

ORDINANCE 11-03

IT IS HEREBY ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAMOKIN AS FOLLOWS:

ARTICLE I.

Chapter 99 of the Shamokin City Code is hereby amended to read as follows:

Chapter 99

TENANTS AND LANDLORDS

Article 1. – Landlord Registration, Licensing and Occupancy

§ 99-1 TITLE.

This ordinance shall be and may be cited as the “City of Shamokin Landlord Registration, Licensing and Occupancy Ordinance”.

§ 99-2 General

It is the purpose of this Ordinance and the policy of the City Council of the City of Shamokin, in order to protect and promote the public health, safety and welfare of its citizens, 1) to establish registration and licensing requirements for landlords in the City of Shamokin; 2) to establish and maintain a current record of all rental properties and tenants occupying such properties; and 3) to establish an enforcement mechanism to effect the aforementioned objectives.

§ 99-3 Definitions.

“City of Shamokin” or “City” – The City of Shamokin, Northumberland County, Pennsylvania.

Code Enforcement Officer – The Code Enforcement Officer of the City of Shamokin or any other person or entity designated by the City Council of the City of Shamokin to perform the duties of the Code Enforcement Officer as set forth in this Ordinance.

Landlord – One or more persons, as defined by this section, jointly or severally, in whom all or part of the legal title to the premises is vested or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises. This definition includes a mortgage holder in possession of a residential rental unit.

Occupancy License – The license issued to the owner of residential units under this Ordinance, which is required for the lawful rental and occupancy of residential rental units.

Occupant – An individual who resides in a residential rental unit, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania.

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

Property Manager – A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity, appointed by a Landlord to take care of rental property within the City and be the agent for the said Landlord.

Residential Rental Unit – Any structure within the City of Shamokin occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel of real estate receives any value, including but not limited to money, or the exchange of services. Each apartment within a building is a separate unit requiring a license.

§ 99-4 Owner's Duties.

1. Registration. Every owner of a residential rental unit must register the unit with the Code Enforcement Officer in accordance with the following schedule:

A. All owners of residential units must register the units with the Code Enforcement Officer by February 15th of each year.

B. Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of the City upon the earliest occurrence of the following events:

1. Within thirty (30) days of the completion of the conversion;
2. Within thirty (30) days of the time when any rent, including the exchange of other services for the unit or units is obtained;
3. Within thirty (30) days of the dates which a tenant or tenants occupies the unit or units.

C. It shall be the responsibility of the grantee and the grantee's agent, to notify the City of Shamokin within ten (10) days of any purchase or transfer of a rental unit.

D. Registration information shall be provided by all owners and shall include the following:

1. Owners name, address, telephone number.
2. Property address and unit number.
3. Maximum occupancy per unit.
4. Emergency telephone number (in addition to the number required by item 1).
5. Actual numbers of occupants.
6. Names of current tenants.

E. The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten (10) days of any changes of the information set forth above.

F. Any owner of a residential rental unit shall notify the City of Shamokin at city Hall within ten (10) days of a new tenant occupying, renting or residing in the landlord's or owner's residential rental unit

2. License Requirement.

A. As a prerequisite to entering into a rental agreement or permitting the occupancy of a rental unit (except as provided in subsection (2) (C) below), the owner of every such rental unit shall be required to apply for and obtain a license for each rental unit. The cost of a license shall be TWENTY FIVE DOLLARS (\$25.00) per unit. The cost of a license may be amended by Resolution of Council and Mayor from time to time.

B. A license shall be required for all residential rental units.

C. The following categories of rental properties shall not require licenses, and thus, shall not, therefore, be subjected to section (1)(A) of this Ordinance:

(1) Residential rental units occupied by immediate members of owner's family; provided, that no more than two (2) unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling unit at any given time.

(2) Hotels and Motels.

(3) Hospitals and nursing homes.

(4) Residential units occupied by members of a group home owned by an IRC 501 C-3 recognized entity.

D. The application for the license shall be in the form as determined by the City.

3. General.

A. It shall be the duty of every owner/landlord to keep and maintain all rental units in compliance with all applicable laws and regulations of the Commonwealth of Pennsylvania and Ordinances of the City of Shamokin and to keep such property in good and safe condition. The owner/landlord shall be responsible for regularly performing all maintenance, including lawn mowing and ice and snow removal, and for making any and all repairs in and around the premises in conformity with all City Ordinances governing this topic. The delegation of the aforementioned duties to tenants (or any other person or entity) shall not excuse the Owner/Landlord from these responsibilities.

