

BOROUGH OF SOUTH CONNELLSVILLE  
FAYETTE COUNTY, PENNSYLVANIA

ORDINANCE NO. 333

AN ORDINANCE OF THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, REQUIRING RENTAL UNIT REGISTRATIONS FOR OWNERS OF RENTAL UNITS; ESTABLISHING OWNER RESPONSIBILITIES AND DUTIES FOR RENTAL UNITS; PROVIDING FOR THE NON-RENEWAL, SUSPENSION, AND REVOCATION OF RENTAL UNIT REGISTRATIONS AND GROUNDS AND PROCEDURES THEREFOR; DESCRIBING VIOLATIONS AND PENALTIES; MAKING OWNERS JOINTLY AND SEVERALLY RESPONSIBLE; PROVIDING FOR IMMUNITY AND SEVERABILITY; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough Code affords the Borough of South Connellsville with the power to require licensing and registration and to develop a real estate registry; and

WHEREAS, the Municipalities Planning Code affords the Borough of South Connellsville with certain powers relating to the regulation of land uses; and

WHEREAS, various statutes afford the Borough of South Connellsville with certain powers to address blight and vacant and abandoned properties and other nuisance properties; and

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(4), affords the Borough of South Connellsville with the power "To prohibit and remove any nuisance or dangerous structure on public or private grounds"; and

WHEREAS, the Borough of South Connellsville has the power to enact ordinances "[t]o make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough," pursuant to the Borough Code, 8 Pa.C.S.A. § 1202(5); and

WHEREAS, the Borough of South Connellsville has the power to make and adopt all ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth as may be expedient or necessary for the proper management, care and control of the borough and its finances and the maintenance of peace, good government, safety and welfare of the borough and its trade, commerce and manufactures pursuant to the Borough Code, 8 Pa.C.S.A. § 1203.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of South Connellsville that:

**Section 1.**     Purpose and Intent.

It is the purpose of this Ordinance and the policy of the Borough of South Connellsville, 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 dwelling units in the Borough of South Connellsville 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 ordinances and codes adopted to protect and promote public health, safety and welfare. As means to those ends, this Ordinance provides for issuance and renewal of rental unit registrations; sets certain obligations and requirements for rental units, and sets penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

In considering the adoption of this Ordinance, the Borough of South Connellsville makes the following findings:

1. There is a greater incidence of violations of various codes of the Borough at residential properties where owners do not reside in the Borough and rent such property to other persons than at owner-occupied residential properties.

2. There is a greater incidence of problems with the maintenance and upkeep of residential properties where owners do not reside in the Borough and rent such property to other persons than at owner-occupied residential properties.

3. There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where owners rent to other persons than at owner-occupied residential properties.

**Section 2. Definitions.** As used in this Ordinance, the following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) **BOROUGH** — The Borough of South Connellsville, Fayette County, Pennsylvania.

(b) **CODE** — Any code or ordinance adopted, enacted, and/or in effect in and for the Borough of South Connellsville concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

(c) **CODE OFFICIAL** — The duly appointed person(s) having charge of code enforcement for the Borough of South Connellsville, and any assistants or deputies thereof.

(d) **DWELLING UNIT** — A room or group of rooms forming a single unit and used for living and sleeping purposes, having its own cooking facilities, and a bathroom with a toilet and a bathtub or shower.

(e) **LANDLORD** — One or more persons, jointly or severally, in whom is vested all or part of the legal title to a rental unit or premises, or all or part of the beneficial ownership and a right to present use and enjoyment of a rental unit or premises, including a mortgage holder in

possession of a rental unit or premises. For purposes of this Ordinance, the term “landlord” shall also mean “owner.”

(f) **MANAGER** — An adult individual designated by the owner of a rental unit under this Ordinance. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this Ordinance.

(g) **RENTAL UNIT REGISTRATION** — The license issued to the owner of one or more rental units under this Ordinance, which is required for the lawful rental, leasing, licensing, letting and occupancy of rental units.

(h) **OCCUPANT** — An individual who resides in a rental unit, whether or not he or she is the owner thereof. For purposes of this Ordinance, the term “occupant” shall also mean “tenant.”

