

Chapter 11

Housing

Part 1

Residential Property Certificate of Occupancy

A. Required

- §11-101. Certificate Required
- §11-102. Inspection
- §11-103. Fees
- §11-104. Applicability
- §11-105. Violations and Penalties

B. Smoke Detectors

- §11-111. Standards
- §11-112. Issuance of Residential Building Permit Restricted
- §11-113. Violations and Penalties

Part 2

Building Numbering

- §11-201. General
- §11-202. Specifications for Placement of Numbers
- §11-203. Duties of Owner(s); Proper Placement of Numbers
- §11-204. Duties of Owner(s); Compliance
- §11-205. Violation and Penalties

Part 3

Residential Rental Property

- §11-301. Title
- §11-302. Definitions
- §11-303. Purpose
- §11-304. Standard to Resolve Inconsistent Provisions of Other Ordinances
- §11-305. Owner's Duties
- §11-306. Registration
- §11-307. Designation of Local Agent
- §11-308. Maintenance and Inspections
- §11-309. Rental Occupancy License
- §11-310. Fees
- §11-311. Non-liability of Borough
- §11-312. Appeals
- §11-313. Codes Violations
- §11-314. Violations and Penalties

Part 1**Residential Property Certificate of Occupancy****A. Required****§11-101. Certificate Required.**

On and after the effective date of this Part, each owner of real estate in the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, who proposes to lease said real estate shall obtain a certificate of occupancy from the Code Enforcement Officer of the Borough of Mount Pleasant. Each owner must exhibit this certificate of occupancy to each prospective tenant before he can enter into a lease, either oral or written, for said real estate.

(*Ord. 461, 7/7/1975, §2*)

§11-102. Inspection.

The Code Enforcement Officer of the Borough of Mount Pleasant must inspect each property before he issues a certificate of occupancy and it shall be his responsibility to see that all Borough codes and ordinances have been complied with before he issues said certificate of occupancy. In the event the premises does not comply with the Borough codes and ordinances, he must notify the owner, in writing, of the existing violations, and these violations must be alleviated before the certificate of occupancy can be issued.

(*Ord. 461, 7/7/1975, §3*)

§11-103. Fees.

1. The owner of said real estate shall pay to the Code Enforcement Officer, for the use of the Borough of Mount Pleasant, such fees as shall be established from time to time by resolution of Borough Council. [*Ord. 624*]

2. In the event more than two visits are necessary on the part of the Code Enforcement Officer an additional fee in an amount as established from time to time by resolution of Borough Council per visit will be charged for each residential, commercial, or industrial certificate. [*Ord. 624*]

3. It is required that a separate certificate of occupancy shall be necessary for each rental unit, no matter how large or small, except that hotels, motels, and bed and breakfasts shall not be considered as covered by the provisions of this Part.

(*Ord. 461, 7/7/1975, §4; as amended by Ord. 519, 8/5/1985, §1; by Ord. 560, 8/7/1995; by Ord. 576, 6/5/2000, §1; and by Ord. 624, 1/19/2010*)

§11-104. Applicability.

All properties leased before the date of this Part shall not be required to comply with the provisions hereof as long as said lease or any renewal thereof remains in effect. This Part shall only apply to said property at such time as it is leased to another tenant. Before the property may be leased to a new tenant, the property owner must obtain a

certificate of occupancy.

(*Ord. 461, 7/7/1975, §5*)

§11-105. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 461, 7/7/1975, §6; as amended by Ord. 548, 12/2/1991, §1; and by Ord. 624, 1/19/2010*)

B. Smoke Detectors

§11-111. Standards.

1. Before any certificate of occupancy shall be issued for any residential real estate in the Borough of Mount Pleasant, each unit shall be equipped with at least one electrical or battery-powered ionization-type smoke detector for each floor, including the basement, providing an alarm horn, an indicating light and test button, which shall be approved by the Underwriters’ Laboratories, Inc., and have the following ratings:

Type	Rating
Electrical	120 volts AC, 60 Hz, 5 watts
Battery	9 volts DC, provided by Mallory Type 394116 battery

2. Each detector must be a self-contained, single-station unit and shall be mounted directly to the ceiling at such location where it will receive the smoke produced by a fire anywhere in the protected area.

