

**BANGOR BOROUGH
ORDINANCE NO.
~~1006~~1008**

RESIDENTIAL RENTAL UNIT AND LANDLORD REGISTRATION

WHEREAS, as a result of extensive discussions by the Borough Council it has been determined that amendments to the Licensing Residential Rental Units Ordinance are in the best interest of the citizens.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Borough Council of the Borough of Bangor as follows:

It is the purpose of this Ordinance and the policy of the Council of the Borough of Bangor, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain residential rental units in the Borough of Bangor and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Ordinance provides for a system of inspections, issuance and renewal of occupancy licenses and sets penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

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SECTION ONE:

In recent years, many formerly private homes have been turned into residential rental units. Those rental units have oftentimes been rented to individuals who because they have no ownership interest in the property, have allowed the properties to deteriorate. In many cases, the owners of the properties live long distances from the Borough of Bangor. As a result, property maintenance of many rental units in the Borough of Bangor has been lax. In addition, problems have occurred because many tenants have no ownership interest in the real estate, have not been concerned about following Codes of the Borough of Bangor, including Codes which govern maintenance and safety of the property. This, ~~in turn~~, has caused problems for other homeowners near the rental units.

Findings, in considering the adoption of this ordinance, the Borough makes the following findings:

- A. There is a growing concern in the community with the general decline in the physical condition of residential rental units;
- B. Borough records indicate there is a great 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 substantial number of disturbances at residential rental units than all other properties combined; and
- D. Borough records indicate that violations of the various codes are less severe at owner-occupied units as compared to residential rental units.

SECTION TWO:

DEFINITIONS: the following definitions shall be used in the context of this Ordinance.

BUILDING/BOROUGH OFFICIAL

The official designated by the Borough to enforce building, zoning or similar laws and this Ordinance.

CODES

Any state or local code or ordinance adopted, enacted or **in** effect in and for the Borough of Bangor including, but not limited to, International Residential Building Code, International Building Code, International Mechanical Code, International Plumbing Code, International Fire Code, International Property Maintenance Code, Zoning Ordinance, Solid Waste Ordinance, Residential Recycling Ordinance, general nuisance ordinances, Flood Plain Management Ordinance, and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

DISRUPTIVE CONDUCT

Any form of conduct, action, incident, or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit ~~that is so loud, untimely (as causing or tending to~~ cause any danger, discomfort or annoyance to inhabitants of the day), ~~offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or cause~~ Borough or causes damage to said premises such that a report is made to a police officer ~~complaining.~~ Examples include but are not limited to fighting, quarreling, or inciting others to fight or quarrel; using obscene or indecent language to the annoyance of peaceable residents nearby; excessive noise between the hours of 10 pm and 7 am and/or noise that is audible from a distance of such ~~conduct, action, incident, or behavior~~ 40 ft in a public area; repetitive emergency calls that are unfounded, and activities that are illegal under state and federal law. It is not necessary that such conduct, action, incident, or behavior constitutes 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 is filed. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

Emergency calls made in good faith for emergency assistance-including reports of domestic violence, sexual assault, or medical crises-shall not be considered disruptive conduct.

DISRUPTIVE CONDUCT REPORT

A report of disruptive conduct on a form to be prescribed thereof, to be completed by a police officer who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Borough.

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 or sleeping only on a transient basis for a period ~~of less~~ of less than thirty (30) days.

LANDLORD

one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all 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").

MANAGER

an adult individual designated by the owner of a residential rental unit.

RESIDENTIAL RENTAL REGISTRATION

The document issued annually for a fee by the Borough of Bangor to the owner, operator, responsible agent or manager of a residential rental unit evidencing the existence of said residential rental unit. A Residential Rental Registration shall be required for lawful rental and occupancy of residential rental units under this Ordinance. This registration does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way.

RESIDENTIAL RENTAL UNIT

A rooming unit or a dwelling unit let for rent, or any other than owner-occupied residential unit. A residential rental unit shall not include a Hotel Unit. A residential-

rental unit includes dwelling units under lease-purchase agreements, or long-term (greater than six months) agreements of sale.

