health, safety and general welfare of the Borough and its residents, to amend and restate in its entirety Subsection R, which added a new Chapter 9, pertaining to “Leasing of Residential Dwellings”, to Section 100-2, entitled “Deletions, additions and insertions”, of Article I, entitled “Property Maintenance Code”, of Chapter 100, entitled “Construction Codes”, of the Manheim Borough Code of Ordinances; and

WHEREAS, Borough Council in order to protect the health, safety and welfare of Borough residents, to establish rights and obligations of owners and occupants relating to residential rental units in the Borough, and to encourage owns and occupants to maintain and improve the quality of rental housing in the Borough, adopted Chapter 166, entitled “Rental Property”, of the Manheim Borough Code of Ordinances (adopted by Ordinance No. 619 dated March 29, 2011), regulating and governing residential rental units in the Borough;

WHEREAS, Borough Council deems it in the best interest of the Borough and its residents, and the public health, safety and general welfare of the Borough and its residents, to amend and restate in its entirety Chapter 166, entitled “Rental Property”, of the Manheim Borough Code of Ordinances Subsection R, which added a new Chapter 9, pertaining to “Leasing of Residential Dwellings”, to Section 100-2, entitled “Deletions, additions and insertions”, of Article I, entitled “Property Maintenance Code”, of Chapter 100, entitled “Construction Codes”, of the Manheim Borough Code of Ordinances to establish regulations governing residential rental units, provide for periodic inspections of residential rental units, require a rental occupancy permit for each residential rental unit in the Borough;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Manheim, Lancaster County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Subsection R. of Section 100-2, entitled “Deletions, additions and insertions”, of Article I, entitled “Property Maintenance Code”, of Chapter 100, entitled “Constructions Codes”, of the Manheim Borough Code of Ordinances is hereby amended and restated in its entirety so as to hereafter read as follows:

“R. A new Chapter 9, Leasing of Residential Dwelling Units, shall be added, which shall provide as follows:

Section 900.0. General.

Section 900.1. Definitions. For the purposes of this Chapter, the following terms shall have the following meanings:

BOROUGH – The Borough of Manheim, Lancaster County, Pennsylvania.

CHAPTER 166 – Chapter 166 of the Manheim Borough Code of Ordinances, entitled “Rental Property”, as may be amended and/or restated from time to time.

OWNER – Any person who alone, jointly or severally with others shall have (a) legal or equitable title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or (b) charge, care or control of any dwelling or dwelling unit as owner or manager of owner, or as executor, administrator, trustee or guardian of the estate of the owner.

PERSON – Any individual, firm, corporation, association, partnership, limited liability company or any other entity.

RESIDENTIAL RENTAL UNIT – A rooming unit, or a dwelling unit let for rent, or a residential unit occupied by any person other than one occupied solely by the owner and members of the owner's immediate family. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multi-family building, and each rooming unit shall be considered a separate residential rental unit. If a structure contains a rooming unit or if any portion of the structure is let for rent, it shall be considered a residential rental unit, whether or not the owner or a relative of the owner also resides in the structure. A residential rental unit shall not include a hotel unit or a hospital room utilized for medical services. A residential rental unit includes a dwelling unit under a lease-purchase agreement or long-term (greater than six (6) months) agreement of sale.

Section 900.2. Scope. The provisions of this Article and Chapter 166 shall govern the leasing of all residential rental units, rooming houses, multiple-family dwellings, rooming units and one- and two-family dwellings in the Borough.

Section 900.3. Responsibility. Each owner of each structure located in the Borough shall be responsible for compliance with the requirements of this Article and the requirements of Chapter 166. If any structure is managed by a person other than the owner, that person shall also be responsible for compliance with the requirements of this Article and Chapter 166.

Section 2. Chapter 166, entitled “Rental Property”, of the Manheim Borough Code of Ordinances is hereby amended and restated in its entirety so as to hereafter read as follows:

Chapter 166. Rental Property

Article I. Residential Rental Units

§ 166-1. Purpose.