3. Each unit shall have the producer’s name, model number, electrical ratings, and Underwriters’ Laboratories, Inc., label attached.

(Ord. 471, 5/2/1977, §2; as amended by Ord. 482, 7/2/1979)

§11-112. Issuance of Residential Building Permit Restricted.

The Code Enforcement Officer of the Borough of Mount Pleasant is directed not to issue a residential building permit until the owner of said premises exhibits plans or signs an acknowledgment that smoke detectors shall be installed in accordance with the terms of this Part.

(Ord. 471, 5/2/1977, §3)

§11-113. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 471, 5/2/1977, §4; as amended by Ord. 624, 1/19/2010)

Part 2**Building Numbering****§11-201. General.**

Each house, dwelling, residence, office, store, and place of business within the Borough of Mount Pleasant, Westmoreland County, Pennsylvania shall be numbered in accordance with the numbers assigned by the postal authorities at the Mount Pleasant Post Office.

(*Ord. 559, 5/1/1995, §1*)

§11-202. Specifications for Placement of Numbers.

The following specifications shall be effective in regards to the placement of said numbers.

A. *Size Numbers.* Each designation shall be comprised of numbers at least 4 inches in height with a minimum stroke width of ½ inch. [*Ord. 624*]

B. *Location.* Each designation shall be placed in a location which will make it visible from the street, road, or alley which serves as the main access to said house, dwelling, residence, office, store, or place of business.

C. *Color.* The color of said designation shall be all the discretion of the property owner but it must be a contrasting color to the backing upon which it is placed so as not so as to make it plainly visible from the street, road, or alley upon which it is located.

(*Ord. 559, 5/1/1995, §2; as amended by Ord. 624, 1/19/2010*)

§11-203. Duties of Owner(s); Proper Placement of Numbers.

It shall be the obligation of the owner of each building located in the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, to see that the proper numbers are placed upon their property in order to comply with this Part and it shall be the future obligation of the property owner to see that such numbers are replaced in the event they are lost or removed after first being installed.

(*Ord. 559, 5/1/1995, §3*)

§11-204. Duties of Owner(s); Compliance.

It shall be the obligation of each property owner to see that their house, dwelling, residence, office, store, or place of business is in compliance with this Part by July 1, 1995. In the event a number is lost or removed at any time in the future, it shall be the owner's responsibility to replace said number, so as to comply with the provisions of this Part, within 10 days after being notified of the number's absence.

(*Ord. 559, 5/1/1995, §4*)

§11-205. Violation and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than

\$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 559*, 5/1/1995, §5; as amended by *Ord. 624*, 1/19/2010)

Part 3**Residential Rental Property****§11-301. Title.**

This Part shall be known as the Borough of Mount Pleasant, Westmoreland County, Pennsylvania “Residential Rental Property Ordinance.”

(*Ord. 624, 1/19/2010*)

§11-302. Definitions.

Borough - the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

Codes - any code or ordinance adopted, enacted and/or in effect in and for the Borough concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by, this definition are the following which are in effect as of the date of the enactment of this Part: the Uniform Construction Code (hereinafter “UCC”) [Chapter 5, Part 2], the International Property Maintenance Code [Chapter 5, Part 3], International Plumbing Code, International Fire Prevention Code, International Electrical Code, Floodplain Management Ordinance [Chapter 8], the International Building Code and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

Code Enforcement Officer - the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Borough and any assistants or agents.

Common area - any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms.

Dwelling unit - one or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family.

Exterior area - the outside facade of a building, including, but not limited to, any porch, yard, lawn, landscaping, sidewalks, setbacks, curbs, and all open area contiguous to a building owned by the same person or persons or part of the same real estate parcel.

Family - an individual, or an individual with children, or a couple and their children, or a group of no more than three unrelated persons living together in a dwelling unit.

Landlord - one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit. (same as “owner”).

Local agent - an adult individual designated by the owner of a residential rental unit who shall be the agent of the owner for service of process and receiving of notices and demands for the owner under this Part.

Occupant - an individual who resides in a rental unit, whether or not he or she is

the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania. (same as “tenant”).

