

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING AND
RESTATING THE LANDLORD REGULATION ORDINANCE**

WHEREAS, the Council of the Township of O'Hara desires to provide for the health, safety and welfare of Township residents living in rental units; and

WHEREAS, the Township of O' Hara has undertaken a review of its existing Landlord Regulation Ordinance; and

WHEREAS, it has been determined that certain changes should be incorporated into said Township Landlord Regulation Ordinance by way of an amendment and restatement for the purpose of clarification and enforceability.

NOW, THEREFORE, the Township of O' Hara hereby ordains that the Landlord Regulation Ordinance of the Township is hereby amended and restated in its entirety.

IT IS HEREBY ORDAINED AND ENACTED by the Council of the Township of O'Hara, Allegheny County, Pennsylvania, as follows:

**ARTICLE I
GENERAL**

Title. These regulations shall be known as the Landlord Regulation Ordinance of the Township of O'Hara, hereinafter referred to as "this ordinance."

Scope. The provisions of this ordinance shall apply to all residential units in the Township of O'Hara which are leased, rented, or otherwise occupied by persons or entities who do not own the premises, and to all persons and/or entities which own, lease, and otherwise rent residential properties in the Township of O'Hara as specified herein. This Ordinance is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township.

Severability. If a section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE II
DEFINITIONS**

Unless otherwise expressly stated, the following terms shall, for the purposes of this ordinance, have the meanings shown in this ordinance.

Code - Any statute, ordinance, or law adopted, enacted, and/or in effect in and for the Township of O'Hara concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any Premises or Dwelling Unit.

Code Enforcement Officer - Any duly authorized representative of the Township of O'Hara, including but not limited to the Township of O'Hara Police Department and its officers, the Township of O'Hara Building Inspector, and those authorized by the Council of the Township of O'Hara to enforce the provisions contained herein.

Common Area - In Multiple Unit Dwellings, space which is not part of a Regulated Rental Unit and which is shared with other Occupants of the Dwelling whether they reside in Regulated Dwelling Units or not. Common Areas shall be considered as part of the Premises for purposes of this Ordinance.

Dwelling - A building having one or more Dwelling Units.

Dwelling Unit - A room or group of rooms within a Dwelling and forming a single unit and used for living and sleeping purposes.

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 present use and enjoyment of the Premises, including a mortgage holder in possession of a Regulated Rental Unit. (Same as Owner).

Multiple-Unit Dwelling - A building containing two (2) or more independent Dwelling Units, including, but not limited to, double houses, row houses, townhouses, condominiums, apartment houses, and conversion apartments.

Occupancy License - The License issued to the Owner of Regulated Rental units under this Ordinance, which is required for the lawful rental and occupancy of Regulated Rental Units.

Occupant - An individual who resides in a Regulated 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 written lease or by the laws of the Commonwealth of Pennsylvania.

Owner - 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 present use and enjoyment of the Premises, including a mortgage holder in possession of a Regulated Rental Unit.

Owner-Occupied Dwelling Unit - A Dwelling Unit in which the Owner resides on a regular, permanent basis.

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

Premises - Any parcel or real property in the Township, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more Regulated Rental Units is located.

Regulated Rental Unit - A Dwelling Unit occupied or intended to be occupied by any Person under a Rental Agreement.

Rental Agreement - A written agreement between Owner/Landlord and Occupant/Tenant embodying the terms and conditions concerning the use and occupancy of a specified Regulated Rental Unit or Premises.

Tenant - An individual who resides in a Regulated 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 written lease or by the laws of the Commonwealth of Pennsylvania. (Same as Occupant).

Terms Not Defined - Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Township - The Township of O'Hara.

Nonregulated Nonowner Occupied Unit - a dwelling occupied by immediate family member(s) of the owner(s), i.e. parent, child, siblings, in which no money exchanges hands for the purpose of such occupancy.

**ARTICLE III
OWNER'S DUTIES**

301.1 Owner's Duties - It shall be the duty of every Owner to keep and maintain all Regulated Rental Units in compliance with all applicable Codes and provisions of all other applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition.