The purpose of this Article and the policy of the Borough shall be to protect and promote the public health, safety and welfare of its residents, to establish rights and obligations of owners and occupants relating to residential rental units in the Borough and to encourage owners and occupants to maintain and improve the quality of rental housing within the Borough. As a means to these ends, this Article provides for a systematic inspection program, registration and permitting of residential rental units, and penalties for failure to comply with this Article. In considering the adoption of this Article, the Borough makes the following findings:

- A. There is a growing concern in the Borough with the failure of some landowners to properly maintain residential rental units.

- B. Borough records indicate there is a greater incidence of problems with the maintenance and upkeep of residential properties which are not owner-occupied as compared to those that are owner-occupied.
- C. Borough records indicate there are a greater number of disturbances at residential rental units than owner-occupied units. Borough records indicate that violations of the Borough's ordinances are generally less severe at owner-occupied units as compared to residential rental units.

§ 166.2 Definitions and word usage.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the meanings indicated as follows:

BOROUGH – The Borough of Manheim, Lancaster County, Pennsylvania.

CODES - Any state or local code or ordinance adopted, enacted or in effect in and for the Borough.

COUNTY - The County of Lancaster.

DISRUPTIVE CONDUCT - Any act by an occupant of a residential rental unit or by a person present at a residential rental unit involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, unreasonable noise that disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as "disorderly conduct" in the Pennsylvania Crimes Code or any act prohibited by the ordinances of the Borough or which otherwise injures the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the gathering. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person, in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless a police officer shall investigate and make a determination that such did occur and keep written records, including a disruptive conduct report, of such occurrences. The occupant and the owner and, if applicable, the manager shall be notified of any such occurrences in writing.

DISRUPTIVE CONDUCT REPORT - A written report of disruptive conduct to be completed by a police officer who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Housing Officer.

DWELLING UNIT – A building or portion thereof arranged or designed for occupancy by not more than one (1) family and having separate cooking and sanitary facilities.

HOTEL UNIT - Any room or group of rooms located within a hotel or motel, forming a single habitable unit, used or intended to be used for living and sleeping only on a transient basis for a period of less than thirty (30) days.

HOUSING OFFICER - The person designated by the Borough Manager of Manheim Borough to administer and enforce this Article.

LANDLORD - A person who owns or manages and who leases or offers for lease a residential rental unit to occupant(s) for a consideration, monetary or otherwise.

MANAGER - A person retained by an owner to be responsible for one or more residential rental units within the Borough.

OCCUPANT - Any person over one (1) year of age living and sleeping in a residential rental unit or having actual possession of said residential rental unit.

OWNER – Any person who alone, jointly or severally with others shall have (a) legal or equitable title to any structure upon which a residential rental unit is erected or maintained, with or without accompanying actual possession thereof; or (b) charge, care or control of any residential rental unit as owner or manager of owner, or as executor, administrator, trustee or guardian of the estate of the owner. If more than one (1) person owns the residential rental unit as joint tenants, tenants-in-common, tenants by the entireties, or tenants in co-partnership, each such person shall be considered an owner and shall have all of the duties of an owner under this Article.

PERSON – A natural individual, unincorporated association, partnership, limited liability company, corporation, estate, trust or any other legally recognized entity, and the partners of such partnership, the members and managers of such limited liability company, the representatives of such estate, the trustees of such trust, and the officers of such corporation, unincorporated association or other legally recognized entity.

PREMISES - Any parcel of real estate within the Borough, including the land and all buildings and appurtenant structures, on which one or more residential rental units are located.

PROPERTY MAINTENANCE CODE - The Property Maintenance Code of the Borough of Manheim, as adopted by Borough Council and set forth in the Manheim Borough Code of Ordinances, as it may be amended from time to time. (See **Chapter 100, Article I**)

RENTAL OCCUPANCY PERMIT - A document issued by the Housing Officer to the owner of a residential rental unit pursuant to this Article.