SECTION THREE: Inspections.

- A. The Building/Borough Official shall make or cause to be made inspections to determine the conditions of the interior and exterior, and compliance with applicable Codes, of all structures and premises in order to safeguard the health, safety and welfare of the public under the provisions of this Ordinance. The Building/Borough Official, after reasonable notice, is authorized to enter any structure or premises at any reasonable time for the purpose of performing his/her duties under this Ordinance. The owner, occupant or operator of every structure or premises or the person in charge thereof, shall give the Building/Borough Official free access thereto for the purpose of such inspection, examination and survey.
- B. If any owner, occupant or other person in charge of a structure subject to the provisions of this Ordinance refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Ordinance is sought, the administrative authority shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable cause to conduct an inspection. For the purposes of this section, a reasonable or probable cause to gain access and inspect shall include, without being limited to, the following:
- (1) That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the Borough; or
 - (2) That the Building/Borough Official after investigation has knowledge, information or a reasonable belief that a violation of this Ordinance or other Codes and the ordinances of the Borough exists; or
 - (3) That such entry is for the purpose ~~of~~re-inspecting a previous notice of violations; or
 - (4) That the Building/Borough Official has received a substantiated complaint concerning a violation on or within the premises; or
 - (5) That such entry is necessary to determine if the building, structure, premises or dwelling units meets Codes standards and is safe for habitation.

SECTION FOUR: Duties of Owner and Occupant.

A. Owner's Duties:

- (1) — It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all Residential Rental Units in compliance with all applicable state laws and regulations and local ordinances, and to keep such property in good and

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- (1) safe condition and to be aware of, and to act to eliminate Disruptive Conduct in such Residential Rental Units.
- (2) It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any Residential Rental Unit within the Borough of Bangor without having a Residential Rental Registration (Registration) as required by this Ordinance.
- (3) It is recommended that the owner, operator, responsible agent or manager ~~shall~~ include the amendment attached hereto ~~as the Addendum in Appendix A to Residential Rental Agreement in~~ each lease of a Residential Rental Unit. Said amendment is hereby considered to be a part of every lease of a Residential Rental Unit in the Borough of Bangor.
- ~~(4) It shall be the responsibility of every owner, operator, responsible agent or manager to display in a first story window or door on the front facing side of the residential rental unit the Registration for the unit. The Registration shall include the following information:~~
 - ~~(a) The name, mailing address and telephone number of the owner, operator, responsible agent or manager;~~
 - ~~(b) The evenings on which garbage and recycling are to be placed curbside for collection;~~
 - ~~(c) The telephone number to call to register complaints regarding the physical condition of the Residential Rental Unit;~~
 - ~~(d) The telephone number for emergency police, fire, and medical services;~~
 - ~~(e) The date of expiration of the Registration; and~~
 - ~~(f) A summary of the owner's and occupant's duties under this Article.~~
- ~~(5)~~(4) It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the Residential Rental Units under his/her control in compliance with the provisions of this Ordinance, Codes and applicable state laws.
- ~~(6)~~ No Registration shall be issued to any Residential Rental Unit owned or operated by a person residing outside the County of Northampton unless there is provided to the Borough of Bangor the name, mailing address, and telephone number of a designated responsible agent residing within fifteen (15) miles of the Borough of Bangor, authorized to accept service of process

on behalf of the legal owner of said Residential Rental Unit. For the purpose of this section, a post office box number is not acceptable for the responsible agent's address. This designation

(5) shall not be valid unless signed by the owner\operator and the responsible agent designated to act on behalf of the absentee owner\operator. The absentee owner\operator shall be required to notify the Borough of Bangor within seven (7) days of any change in responsible agent.

(7)(6) The owner of a residential rental unit must update the registration by filing an interim ~~residential registration application~~ tenant listing by March 31st and October 31st annually. This is in addition to the annual registration application that is due on June 30th.

