

**CHAPTER 11**

**HOUSING**

**PART 1**

**RENTAL UNIT OCCUPANCY REGULATIONS**

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**PART 1**

**RENTAL UNIT OCCUPANCY REGULATIONS**

**§11-101. General.**

1. It is the purpose of this Part and the policy of the Town Council of the Town of Bloomsburg, 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 and dormitory units in the Town of Bloomsburg 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 Town that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As means to those ends, this Part provides for a system of inspections, issuance and renewal of occupancy licenses and sets penalties for violations. This Part shall be liberally construed and applied to promote its purposes and policies. In considering the adoption of this Part, the Town of Bloomsburg makes the following findings: [Ord. 872]
  - A. While the Town Council of the Town of Bloomsburg acknowledges the significant contribution that Bloomsburg University, its students, faculty and staff makes to the culture and economy of the Town of Bloomsburg, in recent years, adverse effects of student housing on residential neighborhoods have increased and there has been an increase in destructive student behavior that threatens the health, safety and welfare of the student citizens and non-student citizens of the Town of Bloomsburg.
  - B. Accordingly, the Town Council of the Town of Bloomsburg makes the following findings relating to student housing and its effect on the residential neighborhoods of the Town of Bloomsburg and the effect of student lifestyles on the health, safety and welfare of the student citizens and non-student citizens of the Town of Bloomsburg:
    - (1) When compared to other unrelated cohabitating individuals and traditional families, groups of students have different hours, work and social habits and frequently cause noise, disturbances and problems in residential neighborhoods.
    - (2) There is a greater incidence of violations of various codes of the Town at residential properties where owners rent such property to students.
    - (3) There is a greater incidence of problems with the maintenance and upkeep of residential properties where owners rent such property to students than at owner-occupied residential properties, family-occupied residential rental properties or residential properties that are occupied by unrelated persons who are not students.

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- (4) There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where owners rent to students than at owner-occupied residential properties, family-occupied residential rental properties or residential properties that are occupied by unrelated persons who are not students.
- (5) A concentration of student homes changes the character of a neighborhood from one with traditional family values to one that cannot maintain those and approximately 90% of the Town's student homes are concentrated in two areas of the Town which displaces middle and lower income housing by absorbing housing units and rendering the remaining units less desirable for more traditional residential use.
- (6) Since 1994, nine students have died as a result of fires in houses occupied by students; two students have died of alcohol overdose; one student has died as a result of exposure when he fell from a porch at a student party.
- (7) Since 1997, 155 reports of disruptive conduct under the Town's Regulated Rental Unit Occupancy Ordinance involving student behavior have been filed.
- (8) Since 1996, 73 prosecutions for unlawfully occupying premises while smoke or fire detectors were not operational have been filed against students.
- (9) Since 1998, 295 prosecutions for underage drinking have been filed against students and 11 prosecutions were filed against non-student residents of the Town of Bloomsburg.
- (10) Since 1998, 43 student parties have been raided where arrests were made for underage drinking and furnishing alcohol to minors.
- (11) There are sufficient differences between student housing and non-student housing and the behavior of students and non-student residents to justify different regulations for each class of resident.
- (12) Dwelling units presently being used by three or more unrelated individuals are being modified for occupancy by two students requiring the relocating of bearing walls and the modification of utilities, sanitation facilities, means of ingress and egress and smoke and fire detection systems.
- (13) Inspections of dwelling units occupied by two students have revealed little or no life protecting equipment in the dwelling units such as smoke and fire alarms and detectors and fire extinguishers, over-

loaded electrical services, heating systems needing servicing and the use of supplemental heaters, all of which create a dangerous living environment.

- (14) There is a significant occurrence of disruptive behavior in dwelling units occupied by less than three unrelated students as compared to dwelling units that are occupied by owners, traditional families or unrelated persons who are not students.
- (15) Students who remain in the occupancy of the premises for periods of time after they are no longer students contribute to the above-described problems.

