

OFFICIAL

**BOROUGH OF FORD CITY
ORDINANCE NO. 765**

AN ORDINANCE OF THE BOROUGH OF FORD CITY, ARMSTRONG COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FORD CITY BY REVISING CERTAIN PROVISIONS OF TITLE V (PUBLIC WORKS), INCLUDING WATER, SEWER, AND SOLID WASTE REGULATIONS; CLARIFYING OWNER RESPONSIBILITY FOR UTILITY CHARGES; AMENDING TITLE VII (TRAFFIC CODE) TO UPDATE ENFORCEMENT AUTHORITY, PENALTIES, AND RELATED PROVISIONS; AMENDING TITLE IX (GENERAL REGULATIONS), TITLE XI (BUSINESS REGULATIONS), TITLE XIII (GENERAL OFFENSES), AND TITLE XV (LAND USAGE) TO CORRECT CROSS-REFERENCES, UPDATE ADMINISTRATIVE LANGUAGE, REPEAL CERTAIN SECTIONS, AND MODIFY REGULATORY PROVISIONS; AMENDING TITLE V (PUBLIC WORKS) TO ADD SECTION 53.14 REQUIRING A PERMIT FOR ROLL-OFF DUMPSTERS WITHIN PUBLIC RIGHTS-OF-WAY, ESTABLISHING THE RELEVANT APPLICATION AND APPROVAL PROCEDURE, DURATION, REMOVAL AND ENFORCEMENT PROVISIONS RELATING TO THE SAME; AMENDING TITLE VII (TRAFFIC CODE) TO ADD SECTION 73.12 AUTHORIZING HANDICAP PARKING WITH THE BOROUGH, ESTABLISHING THE RELEVANT APPLICATION, SIGNAGE, AND ENFORCEMENT PROVISIONS RELATING TO THE SAME; AMENDING TITLE IX (HEALTH, SAFETY, AND SANITATION) TO REVISE THE REGULATIONS REGARDING ABANDONED VEHICLES AND CLARIFY THE ENFORCEMENT THEREOF; REPEALING AND REPLACING CHAPTER 113 IN ITS ENTIRETY TO ESTABLISH A COMMERCIAL AND RESIDENTIAL RENTAL REGULATION ORDINANCE; AMENDING TITLE XI (BUSINESS REGULATIONS) TO ADD CHAPTER 114 ESTABLISHING SHORT-TERM RENTAL REGULATIONS; AMENDING TITLE XV (LAND USAGE) TO ADD CHAPTER 153 ESTABLISHING A VACANT PROPERTY REGISTRATION PROGRAM; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Borough of Ford City has previously adopted a Code of Ordinances to regulate matters affecting the health, safety, and welfare of the community; and

WHEREAS, Borough Council is authorized pursuant to the laws of the Commonwealth of Pennsylvania, including the Borough Code, to amend, revise, and supplement its Code of Ordinances; and

WHEREAS, Council has identified certain provisions within the Code that require clarification, correction of cross-references, modernization of language, and consistency with current administrative practices; and

WHEREAS, Council further finds it necessary to update enforcement provisions, utility billing responsibility, traffic regulations, and general regulatory provisions to ensure effective administration and legal enforceability; and

WHEREAS, Council has also determined that the existing landlord-tenant regulations should be repealed and replaced in their entirety to establish a comprehensive, modern framework governing rental properties within the Borough; and

WHEREAS, these amendments are intended to promote clarity, consistency, and the protection of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Ford City, Armstrong County, Commonwealth of Pennsylvania, as follows, incorporating the above recitals by reference:

SECTION 1. Title V, Public Works, is hereby amended by deleting the struck-through terms and inserting the underlined terms as follows:

§ 51.20 RESPONSIBILITY FOR CHARGES.

(A) All charges for water are to be assessed against the owner or occupant of the property wherein the water is to be used.

(C) Notwithstanding the party to whom the bill is issued, the owner of record of the property receiving such services shall remain fully responsible and liable for the payment of all charges, fees, penalties, interest, and costs associated therewith. Any unpaid balance shall constitute a debt of the property owner and may be collected by the Borough in any manner permitted by law, including but not limited to municipal liens, civil action, or service termination where authorized. The Borough's decision to bill an occupant or other party shall not relieve the property owner of ultimate responsibility for any delinquent account.

§ 52.02 CONDITIONS PREREQUISITE TO CONNECTION.

(A) He or she shall notify the ~~Superintendent of Public Works~~ Ford City Municipal Sewage Disposal Authority of his or her desire and intention to make such connection at least 24 hours before the time the connection is to be made, in order that the ~~Superintendent of Public Works or his or her authorized agent~~ authority may be present to supervise the work of the connection.

(B) He or she shall pay a sewer connection fee in an amount to be determined by ~~Council~~ the Authority from time to time, payable to the ~~Borough Secretary~~ Authority, for the use of the ~~borough~~ Authority.

§ 52.03 STANDARDS AND SPECIFICATIONS.