B. The owner/landlord shall be responsible for the management of their property in conformity with the Law of the Commonwealth of Pennsylvania and the Ordinances of the City of Shamokin.

C. Owners/landlords must be proactive in managing their property and are expected to utilize all legal means available to them to evict tenants who routinely engage in disorderly conduct, disturb the public peace, create excessive noise, or violate those criminal laws of the Commonwealth of Pennsylvania relating to the illegal distribution of drugs. The term "routinely engage" is defined in three (3) or more violations of any of the forgoing in any sixty (60) day period or more than eight (8) times in any twelve (12) consecutive month period.

§ 99-5 Appointment of Property Manager.

A. Every owner/landlord residing further than twenty (20) miles from the corporate boundaries of the City of Shamokin must designate a property manager or person responsible for the care of all rental property. The property manager or person responsible for taking care of rental property must reside or have its corporate offices within twenty (20) miles of the corporate boundaries of the City of Shamokin. The property manager shall be the designated recipient of all correspondence and violation notices from the City. The property manager

shall be the direct point of contact for disruptive conduct, emergencies, and any other occurrence that may be of a time sensitive nature. The property manager shall be the agent of the property owner and by his, her or its appointment shall be authorized and empowered to accept service of all correspondence, violation notices, citations, Court complaints and pleadings on behalf of the Landlord. The appointment of a property manager shall remain in effect and shall be considered legally binding on both the Principal and Agent until revoked and notice of revocation is provided by the owner/landlord to the City.

B. Every owner/landlord residing further than twenty (20) miles from the corporate boundaries of the City of Shamokin must appoint a property manager within forty-five (45) days of enactment of this Ordinance. The landlord/owner must provide the City with the property manager's name, address, and all pertinent contact information. The owner/landlord must also provide the City with his/her name, address, and all pertinent contact information. The owner/landlord of the property shall be responsible for all the duties of the property manager in the event that the City is unable to communicate with the property manager. Contact information shall be updated on an annual basis by April 1st of each year within ten (10) days in conformity with Section 99-4 2D.

§ 99-6 Enforcement and Violations.

A. This section shall be enforced by the Code Enforcement Officer of the City of Shamokin or any other person, persons or entity designated by the City Council of the City of Shamokin.

B. Any Owner/Landlord that fails to comply with the registration requirements of this Ordinance is in violation of this Ordinance.

C. Any Owner/Landlord that rents a residential rental unit requiring a license without a valid, current license, issued by the City of Shamokin authorizing such use, is in violation of this ordinance.

D. Any Owner/landlord that resides or has its corporate offices farther than twenty (20) miles of the corporate boundaries of the City who fails to appoint a Property Manager is in violation of this Ordinance.

E. Any Owner/Landlord that fails to maintain their property in conformity with City Ordinances is in violation of this Ordinance. A record of any unpaid citations for property maintenance violations shall be conclusive evidence of a violation of this Ordinance and shall prevent and preclude the issuance of any License pursuant to this Ordinance.

F. Any Owner/Landlord that fails to utilize all legal means available to them to evict tenants who routinely engage in disorderly conduct, disturb the public peace, create excessive noise, or violate those criminal laws of the Commonwealth of Pennsylvania relating to the illegal distribution of drugs is in violation of this Ordinance.

G. Any Owner/Landlord or other person aggrieved by the action or decision of the Code Enforcement Officer in the issuance or non-issuance of a license as provided herein may take an appeal to the Registration/Licensing Board of Appeals within ten (10) municipal working days from the date of the action or decision being appealed. The Registration/Licensing Board of Appeals shall convene a hearing as prescribed in Section 99-7 of this Article. This right of appeal to the Registration/Licensing Board of Appeals shall not apply in cases where a citation for violation of this Ordinance has been issued against an Owner/Landlord and filed with the Magisterial District Judge having proper jurisdiction. Procedures for hearings and appeals regarding such citations shall be governed by the applicable rules and laws pertaining to the same.

§ 99-7 Creation of Board of Appeals; hearing procedures and appeals from the Board of Appeals; fees.