[Ord. 829]

- (16) Because of the demand for student housing in the Town of Bloomsburg, developers have expressed interest in developing properties for use as dormitories where students live in rooms without fixed kitchen facilities. [Ord. 872]
- (17) Dormitory type uses are not covered by the Regulated Rental Unit Occupancy Ordinance which applies only to dwelling units. [Ord. 872]
- (18) The Town Council of the Town of Bloomsburg is desirous of providing the same protection and standards for students who reside in dormitories or dwelling units. [Ord. 872]
- (19) The Town Council of the Town of Bloomsburg is desirous of imposing the same responsibilities upon owners of dormitory units and dwelling units where students reside. [Ord. 872]
- (20) The Town Council of the Town of Bloomsburg finds that Bloomsburg University has sufficient resources and interest to properly manage dormitories owned by it and there is no need to regulate such dormitories. [Ord. 872]

2. Definitions.

CODE – any code or ordinance adopted, enacted and/or in effect in and for the Town of Bloomsburg concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit or dormitory unit. Included within, but not limited by, this definition are the following which are in effect as of the date of enactment of this Part BOCA Basic Building Code [Chapter 5], BOCA Basic Plumbing Code [Chapter 5], BOCA Basic Property Maintenance Code [Chapter 5], BOCA Basic Fire Prevention Code [Chapter 5], National Electrical Code [Chapter 5], Floodplain Management Ordinance [Chapter 8], Weed and Vegetation Control Ordinance [Chapter 10], Sidewalk Maintenance and Ice Removal Ordinance [Chapter 21], Solid Waste and Re-

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cycling Ordinance [Chapter 20], Historic District Ordinance [Chapter 27], Zoning Ordinance [Chapter 27] and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition. [Ord. 872]

**CODE ENFORCEMENT OFFICER** – the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Town of Bloomsburg and any assistants or deputies thereof.

**COMMON AREA** – any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms. [Ord. 829]

**COMMUNITY LIVING FACILITY** – a living arrangement whereby unrelated individuals with diagnosed mental health or mental retardation problems reside on a permanent basis with 24 hour supervision and whose primary purpose is the development and maintenance of community living skills. [Ord. 816]

**DISRUPTIVE CONDUCT** – any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a regulated dwelling unit or dormitory 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 such that a report is made to police and/or to the Code Enforcement 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 a 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 the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence. [Ord. 872]

**DISRUPTIVE CONDUCT REPORT** – a written report of disruptive conduct on a form to be prescribed therefore, to be completed by the Code Enforcement Officer or police, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.

**DORMITORY UNIT** – a room or group of rooms within a dwelling unit and forming a single unit and used for living and sleeping purposes, having a bathroom with a toilet and a bathtub or shower, but no fixed kitchen facilities. [Ord. 872]

**DWELLING** – a building having one or more dwelling units.

**DWELLING UNIT** – one or more rooms, including “apartments,” used for living and sleeping purposes, having a kitchen or kitchenette with fixed cooking facilities and a bathroom with a toilet and bathtub or shower. [Ord. 872].

**GUEST** – a person on the premises with the actual or implied consent of an occupant.

**LANDLORD** – one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit or dormitory unit. (same as “owner”). [Ord. 872]

**MANAGER** – an adult individual designated by the owner of a regulated rental unit or dormitory unit under §11-102(2). The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligations of the owner under this Part and under rental agreements with occupants. [Ord. 872]

**MULTIPLE-UNIT DWELLING** – a building containing two or more independent dwelling units including, but not limited to, double houses, row houses, town houses, condominiums, apartment houses and conversion apartments.

**OCCUPANCY LICENSE** – the license issued to the owner of regulated rental units or dormitory units under this Part, which is required for the lawful rental and occupancy of regulated rental units or dormitory units. [Ord. 872]

**OCCUPANT** – an individual who resides in a regulated rental unit, or dormitory unit whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania. [Ord. 872]

**OWNER** – one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit or dormitory unit. [Ord. 872]

**OWNER-OCCUPIED DWELLING UNIT** – a dwelling unit in which the owner, who is not a student, resides on a regular, permanent basis. [Ord. 872]

**PERSON** – a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

**POLICE** – the Police Department of the Town of Bloomsburg or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Town of Bloomsburg.

**PREMISES** – any parcel of real property in the Town, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more regulated rental units or dormitory units are located. [Ord. 872]

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REGULATED RENTAL UNIT – a dwelling unit occupied by two or more unrelated students under a rental agreement. [Ord. 829]

RENTAL AGREEMENT – a written agreement between owner/landlord and occupant/tenant supplemented by the addendum required under §11-102(5), embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit, dormitory unit or premises. [Ord. 872]

STUDENT – a person who is registered to be enrolled or who is enrolled and matriculating at Bloomsburg University as an undergraduate student or who is on a semester or summer break from studies at a college or university. [Ord. 872]

TENANT – an individual who resides in a regulated rental unit or dormitory unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania. (same as “occupant”). [Ord. 872]

TOWN – the Town of Bloomsburg, Columbia County, Pennsylvania.