B. Occupant's Duties:

- (+) (!) _____ The occupant(s) shall comply with all obligations imposed by this Ordinance and all applicable Codes and ordinances of the Borough of Bangor, as well as all state laws and regulations. Included among the Borough ordinances is the requirement that all occupants moving into a Residential Rental Unit obtain a moving permit before they take occupancy.
- (2) The occupant(s) shall conduct themselves and require other persons, including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings/properties by people occupying the same.
- (3) The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the Residential Rental Unit or engage in Disruptive Conduct, or other violations of this Ordinance, Codes or applicable state laws.
- (4) Police officers shall investigate alleged incidents of Disruptive Conduct. They shall complete a Disruptive Conduct Report upon finding that the reported incident constitutes Disruptive Conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the Disruptive Conduct and all other obtainable information, including the factual basis for the Disruptive Conduct described on the prescribed form. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent or manager within ten (10) working days of the occurrence of the alleged Disruptive Conduct.
- (5) The occupant or the owner, operator, responsible agent or manager shall have seven (7) working days from the date of the Disruptive Conduct Report to appeal the contents of said Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Borough Manager.

(6) After three (3) Disruptive Conduct incidents by an occupant or visitor to any one address as documented by Disruptive Conduct Reports, the owner, operator, responsible agent or manager shall ~~have seven~~ commence eviction proceedings after appeals challenging that report have been finally adjudicated in favor of the validity of the Disruptive Conduct Report. If an appeal has not been filed within the timeframe required by Section Four B. (5) the owner, operator, responsible agent or manager shall commence eviction proceedings within (7) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants ~~in compliance with state and federal law~~. Failure to take such action will result in the immediate revocation of the Registration. The Residential Rental Unit involved shall not have its Registration reinstated until the reinstatement fee is paid and the ~~disruptive~~

- (6) ~~disruptive~~ occupants have been evicted. The ~~disruptive~~~~disruptive~~ occupants, upon eviction, shall not reoccupy any Residential Rental Unit in the Borough of Bangor for a period of ~~at least five (5) years~~~~time~~ from the date of eviction as permitted by law. This subsection is not intended to limit or inhibit the owner, operator, responsible agent or manager's right to initiate eviction actions prior to the third Disruptive Conduct incident.
- (7) The content of the ~~Disruptive~~~~Disruptive~~ Conduct Report shall count against all adult occupants of the Residential Rental Unit. The Borough of Bangor shall maintain a list of the names of all occupants evicted as a result of the preceding paragraph. ~~The names shall remain on the list for a period of five (5) years.~~

SECTION FIVE: Residential Rental Registration

- A. Registration Required for Rental Units: The owner, operator, responsible agent or manager of each Residential Rental Unit shall apply for a Residential Rental Registration with the Borough of Bangor, on forms provided, for all existing Residential Rental Units. by June 30th of each year, the owner, operator, responsible agent or manager of each Residential Rental Unit shall continue to submit completed Registration forms and payment for a Registration. For each calendar year thereafter, the owner, operator, responsible agent or manager of the Residential Rental Unit shall continue to register units.
- B. Issuance of Residential Rental Registration: A Registration shall be issued if the owner or operator of the Residential Rental Unit provides the name of a responsible agent (if applicable), pays the registration fee, submits a complete and accurate occupant listing by Residential Rental Unit by June 30 of each year and is ~~current~~curent on water and sewer fees for the Residential Rental Unit. This registration does not warrant the proper zoning, habitable safety or conditions of the Residential Rental Unit in any way.
- C. Prior to initial occupancy of newly ~~constructed~~~~constrncted~~ Residential Rental Units, newly created rental units, or substantially rehabilitated Residential Rental Units (as documented by a certificate of occupancy), the owner, operator, responsible agent or manager of each Residential Rental Unit shall register with and make written application to the Borough of Bangor for a Residential Rental Registration within fifteen (15) days of the completion of the conversion of the unit or units or within fifteen (15) days of the time when any rent, including the exchange of other services for the unit or units, is obtained or within fifteen (15) days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.