All work of making connections to any of the borough sewers shall be done under the ~~personal~~ supervision of the Ford City Municipal Sewage Disposal Authority ~~Superintendent of Public Works or his or her authorized agent~~ and shall conform to the requirements of this section. All connections shall be made at the place where the “Y” in the borough sewer is provided, but if no “Y” is provided in the sewer, then the property owner making such connection shall, at his or her expense, install the “Y” making such connection. All connections to the borough sewer shall be made by a master plumber under the supervision of the Authority ~~Superintendent of Public Works or his or her representative~~. All joints shall be sealed, made airtight, and made smooth and clean inside, with all sewers in straight alignment and of proper grade, so as to provide free flow of sewage matter without any obstructions. In addition, joints shall be made in conformity with the borough’s specification for its sanitary sewers. All work pertaining to the connection with the borough’s sewers shall be, financially and otherwise, the responsibility of the owner of the property with which connection is made, subject to the right of supervision hereby reserved by the borough.

§ 53.02 PURPOSE. shall be amended to add (A)(2)(a):

(A) It is the intent and purpose of this subchapter to promote the public health, safety, and welfare and to eliminate public health hazards, environmental pollution, and economic loss by providing that all residential, commercial, industrial, and institutional municipal solid waste accumulated or stored upon any property within the borough shall be collected, transported, and disposed of within the following conditions.

(2) All nonresidential properties not subject to the borough’s contract shall have contracted waste service with a hauler.

- (a) “not subject to the borough’s contract” shall be defined as any property that, prior to the effective date of this Ordinance, did not utilize collection under the Borough’s contract or, after the effective date of this Ordinance, received written permission from Borough Council to be exempt from the contract.

§ 53.06 STORAGE ON RESIDENTIAL PROPERTIES.

- (A) *Containers.* All municipal solid waste accumulated by owners of residential properties and/or the occupants of residential properties shall be placed in containers for collection by a hauler. Containers used for curbside collection shall be watertight, covered plastic or metallic cans that can be easily and quickly handled by one person. Refuse containers shall be not less than five gallons nor more than 65 gallons in capacity. ~~The weight of a single filled container shall not exceed 50 pounds.~~

§ 53.07 STORAGE ON COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL PROPERTIES.

- (A) *Containers.* Storage of municipal solid waste on commercial, industrial, and institutional properties shall be done in a dumpster for collection by a hauler. If the amount of waste generated per week is less than a two-yard dumpster the same type of containers as required for residential properties as defined in § ~~51.19~~ 53.06 shall be allowed if agreed upon by the borough, customer, and the hauler.

§ 53.14 ROLL-OFF DUMPSTERS IN PUBLIC RIGHTS-OF-WAY.

(A) *Permit required.* No person, contractor, or property owner shall place or cause to be placed any roll-off dumpster or similar waste container within any public street, alley, sidewalk, or other Borough right-of-way without first obtaining a permit from the Borough.

(B) *Application.* Application for a permit shall be made on a form provided by the Borough and shall include the proposed location, duration of placement, and such other information as may be required by the Borough Manager or their designee. A permit fee shall be established from time to time by resolution of Borough Council.

(C) *Review and approval.* The Borough Manager, Public Works Director, or their designee shall have the authority to approve, deny, or condition permits based upon considerations of public safety, traffic flow, pedestrian access, emergency access, and protection of public infrastructure.

(D) Conditions of placement. All permitted dumpsters placed within the public right-of-way shall comply with the following:

- (1) Shall not obstruct travel lanes, sidewalks, crosswalks, or access to fire hydrants, utilities, or driveways;
- (2) Shall be placed in a manner that minimizes interference with vehicular and pedestrian traffic;
- (3) Shall include reflective markings, cones, or other safety devices as required by the Borough;
- (4) Shall be maintained in good condition and not create a nuisance, including leakage, odors, or scattered debris; and
- (5) Shall comply with all applicable local, state, and federal laws and regulations.

(E) Duration. Permits shall be issued for a period of 14 calendar days. Extensions may be granted by the Borough Manager or their designee on an as-needed basis upon request.

(F) Liability. The permit holder shall be responsible for any damage to Borough property and shall indemnify and hold harmless the Borough from any claims arising from the placement or use of the dumpster within the right-of-way.

(G) Removal. The Borough may require immediate removal of any dumpster that creates a hazard or violates the conditions of the permit. Any dumpster placed without a permit may be removed by the Borough at the owner's expense.

(H) Enforcement. Any person who violates this section shall be subject to the penalties set forth in § 53.99 of this chapter.

§ 53.30 MONTHLY GARBAGE COLLECTION FEE.

~~(D) Pickup limitations.~~

- ~~(1) Each customer for garbage collection service as defined in division (C) above shall be limited to four bags or items of garbage per pick-up. Additional bags or items of garbage in excess of four will be picked up at each collection only if the bags have visibly attached garbage tags which may be purchased from the borough.~~
- ~~(2) No bag or item of garbage shall be picked up at each collection if it weighs in excess of what one person can lift.~~

SECTION 2. Title VII, Traffic Code, is hereby amended by deleting the struck-through terms and inserting the underlined terms as follows:

§ 70.16 TEMPORARY REGULATIONS.

The Code Enforcement Officer and borough police officers are ~~is~~ hereby authorized to make and enforce any temporary regulations that may be necessary to make effective the provisions of this Traffic Code under special conditions or in cases of emergency.