UNRELATED – of or pertaining to two or more persons not related to one another through blood to the level of second cousins, adoption or marriage.

(Ord. 766, 1/1/1994, §1; as amended by Ord. 816, 11/9/1998; by Ord. 829, 3/12/2001, §§1-4; and by Ord 872, 4/12/2004, §11-101)

### **§11-102. Owner's Duties.**

1. General. It shall be the duty of every owner to keep and maintain all regulated rental units or dormitory units in compliance with all applicable codes and provisions of all other applicable State laws and regulations and local ordinances and to keep such property in good and safe condition. The landlord shall be responsible for regularly performing all routine maintenance, including lawn mowing and ice and snow removal, and for making any and all repairs in and around the premises. As provided for in this Part, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. As provided for in this Part, every owner shall also be responsible for regulating the conduct and activities of the occupants of every regulated rental unit and dormitory unit which he, she or it owns in the Town, which conduct or activity takes place at such regulated rental unit or dormitory unit or its premises. In order to achieve those ends, every owner of a regulated rental unit or dormitory unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below. This Section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility of occupants or their guests for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility

or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this Section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law. This Part is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Town against an owner, occupant or guest thereof. [Ord. 872]

2. Designation of Manager. Every owner who is not a full-time resident of the Town of Bloomsburg, or elsewhere in an area that is a local call from the Town of Bloomsburg, shall designate a manager who shall reside in an area that is a local call from the Town of Bloomsburg. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside in the aforesaid calling 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 in the aforesaid calling 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 Part and under rental agreements with occupants. The identity, address and telephone numbers(s) of a person who is designated as manager hereunder shall be provided by the owner or manager to the Town and such information shall be kept current and updated as it changes.
3. Disclosure.
  - A. The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy:
    - (1) The name, address and telephone number of the manager, if applicable.
    - (2) The name, address and telephone number of the owner of the premises.
  - B. Before an occupant initially enters into or renews a rental agreement for a regulated rental unit or dormitory unit, the owner or manager shall furnish the occupant with the most recent inspection report relating to the property. [Ord. 872]
4. Maintenance of Premises.
  - A. The owner shall maintain the premises in compliance with the applicable codes of the Town and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal and shall promptly make any and all repairs necessary to fulfill this obligation.

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- B. The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if:
    - (1) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant.
    - (2) The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.
  - C. In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this Part or other ordinances or codes for maintenance of premises.
5. Written Rental Agreement.
- A. All rental agreements for regulated dwelling units or dormitory units shall be in writing and shall be supplemented with the addendum attached hereto as Appendix "A." No oral leases and no oral modifications thereof are permitted. All disclosures and information required to be given to occupants by the owner shall be furnished before the signing of the rental agreement. The owner shall provide occupant with copies of the rental agreement and addendum upon execution. [Ord. 872]
  - B. Terms and Conditions. Owner and occupant may include in a rental agreement terms and conditions not prohibited by this Part or other applicable ordinances, regulations and laws, including rent, term of the agreement and other provisions governing the rights and obligations of the parties.
  - C. Prohibited Provisions. Except as otherwise provided by this Part, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Part. A provision prohibited by this subsection included in a rental agreement is unenforceable.
  - D. Attachment of Part to Rental Agreement. Following the effective date of this Part, a summary hereof in a form provided to owner by the Town, at the time of licensing, shall be attached to each rental agreement delivered by or on behalf of an owner when any such agreement is presented for signing to any occupant. If a summary has been provided when the rental agreement was first executed a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this Part, the owner shall provide the occupants with a copy of the summary within 60 days after enactment of this Part.

- E. The owner shall secure a written acknowledgment from occupants that the occupants have received the disclosures and information required by this Part. [Ord. 792]
- F. Upon oral or written request by the Town of Bloomsburg, the owner, within 10 days of the request, shall furnish to the Town copies of the acknowledgment that the occupants received the disclosures and information required by this Part. [Ord. 792]
- G. Upon oral or written request by the Town of Bloomsburg, the owner, within 10 days of the request, shall furnish to the Town, for inspection purposes only, copies of the leases the owner has entered into for regulated rental units. [Ord. 792]
- 6. Complaints. The owner shall reply promptly to reasonable complaints and inquiries from occupants.
- 7. Landlord-Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.
- 8. Common Areas. Where an owner of a regulated dwelling unit or a dormitory unit does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common area as if the owner were an occupant. The failure of the owner to regulate behavior of occupants and guests in the common areas that results in the following shall be a violation of this Part:
  - A. Engaging in fighting or threatening, or in violent or tumultuous behavior;
  - B. Making unreasonable noise; or,
  - C. Creating hazardous or physically offensive condition by any act which serve no legitimate purpose of the actor.

