

**BANGOR BOROUGH  
ORDINANCE NO. 959**

**LICENSING RESIDENTIAL RENTAL UNITS**

WHEREAS, as a result of extensive discussions by the Borough Council it has been determined that amendments to the Licensing Residential Rental Units Ordinance are in the best interest of the citizens.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Borough Council of the Borough of Bangor as follows:

**The purpose of this ordinance and the policy of the Borough of Bangor shall be to protect and promote the public health, safety and welfare to its citizens, to establish rights and obligations of owners and occupants to maintain and improve the quality of rental housing within the community. As a means of these end, this ordinance provides for a systematic inspection program, registration and licensing of Residential Rental Units, and penalties.**

**Section One** – Findings

**Section Two** – Definitions

**Section Three** – Inspections

**Section Four** – Duties of Owner and Occupant

**Section Five** – Residential Rental Registration

**Section Six** – Residential Rental License

**Section Seven** – Sale or Transfer of Residential Rental Units

**Section Eight** – Appeals of Revocation of Registration or License

**Section Nine** – Disruptive Conduct Board of Appeals Organization and Powers

**Section Ten** – Fees; Violations and Penalties

**Section Eleven** – Repealer

**Section Twelve** – Severability

**Section Thirteen** – Effective Date

**SECTION ONE:** Findings, in considering the adoption of this ordinance, the Borough makes the following findings:

- A. There is a growing concern in the community with the general decline in the physical condition of residential rental units;
- B. Borough records indicate there is a great incidence of problems with the maintenance and upkeep of residential properties which are not owner-occupied as compared to those that are owner-occupied;
- C. Borough records indicate there are a great number of disturbances at residential rental units than all other properties combined; and
- D. Borough records indicate that violations of the various codes are generally less severe at owner-occupied units as compared to residential rental units.

**SECTION TWO:**

**DEFINITIONS:** the following definitions shall be used in the context of this Ordinance.

**BUILDING OFFICIAL**

The official designated by the Borough to enforce building, zoning or similar laws and this Ordinance.

**CODES**

Any state or local code or ordinance adopted, enacted or in effect in and for the Borough of Bangor including, but not limited to, International Residential Building Code, International Building Code, International Mechanical Code, International Plumbing Code, International Fire Code, International Property Maintenance Code, Zoning Ordinance, Solid Waste Ordinance, Residential Recycling Ordinance, and general nuisance ordinances.

**DISRUPTIVE CONDUCT**

Any form of conduct, action, incident, or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or cause damage to said premises such that a report is made to a police officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident, or behavior constitutes a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless a police officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

**DISRUPTIVE CONDUCT REPORT**

A report of disruptive conduct on a form to be prescribed thereof, to be completed by a police officer who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Borough.

## HOTEL UNIT

Any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living or sleeping only on a transient basis for a period of less than thirty (30) days.

## RESIDENTIAL RENTAL LICENSE, ALSO LICENSE

A document issued by the Borough of Bangor to the owner, operator, responsible agent or manager of a residential rental unit upon correction of all applicable code violations granting permission to operate a residential rental unit in the Borough of Bangor. Such license is required for lawful rental and occupancy of residential rental units under this Ordinance, unless a Building Official has not inspected the unit or violations of the applicable codes are being corrected and the unit operates under a Residential Rental Registration, or the residential rental unit is exempt from the license provisions of this Ordinance.

## RESIDENTIAL RENTAL REGISTRATION, ALSO REGISTRATION

The document issued annually for a fee by the Borough of Bangor to the owner, operator, responsible agent or manager of a residential rental unit evidencing the existence of said residential rental unit. This registration shall be required until the Building Official inspects the unit and issues a Residential Rental License. A Residential Rental Registration shall be required for lawful rental and occupancy of residential rental units under this Ordinance, unless a Building Official has inspected the residential unit and has issued a Residential Rental License or the residential rental unit is exempt from the registration provisions of this Ordinance. This registration does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way.

## RESIDENTIAL RENTAL UNIT

A rooming unit or a dwelling unit let for rent, or any other than owner-occupied residential unit. A residential rental unit shall not include a Hotel Unit. A residential rental unit includes dwelling units under lease-purchase agreements, or long-term (greater than six months) agreements of sale.