§ 70.99 PENALTY FOR TITLE VII.

~~Whoever violates any of the provisions of this Traffic Code, or any rules or regulations made pursuant thereto, shall be fined not more than \$50 or as may be stipulated by the Vehicle Code of the state, being 75 Pa.C.S. §§ 101 et seq., and, in default of the payment thereof, may be imprisoned in the County Jail for not more than ten days.~~

- (A) Any person, firm or corporation who violates any provision of this Chapter shall be issued a ticket carrying a fine as set by Resolution of Borough Council from time to time. The ticket shall contain instructions to the owner or driver of the vehicle that if they will report to the Borough or the office of the Borough police officers and pay the prescribed fine within 72 hours after the time of the ticket, or within 5 days after the time of the ticket along with an increased fine as set by Resolution of Borough Council from time to time, that act will save the violator from prosecution and from payment of the fine and costs prescribed in § 70.99(B).
- (B) Any person, firm or corporation who shall violate any provision of this code of ordinances or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100, nor more than \$1,000, plus costs, including reasonable attorneys' fees incurred by the borough and, in default of payment of said fines and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this code of ordinances is found to exist or for each section of this code of ordinances found to have been violated. The Borough may also commence appropriate actions in equity to prevent, restrain, correct, enjoin or abate violations of this code of ordinances. All fines and penalties collected for violation of this code of ordinances shall be paid to the Borough.

§ 71.99 PENALTY.

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §70.99 of this code of ordinances.~~

~~(B) Any individual violating the provisions of §§71.35 through 71.40, or aiding, abetting, or assisting therein, shall, upon conviction thereof, before any District Magistrate in the county, be subject to a fine of not less than \$25 nor more than \$600, together with costs of prosecution, which fine shall be paid to the Borough Treasurer for the use of the borough, and in default of payment of said fine and costs, shall be sentenced to undergo imprisonment in the County Jail for not less than one day nor more than ten days. Each day a vehicle shall remain parked or left standing in violation of §§ 71.35 through 71.40 shall constitute a separate violation.~~

(A) Any person, firm or corporation who violates any provision of this Chapter shall be issued a ticket carrying a fine as set by Resolution of Borough Council from time to time. The ticket shall contain instructions to the owner or driver of the vehicle that if they will report to the Borough or the office of the Borough police officers and pay the prescribed fine within 72 hours after the time of the ticket, or within 5 days after the time of the ticket along with an increased fine as set by Resolution of Borough Council from time to time, that act will save the violator from prosecution and from payment of the fine and costs prescribed in § 71.99(B).

(B) Any person, firm or corporation who shall violate any provision of this code of ordinances or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100, nor more than \$1,000, plus costs, including reasonable attorneys' fees incurred by the borough and, in default of payment of said fines and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this code of ordinances is found to exist or for each section of this code of ordinances found to have been violated. The Borough may also commence appropriate actions in equity to prevent, restrain, correct, enjoin or abate violations of this code of ordinances. All fines and penalties collected for violation of this code of ordinances shall be paid to the Borough.

§ 72.99 PENALTY.

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 70.99 of this code of ordinances.~~

~~(B) Whoever violates § 72.15 shall be fined not more than \$1,000.~~

- (A) Any person, firm or corporation who violates any provision of this Chapter shall be issued a ticket carrying a fine as set by Resolution of Borough Council from time to time. The ticket shall contain instructions to the owner or driver of the vehicle that if they will report to the Borough or the office of the Borough police officers and pay the prescribed fine within 72 hours after the time of the ticket, or within 5 days after the time of the ticket along with an increased fine as set by Resolution of Borough Council from time to time, that act will save the violator from prosecution and from payment of the fine and costs prescribed in § 72.99(B).
- (B) Any person, firm or corporation who shall violate any provision of this code of ordinances or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100, nor more than \$1,000, plus costs, including reasonable attorneys' fees incurred by the borough and, in default of payment of said fines and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this code of ordinances is found to exist or for each section of this code of ordinances found to have been violated. The Borough may also commence appropriate actions in equity to prevent, restrain, correct, enjoin or abate violations of this code of ordinances. All fines and penalties collected for violation of this code of ordinances shall be paid to the Borough.

§ 73.12 HANDICAP PARKING.

(A) Authority to establish handicap parking. The Borough Manager and the Public Works Director, or their designee, are hereby authorized to designate parking spaces for use by persons with disabilities in accordance with all applicable federal and state laws and regulations, including but not limited to the Pennsylvania Vehicle Code, 75 Pa.C.S. § 3354(d), and the Americans with Disabilities Act (ADA). Such spaces may be established wherever deemed necessary to promote accessibility, safety, and public convenience.

(B) Conversion of existing parking spaces. The Borough Manager and Public Works Director, at their discretion, may designate any existing parking space, including metered spaces or time-restricted parking spaces, as handicap-accessible parking, provided such designation complies with applicable accessibility standards, including ADA requirements for location, access aisles, and signage.

- (1) Any such designation shall not exempt a vehicle from applicable meter fees or time limitations.

- (2) All vehicles parked in handicap-designated metered or time-restricted spaces shall comply with the posted meter requirements and time restrictions, to the extent permitted by applicable law.

