

**BOROUGH OF POINT MARION
FAYETTE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ of 2022

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES AND THE LICENSING OF RENTAL UNITS WITHIN THE BOROUGH.

WHEREAS, through the Pennsylvania Borough Code as amended, Boroughs are authorized to adopt all or any portion of standard recognized codes as an ordinance of the Borough; and;

WHEREAS, the Point Marion Borough, Fayette County, Pennsylvania, wishes to set forth the Rule regulating the registration of rental units within the Borough and;

WHEREAS, the Borough Council of Point Marion, Fayette County, Pennsylvania wishes to regulate this activity, and;

WHEREAS, the Borough does heretofore enact the following:

NOW THEREFORE, BE IT ENACTED and ORDAINED and it is hereby ENACTED and ORDAINED by the Borough Council of The Borough of Point Marion as follows:

I. RENTAL UNIT REGISTRATION

A. **DEFINITIONS** As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

1) **BUSINESS UNIT** A parcel of real estate, with or without improvements located thereon and utilized by any person or persons for any commercial activity or purpose.

2) **DWELLING UNIT** One or more rooms used for living and sleeping purposes arranged for occupancy by one family or by one or more persons.

3) **LANDLORD** A lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Borough of Point Marion, or a lessor, or person who acts as agent for the lessor, of any improvements on real estate or any building located in the Borough.

4) **PERSON** Any individual, partnership, association, firm or corporation.

5) **TENANT** A person who has the use, either by himself or with others, of a dwelling unit or a business unit owned by a person other than himself, for a period exceeding 30 days.

B. **Reports by Landlords.** This section is enacted to provide for the uniform and equitable distribution of the tax levies in the Borough of Point Marion and upon the inhabitants thereof and to

promote the health, safety, morals and general welfare of the inhabitants of the Borough.

1. Within 30 days from the effective date of this Part, each landlord shall submit to the Borough Secretary, a report form supplied by the Borough Secretary, which includes the following information:

2. List of the dwelling units and business units owned by the landlord, located within the Borough limits, whether occupied or not occupied.

3. Address of each dwelling unit and business unit.

4. Brief description of each dwelling unit or business unit.

5. Whether or not said dwelling unit or business unit is inhabited or utilized by tenants.

6. Names of the tenant or tenants utilizing the aforementioned dwelling unit or business unit, if any.

7. Tax ID No. for the County of Fayette.

C. Reports by Persons Upon Becoming Landlords. After the effective date of this Part, any person who becomes a landlord of any parcel of real estate or any improvement on real estate or building located in the Borough by agreement of sale, by deed, or by any other means, shall, within 30 days thereafter, report to the Borough Secretary the information and data set forth in above, and on forms to be provided by the Borough Secretary.

D. Reports of Changes in Use or Occupancy. After the effective date of this Part, each and every landlord of property within the Borough of Point Marion shall report to the Borough Secretary on a report form to be supplied by the Borough Secretary, any change in the use or occupancy of any dwelling unit or business unit owned by such landlord. The reported change shall include the name or names of new tenants of such dwelling unit or business unit, the date when such change was effected, and the forwarding address of the old tenant or tenants if known. A landlord of a hotel, inn or boarding house shall not be required to report a person as a "tenant" until that person has resided in such landlord's establishment for a period exceeding 30 days. In the event that a dwelling unit or business unit was used or utilized by a tenant and then becomes vacant, this change shall also be reported to the Borough Secretary. All reports required by this section shall be made within 10 days after a landlord has knowledge that such a unit has had a change in occupancy or has become vacant.

E. Duties of the Borough Secretary.

1. The Borough Secretary, under the authority of this Part, shall:

2. Maintain on file at the Borough office, the names of the landlords owning dwelling units and business units in the Borough, said list to include the names of the current tenants of said dwelling units and business units.

3. Maintain on file at the Borough office, the names of the landlords owning dwelling units and business units in the Borough, said list to include the names of the current tenants of said dwelling units and business units.

4. Maintain a supply of forms for landlords to use in making reports to the Borough Secretary as required by of this Part.

5. Notify the Chief of Police and the Fire Chief of the Borough of the address and description of any dwelling unit or business unit that is vacant, unoccupied and not in use.

F. Penalties. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

II. RENTAL REGISTRATION FEES

A. Purpose. This article is enacted to provide the uniform and equitable distribution of the tax levies in the Borough of Point Marion and to provide the Borough with the means to adequately enforce the within Ordinance.

B. Registration of Units The owner(s) or manager of any property used as a rental unit or containing a rental unit shall register annually said property and all rental units with the Borough secretary on a form provided by the borough. Rental registration fees for properties/units shall be established by borough council from time to time by resolution. With each annual registration the applicant shall pay a registration fee according to the following registration type:

- | | |
|--|------------|
| 1. Rooming/Boarding House, Dormitory, Hotel | - \$100.00 |
| 2. Multi-Family Dwelling: 3 or more units | - \$100.00 |
| 3. Transient Dwelling: verbal leases or leases
of less than one month | - \$100.00 |
| 4. Single and Double Units | - \$50.00 |

C. Collection of fees. The above fees shall be collected in January of each year with said fees being due within thirty (30) days for already existing rentals.

D. Reports by person upon becoming landlords. After the effective date of this article, any person who becomes a landlord shall, within 30 days thereafter, report to the Borough Secretary the information and data set forth above, and on forms to be provided by the Borough Secretary.

E. Reports of changes in use or occupancy. After the effective date of this article, each and every landlord of property within the Borough shall report to the Borough Secretary, on a form to be supplied by the Borough Secretary, any change in the occupancy of any dwelling unit or business unit owned by such landlord. The reported change shall include the name or names of all tenants of such dwelling unit or business unit, the date when such changes were effected, and the forwarding address of the previous tenant or tenants, if known. The report shall also contain the name and address of tenant's employer, if known. In the event that a dwelling unit or business unit was used or utilized by a tenant and then becomes vacant, this change shall also be reported to the Borough Secretary. All reports required by this section shall be made within 30 days after a landlord has knowledge that such a unit has had a change in use or occupancy or has become vacant.

G. Insurance or performance bond. All landlords are required to carry proper fire and/or casualty insurance on the property, or, in lieu of maintaining proper fire and/or casualty insurance, the landlord shall purchase a performance bond in the amount of \$10,000 with the Borough listed as loss payee and/or beneficiary for purposes of demolition and/or remediation of the property should an event occur causing damage.

H. Penalties. Any person who shall violate any provision of this article, including failure to file required reports, filing inaccurate, untimely or incomplete reports or fails to apply for a permit or renewal thereof or rents said property or any unit therein without first obtaining the required registration, or fails to schedule any inspection required by this article, or commits any other violation of this article, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300. For the purpose of this article, each day a person is in violation of any provision of this article shall be considered a separate offense.

ENACTED and ORDAINED this the _____ day of _____, 2022, by the Council of The Borough of Point Marion, Fayette County, Pennsylvania.

Joseph Corcoran, President

Carl Ables, Mayor

ATTEST:

Secretary