- D. The owner of a residential rental unit must update the registration_
information on record with the Borough within ten (10) days of a new
tenant

~~information on record with the Borough within ten (10) days of a new tenant~~
occupying, renting or residing in the landlord's or owner's residential rental unit.

- E. It shall be the responsibility of the grantee and /or the grantee's agent in the purchase of the said real estate, including the grantee's attorney or title company, to notify Bangor Borough within ~~seventy two (72) hours~~ thirty (30) days of any purchase or transfer of a rental unit.

- F. Revocation of Residential Rental Registration: A Registration shall be revoked if the owner or operator of a Residential Rental Unit does not provide the name of a responsible agent (if applicable), does not pay the registration fee, is not current on-

~~F.~~ water and sewer fees, and Borough real estate taxes for the residential rental unit, does not submit a complete and accurate occupant listing by Residential Rental Unit by June 30 of each year, does not correct a code violation found in response to a complaint within the time frame cited by the Building Official, and/or has not complied with the Disorderly Conduct provision of this Ordinance, as described above.

- G. Reinstatement of Residential Rental Registration: A Registration shall be reinstated if the owner or operator of a Residential Rental Unit corrects the reason for the revocation of the Registration and has paid the Registration reinstatement fee.
- H. The Borough of Bangor shall fully inspect each Residential Rental Unit no more frequently than once within a two-year period unless a complaint of violation has occurred, or a Building Official has probable cause to believe that a violation is ~~occurring~~ occurring.
- I. Unless sooner revoked for cause, the License shall remain in effect until such time as the next regularly scheduled inspection occurs, assuming the annual registration fee is paid and residential registration form is completed/updated.
- J. Inspections will occur in accordance with a phased-in systemic inspection program. The penalty for not allowing an inspection shall be revocation of the Registration.
- K. Compliance: If a Building Official, upon completion of an inspection, finds that the applicable codes have not been met, a notice of violation shall be issued.

(1) Ten (10) Day Notice of Violation: If the Building Official finds one (1) or more of the following violations:

- Multiple Dwelling Unit Fire Exits
- Separation of Common Walls and Floors
- Automatic Fire ~~Alarms~~ Alarms Systems
- Multiple Dwelling Unit Fire Protection
- Heating
- Hot and Cold Water Supplies
- Water Closet and Basin
- Plumbing Connections
- Electrical Hazards
- Structural Hazards
- Overcrowding
- Serious Roof Leak

- (a) A Ten (10) day Notice of Violation shall be issued; and
- (b) The Residential Rental Unit shall be determined unfit for human habitation and ordered vacated and shall remain vacant until the violation is abated. If after 10 days from the receipt of the ten-day notice of violation, a re-inspection reveals that the violations are not corrected and arrangements satisfactory to the Building Official have not been made, the

~~(b)~~ Registration or License for the Residential Rental Unit shall be revoked, and, if the Residential Rental Unit is vacant, it shall remain vacant.

(2) Thirty-day notice of violation. If the Building Official finds violations, other than those listed in Section 5, K.4, a Thirty (30) Day Notice of Violation shall be issued.

(a) If after thirty (30) days from the date of receipt of the thirty-day notice of violation, the first re-inspection reveals that all violations have not been corrected or the owner, operator, responsible agent or manager of the Rental Unit fails to have it re-inspected, a thirty-day legal action warning shall be issued.

(b) If after thirty (30) days from the date ~~of receipt of~~ receipt of the thirty-day legal action warning, the second re-inspection reveals all violations have not been corrected or the owner, operator, responsible agent or manager of the Rental Unit fails to have it re-inspected, the Registration for the Residential Rental Unit shall be revoked, and, if the Residential Rental Unit is vacant, it shall remain vacant.

(c) A fee will be charged for the initial inspection and for each re-inspection. The Borough of Bangor shall maintain a list of all Residential Rental Units and their ownership that have been the subject of prosecution in Magisterial District Court during the preceding four (4) years.