## **SECTION THREE: Inspections.**

- A. The Building Official shall make or cause to be made inspections to determine the conditions of the interior and exterior, and compliance with applicable Codes, of all structures and premises in order to safeguard the health, safety and welfare of the public under the provisions of this Ordinance. The Building Official, after reasonable notice, is authorized to enter any structure or premises at any reasonable time for the purpose of performing his/her duties under this Ordinance. The owner, occupant or operator of every structure or premises or the person in charge thereof, shall give the Building Official free access thereto for the purpose of such inspection, examination and survey.
- B. If any owner, occupant or other person in charge of a structure subject to the provisions of this Ordinance refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Ordinance is sought, the administrative authority shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable cause to conduct

an inspection. For the purposes of this section, a reasonable or probable cause to gain access and inspect shall include, without being limited to, the following:

- (1) That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the Borough; or
- (2) That the Building Official after investigation has knowledge, information or a reasonable belief that a violation of this Ordinance or other Codes and the ordinances of the Borough exists; or
- (3) That such entry is for the purpose of re-inspecting a previous notice of violations; or
- (4) That the Building Official has received a substantiated complaint concerning a violation on or within the premises; or
- (5) That such entry is necessary to determine if the building, structure, premises or dwelling units meets Codes standards and is safe for habitation.

#### **SECTION FOUR: Duties of Owner and Occupant.**

##### **A. Owner's Duties:**

- (1) It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all Residential Rental Units in compliance with all applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate Disruptive Conduct in such Residential Rental Units.
- (2) It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any Residential Rental Unit within the Borough of Bangor without having a Residential Rental Registration (Registration) or a Residential Rental License (License), as required by this Ordinance.
- (3) The owner, operator, responsible agent or manager shall include the amendment attached hereto as the Addendum to Residential Rental Agreement in each lease of a Residential Rental Unit. Said amendment is hereby considered to be a part of every lease of a Residential Rental Unit in the Borough of Bangor.
- (4) It shall be the responsibility of every owner, operator, responsible agent or manager to display the Registration or License in the Residential Rental Unit. The Registration or License shall include the following information:

- (a) The name, mailing address and telephone number of the owner, operator, responsible agent or manager;
  - (b) The evenings on which garbage and recycling are to be placed curbside for collection;
  - (c) The telephone number to call to register complaints regarding the physical condition of the Residential Rental Unit;
  - (d) The telephone number for emergency police, fire, and medical services;
  - (e) The date of expiration of the Registration or License; and
  - (f) A summary of the owner's and occupant's duties under this Article.
- (5) It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the Residential Rental Units under his/her control in compliance with the provisions of this Ordinance, Codes and applicable state laws.
- (6) No Registration or License shall be issued to any Residential Rental Unit owned or operated by a person residing outside the County of Northampton unless there is provided to the Borough of Bangor the name, mailing address, and telephone number of a designated responsible agent residing or working within the County of Northampton, authorized to accept service of process on behalf of the legal owner of said Residential Rental Unit. For the purpose of this section, a post office number is not acceptable for the responsible agent's address. This designation shall not be valid unless signed by the owner\operator and the responsible agent designated to act on behalf of the absentee owner\operator. The absentee owner\operator shall be required to notify the Borough of Bangor within thirty (30) days of any change in responsible agent.
- (7) Owners or operators residing outside the County of Northampton but within a ten-mile radius of the Borough of Bangor and meeting the following criteria shall be exempt from naming a designated responsible agent:
- (a) No cases of three Disruptive Conduct complaints within a twelve-month period regarding the same occupants of a particular Residential Rental Unit, as documented by upheld Disruptive Conduct Reports;
  - (b) All taxes and fees paid by December 31 of the preceding year.
  - (c) The Residential Rental Units must pass inspection at the first re-inspection, both interior and exterior of the property must be in compliance with all Codes. (There will be an allowance for exterior repairs for the time of the year.)

- (d) The previous year's annual license fee was paid by June 30 of each year;
- (e) The owner, operator, responsible agent or manager must correct any cited Code violations within thirty (30) days.