[Ord. 872]

- 9. Enforcement.
  - A. Within 10 days after receipt of written notice from the Code Enforcement Officer that an occupant of a regulated rental unit or dormitory unit has violated a provision of this Part, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation. [Ord. 872]
  - B. Within 20 days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report, on a form provided by the Town, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation.

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The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

- C. The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation of this Part.
  - D. In the event that a second violation occurs within a license year involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to evict the occupants who violated this Part and to not permit the occupant to occupy the premises during the subsequent licensing period.
- 10. Code Violations. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.
  - 11. Town Can Make Repairs. In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Town or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code within the period of time stated in such notice, the Town may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus 10% of said costs for each time the Town shall cause a violation to be corrected and the owner of the 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 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 subsection are not exclusive and the Town and its Code Enforcement Officer may invoke such other remedies available under this Part or the applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or nonrenewal of the license issued hereunder.
  - 12. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice.
  - 13. The owner shall post in a conspicuous location in the entryway of every licensed regulated unit or dormitory unit the following: [Ord. 872]
    - A. The current license and current inspection report issued by the Code Enforcement Office of the Town of Bloomsburg.
    - B. The addendum to the licensed application required by this Part showing the names of the authorized occupants of the regulated rental unit or dormitory unit. [Ord. 872].

- C. The total number of persons who may occupy the regulated rental unit or dormitory unit and any common areas located within the regulated rental unit or dormitory unit. [Ord. 872].
- D. A notice of ordinances and statutes applicable to the occupants of a regulated rental unit or dormitory unit on a placard provided by the Town of Bloomsburg. [Ord. 872]
- E. The owner shall also post in all common areas the total number of persons who can occupy the common area on a form provided by the Town of Bloomsburg.
- F. The notices required by this Section shall be posted in such a way so as to minimize tampering and removal.

[Ord. 829]

(Ord. 766, 1/1/1994, §2; as amended by Ord. 792, 3/10/1997, §1; by Ord. 829, 3/12/2001, §5 and by Ord. 872, 4/12/2004, §11-102)

**§11-103. Occupant duties.**

- 1. General. The occupant shall comply with all obligations imposed upon occupants by this Part, all applicable codes and ordinances of the Town and all applicable provisions of State law.
- 2. Health and Safety Regulations.
  - A. The maximum number of persons permitted in any regulated rental unit or dormitory unit at any time shall not exceed one person for each 40 square feet of habitable floor space in said regulated rental unit or dormitory unit. The maximum number of persons permitted in the common areas of any multiple-unit dwelling or any dormitory at any time shall not exceed one person for each 15 square feet of common area on the premises.
  - B. The occupant shall deposit all rubbish, garbage and other waste from his or her regulated rental unit or dormitory unit into containers provided by the owner or landlord in a clean and safe manner and shall separate and place for collection all recyclable materials, in compliance with the recycling plan submitted by the owner to the Town under Bloomsburg's Solid Waste and Recycling Ordinance [Chapter 20] or if there is no recycling plan for the premises, then in compliance with Bloomsburg's Solid Waste and Recycling Ordinance [Chapter 20] and all other applicable ordinances, laws and regulations.

[Ord. 872]