(C) Residential handicap parking application. Residents of the Borough may apply for the installation of a handicap parking space in proximity to their residence. The Borough shall establish an application process, which shall include submission of a completed application, proof of a valid handicap placard or registration issued by the Commonwealth of Pennsylvania, and payment of an application fee and sign installation fee as established by resolution of Borough Council.

(D) Nature of residential handicap spaces. Any handicap parking space installed pursuant to a residential application shall remain part of the public right-of-way and shall not be reserved exclusively for the applicant. Such spaces shall be available for use by any properly permitted vehicle displaying a valid handicap placard or registration plate, consistent with federal and state law.

(E) Placement and signage. The location, design, and installation of all handicap parking signage and pavement markings shall comply with applicable federal and state standards, including ADA accessibility guidelines and PennDOT requirements, and shall be determined by the Borough Manager and Public Works Director to avoid interference with traffic flow and public safety.

(F) Removal or modification. The Borough reserves the right to remove or relocate any handicap parking space established under this section if it is determined that the space is no longer necessary or if conditions warrant modification, provided such action remains in compliance with applicable law.

(G) Enforcement. No person shall park a vehicle in any designated handicap parking space unless the vehicle displays a valid handicap placard or registration plate as required by the Pennsylvania Vehicle Code. Violations shall be subject to penalties as provided under state law and this Code of Ordinances.

§ 73.99 PENALTIES.

- (A) Any person, firm or corporation who violates any provision of this Chapter shall be issued a ticket carrying a fine as set by Resolution of Borough Council from time to time. The ticket shall contain instructions to the owner or driver of the vehicle that if they will report to the Borough or the office of the Borough police officers and pay the prescribed fine within 72 hours after the time of the ticket, or within 5 days after the time of the ticket along with an increased fine as set by Resolution of Borough Council from time to time, that act will save the violator from prosecution and from payment of the fine and costs prescribed in § 73.99(B).

(B) Any person, firm or corporation who shall violate any provision of this code of ordinances or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100, nor more than \$1,000, plus costs, including reasonable attorneys' fees incurred by the borough and, in default of payment of said fines and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this code of ordinances is found to exist or for each section of this code of ordinances found to have been violated. The Borough may also commence appropriate actions in equity to prevent, restrain, correct, enjoin or abate violations of this code of ordinances. All fines and penalties collected for violation of this code of ordinances shall be paid to the Borough.

CHAPTER 74: PARKING AND TRAFFIC SCHEDULES

SCHEDULE VI. PERMIT PARKING.

~~(E) Penalty.~~

~~(1) Whoever violates any provision of this schedule shall be guilty of a summary offense and fined not more than \$300 per day or violators shall pay the costs of prosecution. In default of this payment of such fines and costs, the violator shall be imprisoned not more than 30 days.~~

~~(2) Anyone who violates any provision of divisions (A) through (D) above, except as provided above, shall be guilty of a summary offense and shall be subject to be fined in any amount not to exceed \$300 per day and costs of prosecution. In default of the payment of such fines and costs, the violator shall be imprisoned for not more than 30 days.~~

§ 74.99 PENALTIES.

(A) Any person, firm or corporation who violates any provision of this Chapter shall be issued a ticket carrying a fine as set by Resolution of Borough Council from time to time. The ticket shall contain instructions to the owner or driver of the vehicle that if they will report to the Borough or the office of the Borough police officers and pay the prescribed fine within 72 hours after the time of the ticket, or within 5 days after the time of the ticket

along with an increased fine as set by Resolution of Borough Council from time to time, that act will save the violator from prosecution and from payment of the fine and costs prescribed in § 74.99(B).

- (B) Any person, firm or corporation who shall violate any provision of this code of ordinances or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100, nor more than \$1,000, plus costs, including reasonable attorneys' fees incurred by the borough and, in default of payment of said fines and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this code of ordinances is found to exist or for each section of this code of ordinances found to have been violated. The borough may also commence appropriate actions in equity to prevent, restrain, correct, enjoin or abate violations of this code of ordinances. All fines and penalties collected for violation of this code of ordinances shall be paid to the borough.

SECTION 3. Title IX, General Regulations, is hereby amended by inserting the underlined terms as follows:

§ 91.01 ABANDONED VEHICLES.

(A) *Parking or repairing on streets.* No person shall abandon any motor vehicle on the public avenues, streets, or alleys, or park or permit to be parked any disabled motor vehicle or vehicle which does not bear current inspection and registration plates, upon the avenues, streets, or alleys of the borough, or repair or permit to be repaired a motor vehicle while parked on the avenues, streets, or alleys of the borough, except for such emergency service as is necessary to move the vehicle. For vehicles on public streets, enforcement relating to vehicle registration, inspection, abandonment, parking, standing, or stopping shall be undertaken in accordance with the Pennsylvania Vehicle Code, and citations for such matters shall be issued by the Borough police officers, and when those violations are not under the purview of the Pennsylvania Vehicle Code, the Borough Code Enforcement Officer is authorized to issue citations for such matters in accordance with this Chapter.