RESIDENTIAL RENTAL UNIT – A rooming unit, or a dwelling unit let for rent, or a residential unit occupied by any person other than one occupied solely by the owner and members of the owner's immediate family. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multi-family building, and each rooming unit shall be considered a separate residential rental unit. If a structure contains a rooming unit or if any portion of the structure is let for rent as a dwelling unit or rooming unit, it shall be considered a residential rental unit, whether or not the owner or a relative of the owner also resides in the structure. A residential rental unit shall not include a hotel unit or a hospital room utilized for medical services. A residential rental unit includes a dwelling unit under a lease-purchase agreement or long-term (greater than six (6) months) agreement of sale.

ROOMING UNIT - A portion of a dwelling unit, including any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit.

§ 166-3. Scope.

The provisions of this Article and Subsection R of Section 100-2 of the Manheim Borough Code of Ordinances pertaining to leasing of residential rental units shall govern the leasing of all residential rental units, rooming houses, multiple-family dwellings, rooming units and one- and two-family dwellings in the Borough.

§ 166-4. Responsibility.

Each owner of each structure located in the Borough shall be responsible for compliance with the requirements of this Article. If any structure is managed by a person other than the owner, that person shall also be responsible for compliance with the requirements of this Article.

§ 166-5. Duties of owners and managers of residential rental units.

It shall be the duty of each owner and each manager to:

- A. Keep and maintain all residential rental units in compliance with all applicable codes, ordinances and provisions of all applicable federal, state and local laws and regulations, including but not limited to this Article, as amended and/or restated from time to time, the Manheim Borough Zoning Ordinance, Chapter **220**, Zoning, as amended and/or restated from time to time, and the Property Maintenance Code, Chapter **100**, Construction Codes, Article **I**, Property Maintenance Code, as amended and/or restated from time to time;
- B. Keep and maintain all premises containing a residential rental unit in good and safe condition.

§ 166-6. Adoption of rules and regulations.

The Housing Officer shall administer and enforce the provisions of this Article and may make rules and regulations necessary for its administration. Such rules and regulations shall not be in conflict with this Article and shall be submitted to Borough Council for approval. If the rules and regulations so submitted to Borough Council are approved by Borough Council, the same shall be filed in the office of the Housing Officer and in the office of the Secretary of the Borough as an addendum to this Article. Such rules and regulations as may be adopted from time to time shall then be deemed to be a part of this Article and to have the same effect as this Article.

§ 166-7. Reports.

A. **Required Reports.** Each landlord who owns, rents or has available one or more residential rental units to let for occupancy in the Borough shall submit to the Housing Officer, on a form provided by the Housing Officer, a report containing the following information:

- (1) Each residential rental unit owned by the owner located within the Borough let for occupancy, whether presently occupied or unoccupied.
- (2) The number of residential rental units located within any premises, which number shall in no event exceed the number of residential rental units provided for on the rental occupancy permit issued to the owner or manager on behalf of the owner.
- (3) The complete street address and mailing address (if different from the street address) of each residential rental unit and a description of such residential rental unit.
- (4) Whether or not such residential rental unit is occupied and, if so occupied, the name of each occupant of the residential rental unit, specifying whether each such occupant is over eighteen (18) years of age. Submission of a copy of the lease agreement, if it includes all such information, shall be satisfactory.
- (5) The period of time for which the rental is made.

Such information shall be supplied to the Housing officer annually and, in addition, such information pertaining to any residential rental unit shall also be supplied to the Housing Officer within ten (10) days after the occupancy of such residential rental unit shall change.

B. **Reports by person upon becoming landlord.** Any person who becomes a landlord who owns, rents or has available one or more residential rental units let for occupancy shall submit to the Code Official, on a form provided by the Housing

Officer, within ten (10) days after such person becomes a landlord who owns, rents or has available one or more residential rental units let for occupancy, and annually thereafter, the information set forth in Subsection A. of this Section.

- C. **Reports by landlord upon change in occupancy.** Each time there is a change in the occupancy of any residential rental unit owned or leased by any landlord, the landlord shall submit to the Housing Officer, on a form provided by the Housing Officer, within ten (10) days of such change of occupancy, the information set forth in Subsection A. of this Section. A change in occupancy shall include the residential rental unit becoming vacant.

