

CHAPTER 4

BUILDINGS

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PART I**REGULATION OF DANGEROUS BUILDINGS AND STRUCTURES****SECTION 4-101. Building construction and examination and report by Building Inspector.**

Whenever it shall be reported to the Building Inspector that any structure completed or in the process of construction or any portion thereof is in a dangerous condition, the Building Inspector shall immediately cause an investigation and examination to be made of such structure. If such investigation or examination indicates that such structure is dangerous in any respect, the Building Inspector shall report in writing to the Mayor and to the Council, specifying the exact condition of such structure, setting forth in such report whether and in what respect he or she considers such structure to be dangerous and, if so, whether such structure is, in his or her opinion, capable of being properly repaired or whether it should be removed as a dangerous structure.

(Ord. 361, 01/02/2001, §4)

SECTION 4-102. Notice to owner.

1. If any structure is reported by the Building Inspector, as provided in the first section of this Ordinance, to be in a dangerous condition, the Mayor shall forthwith cause written notice to be served upon the owner of the structure. Such notice shall require the owner of such structure to commence the repair and removal of such building within ten (10) days of such notice and to complete such repair or removal within thirty (30) days thereof; provided, however, that in any case where the notice prescribed the repair of any structure, the owner thereof shall have the option to remove such structure instead of making the repairs thereto within the said time limit.

2. The notice required by Section 4-102(1) hereinabove shall be served personally upon the owner of a structure, if such owner resides in the Borough, or upon the agent of such owner, if such agent has a residence or place of business within the Borough. If neither the owner nor the agent thereof can be served within the Borough as hereby provided, such notice shall be sent to the owner of such structure by registered mail, at the last known address thereof and a copy of said notice shall be posted on a prominent part of the structure.

(Ord. 361, 01/02/2001, §4)

SECTION 4-103. Violations and penalties.

Any owner of any dangerous structure to whom a notice to repair or to remove such structure shall be sent under the provisions of this Chapter and who fails to complete such repair or removal within the time limit prescribed by such notice, shall be guilty of a violation of this chapter and, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, or to imprisonment for up to thirty (30) days. Each day that such violation continues shall constitute a separate offense. In addition, the Borough shall be entitled to all available relief and remedies authorized under the Pennsylvania Borough Code, 53 P.S. § 45101, *et seq.* (the “Borough Code”).

(*Ord. 361, 01/02/2001, §4*)

SECTION 4-104. Repair or removal by Borough.

If the owner of any dangerous structure to whom a notice to repair or to remove such structure shall be sent under the provisions of this Chapter fails to commence or to complete such repair or removal within the time limit prescribed by such notice, the Mayor shall be empowered to cause such work of repair or removal to be commenced and/or completed by the Borough, and the cost and expense thereof, with a penalty of ten percent (10%) shall be collected from the owner of such structure in the manner provided by law, provided that the recovery of such cost and expense, together with the penalty, may be in addition to the penalty imposed as provided in Section 4-103, hereinabove.

(*Ord. 361, 01/02/2001, §4*)

PART II**LANDLORD-TENANT REGULATIONS****SECTION 4-201. Tenant Registration - Submission of Names and Addresses and Registration Required.**

All owners/landlords, rental agents and real estate brokers, including but not limited to those involving apartments, office buildings, hotels, motels, merchandise marts and convention centers, collecting rentals and/or fees from tenants for all use, including temporary use, of commercial and/or residential space within the Borough of Harmony shall, as of July 1, 2004, notify the Borough in writing by submitting the addresses and number of units in addition to names and addresses of all current tenants.

(Ord. 369, 05/04/2004, §1)

SECTION 4-202. Information required on vacating and new tenants; time limit.

(a) All owners/landlords, rental agents and real estate brokers, including but not limited to those involving apartments, office buildings, hotels, motels, merchandise marts and convention centers, collecting rentals and/or fees from tenants for all use, including temporary use, of commercial and/or residential space within the Borough shall, as of July 1, 2004, notify the Borough in writing by submitting the names and addresses of all tenants vacating the premises and also the new names and addresses of tenants moving into the premises within thirty (30) days of either the vacating of the premises or the new rental of a premises, as well as complying with the remaining provisions of this section.

(b) No person shall operate a multiple dwelling, leased dwelling, rooming house or dormitory unless he holds a current unsuspending rental unit license issued by the borough in his name for the specific named multiple dwelling, leased dwelling, rooming house or dormitory.

(c) The Borough Secretary or designated agent upon application shall issue new rental unit licenses, and renewals thereof, in the names of applicant, owners or operators of multiple dwellings, leased dwellings, rooming houses and dormitories. No such licenses shall be issued unless the multiple dwellings, leased dwelling, rooming houses or dormitories in connection with which the license is sought are found, after inspection, to meet all requirements of this article, any safety standards listed in Attachment A, and applicable rules and regulations.