The Owner shall maintain the Premises in compliance with the applicable Codes of the Township (including but not limited to those set forth in the Appendix to this Ordinance), Allegheny County, and the Commonwealth of Pennsylvania, and shall regularly perform all routine maintenance and make any and all repairs necessary to fulfill this obligation.

The Owner shall reply promptly to reasonable complaints and inquiries from Occupants, and the Owner shall comply with all provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.

The Owner shall provide to the Township the contact information for the person(s) or entities responsible for the management of the Premises.

301.2 Written Rental Agreement - All Rental Agreements for Regulated Rental Units shall be in writing. The Owner shall provide to the Tenant at the time the Rental Agreement is agreed to or executed a copy of this Ordinance and Appendix. The Owner shall provide occupant with copies of the Rental Agreement upon execution.

Except as otherwise provided by this Ordinance, no Rental Agreement may provide that the Occupant or Owner agrees to waive or to forego rights or remedies under this Ordinance. A provision prohibited by this ordinance and included in a Rental Agreement shall be unenforceable.

301.3 Enforcement - Within ten (10) days after receipt of written notice from the Code Enforcement Officer that the Owner and/or an Occupant of a Regulated Rental Unit has violated a provision of this Ordinance, including but not limited to those specified in the Appendix to this Ordinance, or any other applicable statute, ordinance, or code of the Commonwealth of Pennsylvania, Allegheny County, or Township of O'Hara, the Owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

Within ten (10) days if requested by the Code Enforcement Officer after receipt of a notice of violation, the Owner shall file with the Code Enforcement Officer a report, setting forth what action the Owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the Owner will take in the future if the violation recurs.

The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address the future violations, shall approve the plan. The Owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation of this Ordinance.

Upon receiving notice of any code violation 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.

301.4 Township Can Make Repairs - In the event the Owner of Premises shall neglect, fail or refuse to comply with any notice from the Township or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the Premises under any Code (including but not limited to those specified in the Appendix to this Ordinance) within the period of time stated in such notice, the Township may cause the violation to be corrected. There shall be imposed upon the Owner a charge of the actual costs involved, plus ten percent (10%). The Owner of the Premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the Premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the Township and its Code Enforcement Officer may invoke such other remedies available under this Ordinance or other applicable codes, ordinances or statues, including, where appropriate, condemnation proceedings or declaration of Premises as unfit for habitation; or suspension, revocation, or non-renewal of the License issued hereunder.

301.5 Inspection Of Premises - The Owner shall permit inspections of any Premises by the Code Enforcement Officer at his discretion, or at minimum once every two years. The Code Enforcement Officer is required to provide written notice a minimum of (7) seven days in advance of the inspection date.

The Code Enforcement Officer is hereby designated as the official authorized to enforce this Ordinance and to take appropriate measures to abate violations herein, for and on behalf of the Township of O'Hara. The Police will also have the authority to enforce this Ordinance and take appropriate action to abate violations.

This section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspections of Premises, whether or not subject to the permitting and inspection requirements of this Ordinance or pursuant to any other ordinance or Code.

**ARTICLE IV
LICENSING REQUIREMENTS**

401.1 License Requirement - As a prerequisite to entering into a Rental Agreement or permitting the occupancy of any Regulated Rental Unit (except as provided in this section), the Owner of every such Regulated Rental Unit shall be required to apply for and obtain a License for each Regulated Rental Unit.

A License shall be required for all Regulated Rental Units.

The following categories of rental properties shall not require Licenses, and shall not, therefore, be subject to the permitting provision of this Ordinance: (a) senior citizen retirement and assisted living facilities duly licensed and complying with the laws and regulations of the Commonwealth of Pennsylvania with respect to such facilities; (b) convents and parish houses; (c) dormitory housing provided by educational institutions; (d) housing provided by volunteer fire companies to its members; (e) group homes providing medical and related care for persons with disabilities; (f) a nonregulated nonowner occupied unit as defined in this ordinance.

The application for the License shall be in a form as determined by the Township.

The Owner shall maintain a current list of Occupants in each Regulated Dwelling Unit which shall include their name, permanent address and permanent telephone number. The Owner shall furnish the list to the Township upon request and shall notify the Township of any changes in the number of Occupants so that revisions can be made to the License.