§ 166-8. Permitting of residential rental units.

- A. **Requirement to obtain rental occupancy permit.** No person shall let, rent or have available for let or rent, or cause to be occupied, any residential rental unit without first obtaining a rental occupancy permit from the Housing Officer; and thereafter, each owner shall obtain a rental occupancy permit from the Housing Officer on an annual basis, for each residential rental unit which is let for occupancy in any structure. Each annual rental occupancy permit shall be valid for a period of one (1) year, commencing on January 1 of each year and ending on December 31 of such year. Upon expiration of any rental occupancy permit, a new rental occupancy permit shall be required for the further period of one (1) year. Failure to obtain a rental occupancy permit for any residential rental unit in any structure as required by this Section shall be a violation of this Article.
- B. **Rental occupancy permit fee.** The landlord of each residential rental unit which is let for occupancy shall pay to the Borough the annual rental occupancy permit fee, as established by resolution or ordinance of Borough Council from time to time, for each residential rental unit upon submission to the Housing Officer of the annual rental occupancy permit application form for such residential rental unit.
- C. **Display of rental occupancy permit.** Each rental occupancy permit issued pursuant to this Section shall be maintained upon the premises where such residential rental unit is located and shall be posted in a conspicuous place where it may be seen at all times; and the same shall not be transferable in the event of a change in ownership of the permitted residential rental unit.
- D. **Inspection required before issuance of a residential rental permit.** No residential rental permit shall be issued for a residential rental unit unless and until the landlord of such residential rental unit has caused such residential rental unit to be inspected pursuant to Section 166-11 of this Article and has obtained the required inspection certificate for such residential rental unit as set forth in Section 166-11 of this Article.

§ 166-9. Issuance or revocation of rental occupancy permit.

- A. The Housing Officer shall deny and may revoke a rental occupancy permit if the owner:
- (1) Fails to provide the name, address and telephone number of a manager (if applicable);
 - (2) Fails to pay the annual rental occupancy permit fee;
 - (3) Fails to cause each residential rental unit to be inspected in accordance with the provisions of this Article;
 - (4) Fails to pay when due any and all inspections fees;
 - (5) Fails to pay when due any real estate tax, water charge, sewer charges and/or municipal service fee for each residential rental unit;
 - (6) Fails to correct a code violation within the time period cited by the Housing Officer; and/or
 - (7) Fails to comply with all of the disruptive conduct provisions set forth in this Article.
- B. The Housing Officer shall deny and may revoke a rental occupancy permit if any of the following occurs within the residential rental unit or on the premises:
- (1) Failure to abate any violation of the Property Maintenance Code within the time period specified in the notice of violation, unless an appeal is pending.
 - (2) Failure to take any action to evict occupant(s) of a residential rental unit when the disruptive conduct provisions of this Article require such action.
 - (3) The occurrence of three (3) violations of this Article and/or of any other Borough code or ordinance that applies to the residential rental unit or the premises during the term of the rental occupancy permit.
- C. The Housing Officer shall forward written notice to the owner if the Housing Officer denies, refuses to renew or revokes a rental occupancy permit. The notification shall:
- (1) Identify the residential rental unit(s);
 - (2) Include the grounds for the denial, nonrenewal or revocation, including the factual circumstances and the section of this Article supporting such determination; and

- (3) Inform the owner of the right to appeal the denial, nonrenewal or revocation of the rental occupancy permit to Borough Council in accordance with the provisions of this Article.

- D. The Housing Officer may reinstate a rental occupancy permit if the owner or manager corrects the reason(s) for the revocation of the rental occupancy permit and has paid the rental occupancy permit reinstatement fee, as established by resolution or ordinance of Borough Council from time to time.

§ 166-10. Sale or transfer of residential rental units.