(d) No rental unit license shall be issued or renewed unless the applicant, owner or operator has first made application therefore on an application form provided by the Borough

Manager or his designated agent. The Borough Manager or designated agent shall develop such forms and make them available to the public.

(e) No rental unit license shall be issued or renewed unless the applicant, owner or operator agrees in his application to an inspection as the Borough Secretary or designated agent may require to determine whether the multiple dwelling, leased dwelling, rooming house or dormitory in connection with which such license is sought is in compliance with the provisions of this article and with applicable rules and regulations. The license applicant, owner or operator shall be notified in advance of the time and date of all inspections.

(f) No rental unit license shall be issued or renewed unless the completed application form is accompanied by payment of the license fee. Harmony Borough Council shall set the fees for the rental unit license, which shall be valid for one year, by resolution, at the time that said Council shall enact its annual budget ordinance. If Harmony Borough Council shall not set a fee regulated by this article at the time that it enacts its annual budget ordinance, then in such case, the fees which were in effect for the preceding year and not changed, shall remain in effect for the subsequent year.

(g) No rental unit license shall be issued or renewed for an applicant unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this article and for service of process pursuant to this article, when said applicant is absent from this Borough of Harmony for 30 or more days. Such a designation shall be made in writing, and shall accompany each application form. The applicant may designate any person residing within 25 miles of the borough as agent for this purpose.

(h) Each rental unit license shall be made available by the owner or operator for inspection upon request. The license shall be transferable to another person, but not to another multiple dwelling, leased dwelling, rooming house or dormitory. Every person holding a rental unit license shall give notice, in writing, to the Borough or designated agent within seven days after having transferred or otherwise disposed of the legal control of any licensed multiple dwelling, leased dwelling, rooming house or dormitory. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such multiple dwelling, leased dwelling, rooming house or dormitory.

(i) Every owner or operator of a licensed multiple dwelling, leased dwelling, rooming house or dormitory shall keep, or cause to be kept, a complete and accurate list of all occupants of said units. Such records shall be made available by the owner or operator to the Borough or designated agent for inspection and copying upon request.

(j) Whenever, upon inspection of the licensed multiple dwelling, leased dwelling, rooming house or dormitory, the Borough or designated agent finds that conditions or practices exist which are in violation of the provision of this article or of any applicable rules and regulations or ordinances pursuant thereto, he shall serve the owner or operator with notice of such violation. Notice means written notice, given by personal service upon the addressee, or given by United States mail, postage prepaid, addressed to the person to be

notified at his last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of United State Postal Service. Such notice shall state that unless the violations cited are corrected within a period not to exceed 30 calendar days, a citation will be issued.

(k) At the end of the time he has allowed for correction of any violation cited, the Borough Manager or designated agent shall reinspect the multiple dwelling, leased dwelling, rooming house or dormitory, and if he determines that such conditions have not been corrected, he shall issue a citation.

(l) The owner or operator of any rental unit shall not evict or cause the tenant to suffer any financial loss because of a tenant complaint about a possible violation of any property maintenance code requirement. This shall not prohibit the owner or operator from evicting the tenant for reasons unrelated to the complaint specified above.

(Ord. 369, 05/04/2004, §1)

SECTION 4-203. Violations and penalties.

(a) Any owner/landlord, rental agent or real estate broker, including but not limited to those involving apartments, office buildings, hotels, motels, merchandise marts and convention centers, failing to comply with the requirements of this chapter shall, for such failure, be subject to a fine of three hundred dollars (\$300.00) for each rental unit name and address that he or she fails to file in writing with the Borough of Harmony. Each offense shall be considered a separate offense and shall be subject to a separate fine. Each separate offense shall be a continuous offense only for the month in which the landlord, rental agent or real estate broker fails to report the change in tenancy; however, an offense which continues for more than one (1) month shall be considered a separate offense for each month that the landlord continues to fail to report the rental unit names and addresses as required herein in writing to the Borough. The provisions of this article, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this article, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this article shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

(b) In addition to and not in lieu of the penalties provided in subsection (a) above, the Zoning Officer may suspend or revoke any license issued to any licensee if:

1. The application for the license contains false information;
2. The licensee shall have violated any provision of any borough ordinances; or
3. Failure to correct any of the violations within a three-day period after notice of the violation has been sent to the licensee via registered mail.

(c) An appeal from any suspension or revocation may be made to the Borough Council at any time within 10 days. The appeal must be presented in writing. The Borough Council will give their decision to the party making the appeal within 45 days after Council's receipt of the written appeal.

(Ord. 369, 05/04/2004, §1)