C. Issuance of Residential Rental Registration: A registration shall be issued if the Residential Rental Unit meets the following conditions:

(1) The Building Official finds that the Residential Rental Unit is in compliance with the applicable Codes;

(2) The owner, operator, or manager provides the name of a responsible agent

(if applicable).

- (3) The owner, operator, responsible agent or manager pays the license inspection and re-inspection (if applicable) fee(s);

- (4) The owner, operator, responsible agent or manager is current on taxes and sewer and garbage fees for the Residential Rental Unit.
- (5) The uses of the property are in compliance with the Zoning Ordinance of the Borough of Bangor.
- (6) The owner, operator, responsible agent or manager maintains records and provides the Borough with copies of those records demonstrating that all-

- (6) occupants have obtained a moving permit from the Borough of Bangor, whenever appropriate; and
- (7) The owner, operator, responsible agent or manager has submitted a complete and accurate occupant listing by Residential Rental Unit.
- D. Revocation of Residential Rental Registration: A Registration shall be revoked if the owner or operator of a Residential Rental Unit does not provide the name of a responsible agent (if applicable), does not correct code violations found by the Building Official, does not pay the annual License fee, is not current with water and sewer fees, and Borough real estate taxes for the Residential Rental Unit, changes the use of the property so as to no longer be in compliance with the Zoning Ordinance of the Borough of Bangor, ~~does not submit a complete and accurate occupant listing by Residential Rental~~ Bangor, does not submit a complete and accurate occupant listing by Residential Rental Unit by March 31st, June 30th, and October 31st of each year, does not maintain records and provide the Borough with copies of those records demonstrating that all occupants have obtained a moving permit from the Borough of Bangor, whenever appropriate and/or has not complied with the Disruptive Conduct provision of this Ordinance, as described above. If the Registration is revoked and if the Residential Rental Unit is vacant, it shall remain vacant.
- E. Reinstatement of Residential Rental Registration: A Registration shall be reinstated if the owner or operator of a Residential Rental Unit corrects the reasons for the revocation of the Residential Rental Registration and has paid the reinstatement fee.

SECTION SIX: Sale or Transfer of Residential Rental Units: A Registration issued hereunder is not automatically transferable to any person or entity who has acquired ownership of a Residential Rental Unit. A Registration shall be revoked upon failure to apply for its transfer within thirty (30) days of the date of sale or transfer of ownership of the Residential Rental Unit. A License shall not be transferred. In the case of licensed Residential Rental Units that are sold or transferred; the new owner shall seek a License for each Residential Rental Unit and have each Residential Rental Unit inspected. Failure to seek a License for each Residential Rental Unit within thirty (30) days of sale or transfer of ownership shall result in enforcement of Violations and Penalties as set forth in this Ordinance.

SECTION SEVEN: Appeals of Revocation of Registration.

- A. Property condition appeals: Any person aggrieved by any decision of a Borough Official may appeal to the Bangor Borough Council.
- B. Disruptive Conduct appeals: Any person aggrieved by any decision of a police officer or Borough Official in regard to a Disruptive Conduct Report or the revocation of a Registration may appeal to the Disruptive Conduct Board of Appeals. Such appeals must-

~~B.~~ be filed, in writing, within seven (7) working days from the date ~~of~~
~~receipt to~~receipt of the Disruptive Conduct Report or notice of revocation.

SECTION EIGHT: Disruptive Conduct Board of Appeals Organization and Powers.