(i) **OWNER** — One or more persons, jointly or severally, in whom is vested all or part of the legal title to a rental unit or premises, or all or part of the beneficial ownership and a right to present use and enjoyment of a rental unit or premises, including a mortgage holder in possession of a rental unit or premises.

(j) **PERSON** — A natural person, partnership, corporation, unincorporated association, limited partnership, limited liability company, trust, estate, or any other entity.

(k) **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 unit is located.

(l) **RENTAL UNIT** — A dwelling unit that an owner rents, leases, licenses, or lets to one or more occupants or tenants.

(m) **TENANT** — An individual who resides in a rental unit, whether or not he or she is the owner thereof.

### **Section 3. Owner’s Duties.**

(a) It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable codes, ordinances, and provisions of all other applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition. As provided for in this Ordinance, every owner shall be responsible for regulating the proper and lawful use and maintenance of every rental unit which he, she or it owns.

(b) Upon receiving notice of any code or ordinance violation from the code official, the owner or manager shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

(c) The owner or manager shall permit inspections of any rental unit by the code official at reasonable times upon reasonable notice.

(d) This Ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough against an owner, occupant, or guest thereof.

**Section 4. Landlord Registration.**

(a) As a prerequisite, precondition, and license to rent, lease, or license a rental unit or permitting the occupancy of any rental unit (except as provided hereinbelow), the owner of every such rental unit shall be required to register each rental unit with the Borough of South Connellsville for each calendar year during any portion of which the rental unit is rented, leased, or licensed or occupied (except as provided hereinbelow). The cost for a rental unit registration shall be based on the number of rental units belonging to such landlord at an amount to be set by ordinance or resolution of Borough Council. The initial rental unit registration fee per calendar year, or any portion thereof, shall be Fifty and 00/100 Dollars (\$50.00), without proration or refund for any partial calendar year, and for each calendar year, or any portion thereof, thereafter until amended by ordinance or resolution of the Borough Council of South Connellsville Borough. Such rental unit registration fee shall be paid on or before January 31 of each calendar year, unless a rental unit is to be first rented, leased, licensed, or occupied on a date after January 31, in which event the rental unit registration fee shall be paid before the date the rental unit is rented, leased, licensed, or occupied. Any late payment of the rental unit registration fee shall incur an additional late penalty of One Hundred and 00/100 Dollars (\$100.00), payable immediately with registration. A rental unit registration shall not be required for (i) rental units occupied by immediate family members of the owner; (ii) hotels and motels; (iii) bed and breakfasts; (iv) hospital, nursing homes, personal care homes, and assisted living facilities; and (v) such other uses identified and described under any Borough zoning ordinance that are not otherwise characterized as residential rental, leasing, or licensing.

(b) Each rental unit registration shall be and continue for a period of one calendar year (or portion thereof) unless cancelled, terminated, surrendered, or revoked.

(c) The application for the rental unit registration shall be in a form as determined by the Borough and shall include, at a minimum: (i) the address and parcel identification number (tax map number) of each property on which there is a rental unit; (ii) the number of rental units on such property and the address for each rental unit; (iii) the name of each owner and, if applicable, the manager; (iv) the address of each owner and, if applicable, the manager; (v) the telephone number of each owner and, if applicable, the manager; (vi) the email address, if applicable, of the owner and, if applicable, manager; (vii) the preferred contact method of each owner and, if applicable the manager; (viii) the printed name of the owner; and (ix) the signature of the owner, which signature shall be made pursuant to 18 Pa. C.S. Section 4904, relating to unsworn falsifications to authorities. It shall be the responsibility of the owner to provide current information to the Borough and to update any registration information relating to any rental unit registration within 15 days of any change.

(d) No rental unit registration shall be issued if the owner of a rental unit has not paid any fines and costs arising from enforcement of this Ordinance or any code or ordinance of the Borough of South Connellsville relating to land use and/or code enforcement or is subject to the denial or revocation of licenses or permits under Act 90 or any related Borough ordinance.

(e) The owner shall maintain a current list of occupants in each rental unit which shall include the occupant's name, permanent address and permanent telephone number. The owner shall furnish the list to the Borough upon request.