- (1) For purposes of this Code of Ordinances, "Disabled Motor Vehicle" means a vehicle that, due to mechanical condition, damage, or lack of essential equipment, cannot be safely or lawfully operated on a public street.
- (2) For purposes of this Code of Ordinances, "Emergency Service as is Necessary to Move the Vehicle" means limited actions conducted solely to render the vehicle safely movable to the nearest reasonable location, not to exceed 45 minutes.

(B) *Gasoline, grease, oil, and the like on streets.* No person, firm or corporation shall deposit or permit to be deposited any gasoline, grease, oil, hydraulic fluid, or radiator coolant upon the surface of the avenues, streets or alleys of the borough, either directly or from a motor vehicle.

(C) *Enforcement.* Any person causing or permitting a discharge in violation of § 91.01(B) shall promptly abate and remediate the discharge; upon failure, the Borough may remediate and collect costs plus a 10% administrative fee.

(D) *Coordination.* No person shall be prosecuted under this Section for conduct that is the subject of a pending or final disposition under the Pennsylvania Vehicle Code arising from the same act, occurrence, and location.

§ 92.03 CERTAIN ACTS PROHIBITED.

(P) To camp, sleep, or otherwise occupy the parks between dusk and dawn.

SECTION 4. Title XI, Business Regulations, is hereby amended by deleting the struck-through terms and inserting the underlined terms as follows:

§ 112.10 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be ~~given on a weatherproof card, approximately three inches by four inches in size,~~ exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows: “NO SOLICITORS” or variant.

~~(B) The letters shall be at least one third inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.~~

~~(C)~~ The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

SECTION 5. Title XIII, General Offenses, is hereby amended by deleting the struck-through terms and inserting the underlined terms as follows:

§ 131.03 FIREWORKS.

(C) Borough-approved special events. Aerial fireworks or other airborne pyrotechnic displays may be permitted only for borough-approved special events, subject to all of the following requirements.

(3) *Insurance.* The applicant shall provide proof of liability insurance in an amount set by the Borough Council, naming the borough as additional insured

(5) *Borough approval required.* No aerial fireworks display may occur unless the Borough Council issues written approval. The Borough Council may deny an application for any reason related to public health, safety or welfare.

(E) *Violation and penalties.* Any person violating this section shall be subject to the penalty provisions set forth in § 131.99. The borough may also commence appropriate actions in equity to prevent, restrain, correct, enjoin or abate violations of this section. The initial determination of violation is hereby delegated to the Borough Manager, Borough Police, the Borough Code Enforcement Officer and to any other officer or agent that the Borough Manger or the Borough ~~Council~~ shall deem appropriate.

SECTION 6. Title XV, Land Usage, is hereby amended by deleting the struck-through terms and inserting the underlined terms as follows:

§ 150.03 DRIVEWAY CONSTRUCTION.

(A) *Damage to sidewalk and curb; consent required.* No person shall build or construct a private driveway from any street, avenue, or alley into his or her lot whereby the street curb on the sidewalk is crossed, molested, or defaced, without first having obtained the consent of the Borough Council or of ~~the Street Committee thereof~~.

(B) *Supervision of Council or representative.* Anyone desiring to build or construct a private driveway from any street, avenue, or alley into his or her lot shall make application to ~~Council or the Street Committee thereof~~ the Borough for the privilege,

and, consent having been first obtained, shall build and construct the same under the direction and to the satisfaction of ~~Council or its Street Committee~~ the Public Works Director or a person designated to oversee the work.

(C) Repair of curb and sidewalk; borough's remedy for noncompliance.

- (1) No person shall fail, within five days after receiving notice to do so from ~~Council or the Street Committee thereof~~ the Borough, to replace the curb and sidewalk in the same condition as it was before starting to build and construct such driveway.
- (2) If any person neglects or refuses to replace the curbing and sidewalk as required by division (C)(1) above, the borough shall have the same done by its officers and employees and shall recover the cost thereof, together with a 10% penalty and all charges and expenses, from such owner, and may file a municipal claim therefor or collect the same by action in assumpsit. This remedy shall be in addition to the penalty provided for in § 150.99(B).

~~§ 151.03 OCCUPANCY PERMITS.~~

~~(A) Occupancy permit required.~~

- ~~(1) This section shall apply only to dwellings or other living quarters not occupied by the owner of the dwelling or living quarters. Except for a change in occupancy to the owner of the dwelling or living quarters, there shall be no change in the occupancy of any non-owner occupied dwelling, or other non-owner occupied living quarters, in the borough, unless and until such time as the owner thereof, or his or her agent, has secured an occupancy permit to be issued by the Borough Secretary.~~
- ~~(2) The initial occupancy permit fee shall be as established by resolution of the Borough Council from time to time. This fee may be changed from time to time by resolution of the Borough Council.~~

~~(B) Application. Application for an occupancy permit shall be made upon the forms provided by the borough.~~

~~§ 151.04 BUSINESS AND COMMERCIAL OCCUPANCY PERMITS.~~

~~(A) Definition. The definition of term OCCUPANCY shall include the occupant of a premises and/or the use of the premises.~~