**B. Occupant's duties.**

- (1) The occupant(s) shall comply with all obligations imposed by this Ordinance and all applicable Codes and ordinances of the Borough of Bangor, as well as all state laws and regulations. Included among the Borough ordinances is the requirement that all occupants moving into a Residential Rental Unit obtain a moving permit before they take occupancy.
- (2) The occupant(s) shall conduct themselves and require other persons, including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings/properties by people occupying the same.
- (3) The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the Residential Rental Unit or engage in Disruptive Conduct, or other violations of this Ordinance, Codes or applicable state laws.
- (4) Police officers shall investigate alleged incidents of Disruptive Conduct. They shall complete a Disruptive Conduct Report upon finding that the reported incident constitutes Disruptive Conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the Disruptive Conduct and all other obtainable information, including the factual basis for the Disruptive Conduct described on the prescribed form. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent or manager within ten (10) working days of the occurrence of the alleged Disruptive Conduct.
- (5) The occupant or the owner, operator, responsible agent or manager shall have ten (10) working days from the date of the Disruptive Conduct Report to appeal the contents of said Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Borough Code Official. An appeal of the third Disruptive Conduct Report within a twelve (12) month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the third Disruptive Conduct Report.
- (6) After three (3) Disruptive Conduct incidents in any twelve (12) month period by an occupant documented by Disruptive Conduct Reports, the owner, operator, responsible agent or manager shall have ten (10) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants.

Failure to take such action will result in the immediate revocation of the Registration or License. The Residential Rental Unit involved shall not have its Registration or License reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Magistrate has ruled in the occupant's favor, the Magistrate has ruled in the owner's favor but has not ordered the eviction of the occupant(s) or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not reoccupy any Residential Rental Unit on the same premises involved for a period of at least one (1) year from the date of eviction. This subsection is not intended to limit or inhibit the owner, operator, responsible agent or manager's right to initiate eviction actions prior to the third Disruptive Conduct incident.

- (7) The content of the Disruptive Conduct Report shall count against all occupants of the Residential Rental Unit. More than one (1) Disruptive Conduct Report filed against the occupants of a Residential Rental Unit in a twenty-four (24) hour period shall count as a single Disruptive Conduct Report for the purpose of the preceding paragraph. The Borough of Bangor shall maintain a list of the names of all occupants evicted as a result of the preceding paragraph. The names shall remain on the list for a period of five (5) years.

## **SECTION FIVE: Residential Rental Registration**

- A. **Registration Required for Rental Units:** The owner, operator, responsible agent or manager of each Residential Rental Unit shall apply for a Residential Rental Registration with the Borough of Bangor, on forms provided, for all existing Residential Rental Units. By June 30<sup>th</sup> of each year, the owner, operator, responsible agent or manager of each Residential Rental Unit shall continue to submit completed Registration forms and payment for a Registration until the unit is licensed, at which time he/she shall be issued a Residential Rental License. A License must be obtained within two years of the date of issue of the Residential Rental Unit Registration. For each calendar year thereafter, the owner, operator, responsible agent or manager of the Residential Rental Unit shall continue to apply for a License.
- B. **Issuance of Residential Rental Registration:** A Registration shall be issued if the owner or operator of the Residential Rental Unit provides the name of a responsible agent (if applicable), pays the registration fee, submits a complete and accurate occupant listing by Residential Rental Unit by June 30 of each year and is current on water and sewer fees for the Residential Rental Unit. This registration does not warrant the proper zoning, habitable safety or conditions of the Residential Rental Unit in any way.
- C. **Revocation of Residential Rental Registration:** A Registration shall be revoked if the owner or operator of a Residential Rental Unit does not provide the name of a responsible agent (if applicable), does not pay the registration fee, is not current on water and sewer fees, and Borough real estate and per capita taxes for the residential rental unit, does not submit a complete and accurate occupant listing by Residential Rental Unit by June 30 of

each year, does not correct a code violation found in response to a complaint within the time frame cited by the Building Official, and/or has not complied with the Disorderly Conduct provision of this Ordinance, as described above.

