

ORDINANCE NO. 2019-4

**AN ORDINANCE OF THE BOROUGH OF WINDBER, PENNSYLVANIA
AMENDING ORDINANCE NO. 2019-2, TO PROVIDE FOR THE
REGISTRATION OF RESIDENTIAL RENTAL HOUSING LOCATED WITHIN
THE CORPORATE BOUNDARIES OF THE BOROUGH OF WINDBER**

WHEREAS, the Borough of Windber ("Borough") is a community in the State of Pennsylvania is facing the challenges of providing safe, available and affordable housing for current and future residents; and

WHEREAS, Borough Council recognizes the need for an organized residential rental registration program for residential rental units within the Borough to provide an efficient and timely system of communication regarding code enforcement, fire and safety, and law enforcement for the health, safety and welfare of all residents of the Borough; and

WHEREAS, the Borough Council desires that all residential rental units within the Borough be registered with the Borough Codes Enforcement Officer.

WHEREAS, it is the desire of the Borough Council to adopt enforcement measures and penalties to encourage compliance with this ordinance for the health, safety and welfare of all residents of the Borough of Windber.

NOW, THEREFORE, BE IT ORDAINED BY THE WINDBER BOROUGH COUNCIL REQUIRING REGISTRATION OF RESIDENTIAL RENTAL HOUSING NOW IN EXISTENCE OR HEREAFTER CREATED OR CONSTRUCTED IN THE BOROUGH OF WINDBER.

Section I Definitions

As used in this ordinance, the following definitions shall be added to or amended and shall apply to the interpretation and enforcement of this code unless otherwise designated:

"Agent" means any person or persons eighteen years or older authorized by an owner to act on the owner's behalf.

"Code Enforcement Officer" means the Code Enforcement Officer of the Borough of Windber.

"Enforcement authority "means the Code Enforcement Officer of the Borough.

"Family" means one or more persons all related by blood, marriage or adoption.

"Guest" means a person who is temporary resident (less than 25% of the time) of a dwelling unit and does not utilize the unit as an address for any purpose.

"Owner" means the person, a group of persons or legal entity identified as the real property owner.

"Rental housing" means any room, dwelling unit, rooming unit, or portion thereof, let or intended to be let to a family or person for compensation which may include money or services and includes the sharing of expenses.

"Residential Rental Registration Program" means a program authorizing the registration of rental housing including dwellings that are subject to sale on contract and mobile home dwellings.

"Residential Rental Unit" means a premises, building, or portion thereof designed for occupancy for residential purposes, in which space is let by the owner or agent of the owner and made available for rent. The term shall exclude:

- 1) travel trailers,
- 2) recreational vehicles,
- 3) transient occupancy in a hotel, motel or other similar lodging,
- 4) a single-family, owner occupied dwelling unit,
- 5) a group home or institutional residential home,
- 6) federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal government or local housing authority.

"Tenant" means a person occupying a dwelling unit, other than a guest, or using the property as a legal address for any purpose.

Section II Rental Registration Required

No owner of real estate within the corporate boundaries of the Borough shall use said real estate for the purpose of erecting or maintaining a residential rental unit thereon, without first registering each residential unit with the Borough. Further, all such properties shall be registered on the earliest of:

- 1) June 1, 2019 and each year thereafter on or before February 1
- 2) within thirty (30) days of change of ownership, or
- 3) within thirty (30) days of obtaining title to any residential rental unit.

Section III Rental Registration Application

Registration shall be made by complete and accurate submission of a Borough of Windber Residential Rental Registration application to the Codes Enforcement Officer signed by the owner.

Section IV Owner's Agent

Any owner who does not reside in Somerset County, Pennsylvania, or a county contiguous to Somerset County, must retain and keep at all times a contact agent for the property who resides or maintains a permanent office within Somerset County or a county contiguous to Somerset County and who is authorized to receive notification of complaints, damages, emergencies, substandard conditions, or other communications deemed necessary by the Code Enforcement Officer. The name, address, and telephone number of the owner's agent shall be required.

Section V Failure to Register - Penalties

Owners who fail to submit a residential rental unit application as required will be in violation of the provision of this title and shall be subject to the penalties (or fines) as set forth below:

1) Any person who violates any provision of this chapter and who has received notification from the Code Enforcement Officer shall be subject to a civil penalty (or fine) of \$500.00 for the first violation and a civil penalty (or fine) no more than \$1,000.00 for each daily violation thereafter

Section VI Change of Contact Information

Within thirty (30) days of any change of contact information of the owner or the owner's agent, such owner or agent shall notify the Codes Enforcement Officer in writing.

Section VII Retaliatory Eviction Prohibited

It shall be a violation of this chapter if a court of competent jurisdiction determines that any residential rental unit owner or his or her agent brought

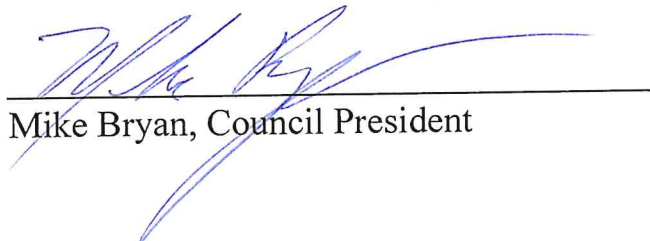
or threatened to bring an action for possession of a rental unit for the purpose of retaliating against a tenant for requesting the Code Enforcement Officer's assistance with deficiencies and/or code violations.

Section 15.24.018 Registration Records

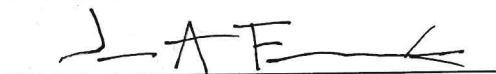
The Codes Enforcement Officer shall maintain the residential rental building registration records. This information is solely and exclusively gathered and maintained by the Borough for administrative enforcement proceedings, fire safety, and law enforcement purposes. Notwithstanding anything to the contrary herein, the housing parcel is registered and, if not registered, whether excluded under the definition of a Residential Rental Unit.

This Ordinance shall be in full force and effect beginning on April 10, 2019.

ADOPTED BY THE WINDBER BOROUGH COUNCIL, on this 9th day of April, 2019, by a vote of_ ayes and_ nays.


Mike Bryan, Council President

ATTEST:





Mayor