

CITY OF UNIONTOWN
FAYETTE COUNTY, PENNSYLVANIA

ORDINANCE NO. 1725

AN ORDINANCE OF THE CITY OF UNIONTOWN, FAYETTE COUNTY, PENNSYLVANIA, REQUIRING LANDLORD LICENSES FOR OWNERS OF RENTAL UNITS; ESTABLISHING OWNER RESPONSIBILITIES AND DUTIES FOR RENTAL UNITS; ENABLING THE CITY TO MAKE REPAIRS AND MAINTENANCE ON RENTAL UNITS; PROVIDING FOR THE NON-RENEWAL, SUSPENSION, AND REVOCATION OF LANDLORD LICENSES 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 Third Class City Code affords the City of Uniontown with the power to require licensing and registration and to develop a real estate registry; and

WHEREAS, the Municipalities Planning Code affords the City of Uniontown with certain powers relating to the regulation of land uses; and

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

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Uniontown with the power "to prohibit and abate nuisances;" and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Uniontown with the power "to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs;"

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of the City of Uniontown that:

Section 1. Purpose and Intent.

It is the purpose of this Ordinance and the policy of the City of Uniontown, 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 City of Uniontown 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 City 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 landlord licenses; 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 City of Uniontown makes the following findings:

1. There is a greater incidence of violations of various codes of the City at residential properties where owners do not reside in the City 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 City 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) CITY — The City of Uniontown, Fayette County, Pennsylvania.

(b) CODE — Any code or ordinance adopted, enacted, and/or in effect in and for the City of Uniontown 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 City of Uniontown, 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) **LANDLORD LICENSE** — 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 City, 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) Every owner of a rental unit who is not a full-time resident of the City of Uniontown, or elsewhere in an area that is not within a twenty-five (25) mile radius of the City of Uniontown, shall designate a manager who shall reside in an area that is within a twenty-five (25) mile radius of the City of Uniontown. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside within the aforesaid area. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside within the aforesaid area. Said partner shall perform the same function as a manager. The manager 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 Ordinance. The identity, address and telephone number(s) of a person who is designated as manager hereunder shall be provided by the owner or manager to the City, and such information shall be kept current and updated as it changes.

(c) 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.

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

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

Section 4. City Authority to Perform Maintenance and Repairs.

In case the owner of a rental unit or related premises shall neglect, fail or refuse to comply with any notice from the City or its code official to correct a violation relating to maintenance and repair of the premises under any code or ordinance within the period of time stated in such notice, and no appeal of such notice is taken therefrom, the City 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%) of said costs for each time the City shall cause a violation to be corrected; and the owner of the rental unit or related 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 rental unit or related 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 City and its code official may invoke such other remedies available under this Ordinance or other applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of a rental unit or premises as unfit for habitation; or suspension, revocation, or non-renewal of any license issued hereunder or otherwise by the City.

Section 5. Landlord Licenses.

(a) As a prerequisite to renting, leasing, or licensing 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 apply for and obtain a landlord license. The cost for a landlord license shall be for each premises upon which any rental unit is located in an amount to be set by ordinance or resolution of City Council. A landlord license 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 the City's zoning ordinance that are not otherwise characterized as residential rental, leasing, or licensing.

(b) Each landlord license shall have an annual term beginning on the date of issuance and continuing for a period of one year unless cancelled, terminated, surrendered, or revoked.

(c) The application for the landlord license shall be in a form as determined by the City.

(d) No landlord license 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 City of Uniontown 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 City 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 City upon request.

Section 6. Non-Renewal, Suspension, or Revocation of Landlord License.

(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 landlord license, 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 City 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 City of Uniontown, the formal warning shall be removed when the owner applies for landlord license renewal at a time set by the code official or by City of Uniontown.

(2) Non-Renewal - The denial of the privilege to apply for a landlord license renewal after expiration of the annual license term. The City 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 landlord license until a time set by the code official or by City of Uniontown 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 City of Uniontown 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 landlord license renewal without the need to show cause why the owner's privilege to apply for a landlord license 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 City of Uniontown and the loss of

the privilege to apply for renewal of a landlord license 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 landlord license shall be reinstated if the owner of a rental unit corrects the reason for the revocation of the landlord license and is compliant with City 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 City ordinance implementing Act 90, as amended.

(6) In addition to enforcing sanctions as set forth above, the code official may recommend and City of Uniontown may impose upon the existing or subsequent landlord licenses reasonable conditions related to fulfilling the purposes of this Ordinance.

(c) Criteria for Applying Sanctions.

(1) The code official, when recommending sanctions, and the City of Uniontown, 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 City 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 City code or ordinance that applies to a rental unit within the time directed by the code official or such other City 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 City 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 Landlord License and Appeal.

(1) Notification. Following a determination that grounds for non-renewal, suspension or revocation of a landlord license 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 landlord license shall be either suspended or revoked, or will not be renewed for the next landlord license. 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 City'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 City 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 landlord license 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 7. 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 landlord license issued by the City 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 City shall, upon conviction thereof before a Magisterial District Judge of the City of Uniontown, 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 landlord license 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 City 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 City in the case of a violation of any other code or ordinance of the City, 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 8. 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 landlord license 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 City officer or employee or any person authorized by the City 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 City Council of the City of Uniontown 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 City Council.

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.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Uniontown at a duly advertised public meeting held on the 5th day of November, 2020.

CITY OF UNIONTOWN

By: William T. Gerke
William T. Gerke
Mayor and President of Council

ATTEST: (SEAL)

Kim Marshall
Kim Marshall
City Clerk