- D. Reinstatement of Residential Rental Registration: A Registration shall be reinstated if the owner or operator of a Residential Rental Unit corrects the reason for the revocation of the Registration and has paid the Registration reinstatement fee.

## **SECTION SIX: Residential Rental License**

- A. Residential Rental License Required for Residential Rental Units: A Residential Rental License shall be required for each residential rental unit unless the Residential Rental Unit has not been inspected or has outstanding violations of the applicable codes and operates under a Residential Rental Registration, or is exempt as defined above. Completed License forms and payment must be submitted by June 30 of each year.
  - (1) Prior to initial occupancy of newly constructed Residential Rental Units, newly created rental units, or substantially rehabilitated Residential Rental Units (as documented by a certificate of occupancy), the owner, operator, responsible agent or manager of each Residential Rental Unit shall register with and make written application to the Borough of Bangor for a Residential Rental License as herein provided. Such units will be exempt from further inspection, unless a complaint of violation has occurred or a Building Official has probable cause to believe that a violation has occurred. Upon the occurrence of any of these events, re-inspection shall be triggered. In any event, a new re-inspection shall automatically be triggered two years from the last inspection and such unit will therefore be inspected again at least every other year.
  - (2) For licensing purposes, the Borough of Bangor shall fully inspect each Residential Rental Unit no more frequently than once within a two-year period unless a complaint of violation has occurred or a Building Official has probable cause to believe that a violation is occurring. Unless sooner revoked for cause, the License shall remain in effect until such time as the next regularly scheduled inspection occurs, assuming the annual License fee is paid.
  - (3) Initial inspections will occur in accordance with a phased-in systemic inspection program. A minimum 60 days' written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the Registration or License.
- B. Compliance: If a Building Official, upon completion of an inspection, finds that the applicable codes have not been met, a notice of violation shall be issued.
  - (1) Ten (10) Day Notice of Violation: If the Building Official finds one (1) or more of the following violations:

- Multiple Dwelling Unit Fire Exits
- Separation of Common Walls and Floors
- Automatic Fire Alarms Systems
- Multiple Dwelling Unit Fire Protection
- Heating
- Hot and Cold Water Supplies
- Water Closet and Basin
- Plumbing Connections
- Electrical Hazards
- Structural Hazards
- Overcrowding
- Serious Roof Leak

- (a) A Ten (10) day Notice of Violation shall be issued; and
- (b) The Residential Rental Unit shall be determined unfit for human habitation and ordered vacated and shall remain vacant until the violation is abated. If after 10 days from the receipt of the ten-day notice of violation, a re-inspection reveals that the violations are not corrected and arrangements satisfactory to the Building Official have not been made, the Registration or License for the Residential Rental Unit shall be revoked, and, if the Residential Rental Unit is vacant, it shall remain vacant.

(2) Thirty-day notice of violation. If the Building Official finds violations, other than those listed in Section 6, B.1, a Thirty (30) Day Notice of Violation shall be issued.

- (a) If after thirty (30) days from the date of receipt of the thirty-day notice of violation, the first re-inspection reveals that all violations have not been corrected, a thirty-day legal action warning shall be issued.
- (b) If after thirty (30) days from the date of receipt of the thirty-day legal action warning, the second re-inspection reveals all violations have not been corrected, the Registration or the License for the Residential Rental Unit shall be revoked, and, if the Residential Rental Unit is vacant, it shall remain vacant.
- (c) A fee will be charged for the initial inspection and for each re-inspection. The Borough of Bangor shall maintain a list of all Residential Rental Units and their ownership that have been the subject of prosecution in Magistrates Court during the preceding four (4) years.

C. Issuance of Residential Rental License: A License shall be issued if the Residential Rental Unit meets the following conditions:

- (1) The Building Official finds that the Residential Rental Unit is in compliance with the applicable Codes;
- (2) The owner, operator, or manager provides the name of a responsible agent (if applicable).
- (3) The owner, operator, responsible agent or manager pays the license inspection and re-inspection (if applicable) fee(s);
- (4) The owner, operator, responsible agent or manager is current on water and sewer fees for the Residential Rental Unit.
- (5) The uses of the property are in compliance with the Zoning Ordinance of the Borough of Bangor.
- (6) The owner, operator, responsible agent or manager maintains records demonstrating that all occupants have obtained a moving permit from the Borough of Bangor, whenever appropriate; and
- (7) The owner, operator, responsible agent or manager has submitted a complete and accurate occupant listing by Residential Rental Unit.