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3. Peaceful Enjoyment. The occupant shall conduct himself or herself and require other persons including, but not limited to, guests on the premises and within his or her regulated rental unit or dormitory unit with his or her 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 by the persons occupying same. [Ord. 872]
4. Residential Use. The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her regulated rental unit or dormitory unit for no other purpose than as a residence. [Ord. 872]
5. Illegal Activities. The occupant shall not engage in, nor tolerate nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa. C.S.A. §101 et seq.) or Liquor Code (47 P.S. §1-101 et seq.), or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101 et seq.).
6. Disruptive Conduct.
  - A. The occupant shall not engage in, nor tolerate nor permit others on the premises to engage in, disruptive conduct or other violations of this Part.
  - B. When police or the Code Enforcement Officer investigate an alleged incident of disruptive conduct, he or she shall complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute disruptive conduct as defined herein. The information filled in on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the police make such investigation, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, the Code Enforcement Officer shall mail a copy of the disruptive conduct report to the owner or manager within 3 working days of the occurrence of the alleged disruptive conduct, whether the person making the investigation on behalf of the Town is the Code Enforcement Officer or police.
7. Compliance with Rental Agreement. The occupant shall comply with all lawful provisions of the rental agreement entered into between owner and occupant. Failure to comply may result in the eviction of the occupant by the owner.
8. Damage to Premises. The occupant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the premises. Conduct which result in damages in excess of \$500 shall be considered a violation of this Part.
9. Inspection of Premises. The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.

10. Removal or Defacement of Notice. It shall be a violation of this Part for any person to remove or deface any notice of a document required to be posted within a regulated rental unit or dormitory unit and it shall be unlawful for any person to occupy the regulated rental unit or dormitory unit unless all notices and documents are posted as required. [Ord. 872]
11. It shall be a violation of this Part for any occupant or any other person to engage in disruptive conduct as defined by this Part. [Ord. 829]

(Ord. 766, 1/1/1994, §3; as amended by Ord. 829, 3/12/2001, §6, and by Ord. 872, 4/12/2004, §11-103)

**§11-104. Licenses and inspection.**

1. License Requirement.
  - A. As a prerequisite to entering into a rental agreement or permitting the occupancy of any regulated rental unit or dormitory unit (except as provided in subsection (1)(C) below), the owner of every such regulated rental unit or dormitory unit shall be required to apply for and obtain a license for each regulated rental unit or dormitory unit. [Ord. 872]
  - B. A license shall be required for all regulated rental units and all dormitory units. [Ord. 872]
  - C. The following categories of rental properties shall not require licenses, and shall not, therefore, be subject to the permitting provision of this Part:
    - (1) Owner-occupied dwelling units; provided, that not more than two unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling unit at any given time.
    - (2) Hotels and motels.
    - (3) Hospitals and nursing homes.
    - (4) Bed and breakfast units as defined in the Town's Zoning Ordinance [Chapter 27].
  - D. A license shall not be required for multiple-unit dwellings, although a license shall be required for each regulated rental unit or dormitory unit within the structure. The foregoing notwithstanding, all other provisions of this Part shall apply to the common areas of the structure. [Ord. 872]
  - E. The application for the license shall be in a form as determined by the Town.

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- F. The owner shall maintain a current and accurate list of the occupants in each regulated rental unit or dormitory unit which shall include their name, permanent address and permanent telephone number which shall be available to the Town for inspection upon reasonable notice. The owner shall notify the Town of changes in the occupancy within 10 days of the change and shall provide the name of the person who is not longer residing in the premises in the event a person departs and the name, permanent address and permanent telephone number of new occupants in the event a new person is added. [Ord. 872]
  - G. The owner shall furnish with his or her application for license a copy of the written lease form the owner intends to have the occupants of each licensed dwelling unit execute. If the owner uses more than one form of lease, the owner shall furnish a copy of each form. The license will not be issued if the lease form does not meet the requirements of §11-102(5) of this Part. [Ord. 792]
  - H. The owner shall furnish with his or her application, for inspection purposes only, the leases that have been entered into that will cover all or part of the license term. The license will not be issued if such leases are not furnished for inspection. Leases shall be furnished for all persons who have paid a downpayment at the time that the owner applies for a license or who have committed to residing in the premises. [Ord. 792]
  - I. The owner shall furnish with his or her application for a license a floor plan, drawn to scale, with the measurements of each room within the regulated rental unit or dormitory unit. The owner shall submit the scale drawing only with the first application submitted after the enactment of this Part. In the event that there are changes to the floor plan, the owner shall submit a revised floor plan with the application first submitted after the changes to the floor plan were made. [Ord. 872]
  - J. In the event that a license is denied by the Code Office, the owner shall have the right to appeal to the Town Council of the Town of Bloomsburg within 30 days of mailing of the notice of denial of the application. The hearing before the Town Council shall be governed by the Local Agency Act. [Ord. 872]
  - K. No license shall be issued to an owner unless the rental unit is in compliance with all applicable codes and ordinances of the Town of Bloomsburg.
2. Annual License Term, Fee and Occupancy Limit.
- A. Each license shall have an annual term running from July 1 through June 30 of the next year.
  - B. Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay to the Town an annual license and inspection fee, in an amount to be established, from time to time, by resolution of the Town

Council. Such resolution may provide for more than one fee scale for different categories of premises, to be more specifically set forth in the resolution.