Owner - any person, agent, operator, firm, corporation, partnership, association, property management group, or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the State, County or Borough as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this Part in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers thereof.

Owner-occupied rental unit - a rental unit in which the owner resides on a regular, permanent basis.

Person - a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

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 rental units are located.

Qualified residential rental unit - a residential rental unit which has met the inspection requirements of this Part and for which the annual fee has been paid.

Rental occupancy license - the license issued to the owner of residential rental units under this Part, which is required for the lawful rental and occupancy of residential rental units.

Residential rental unit - any structure within the Borough that is occupied by someone other than the owner of the real estate as determined by the most current deed for the property. Each apartment within a building is a separate dwelling unit requiring inspection and a license.

Rooming unit - includes each and every bedroom within a structure such as a boarding house, a fraternity, a sorority, a motel, a hotel, a hospital, a nursing home, a dormitory, a tourist house, seasonal labor housing, or other similar buildings.

Structure - any human-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land. Each apartment within a building is a separate structure.

Tenant - an individual who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania. (same as “occupant”). (Ord. 624, 1/19/2010)

§11-303. Purpose.

It is the purpose of this Part and the policy of the Borough, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners relating to the rental of certain residential rental units in the Borough and to encourage owners to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners of residential rental properties are responsible to obey the various codes adopted to protect

and promote public health, safety and welfare. As a means to those ends, this Part provides for a system of inspections, issuance and renewal of rental occupancy licenses and sets penalties for violations. This Part shall be liberally construed and applied to promote its purposes and policies.

(*Ord. 624, 1/19/2010*)

§11-304. Standard to Resolve Inconsistent Provisions of Other Ordinances.

In the event any provision of this Part is inconsistent with the provisions of any other code in effect in the Borough, the ordinance provision applying the more strict standard shall apply.

(*Ord. 624, 1/19/2010*)

§11-305. Owner's Duties.

It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable State laws and regulations and local ordinances 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. As provided for in this Part, every owner/landlord shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns.

(*Ord. 624, 1/19/2010*)

§11-306. Registration.

1. Every owner of a residential rental unit must register the unit, on a registration application form issued by the Borough, 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 within 30 days after the effective date of this Part.

B. The registration and licensing of all rental residential properties and the designation of a local agent shall occur on or before February 1 of each year.

C. 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 Borough, within 30 days of the completion of the conversion of the unit or units or within 30 days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.

D. In the event of a transfer of ownership, legal or equitable, of a property covered by this Part, the registration and license shall become invalid. It shall be the responsibility of both the transferring owner(s) and the new owner(s) to notify the Borough of said transfer not more than 5 days from the date of said transfer of ownership. If the property continues as a rental unit following the transfer, the new owner(s) shall register and license the property within 10 days of the date of transfer of ownership, either legal or equitable. In the event that notification is not given within the times set forth above, any rental occupancy license previously issued shall become void and the new owner(s) shall be subject to the requirement for inspections as set forth in this Part.

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

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

(1) The names, addresses, and telephone numbers of all the owner(s) of the rental unit.

(2) The name of the local agent. If the local agent is a business, both the name of the business and the name of the designated individual responsible for the rental unit shall be provided.

(3) The property address and number of units.

(4) The type of rental unit.

(5) The number of dwelling units in each rental unit.

(6) Maximum occupancy per unit.

(7) Actual number of occupants.

(8) Names and addresses of current adult tenants and the number of minor children who reside in the dwelling unit.

G. Any owner of a residential rental unit shall notify the Borough within 10 days of a new tenant occupying, renting or residing in the owner's residential rental unit.

H. Notwithstanding any other provisions of this Part, the names and addresses of a tenant shall not be disclosed by any Borough personnel in the event that the tenant is the subject of a court order requiring that this information be kept confidential.

(Ord. 624, 1/19/2010)

§11-307. Designation of Local Agent.

Every owner who is not a full-time resident of the Borough, and/or who does not live within 20 miles of the boundaries of the Borough, shall designate a local agent who shall reside in an area that is within 20 miles of the boundaries of the Borough. If the owner is a corporation, a local agent shall be required if an officer of the corporation does not reside within the above reference area. The officer shall perform the same function as a local agent. If the owner is a partnership, a local agent shall be required if a partner does not reside within the above referenced area. Said partner shall perform the same function as a local agent. The local agent 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 Part. The identity, address and telephone number(s) of a person who is designated as local agent hereunder shall be provided by the owner to the Borough and such information shall be kept current and updated as it changes.