~~(B) *Permit required for change in occupancy.* There shall be no change in the occupancy of any commercial property and business in the borough until such time as the owner, lessee, or agent thereof has secured an occupancy permit to be issued by the Borough Secretary, for the fee as established by resolution of the Borough Council from time to time.~~

~~(C) *Application.* The application for the occupancy permit shall disclose the following information:~~

~~(1) Address and identification of the premises to be occupied;~~

~~(2) Name and address of the owner(s);~~

~~(3) Number of rooms;~~

~~(4) Bathroom facilities;~~

~~(5) General condition of premises;~~

~~(6) Proposed use of premises;~~

~~(7) Name or prior tenant(s) or occupant(s); and~~

~~(8) Name(s) of prospective occupant(s).~~

~~(D) *Certification by Building Inspector.* No permit shall be issued until such time as the premises are deemed to be in compliance with all applicable codes and ordinances as certified in writing by the Building Inspector.~~

~~(E) *Valid only for specified occupant.* The permit is only valid for the occupancy of the premises as stated on the permit and must be reapplied for by each succeeding occupancy.~~

~~(F) *Revocation of permit.* The Borough reserves the right to revoke the permit of any commercial property or business, upon the recommendation of the Building Inspector, if the occupancy is found not in compliance with borough safety and health standards, or in violation of this or any other building code or ordinance.~~

§ 151.053 SMOKE DETECTORS.

SECTION 7. Chapter 113, Landlord-Tenant, of Title XI, Business Regulations, is hereby repealed in its entirety and replaced as follows:

CHAPTER 113: LANDLORD-TENANT

§ 113.01. DEFINITIONS.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Borough. Borough of Ford City, Armstrong County, Pennsylvania.

Code. Any Federal or Commonwealth of Pennsylvania Statute, any code, any regulation, or any Ordinance adopted, enacted, or in effect in and for the Borough of Ford City, concerning the fitness for habitation, construction, maintenance, operation, occupancy, use, or appearance of any real property within the Borough.

Code Enforcement Officer. The duly appointed Code Enforcement Officer or duly appointed representative of the Borough having charge of the Office of Code Enforcement in the Borough of Ford City.

Commercial Property. Any property used for business purposes, including but not limited to office buildings, retail spaces, industrial properties, and other non-residential properties being rented or leased.

Common Area. In multiple unit dwellings, space which is not part of a single rental unit, and which is shared in common with other occupants of a dwelling, whether they reside in rental units or not, such common areas shall be considered as part of the premises for purposes of this Ordinance.

Disruptive Conduct. Any criminal activity and any form of conduct, action, incident, or behavior perpetrated, caused or committed by any occupant or visitor of a rental unit that is so loud, untimely, offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their property such that a report is made to the Police and/or to the Code Enforcement Officer, complaining of such condition, action, incident or behavior.

Disruptive Conduct Report. A written report of disruptive conduct on a form prescribed therefore to be completed by the Code Enforcement Officer, or a member of the Police Department, as the case may be, who actually investigates an alleged incident of disruptive conduct, and which shall be maintained by the Code Enforcement Officer.

Dwelling. A building having one or more dwelling units.

Dwelling unit. A room or group of rooms within a building, forming a single unit, and used for living or sleeping purposes.

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 right to the present use and enjoyment of the premises including a mortgage holder in possession of a rental unit.

Manager. An adult individual, qualified by relevant property management experience or certification, designated by the owner of a rental unit who shall be the agent of the owner for service of process, receiving notices or demands, and performing the obligations of the owner under this Ordinance and rental agreements with occupants. The Manager must reside within a 25-mile radius of the Borough of Ford City.

Multiple Unit Dwellings. A building containing two or more dwelling units, including but not limited to double houses, row houses, townhouses, condominiums, apartment houses, apartment buildings, and conversion apartments.

Natural Person. A living human being.

Occupancy Permit. The permit issued to the owner of a rental unit which is required for the lawful rental and occupancy of such unit.

Occupant. An individual or entity who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landowner is established by a Rental Agreement or by the laws of the Commonwealth of Pennsylvania.

Owner. See Landlord.

Person. A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

Premises. Any parcel of real property in the Borough of Ford City, including the land and all buildings and appurtenances, structures, or appurtenant elements on which one or more rental units are located.

Rental Unit. A dwelling unit or commercial unit, situated within the Borough, occupied by one or more persons or entities, related or unrelated, under a rental agreement or by the laws of the Commonwealth of Pennsylvania.

Rental Property. Contiguous real property containing one or more rental units. This definition shall include both residential and commercial units.

Rental Agreement. A written or oral agreement between an owner/landlord and occupant/tenant embodying the terms and conditions concerning the use and occupancy of a specified rental unit or premises.

Tenant. See Occupant. This definition shall also include any individual not listed on the deed of the dwelling but living within the unit.

Unrelated. Of or pertaining to any and all persons not related to one another through blood, adoption or marriage.

Year. A calendar year.

§ 113.02. OWNER'S DUTIES.

(A) Regulation of Rental Units.