401.2 Biannual License Term, Fee and Occupancy Limit - Each License shall have a biannual term running from the date the application is approved by the Township of O'Hara. Upon application for a License and prior to the issuance or renewal thereof, each applicant shall pay to the Township a biannual License and inspection fee, in an amount to be established from time to time by resolution of the Township Council. Such resolution may provide for more than one fee scale for different categories of Premises, to be more specifically set forth in the resolution.

The License shall indicate thereon, the maximum number of Occupants in each Regulated Rental Unit.

No License shall be issued if the Owner has not paid any fines and costs arising from enforcement of this Ordinance or any of the ordinances of the Township of O'Hara relating to land use and/or code enforcement, has failed to remedy the violations identified by the Code Enforcement during the inspection of the Premises, or if any licensing fees under this Ordinance are due and owing to the Township.

**ARTICLE V
VIOLATIONS AND PENALTIES**

501.1 Basis for Violation - It shall be unlawful for any Person, as Owner of a Regulated Rental Unit for which a License is required, to operate without a valid, current License issued by the Township authorizing such operation. It shall also be unlawful for any Owner to allow the number of Occupants of a Regulated Rental Unit to exceed the maximum limit as set forth on the license, or to violate any other provision of this Ordinance. It shall be unlawful for any occupant to violate this ordinance.

501.2 Penalties - Any violation of this Ordinance shall constitute a summary offense punishable, upon conviction thereof by a district justice, by a fine not to exceed Five Hundred Dollars (\$500.00) plus costs. Each day of violation shall constitute a separate and distinct offense.

501.3 Non-exclusive Remedies - The penalty provisions of this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Township as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures in this Ordinance for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Township in the case of a violation of any other Code or ordinance of the Township, whether or not such other Code or ordinance is references 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.

**ARTICLE VI
MISCELLANEOUS PROVISIONS**

601.1 Changes in Ownership Occupancy - It shall be the duty of each Owner of a Regulated Dwelling Unit to notify the Code Enforcement Officer in writing of any change in Ownership of the Premises or of the number of Regulated Rental Units on the Premises. It shall also be the duty of the Owner to notify the Code Enforcement Officer in writing of the changing of a Dwelling Unit from Owner-Occupied to non-Owner-Occupied, which thereby transforms the Dwelling into a Regulated Rental Unit for purposes of this Ordinance.

601.2 Owner Severally Responsible - If any Regulated Rental Unit is owned by more than one Person, in any form of 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.

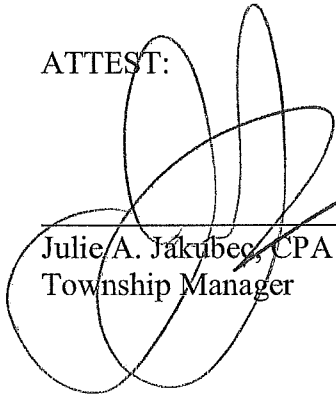
**ARTICLE VII
OTHER ORDINANCES AND RIGHTS**

701.1 Other ordinances In the event of conflicts, this Ordinance shall take precedence over all ordinances of parts of ordinances.

701.2 Rights Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

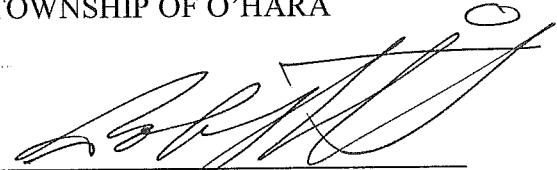
ORDAINED AND ENACTED INTO LAW this 14th day of September, 2010 by Township of O'Hara Council vote of 6 to 0.

ATTEST:



Julie A. Jakubec, CPA
Township Manager

TOWNSHIP OF O'HARA



Robert John Smith
President of Council



First Reading	<u>Kozera, Sr. – Vogel</u>	<u>7 – 0</u>	<u>07/13/2010</u>
Public Hearing	<u>09/14/2010</u>		
Second Reading			
And Adoption	<u>Denny, Jr. - Templin</u>	<u>6 – 0</u>	<u>09/14/2010</u>
Advertised	<u>09/23/2010</u>	Codified	_____