- C. The license shall indicate thereon the maximum number of occupants in each regulated rental unit or dormitory unit. [Ord. 872]
- D. No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Part or any of the ordinances of the Town of Bloomsburg relating to land use and/or code enforcement or if any licensing fees under this Part are due and owing the Town. [Ord. 792]

The Town shall keep copies of leases that it retains in confidence and shall not disclose their contents except as part of official Town Business. [Ord. 792]

3. Inspection.

- A. All premises shall be subject to periodic inspection by the Code Enforcement Officer or another duly authorized agent of the Town. Such inspection may take place when an application is submitted for a license, or at any time during the year.
- B. The Code Enforcement Officer is hereby designated as the official authorized to enforce this Part and to take appropriate measures to abate violation hereof, for and on behalf of the Town of Bloomsburg.
- C. This Section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspections of premises, whether or not subject to the permitting and inspection requirements of this Part, pursuant to any other ordinance or code.
- D. If upon the initial inspection, violations of the Codes of the Town of Bloomsburg are identified, owner shall pay a reinspection fee for each and every time it is necessary for the Code Officer of the Town of Bloomsburg to reinspect the property until no such violations are found. The amount of the reinspection fee is to be determined by the Town Council of the Town of Bloomsburg, from time to time. [Ord. 834]

- 4. Search Warrant. Upon a showing of probable cause that a violation of this Part or any other ordinance of the Town of Bloomsburg has occurred, the Code Enforcement Officer may apply to the district justice having jurisdiction in the Town of Bloomsburg for a search warrant to enter and inspect the premises.

(Ord. 766, 1/1/1994, §4; as amended by Ord. 792, 3/10/1997, §§2, 3; by Ord. 829, 3/12/2001, §7; by Ord. 834, 7/9/2001; by Ord. 872, 4/12/2004; and by Ord. 905, 8/13/2007)

**§11-105. Grounds for nonrenewal, suspension or revocation of license.**

## HOUSING

1. General. The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, nonrenewal, suspension or revocation of the owner's license, for violating any provision of this Part that imposes a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided for herein.
2. Definitions of Options.
  - A. Formal Warning. Formal written notification of at least one violation of this Part. Upon satisfactory compliance with this Part and any conditions imposed by the Code Enforcement Officer and/or the Town Council, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer or by Town Council.
  - B. Nonrenewal. The denial of the privilege to apply for license renewal after expiration of the license term. The Town will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer or by Town Council.
  - C. Suspension. The immediate loss of the privilege to rent regulated rental units or dormitory units for a period of time set by the Code Enforcement Officer or Town Council. The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants. [Ord. 872]
  - D. Revocation. The immediate loss of the privilege to rent regulated rental units or dormitory units for a period of time set by the Code Enforcement Officer or the Town Council and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants. [Ord. 872]
3. Criteria for Applying Discipline. The Code Enforcement Officer, when recommending discipline, and the Town Council, when applying discipline, shall consider the following:
  - A. The effect of the violation on the health, safety and welfare of the occupants of the regulated rental unit or dormitory unit and other residents of the premises. [Ord. 872]
  - B. The effect of the violation on the neighborhood.
  - C. Whether the owner has prior violations of this Part and other ordinances of the Town or has received notices of violations as provided for in this Part.

- D. Whether the owner has been subject to disciplinary proceedings under this Part.
  - E. The effect of disciplinary action on the occupants.
  - F. The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.
  - G. The policies and lease language employed by the owner to manage the regulated dwelling unit or dormitory unit to enable the owner to comply with the provisions of this Part. [Ord. 872]
  - H. In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend and Town Council may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Part.
4. Grounds for Imposing Discipline. Any of the following may subject an owner to discipline as provided for in this Part:
- A. Failure to abate a violation of Town codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
  - B. Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by §11-104(3).
  - C. Failure to take steps to remedy and prevent violations of this Part by occupants of regulated rental units or dormitory units as required by §11-102(1) of this Part. [Ord. 872]
  - D. Failure to file and implement an approved plan to remedy and prevent violations of this Part by occupants of a regulated rental unit or dormitory unit as required by §11-102(1) of this Part. [Ord. 872]
  - E. Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the Town as provided for in §11-102(1) of this Part.
  - F. Three violations of this Part or other ordinances of the Town that apply to the premises within a license term. For purposes of this Part, 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 30 days after the Code Enforcement Officer received notice of the violation.
5. Procedure for Nonrenewal, Suspension or Revocation of License.