D. Revocation of Residential Rental License: A License shall be revoked if the owner or operator of a Residential Rental Unit does not provide the name of a responsible agent (if applicable), does not correct code violations found by the Building Official, does not pay the annual License fee, is not current with water and sewer fees, and Borough real estate and per capita taxes for the Residential Rental Unit, changes the use of the property so as to no longer be in compliance with the Zoning Ordinance of the Borough of Bangor, does not submit a complete and accurate occupant listing by Residential Rental Unit by June 30 of each year, does not maintain records demonstrating that all occupants have obtained a moving permit from the Borough of Bangor, whenever appropriate and/or has not complied with the Disruptive Conduct provision of this Ordinance, as described above. If the License is revoked and if the Residential Rental Unit is vacant, it shall remain vacant.

E. Reinstatement of Residential Rental License: A License shall be reinstated if the owner or operator of a Residential Rental Unit corrects the reasons for the revocation of the Residential Rental License and has paid the license reinstatement fee.

**SECTION SEVEN: Sale or Transfer of Residential Rental Units:** A Registration issued hereunder is not automatically transferable to any person or entity who has acquired ownership of a Residential Rental Unit. A Registration shall be revoked upon failure to apply for its transfer within sixty (60) days of the date of sale or transfer of ownership of the Residential Rental Unit. A License shall not be transferred. In the case of licensed Residential Rental Units that are sold or transferred; the new owner shall seek a License for each Residential Rental Unit and have each Residential Rental Unit inspected. Failure

to seek a License for each Residential Rental Unit within sixty (60) days of sale or transfer of ownership shall result in enforcement of Violations and Penalties as set forth in this Ordinance.

**SECTION EIGHT: Appeals of Revocation of Registration or License.**

- A. Property condition appeals: Any person aggrieved by any decision of a Building Official may appeal to the Property Maintenance Code Board of Appeals.
- B. Disruptive Conduct appeals: Any person aggrieved by any decision of a police officer or Building Official in regards to a Disruptive Conduct Report or the revocation of a Registration or License may appeal to the Disruptive Conduct Board of Appeals. Such appeals must be filed, in writing, within ten (10) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation.

**SECTION NINE: Disruptive Conduct Board of Appeals Organization and Powers.**

- A. Any person aggrieved by any decision of a police officer or Building Official in regard to a Disruptive Conduct Report or the revocation of a Registration or License based upon the issuance of Disruptive Conduct reports, may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing, within ten (10) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation.
- B. The Disruptive Conduct Board of Appeals shall be a body of five (5) members consisting of a Council person who shall serve as Chairperson, a police officer; an owner, operator, responsible agent or manager of a Residential Rental Unit(s) in the Borough of Bangor; an occupant of a Residential Rental Unit residing in the Borough of Bangor; and a member of a community group recognized by the Borough Council of the Borough of Bangor.
  - (1) There shall be three (3) alternate members; an owner, operator, responsible agent or manager, an occupant of a Residential Rental Unit residing in the Borough of Bangor and a member of a community group recognized by the Borough Council.
  - (2) All members or alternates of the Board shall be appointed by the Borough Council.
  - (3) A member or alternate member shall serve a term of not more than three (3) years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial Board shall be appointed to staggered terms of one (1), two (2), and three (3) years.
  - (4) Alternate members may be requested to attend meetings in the absence of a regular member and shall have all the powers of a regular member at such meetings.

- (5) Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

C. The Disruptive Conduct Board of Appeals shall have the following powers;

- (1) To adopt and administer the rules of procedures regarding its organization, officers, times and places of the meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.
- (2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Police Officer or Building Official in the enforcement of the provisions of this Ordinance.
- (3) To modify any notice of violation or order and to authorize a variance from the terms of this Ordinance when because of special circumstance, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Ordinance.
- (4) To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
- (5) In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within ten (10) working days after the appeal hearing.
- (6) The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, provided, however, that the Disruptive Conduct Boards of Appeals, in its determination, shall not ignore the clear provisions and intent of this Ordinance.