- A. Any person aggrieved by any decision of a police officer or Borough Official in regard to a Disruptive Conduct Report or the revocation of a Registration based upon the issuance of Disruptive Conduct reports, may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing, within seven (7) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation.
- B. The Disruptive Conduct Board of Appeals shall be a body of four (4) members consisting of a Council person who shall serve as Chairperson; a property owner in the Borough of Bangor; an occupant of a Residential Rental Unit residing in the Borough of Bangor; and a community member or business owner that resides or operates in the Borough.
- (1) There shall be three (3) alternate members; a property owner in the Borough of Bangor, an occupant of a Residential Rental Unit residing in the Borough of Bangor, and a community member or business owner that resides or operates in the Borough.
 - (2) All members or alternates of the Board shall be appointed by the Borough Council.
 - (3) A member or alternate member shall serve a term of not more than three (3) years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial Board shall be appointed to staggered terms of one (1), two (2), and three (3) years.
 - (4) Alternate members may be requested to attend meetings in the absence of a regular member and shall have all the powers of a regular member at such meetings.
 - (5) Three members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.
- C. The Disruptive Conduct Board of Appeals shall have the following powers;
- ~~(1)~~—To adopt and administer the rules of procedures regarding its organization, officers, times and places of the meetings, conduct of meetings and other legal

(1) procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

(2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Police Officer or Building Official in the enforcement of the provisions of this Ordinance.

- (3) To modify any notice of violation or order and to authorize a variance from the terms of this Ordinance when because of special circumstance, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Ordinance.
 - (4) To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
 - (5) In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within ten (10) working days after the appeal hearing.
 - (6) The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, provided, however, that the Disruptive Conduct Boards of Appeals, in its determination, shall not ignore the clear provisions and intent of this Ordinance.
- D. Any persons, including the Police Officer or Borough Official for the Borough, aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Northampton County. Such appeal shall be made by a duly verified petition which shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or part. Such petition shall be presented to the Court of Common Pleas and a notice thereof must be given to the appellee within 30 days after the filing of the decision in the office of the Board.
- E. If this appeal is of a third Disruptive Conduct Report and the decision of the police officer or Borough Official has been affirmed, and no appeal is pending, within 10 working days after the expiration of the time for compliances as required by the decision of the Disruptive Conduct Board of Appeals or Court of Common Pleas, the Borough Official shall re-inspect to determine compliances as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.

- F. If, when required by a third Disruptive Conduct Report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, the Borough Official shall institute revocation of the Registration.

- G. The Disruptive Conduct Report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however that the police officer or Borough Official may prescribe reasonable regulation regarding the time and manner of inspection.

SECTION NINE: Fees; Violations and Penalties.

A. Fees.

- (1) Registration. The fee for a Residential Rental Registration shall be set by resolution of the Borough Council and may be altered from time to time by passage by the Council of an amended fee resolution.
- (2) Re-inspections. The fee for re-inspection shall be set by resolution of the Borough Council and may be altered from time to time by passage of the Council of any amended fee resolution.
- (3) Reinstatement. The fee to reinstate a revoked Residential Rental Registration shall be set by resolution of the Borough Council and may be altered from time to time by passage of the Council of any amended fee resolution
- (4) Transfer. The fee to transfer a Registration shall be set by resolution of the Borough Council and may be altered from time to time by passage of the Council of any amended fee resolution.
- (5) All fees may be amended from time to time by resolution of the Borough Council of the Borough of Bangor.

B. Penalties.

It shall be unlawful for any person, as either owner or manager of a residential rental unit for which a registration is required, to operate without a valid, current registration issued by the Borough of Bangor authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a residential rental unit to exceed the maximum limit as set forth on the registration, or to violate any other provision of this ordinance and it shall be unlawful for any occupant to violate this section.

- (1) Any landlord or owner of a residential unit which violates any of Section 4 Subsection A, Section 5 and Section 6 of this Ordinance together with all the subparagraphs thereunder shall upon conviction thereof be sentenced to pay a fine of \$500.00 for each and every offense. Each day of the said violation shall be a separate offense.

Any landlord or owner of a residential unit that violates and/or which has tenants cited for Disruptive Conduct under Section 4 Subsection B of this ordinance together with all the subparagraphs thereunder shall ~~payreceive~~ a ~~fine of \$1,000.00~~warning for the first occurrence and/or violation; \$1,500.00 for the second

occurrence and/or violation; and \$2,000.00 for the third occurrence and/or violation.