- (1) Every owner shall maintain all rental units in compliance with applicable codes, state laws, and local ordinances. Owners must ensure the premises are kept in good and safe condition and that occupants conduct themselves lawfully and maintain the premises properly.
- (2) Every owner of a rental unit shall be responsible for regulating the proper and lawful use and maintenance of every rental unit owned by that owner.
- (3) Every owner of a rental unit shall regulate the conduct and activity of the occupants of their rental units, both through provisions contained in leases and through enforcement of said provisions.
- (4) Notwithstanding any provision herein, it is specifically provided that occupants and their guests are responsible for their own conduct or activities. This Chapter shall not 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 proceedings, 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 or their guests based upon the occupants' or their guests' conduct or activity.
- (5) Notwithstanding any provision herein, this Chapter shall in no way limit any other enforcement remedies which may be available to the Borough against an owner, occupant, or guest.

(B) Designation of Manager.

- (1) Every owner who is not a natural person and any owner who is a natural person but who is not a full-time resident of the Borough of Ford City or does not reside within a 25-mile radius of the Borough of Ford City, shall designate a manager who shall reside in an area that is within a 25-mile radius of the Borough of Ford City.
- (2) The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as performing the obligations of the owner under this Chapter and under rental agreements with occupants. The identity, address and telephone number of the person designated as manager shall be provided to the

Borough and such information shall be kept current and updated in the event of any change thereto, as soon as reasonably possible.

(C) *Disclosure.*

(1) The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy: (i) the name, address, and telephone number of the manager, if applicable, and (ii) the name, address, and telephone number of the owner of the premises.

(2) Before an occupant enters into or renews a rental agreement for a rental unit, the owner or manager shall furnish the occupant with the most recent occupancy inspection report relating to the rental property.

(D) *Maintenance of Properties.* The owner shall maintain the premises in compliance with all applicable codes 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 the obligations provided for herein.

(E) *Written Maintenance Agreement.* Owner and occupant may agree that the occupant is to perform the specified repairs, maintenance, tasks, alterations, or remodeling in which case such agreement must be in writing. In no case shall the existence of such an agreement between the owner and occupant relieve an owner of any responsibility under this Chapter or other Ordinances or codes for the maintenance of the premises.

(F) *Written Rental Agreement.* After the effective date of this Ordinance, all rental agreements for rental units shall be in writing and no oral leases or oral modifications thereof shall be permitted. The owner shall provide the occupant with copies of the Rental Agreement upon the execution thereof.

(G) *Utility Billing.* Tenants will be billed for all utility bills, with a copy provided to the Owner at the request of the Owner. All delinquent notices will be provided to both the Owner and Tenant.

(H) *Terms and Conditions.* Owner and occupant may include in the Rental Agreement terms and conditions not prohibited by this Chapter or other applicable Ordinances, regulations, and laws, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties. No Rental Agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Chapter and any such prohibited provision, if included in a rental agreement, shall be unenforceable and void.

(I) *Complaints.* All owners shall, within ten (10) days, reply to reasonable complaints and inquiries from occupants. Nothing herein shall be deemed to supersede any rights, duties, or responsibilities of owners or occupants as provided for under the Landlord Tenant Act of the Commonwealth of Pennsylvania, as amended.

(J) *Common Areas.* Where an owner does not regulate the use of communal areas and the behavior of occupants or their guests in the communal 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.

(K) *Enforcement.*

(1) Within ten (10) days after receipt of a written notice from the Code Enforcement Officer that an occupant of a rental unit has violated a provision of this Chapter, the owner shall take immediate steps to remedy the violation and take steps to assure that there is no reoccurrence of the violation.

(2) Within twenty (20) days after the receipt of the written notice of violation, the owner shall file with the Code Enforcement Officer a report on a form provided by the Borough 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. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

(3) The Code Enforcement Officer shall review the report and if adequate steps have been taken and the plan is adequate to address future violations, the report and remediation plan shall be approved. The owner shall, on his or her own initiative, enforce the plan and failure to do so shall be a violation of this Chapter.

(L) *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. In the event the owner of the premises shall neglect, fail, or refuse to comply with any notice from the Borough 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 Borough shall have the right to enjoin further occupancy of said premises until the required remedial action has been taken. In addition, the Code Enforcement Officer may invoke such other remedies available under applicable codes, Ordinances, or statutes, including, where appropriate, condemnation proceedings or declaration of the premises as unfit for

habitation, or suspension, revocation or non- renewal of the license issued hereunder for the unit specified.

(M) *Inspections.*

- (1) The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times, upon reasonable notice.
- (2) In accordance with law, inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following:
 - (a) A complaint received by the Borough of Ford City or any law enforcement agency indicating that there is a violation of any ordinance adopted by the Borough or any state, county or local law or regulation:
 - (b) A lawful observation by any law enforcement officer, code enforcement, or of any member of the Fire Department of a violation of any ordinance adopted by the Borough or any other state, county, or local law or regulation:
 - (c) A report or lawful observation of a dwelling unit or commercial premises that is unoccupied, unsecured, or that has been damaged by fire:
 - (d) The failure to register or comply in any manner with the provisions required by this Chapter;
 - (e) The need to determine compliance with a notice or an order issued by the Borough;
 - (f) An emergency observed or reasonably believed to exist;
 - (g) A request for an inspection by the property owner;
 - (h) Requirements of law where a dwelling unit or commercial premises is to be demolished by the Borough or where ownership is to be transferred to the Borough; or
 - (i) For any other reason deemed necessary by the Borough and executed in accordance with law.