A rental permit shall not be transferred. In the case of permitted residential rental units that are sold or transferred, the new owner shall secure a rental occupancy permit for each residential rental unit at the premises and cause each residential rental unit to be inspected in accordance with the provisions of this Article. Failure to obtain a rental occupancy permit for each residential rental unit within ten (10) days of the date of purchase or transfer of ownership or to cause each residential rental unit at the premises to be inspected in accordance with the terms of this Article shall result in the revocation of each rental occupancy permit at the premises.

§ 166-11. Inspections.

- A. The Housing Officer is authorized and directed to: (1) inspect each residential rental unit located within the Borough to determine the condition, occupancy and/or use of each residential rental unit in order to safeguard the health and safety of the occupants thereof and the general public, and (2) enter each residential rental unit for the purposes of examining and surveying all areas of any such residential rental unit at reasonable times, which shall be deemed to be between the hours of 6:00 a.m. and 10:00 p.m., prevailing time, for the purpose of examining and surveying all areas of each residential rental unit. Each owner or occupant of each residential rental unit shall extend the Housing Officer access to such residential rental unit for the purpose of making any inspection, examination or survey thereof.

- B. Each residential rental unit shall be subject to inspection by the Housing Officer:
 - (1) Prior to initial occupation of any residential rental unit; and
 - (2) In accordance with a schedule for regular inspections of all residential rental units at least once every three (3) years; and
 - (3) Upon receipt by the Housing Officer of a complaint concerning such residential rental unit; and
 - (4) Upon determination by the Housing Officer that a violation of this Article may exist; and

- (5) Whenever the tenant of such residential rental unit changes; provided, however, a residential rental unit shall not be inspected solely as a result of the changing of tenant(s) more frequently than once during each twelve (12) month period.

The landlord of each residential rental unit shall make suitable arrangements with the Housing Officer for each such inspection. A rental inspection certificate shall be issued by the Housing Officer upon completion of satisfactory inspection of a residential rental unit that complies with all applicable requirements.

- C. In the event permission to enter any such residential rental unit for the purpose of inspection, examination or survey is denied, the Housing Officer may apply to the appropriate authority for a search warrant.

- D. Probable cause shall mean:

- (1) That inspection of said residential rental unit is part of a routine area inspection being conducted as part of a systematic or concentrated code enforcement program;
- (2) That the affiant has knowledge of a violation of housing or health codes or other Borough codes that may endanger or otherwise affect the health and safety of the citizens of the Borough; or
- (3) That said entry is for the purpose of re-inspecting a previous notice of violation where no prior warrant was issued.

- E. A warrant shall not be required:

- (1) When entry is by permission or at the request of the occupant;
- (2) Where an imminent danger to health or safety exists; or
- (3) Following an accident or inherent condition where immediate inspection is required to determine if an imminent danger to health or safety exists.

- E. Any person scheduling an inspection as provided in this Section shall, at the time of the application for inspection, pay to the Housing officer an inspection fee, if any, for use by the Borough, which shall be in accordance with a fee schedule established by resolution or ordinance of Borough Council from time to time. In addition, the inspection fee for each inspection (or re-inspection) shall be increased by an amount as established by resolution or ordinance of Borough Council from time to time, if the applicant changes a scheduled appointment with less than two (2) days' notice to the Housing Officer or fails to appear for a previously scheduled inspection (or re-inspection). In addition, a fee in an amount established by resolution or ordinance of Borough Council from time to time shall be charged to reschedule an appointment

when required as a result of applicant's failure to appear at a scheduled appointment or if an applicant changes a scheduled appointment with less than ten (10) days' notice to the Housing Officer.

§ 166-12. Duties of occupants of residential rental units.