- (2) Whoever violates any provision of this Ordinance other than those specified in Section 9 B. ~~(+),(!)~~, or any Section of this chapter shall upon first offense be fined not more than \$1,000 per violation or imprisoned not more than 90 days, or both.
- (3) If, after any conviction for violation of this Ordinance or any lawful order issued pursuant thereof, such person continues violation, then such person shall be liable for further prosecution, conviction, and punishment without any necessity of the police or Building Official to issue a new notice of violation or order, and until such violation has been corrected.
- (4) In addition to prosecution of persons violating this Ordinance, the police or Building/Borough Official or any duly authorized agent of the Borough may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to affect the provisions of this Ordinance.
- (5) In addition to the fines set forth herein, the Borough of Bangor shall be entitled to reasonable attorney fees incurred in enforcing this ordinance. The said fees shall be added to any penalties set forth above.
- (6) The owners of residential rental units in the Borough of Bangor shall have the responsibility of making sure that all occupants within their rental units comply with and abide by this ordinance of the Borough of Bangor.

SECTION TEN: Repealer

Ordinance No. ~~959~~1006 of the Borough of Bangor adopted ~~March 23rd, 2015~~November 25, 2024 requiring property owners obtain a rental License by obtaining inspections, filing reports listing all rental units, tenants or occupants thereof, and any subsequent change therein, and prescribing penalties and violations is hereby repealed in its entirety.

SECTION ELEVEN: Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions or the application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared Severable.

SECTION TWELVE: Effective Date

This ordinance shall take effect ~~immediately~~ immediately as provided by law.

~~ORDAINED~~ ORDAINED and **ADOPTED** by the Borough Council of the Borough of Bangor
~~this 31st day of July 2009~~ this 11th day of August 2015
of the Borough of Bangor

Borough ~~Council~~ Council of the Borough of Bangor

~~BY:~~ W. Kresge
W. Kresge, President

ATTEST: Tracy Palmer
Tracy Palmer, Secretary

~~BY:~~ James W. Kresge

BY: James W. Kresge
James W. Kresge, President

~~ATTEST:~~ Tracy Palmer
Tracy Palmer, Secretary

APPROVED by the Mayor this 11 day of August, 2015

BY: JML

Mary Ellen DeFranco, Mayor

APPENDIX A

TENANTS' COVENANTS AND OBLIGATIONS

1. Tenant shall comply with all applicable Codes and Ordinances of the Borough of Bangor and all applicable State and Federal laws.
2. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drng, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.
3. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.
4. Tenant shall not cause, nor permit nor tolerate to be caused, damage to the leased premises, except for ordinary wear and tear.
5. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in, "disruptive conduct" which is defined as " Any form of conduct, action, incident, or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit causing or tending to cause any danger, discomfort or annoyance to inhabitants of the Borough or causes damage to said premises such that a report is made to a police officer." Examples include but are not limited to fighting, quarreling, or inciting others to fight or quarrel; using obscene or indecent language to the annoyance of peaceable residents nearby; excessive noise between the hours of 10 pm and 7 am and/or noise that is audible from a distance of 40 ft in a public area; repetitive emergency calls that are unfounded, and activities that are illegal under state and federal law. It is not necessary that such conduct, action, incident, or behavior constitutes 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 disrnpive conduct, as defined herein; provided, however, that no disrnpive conduct shall be deemed to have occurred unless a police officer shall investigate and a Disruptive Conduct Report of such occurrences is filed. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing. Emergency calls made in good faith for emergency assistance-including reports of domestic violence, sexual assault, or medical crises-shall not be considered disrnpive conduct.
6. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Residential Rental Unit and Landlord Registration Ordinance of the Borough of Bangor, and that by notice of any municipal officer of the Borough of Bangor of noncompliance with said ordinance relating to the leased premises may constitute a breach of the rental agreement of

which this addendum is an ordinance. Upon such breach, Landlord shall have the right and option to pursue any remedies allowed by state and federal law.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day of _____, ~~2017~~

BY: MEDefranco M
Mary Ellen DeFranco, Mayor

and year first above written.