(f) No rental unit registration shall be transferable. Each owner of a rental unit must file a rental unit registration.

**Section 5. Non-Renewal, Suspension, or Revocation of Rental Unit Registration.**

(a) The code official may initiate disciplinary action against an owner that may result in a formal warning, non-renewal, suspension or revocation of the owner's rental unit registration, for violating any provision of this Ordinance that imposes a duty upon the owner or is subject to the denial or revocation of licenses or permits under Act 90, as amended, or any related Borough ordinance implementing Act 90, as amended.

(b) Definitions of Options to the Code Official.

(1) Formal Warning - Formal written notification of at least one violation of this Ordinance. Upon satisfactory compliance with this Ordinance and any conditions imposed by the code official and/or the Borough of South Connellsville, the formal warning shall be removed when the owner applies for rental unit registration renewal at a time set by the code official or by Borough of South Connellsville.

(2) Non-Renewal - The denial of the privilege to apply for a rental unit registration renewal after expiration of the annual license term. The Borough will permit the owner to maintain occupants in the rental unit until the end of the license term but will not accept applications for renewal of a rental unit registration until a time set by the code official or by Borough of South Connellsville such time not to exceed one year from the renewal date.

(3) Suspension - The immediate loss of the privilege to rent, lease, or license rental units for a period of time set by the code official or Borough of South Connellsville such time not to exceed one year from the date of suspension. The owner, after the expiration of the suspension period, may apply for a rental unit registration renewal without the need to show cause why the owner's privilege to apply for a rental unit registration should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

(4) Revocation - The immediate loss of the privilege to rent, lease, or license rental units for a period of time set by the code official or the Borough of South Connellsville and the loss of the privilege to apply for renewal of a rental unit registration at the expiration of the revocation period such time not to exceed one year from the date of revocation. Upon revocation

or the loss of the privilege to rent, lease, or license any rental unit, the owner shall take immediate steps to evict the occupants.

(5) Reinstatement - A rental unit registration shall be reinstated if the owner of a rental unit corrects the reason for the revocation of the rental unit registration and is compliant with Borough codes and ordinances and is not otherwise subject to the denial or revocation of licenses or permits under Act 90, as amended, or any related Borough ordinance implementing Act 90, as amended.

(6) In addition to enforcing sanctions as set forth above, the code official may recommend and Borough of South Connellsville may impose upon the existing or subsequent rental unit registrations reasonable conditions related to fulfilling the purposes of this Ordinance.

(c) Criteria for Applying Sanctions.

(1) The code official, when recommending sanctions, and the Borough of South Connellsville, when applying sanctions, shall consider the following:

- (i) The effect of the violation on the health, safety and welfare of the occupants of the rental unit and other residents of the related premises.
- (ii) The effect of the violation on the neighborhood.
- (iii) Whether the owner has prior violations of this Ordinance or other ordinances of the Borough or has received notices of violations as provided for in this Ordinance.
- (iv) Whether the owner has been subject to sanctions under this Ordinance.
- (v) The effect of sanctions against the owner on the occupants.
- (vi) The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.

(d) Grounds for Imposing Sanctions.

(1) Any of the following may subject an owner to sanctions as provided for in this Ordinance:

- (i) Failure to abate a violation of Borough code or ordinance that applies to a rental unit within the time directed by the code official or such other Borough official or representative.

- (ii) Refusal to permit the inspection of a rental unit by the code official as required by this Ordinance.
- (iii) Failure to evict occupants after having been directed to do so by the code official or the Borough as provided for in this Ordinance.
- (iv) For purposes of this Ordinance, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this section, the owner must have received notice in writing of this violation within thirty days after the code official received notice of the violation.

(e) Procedure for Non-Renewal, Suspension or Revocation of Rental unit registration and Appeal.

(1) Notification. Following a determination that grounds for non-renewal, suspension or revocation of a rental unit registration exist, the code official shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information:

- (i) The address of the premises in question and identification of the particular rental unit(s) affected.
- (ii) A description of the violation which has been found to exist.
- (iii) A statement that the owner's rental unit registration shall be either suspended or revoked, or will not be renewed for the next rental unit registration. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence, and in the case of a suspension shall also state the duration of said suspension.
- (iv) A statement that, due to the non-renewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, leasing, licensing, letting, or permitting occupancy of any rental unit subject to said enforcement action, from and during the period said action is in effect.