Each occupant of a residential rental unit shall have the following duties:

- A. Comply with all obligations of this Article and all applicable codes and Borough ordinances, as well as all applicable federal, state and local laws and regulations.
- B. Conduct himself or herself, and require each other person, including but not limited to each guest on the premises and within his or her residential rental unit with his or her consent, to conduct himself or herself in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.
- C. Not engage in, nor tolerate, nor permit any other person, including but not limited to each guest on the premises and within his or her residential rental unit with his or her consent, to cause damage to the residential rental unit or engage in disruptive conduct, or other violation of this Article, any code, any Borough ordinance, or any applicable federal, state and local law or regulation.
- D. Use the trash and recyclable collection services provided by the owner.
- E. Use the residential rental unit for no purpose other than as a residence.
- F. Maintain the residential rental unit in a manner meeting all of the requirements for occupants of structures set forth in the Property Maintenance Code.
- G. Allow the Housing Officer to inspect the residential rental unit in accordance with this Article at reasonable times.
- H. Not allow any person other than those identified on the lease to reside in the residential rental unit.
- I. Not allow the residential rental unit to be occupied by more than one (1) family. For purposes of this Subsection, a family shall be considered to be a "family" as that term is defined in the Manheim Borough Zoning Ordinance. (See § 220-12.C).
- J. Not permit the possession of, serving to, or consumption of alcohol by underage persons.

§ 166-13. Disruptive conduct.

- A. Police officers shall investigate alleged incidents of disruptive conduct. The police officer conducting the investigation shall complete a disruptive conduct report upon a

finding that the reported incident constitutes disruptive conduct. The information filed in the disruptive conduct report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and the factual basis for the disruptive conduct described in the disruptive conduct report. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner and, if applicable, the manager within ten (10) working days of the occurrence of the alleged disruptive conduct.

- B. The occupant or the owner and, if applicable, the manager shall have ten (10) days from the date of a disruptive conduct report to appeal the disruptive conduct report. The appeal shall be made in writing and submitted to the Housing Officer.
- C. After three (3) disruptive conduct incidents in any twelve (12) month period by an occupant documented by disruptive conduct reports, the owner and, if applicable, the manager shall have ten (10) days from the date of the third (3rd) disruptive conduct report to begin eviction proceedings against the occupants. The owner and, if applicable, the manager shall submit a copy of the document to the Housing Officer indicating that the eviction process has begun. The owner and, if applicable, the manager shall diligently and in good faith pursue such eviction proceedings, including but not limited to appealing a Magisterial District Judge's denial of any such eviction proceedings. Failure to timely and properly take such action, as determined in the sole discretion of the Borough, shall result in the immediate revocation of the rental occupancy permit by the Borough. The residential rental unit involved shall not have its rental occupancy permit reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Magisterial District Judge has ruled in the occupant's favor, the Magisterial District Judge has ruled in the owner's favor but has not ordered the eviction of the occupants, or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not re-occupy any residential rental unit on the same premises involved for a period of at least one (1) year from the date of eviction. This Subsection is not intended to limit or inhibit the owner's and, if applicable, the manager's right to initiate eviction actions prior to the issuance of the third (3rd) disruptive conduct report in a twelve (12) month period.
- D. The disruptive conduct report shall count against all occupants of the residential rental unit. More than one (1) disruptive conduct report filed against any occupant of a residential rental unit in any twenty-four (24) hour period shall count as a single disruptive conduct report for the purpose of this Section. The Housing Officer shall maintain a list of names of all occupants evicted as a result of this Section. The names shall remain on the list for a period of three (3) years.

§166-14. Enforcement; notice; appeal.

- A. Whenever the Housing Officer believes, or has cause to believe, that there is a violation of any provision(s) of this Article or any rule(s), regulation(s) or code(s), including but not limited to the Pennsylvania Uniform Construction Code and the

Property Maintenance Code, as adopted by the Borough and related hereto, the Housing Officer shall give notice of such violation to the owner of the residential rental unit or the premises. Such notice shall:

- (1) Be in writing and shall state the place and manner of the violation;
- (2) State the nature or condition of the violation;
- (3) State the determination of the Housing Officer in respect to the violation;
- (4) State the name of the person who the Housing Officer deems responsible therefor, together with the name of the owner of the residential rental unit or the premises involved;
- (5) State the date of the notice and the number of days allowed for compliance with said notice;
- (6) Be served upon the owner of the residential rental unit or the premises involved and all other persons, if any, named in such notice pursuant to Subsection A(4) of this Section, and any notice served upon the owner and such other person or persons, if any, personally or by certified or registered mail, return receipt requested, postage prepaid, sent to the last known address of such owner and such other person or persons, if any, and by posting the same in a conspicuous place in or about the premises affected by such notice, shall be deemed to have been properly served.