(Ord. 624, 1/19/2010)

§11-308. Maintenance and Inspections.

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 and ice and snow removal and shall promptly make any and all repairs necessary to fulfill this obligation.

2. Except as provided following in this Section, it shall be unlawful to occupy or let to others for occupancy any residential rental unit which has not been currently inspected as provided by this Part. The foregoing notwithstanding, during the initial phase-in period of the inspection program contemplated hereby, no property shall be considered out of compliance with the inspection requirements of this Part until after the initial property inspection hereunder. This notwithstanding, payment of the annual inspection fee shall be required if the property is to be rented for residential purposes. The requirements for periodic inspections shall be as follows:

A. Each residential unit shall be inspected by the Code Enforcement Officer or other designee of the Borough at least one time in every 24-month period. This inspection shall include the exterior and interior of the premises being inspected and shall be conducted in compliance with this Part. The owner shall permit inspections of any rental dwelling unit by the Code Enforcement Officer at reasonable times upon reasonable notice. For such purpose, and for any re-inspection required hereunder, the owner shall provide access to the property to Borough representatives. A unit where inspection access is denied will not be issued a rental occupancy license until inspection access is provided. A fee will be charged for the initial inspection and appropriate fees may be charged for reinspections if violations are found. In the event that a dwelling unit fails to pass the initial inspection a follow up inspection will be scheduled within 60 calendar days at no additional charge. [Ord. 626]

B. If the inspection of a residential rental unit discloses code deficiencies, the Residential Rental Property Ordinance Officer or other Borough designee shall issue a notice of violation. The notice of code violation shall set forth the following:

- (1) The street address or appropriate description of the subject property.
- (2) The date of the inspection.
- (3) The identity of the inspector.
- (4) A list of the code deficiencies.
- (5) The number of days in which the owner is to accomplish repairs and/or otherwise eliminate the code deficiencies.

(6) Notice that, if the conditions are not repaired or the premises are not otherwise brought into compliance with the applicable code within the time specified the owner may be prosecuted and/or the residential rental unit may be placarded as unfit for human occupancy in accordance with this Part. Only the Borough shall have authority to institute prosecution proceedings under the terms of this Part.

3. 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.

4. Upon the expiration of the time specified to accomplish repairs or otherwise bring the premises into code compliance, or upon notice to the Borough from the owner that the repairs have been accomplished or code deficiencies otherwise eliminated,

whichever occurs first, the Code Enforcement Officer or other Borough designee shall re-inspect the subject residential rental unit.

A. In the event such re-inspection discloses that the owner accomplished the repairs or the code deficiencies have otherwise been eliminated, the Code Enforcement Officer or other Borough designee shall issue a rental occupancy license to the owner or local agent in accordance with this Part.

B. In the event such re-inspection discloses that the owner failed to accomplish the repairs or otherwise eliminate the code deficiencies, the Code Enforcement Officer may schedule additional re-inspections or may pursue prosecution as otherwise provided in the Borough Residential Rental Property Inspection Ordinance.

5. For the purpose of enforcing this Part, the Code Enforcement Officer or designee of the Borough may seek to obtain a search warrant issued by a competent authority in accordance with applicable legal standards for the purpose of compelling an inspection of a residential rental unit. The refusal to provide inspection access does not limit the Borough to the remedy that the unit is determined not to be a qualified residential unit, but the Borough may also seek a search warrant. Refusal to allow entry of the residential rental unit by the Code Enforcement Officer of the Borough to inspect the said unit shall be a violation of this Part.

6. Notwithstanding any other provision to the contrary, a rental license shall not be required for any property that is owned and offered for rent as a residential dwelling unit by a governmental entity, including all agencies, departments, boards, commissions, and instrumentalities of the Federal Government of the United States of America and the Commonwealth of Pennsylvania.