## HOUSING

- A. Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a license exist, the Code Enforcement Officer 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:
- (1) The address of the premises in question and identification of the particular regulated rental unit(s) or dormitory unit(s) affected.
  - (2) A description of the violation which has been found to exist.
  - (3) A statement that the license for said regulated rental unit(s) or dormitory unit(s) shall be either suspended or revoked, or will not be renewed for the next license year beginning July 1, or that the owner will receive a formal warning. 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.
  - (4) A statement that, due to the nonrenewal, 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 or permitting occupancy of the dwelling unit(s) by more than two unrelated individuals subject to said enforcement action, from and during the period said action is in effect.
  - (5) A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to Town Council, by submitting in writing to the Town Secretary/Administrator, within 30 days from the date printed on the notice, a detailed statement of the appeal including the grounds therefor and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned, and a statement of relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefor by Town Council, to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established, from time to time, by resolution of Town Council.
  - (6) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Town Secretary /Administrator shall schedule a hearing to be held at the time and date of the next regularly scheduled Town Council meeting not less than 10 days from the date on which the appeal is filed.
  - (7) The appellant, the Code Enforcement Officer and the owners of properties within a radius of 300 feet from the premises for which the li-

cense is at issue shall receive written notice of the hearing on the appeal.

- (8) Town Council shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§551-555. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the Town Council shall make a decision either affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken. Such decision shall be rendered at a public meeting either immediately following the hearing or within 30 days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision, within 45 days after the hearing. If Town Council deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than 30 days from the initial hearing, which time and date shall be openly announced at the initial hearing and in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

B. Delivery of Notification.

- (1) 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 Enforcement Officer shall attempt delivery by personal service on the owner or manager, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.
- (2) 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 license application for the premises in question, by regular first-class mail, postage prepaid. If such notice is not returned by the postal authorities within 5 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 under subsection (B)(1) above, shall thereupon be calculated from said 5th day.

(Ord. 766, 1/1/1994, §5; as amended by Ord. 872, 4/12/2004, §11-105)

## HOUSING

### **§11-106. Violations and Penalties.**

1. **Basis for Violation.** It shall be unlawful for any person, as either owner or manager of a regulated rental unit or dormitory unit for which a license is required, to operate without a valid, current license issued by the Town authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a regulated rental unit or dormitory unit to exceed the maximum limit as set forth on the license, or to violate any other provision of this Part. It shall be unlawful for any occupant to violate this Part. [Ord. 872]
2. **Penalties.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs to a term of imprisonment of not more than 30 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. [Ord. 841]
3. **Nonexclusive Remedies.** The penalty provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the Town as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Town in the case of a violation of any other code or ordinance of the Town, whether or not such other code or ordinance is referenced in this Part 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 Part.

(Ord. 766, 1/1/1994, §6, as amended by Ord. 782, 11/6/1995, §6; by Ord. 841, 12/19/2001; and by Ord. 872, 4/12/2004, §11-106)

### **§11-107. Miscellaneous provisions.**

1. **Notices.**
  - A. For purposes of this Part, 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 Part shall have been received by such owner if the notice was given to the owner in the manner provided by this Part.
  - C. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, 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 Part.

2. Changes in Ownership Occupancy. It shall be the duty of each owner of a regulated rental unit or dormitory unit to notify the Code Enforcement Officer, in writing, of any change in ownership of the premises or of the number of regulated rental units or dormitory units on the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any regulated rental unit or dormitory unit or of the changing of a dwelling unit from owner-occupied to nonowner-occupied, which thereby transforms the dwelling into a regulated rental unit or dormitory unit for purposes of this Part. [Ord. 872]
3. Owners Severally Responsible. If any regulated rental unit or dormitory unit is owned by more than one person, in any form of joint tenancy, as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part. [Ord. 872]
4. Confidentiality of Leases. The Town shall keep copies of leases that it retains in confidence and shall not disclose their contents except as part of official Town business. [Ord. 792]

(Ord. 766, 1/1/1994, §7; as amended by Ord. 792, 3/10/1997, §4; and by Ord. 872, 4/12/2004, §11-107)