The notice may, in addition, contain any other pertinent data, information and/or statements which the Housing Officer deems appropriate.

- B. Any person affected by a notice of decision, determination or order issued by the Housing Officer or pursuant to this Article may appeal said decision, determination or order to Borough Council. Any such appeal must be filed in writing with Borough Council, and a copy delivered to the Housing Officer, within ten (10) days after receipt by the appellant of such notice of decision, determination or order. At the time of the filing of such appeal, appellant shall pay to the Borough a deposit, the amount of which shall be established by resolution or ordinance of Borough Council from time to time, to cover the costs of such appeal. Borough Council shall hold a hearing on the appeal within forty-five (45) days after the date the appeal is filed. Notice of the hearing shall be given not less than ten (10) days prior to the date of the hearing to the appellant, to the Housing Officer and to any other person who may request such notice. At the hearing Borough Council shall review the decision, determination or order of the Housing Officer, or the rule or regulation, which is the subject of the appeal, take such testimony, hear such witnesses and, by a concurring vote of the majority of its members, reverse or affirm, in whole or in part, or modify the decision, determination or order appealed from and shall make such order or decision as, in Borough Council's opinion, should be made. Failure to secure such

concurring votes shall be deemed a confirmation of the decision, determination or order of the Housing Officer. Within twenty (20) days after said hearing, Borough Council shall advise the appellant, in writing, of its order or decision, and a copy of such order or decision shall be filed with the Borough Secretary and with the Housing Officer. Any order or decision of Borough Council may be further appealed to the Court of Common Pleas of Lancaster County, Pennsylvania by the appellant within twenty (20) days after receipt of the order or decision of Borough Council, or as otherwise provided by law.

- C. Whenever the Housing Officer determines that an emergency condition exists which requires immediate action to protect public health and/or safety, the Housing Officer may issue an order declaring the existence of such emergency condition and requiring action to be taken to remedy such emergency condition. Such emergency order shall be effective immediately upon issuance. Any person to whom such order is directed shall comply therewith immediately; provided, however, such person may file an appeal to Borough Council in accordance with the provisions of this Section, but such appeal shall not serve as a supersedeas to the Housing Officer's emergency order.
- D. Borough Council shall establish by resolution or ordinance from time to time the amount of the deposit to be paid by any person filing an appeal to Borough Council as provided in this Section. Such deposit shall be made to the Secretary of the Borough and shall be paid in full at the same time as the appeal is filed. The deposit shall be used by the Borough to pay all costs and expenses incurred by the Borough and Borough Council pertaining to the appeal, which costs and expenses shall include but not be limited to stenographic services, the fees of the Borough Solicitor and all other professional and secretarial costs and expenses. In the event such costs and expenses are less than the amount of the deposit, any excess shall be returned to appellant.
- E. Notwithstanding the requirements of Subsection A. of this Section, if the Housing Officer determines or has reason to believe that a violation of this Article or any other Borough ordinance exists concerning the health, safety, welfare or occupancy of the premises, the Housing Officer may proceed, without giving the notice required by Subsection A. of this Section, to cause a citation to be issued to the owner of the residential rental unit which the Housing Officer determines or has information to reasonably believe is in violation of the provisions of this Article, or any rule or regulation adopted pursuant to this Article, or any other applicable Borough ordinance.
- F. Any person aggrieved by a decision of a police officer or the Housing Officer in regard to a disruptive conduct report or the revocation of a rental occupancy permit may appeal to Borough Council in accordance with the provisions of this Section. Such appeal must be filed, in writing, within ten (10) days from the date of the disruptive conduct report or notice of revocation.