7. The owner, tenant, or any other person with the approval the owner or owner's designated agent may request an inspection of the dwelling unit at any time. Application for a requested inspection must be made on the appropriate form issued by the Borough and must the fee for this inspection must be paid for in full at the time of the request. The inspection will be conducted within 15 days of the receipt of the inspection fee. A written inspection report of the requested inspection will be delivered to the person making the request and to the owner within 10 days of completion of the inspection. Any defects or violations uncovered during a requested inspection will be subject to the correction process outlined above.

(*Ord. 624*, 1/19/2010; as amended by *Ord. 626*, 10/4/2010, §1)

§11-309. Rental Occupancy License.

1. The Borough will issue a rental occupancy license upon the occurrence of all of the following:

A. Upon receipt of the fully completed registration form and the payment of the appropriate license fee to the Borough.

B. After verification of all information submitted in the application process.

C. Upon inspection of the residential rental unit during which the inspecting officer does not note any violations of the codes referenced in the definition of "codes" above.

D. Upon re-inspection of the residential rental unit, violations that were

noted in previous inspections have been satisfactorily resolved.

2. Issuance of a rental occupancy license shall represent compliance with the registration and inspection requirements of this Part but shall not denote compliance with any other applicable code nor any standard of safety.

3. It after a license has been issued, it is determined that false information was supplied on an application for registration of a rental unit the license shall immediately become null and void and the owner shall be considered in violation of this Part.

(Ord. 624, 1/19/2010)

§11-310. Fees.

The fees for registration, inspection, re-inspection, follow-up inspection, inspections requested by owners or tenants, missed inspection appointment fees, and any other fee required in the administration of this Part shall be established by resolution contemporaneously with the adoption of this Part and may be reviewed and changed from time to time by resolution of the Borough Council.

(Ord. 624, 1/19/2010)

§11-311. Non-liability of Borough.

The issuance of a rental occupancy license is not a representation by the Borough that the residential rental unit inspected and/or the building in which it is located does not contain any violation of any of the codes referenced in the definition of “codes” above, rather, the issuance of a rental occupancy license represents that on the date of inspection, no material violation of any of said codes was noted by the inspector. Neither the enactment of this Part nor the issuance of a rental occupancy license is a guarantee to any person that no code violations exist in the premises inspected, nor shall there be imposed any liability upon the Borough for any errors or omissions which resulted in the issuance of such certificate, nor shall the Borough bear any liability not otherwise imposed by law.

(Ord. 624, 1/19/2010)

§11-312. Appeals.

The owner of a residential rental unit, who has been cited or who is aggrieved by a decision of the Code Enforcement Officer or other Borough designee may, within 30 days of the date of receipt of the notice of violation or the time fixed for repairs, whichever is shorter, appeal the decision in accordance with applicable provisions of this Part.

(Ord. 624, 1/19/2010)

§11-313. Codes Violations.

Nothing in this Part shall preclude or prohibit the Code Enforcement Officer or other Borough designee from identifying any code violations or inspecting any property according to the terms of any of the referenced codes at any time, whether or not the particular premises is scheduled for periodic inspection under the terms of his Part.

(Ord. 624, 1/19/2010)

§11-314. Violations and Penalties.

1. The failure of any owner to effect corrections as provided in this Part shall be considered a violation of this Part and the procedures and penalties prescribed therein shall be applicable.

2. The failure of any owner to schedule an inspection or re-inspection as provided in this Part shall result in the issuance of a notice to the owner that the property is not a qualified residential rental unit, in which event it shall be unlawful for any person to occupy or to let to others for occupancy the subject premises until the unit becomes a qualified residential rental unit after inspection and compliance with violation notices.

3. Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. The Borough may enforce this Part in equity or through injunctive relief in addition to or in lieu of action before the magisterial district judge.

4. In the instance of repeated violations of this Part, whether for the same or similar offenses or for various offenses, the Borough may, upon the owner being found to have committed the violations in an action before a magisterial district judge, revoke the occupancy license, in addition to any other remedies provided in this Part. Said revocation shall be effective for a period of up to 1 year, at which time a new application for registration may be submitted and shall be reviewed in accordance with the provisions of this Part. Three license revocations attributed to an owner shall result in a permanent revocation.

(Ord. 624, 1/19/2010)