A. There is hereby established an Appeals Hearing Board to hear all appeals provided for under this Article. The Appeals Board shall be comprised of (1) the Mayor; (2) the Director of Public Safety; and (3) the City Clerk.

B. All appeals under this Article must be made in writing to the Board of Appeals and directed to them, care of the City Clerk, addressed to City Hall located at 47 East Lincoln Street, Shamokin. Such appeals shall be made in writing and received by the Board of Appeals as indicated above no later than the 10th municipal business day from the date the aggrieved decision is mailed. Said written appeal must specify the decision that is being appealed and state the reason or reasons thereof and specify any facts in support of said appeal. This written appeal must be accompanied by a sworn affidavit. Also, the appeal must be accompanied by a fee of \$150.00, payable in advance to the City of Shamokin for each appeal taken to cover the costs of the notices of hearing, the hearing and, the cost of a stenographic record of the hearing. This fee shall be refundable to the appellant on such instances where the Board of Appeals reverses the decision of the Code Enforcement Officer.

C. The Board of Appeals shall schedule a hearing within thirty (30) days after a notice of appeal has been filed as stated above. The appellant or his representative shall have the right to appear and be heard. Any member of the

Hearing Board shall have the authority to administer oaths to any person who is to give testimony at any hearing before the Board. A stenographic record of the hearing shall be made by the Hearing Board. A written decision shall be made by the Appeals Board within twenty (20) municipal days after the conclusion of said hearing. The decision of the Appeals Board on such appeals shall be in writing and contain findings of fact and conclusions of law. Said decision shall be served on the appellant and the Code Enforcement Officer. Service of said decision can be made by personally handing a copy to the individuals or by regular mail, postage prepaid.

D. Appeals from the Board can be taken within thirty (30) days of the date of the decision of the Board to the Court of Common Pleas of Northumberland County. Said appeal to the Court of Common Pleas will be limited to the Court reviewing the record made at the hearing given by the Appeals Board, and the scope of review shall be limited to whether or not the Appeals Board abused its discretion in rendering a decision. The Appeals Board can only be reversed by the Court of Common Pleas of Northumberland County if it determined by said Court that the Appeals Board had in fact abused its discretion. Appeals beyond the Court of Common Pleas of Northumberland County shall be governed by the applicable rules and laws pertaining to the same.

§ 99-8 Penalties.

A. Any landlord or owner of a residential rental unit that violates any provision of Sections 99-4 of this Ordinance, with all of the subsections thereunder, shall, upon conviction thereof, be sentenced to pay a fine of no less the \$100.00 and up to \$500.00 for each and every offense. Each day an owner operates a rental unit in violation of Section 99-4 shall be treated as a separate offense.

B. Any landlord or owner of a residential rental unit who violates Section 99-5 of this Ordinance shall, upon conviction, be sentenced to pay a fine of no less than \$100.00 up to \$500.00. Each day an owner operates a rental unit in violation of Section 99-5 shall be treated as a separate offense.

C. No landlord with outstanding fines resulting from violation of City Ordinances shall be eligible to obtain a license to rent to residential real estate in the City of Shamokin until and unless such fines are paid in full.

D. Fines imposed through this Ordinance shall be collected by any means allowable by law.

E. Each day an owner of a residential rental unit violates any provision of this Ordinance shall constitute a separate offense.

F. This chapter and the foregoing penalties shall not be constructed to limit or deny the right of the City of Shamokin, its agents and representatives from seeking any other equitable or legal remedies that may otherwise exist under applicable law.

§ 99-9 Severability.

If any section or provision of this Ordinance is adjudicated, by a court of competent jurisdiction, as unlawful, void, or unenforceable, all remaining sections and provisions of the Ordinance shall remain if full force and effect.

§ 99-10 Repealers.

Ordinance 293 and all ordinances and parts of ordinances inconsistent herewith shall be and the same are hereby expressly repealed.

Article II.

This Ordinance shall take effect July 1, 2011. For calendar year 2011 only, the per unit licensing fee shall be fifty (50%) percent of the fee set forth in §99-4(2)(A). For calendar year 2011 only, the deadline for registration of rental units established in §99-4(1)(A) shall be extended to September 1, 2011.

APPROVED, this _____ day of June, 2011.

CITY OF SHAMOKIN

Attest:

George S. Rozinskie, Jr., Mayor

Stephen D. Bartos, City Clerk