§ 166-15. Violations and penalties.

- A. Violations. Any person who violates or fails to comply with, or permits any other person to violate or fail to comply with, any provision of this Article, or any notice, rule or regulation made in connection with this Article, including but not limited to the following violations or failure to comply, shall, upon conviction thereof, be subject to the penalties and remedies set forth in Subsection B of this Section:
- (1) To lease, let or permit the occupancy of a residential rental unit without obtaining a rental occupancy permit in accordance with the provisions set forth in this Article;
 - (2) To refuse to permit any inspection as required in accordance with this Article;
 - (3) To fail to perform the duties established by § 166-5 of this Article if such person is an owner or a manager of a residential rental unit;
 - (4) To fail to perform the duties established by § 166-12 of this Article if such person is an occupant of a residential rental unit; or
 - (5) To place false information on, or omit relevant information from, an application for a rental occupancy permit.
- B. Penalties and remedies.
- (1) Any person who permits occupancy of a residential rental unit after the rental occupancy permit has been revoked shall be subject to a fine of not less than Five Hundred Dollars (\$500.00) per residential rental unit for each day the violation exists. Each day the violation exists constitutes a separate violation.
 - (2) Any person who fails to secure a rental occupancy permit shall be sent a ten (10) day notice of violation, warning him, her or it of his, her or its failure to secure a rental occupancy permit in accordance with this Article. If he, she or it does not comply at the end of such ten (10) day period, a fine of not less than Five Hundred Dollars (\$500.00) per residential rental unit shall be imposed for each day the violation exists. Each day the violation exists constitutes a separate violation.
 - (3) Any person who violates any other provision of this Article shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment for not more than thirty (30) days, or both. Each violation of this Article shall constitute a separate offense. Each day that such violation exists shall constitute a separate offense.
 - (4) Any owner who fails to renew an expired rental occupancy permit within ten (10) days after the expiration date of the rental occupancy permit shall, in

addition to the penalties provided in Subsection (1), (2) and (3) of this Subsection B, be subject to a penalty in the amount of Ten Dollars (\$10.00) for each day or part thereof during which the expired rental occupancy permit is not renewed.

- (5) In addition to prosecution of any person violating this Article, the Housing Officer or any duly authorized agent of the Borough may take such civil and/or equitable remedies in any court of record of the Commonwealth of Pennsylvania against any person or property, real or personal, to effect the provisions of the Article.
- (6) The provisions of this Section and the provisions of this Article governing revocation, suspension or nonrenewal of rental occupancy permits shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate. The remedies and procedures in this Article are not intended to supplant or replace to any degree the remedies provided to the Borough in the Borough's Property Maintenance Code, the Manheim Borough Zoning Ordinance, or any other code or Borough ordinance, as amended from time to time.
- (7) The penalties imposed by this Subsection B shall be payable to the Secretary of the Borough.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 4. The Manheim Borough Code of Ordinances, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Manheim Borough Code of Ordinances, as amended, upon adoption.

Section 5. All ordinances or parts of ordinances of the Borough which are inconsistent herewith are hereby repealed.

Section 6. This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

DULY ENACTED AND ORDAINED this _____ day of _____, 2018.

BOROUGH OF MANHEIM
LANCASTER COUNTY, PENNSYLVANIA

By: _____
Carol Y. Phillips, President

Attest: _____
James R. Fisher, Secretary

Examined and approved this _____ day of _____, 2018.

Scot Funk, Mayor

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF LANCASTER :

On this _____ day of _____, 2018, before me, a Notary Public in and for the County and State aforesaid, personally appeared CAROL Y. PHILLIPS, who acknowledged herself to be the President of Borough Council of the BOROUGH OF MANHEIM, LANCASTER COUNTY, PENNSYLVANIA, a borough organized and existing under the laws of the Commonwealth of Pennsylvania, and that she as such President of Borough Council and being authorized to do so, executed the foregoing Ordinance for the purposes therein contained by signing the name of the Borough by herself as such President of Borough Council.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public