(2) Appeal. Any person aggrieved by the issuance of a notice of violation or order may file an appeal from that notice to the board of appeals within 10 days of the notice of the violation or order. The appeal shall set forth the factual and legal basis as to why the Borough's action against such real property, owner and/or mortgagee was unlawful. A public hearing shall be heard on the appeal within 30 days of the filing of the appeal, at which time the appellant shall present their appeal. The Borough employee, official, enforcement officer or designee responsible for the action giving rise to the appeal may make a presentation to the board of appeals. The board of appeals shall issue a decision on the appeal following the presentment of the appeal and prior

to the close of the public hearing. Any person aggrieved by any decision of the board of appeals relevant to the provisions of this Ordinance may appeal to the Fayette County Court of Common Pleas within 30 days of the decision.

(3) Delivery of Notification.

- (i) All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused", then the code official shall attempt delivery by personal service on the owner or manager, if applicable. The code official shall also post the notice at a conspicuous place on the premises.
- (ii) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at the address stated on the most current rental unit registration application for an owner's premises or rental unit, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail, and all time periods set forth above, shall thereupon be calculated from said fifth day.

**Section 6. Violations and Penalties.**

(a) Basis for Violation. It shall be unlawful for any person, as either owner or manager of a rental unit, to operate without a valid, current rental unit registration issued by the Borough authorizing such operation.

(b) Penalties.

(1) Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements hereof, or shall be in violation of an approved plan or directive of the code official or Borough shall, upon conviction thereof before a Magisterial District Judge of the Borough of South Connellsville, be liable to pay the following penalties:

- (i) First Violation - A fine of \$200.00, or thirty days imprisonment, or both;
- (ii) Second Violation - A fine of \$500.00, or sixty days imprisonment, or both;
- (iii) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.



(2) Where an eviction is not otherwise required under this Ordinance, upon conviction of a third offense, the owner of any rental unit will be required to begin eviction of the occupants of such rental unit.

(c) **Non-Exclusive Remedies.** The penalty provisions of this Ordinance and the rental unit registration non-renewal, suspension and revocation procedures provided in this Ordinance shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the Borough, whether or not such other code or ordinance is referenced in this Ordinance and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

**Section 7. Notices.**

(a) For purposes of this Ordinance, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.

(b) There shall be a rebuttable presumption that any notice required to be given to the owner under this Ordinance shall have been received by such owner if the notice was given to the owner in the manner provided by this Ordinance.

(c) A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to rental unit registration non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

**Section 8. Owners Severally Responsible.** If any rental unit is owned by more than one person, in any form of co-tenancy, joint tenancy, as a partnership, or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Ordinance, and shall be severally subject to prosecution for the violation of this Ordinance.

**Section 9. Immunity.** Any Borough officer or employee or any person authorized by the Borough to take action pursuant to this Ordinance shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this Ordinance.

**Section 10. Rules and Regulations.** The Borough Council of the Borough of South Connellsville is hereby authorized and empowered to prepare, promulgate, and enforce rules and regulations made pursuant to the provision of this Ordinance. Such rules and regulations shall have the full force and effect of law unless modified, revoked, or repealed by Borough Council. The Borough Solicitor shall be authorized to obtain information from public records for the purposes of this Ordinance and the registry created hereby.

**Section 11. Severability.** The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses, or sentences.

**Section 12. Effective Date.** This Ordinance shall become effective in ten (10) days; provided that owners shall have sixty (60) days from the date of enactment to register for the 2023 calendar year.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the Borough Council of the Borough of South Connellsville at a duly advertised public meeting held on the 13 day of February, 2023.



BOROUGH OF SOUTH CONNELLSVILLE

By: George Jay  
George Jay  
President of Council

ATTEST: (SEAL)  
Kelly Addis  
Kelly Addis  
Borough Secretary

Examined and Approved this 13 day of February, 2023.  
By: Donald Ringer  
Donald Ringer  
Mayor