D. Any persons, including the Police Officer or Building Official for the Borough, aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Northampton County. Such appeal shall be made by a duly verified petition which shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or part. Such petition shall be presented to the Court of Common Pleas and a notice thereof must be given to the appellee within 30 days after the filing of the decision in the office of the Board.

E. If this appeal is of a third Disruptive Conduct Report and the decision of the police officer or Building Official has been affirmed, and no appeal is pending, within 10 working days after the expiration of the time for compliances as required by the decision

of the Disruptive Conduct Board of Appeals or Court of Common Pleas, the Building Official shall re-inspect to determine compliances as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.

- F. If, when so required by a third Disruptive Conduct Report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, the Building Official shall institute revocation of the Registration or the License.
- G. The Disruptive Conduct Report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however that the police officer or Building Official may prescribe reasonable regulation regarding the time and manner of inspection.

### **SECTION TEN: Fees; Violations and Penalties.**

#### **A. Fees.**

- (1) Registration. The fee for a Residential Rental Registration shall be set by resolution of the Borough Council and may be altered from time to time by passage by the Council of an amended fee resolution.
- (2) License. The fee for a Residential Rental License shall be set by resolution of the Borough Council and may be altered from time to time by passage of the Council of any amended fee resolution.
- (3) Re-inspections. The fee for re-inspection shall be set by resolution of the Borough Council and may be altered from time to time by passage of the Council of any amended fee resolution.
- (4) Reinstatement. The fee to reinstate a revoked Residential Rental Registration or License shall be set by resolution of the Borough Council and may be altered from time to time by passage of the Council of any amended fee resolution.
- (5) Transfer. The fee to transfer a Registration shall be set by resolution of the Borough Council and may be altered from time to time by passage of the Council of any amended fee resolution.
- (6) All fees may be amended from time to time by resolution of the Borough Council of the Borough of Bangor.

#### **B. Penalties.**

- (1) Revocation of Residential Rental Registration or Residential Rental License: A fine of not less than \$500 per Residential Rental Unit for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine

shall not be sought for any period during which the Residential Rental Unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations.

- (2) Failure to register, or failure to seek a License (for newly constructed, newly created or substantially rehabilitated Residential Rental Units): The owner, operator, responsible agent or manager shall be sent a thirty-day notice of violation, warning them of their failure to comply with the terms of this Ordinance. If they do not comply at the end of the 30 days, there shall be a fine of not less than \$500 per Residential Rental Unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- (3) Whoever violates any provision of this Ordinance or any Section of this chapter shall upon first offense be fined not more than \$1,000 per violation or imprisoned not more than 90 days, or both.
- (4) If, after any conviction for violation of this Ordinance or any lawful order issued pursuant thereof, such person continues violation, than such person shall be liable for further prosecution, conviction, and punishment without any necessity of the police or Building Official to issue a new notice of violation or order, and until such violation has been corrected.
- (5) In addition to prosecution of persons violating this Ordinance, the police or Building Official or any duly authorized agent of the Borough may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to effect the provisions of this Ordinance.

#### **SECTION ELEVEN: Repealer**

Ordinance No. 895 of the Borough of Bangor adopted October 3, 2005 requiring property owners obtain a rental License by obtaining inspections, filing reports listing all rental units, tenants or occupants thereof, and any subsequent change therein, and prescribing penalties and violations is hereby repealed in its entirety.

#### **SECTION TWELVE: Severability**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions or the application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared Severable.

**SECTION FOURTEEN: Effective Date**

This ordinance shall take effect immediately as provided by law.

**ORDAINED and ADOPTED** by the Borough Council of the Borough of Bangor this 23<sup>rd</sup> Day of March, 2015.

Borough Council of the Borough of Bangor

BY: \_\_\_\_\_  
James W. Kresge, President

ATTEST: \_\_\_\_\_  
Nathaniel Dysard, Secretary

APPROVED by the Mayor this            day of March, 2015.

BY: \_\_\_\_\_  
Joseph Capozzolo, Mayor