- (3) The Borough reserves the right to conduct an inspection on rental units, both commercial premises and residential premises, (i) at the time of change in ownership and (ii) at the time of change in occupancy.

§ 113.03. OCCUPANT'S DUTIES.

(A) Occupants shall comply with all obligations imposed upon occupants by this Chapter, all applicable codes and Ordinances of the Borough and all applicable provisions of federal and state laws.

(B) Health and Safety Regulations.

- (1) The maximum number of persons permitted in any rental unit at any time shall not exceed one (1) person for each forty (40) square feet of habitable floor space in said rental unit. The maximum number of persons permitted in the communal areas of any multiple unit dwelling at any time shall not exceed one (1) person for each fifteen (15) square feet of common area on the premises.

- (2) Occupant(s) shall dispose from the rental unit all rubbish, garbage, and other waste in a clean and safe manner and separate and place for collection all recyclable materials in compliance with the Borough Solid Waste and Recycling Ordinance and all other applicable Ordinances, laws, and regulations.

(C) *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 rental unit with his or her consent, to conduct themselves in a matter that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent and nearby properties by the persons using and/or occupying the same.

(D) *Illegal Activities.* Occupant(s) shall not engage in, nor tolerate or permit others on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code, Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act.

(E) Disruptive Conduct.

- (1) The occupant shall not engage in, nor tolerate nor permit their guests within their rental unit to engage in, disruptive conduct or other violations of this Ordinance.

- (2) When a Police Officer or the Code Enforcement Officer investigates an alleged incident of disruptive conduct, the Police Officer or the Code Enforcement Officer shall complete a Disruptive Conduct Report upon a finding that the reported incident did, in the officer's judgment, constitute disruptive conduct as defined herein.
 - (a) The information contained in said report shall include the identity or identities of the actors or tenants committing the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct as requested on the reporting form.
 - (b) When an investigation is conducted by the police, the Police Officer shall then submit the completed Disruptive Conduct Report to the Code Enforcement Officer.
 - (c) The Code Enforcement Officer shall mail a copy of all Disruptive Conduct Reports to the owner or manager within three business (3) days of the completion of any investigation of the alleged disruptive conduct.

(F) *Inspection of Premises.* Occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times and upon reasonable notice.

§ 113.04. LICENSES AND INSPECTIONS.

(A) *License Required.*

- (1) Any owner of any rental unit as defined herein shall apply for and obtain a license for each rental unit before entering into a rental agreement or permitting the occupancy of any rental unit. Any rental unit, whether under oral or written lease, as of the effective date of this Ordinance, shall require a license to be obtained within sixty (60) days of the effective date of this Ordinance. For each succeeding license year, any rental unit shall require a license to be obtained on or before the end of January of each succeeding license year.
- (2) The application for the license shall be on a form provided by the Borough. All granting of licenses shall be conditioned upon the owner's continuing obligation to fully comply with the requirements of this Chapter.
- (3) The owner shall maintain a current list of occupants in each rental unit which shall include their name, permanent address, and permanent telephone number. The owner shall furnish this list to the Borough upon request and shall notify the Borough of any

change in the number of occupants within ten (10) days of such change, so that revisions can be made to the license.

(B) Annual License Term, Fee, and Occupancy Limit.

- (1) Each license shall have a one (1) year term which shall commence on January 1st of each year and shall terminate at the end of the day on December 31st of each license year.
- (2) Upon application for a license and prior to an issuance or renewal thereof, each applicant shall pay to the Borough an annual license fee and an initial inspection fee, as applicable, in an amount to be established from time to time by resolution of the Borough Council. Said resolution may provide for more than one (1) fee scale for various categories of premises to be more specifically set forth in the resolution. The Borough Council may also establish fees from time to time by resolution for appeals from the decisions of the Code Enforcement Officer and other fees related to the administration of this Ordinance.
- (3) The license shall indicate thereon the maximum number of occupants in each rental unit.

(C) Occupancy Inspection.

- (1) All premises shall be subject to periodic inspections by the Code Enforcement Officer, Fire Department, or any other duly authorized agent of the Borough. Such inspection shall take place:
 - (a) When an application is submitted for the first time for a license; or
 - (b) At any time during the year when the Code Enforcement Officer has reason to believe that a violation of this Chapter is being committed, or is being permitted to take place, or any of the other applicable codes are being violated; or
 - (c) Prior to any change in the occupancy of the rental unit by a different Tenant; or
 - (d) Prior to any change in the ownership of the rental unit; or
- (2) The Code Enforcement Officer is hereby designated as the official authorized to enforce this Chapter and to take appropriate measures to abate any violations hereof, for and on behalf of the Borough.

§ 113.05. NON-RENEWAL, SUSPENSION, OR REVOCATION OF AN OCCUPANCY PERMIT.

(A) *General.* The Code Enforcement Officer shall initiate action against an owner that may result in a formal warning, non-renewal, suspension or revocation of the owner's license for violating any provision of this Chapter that imposes a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided herein.

(B) *Basis for Action.*

(1) An owner shall be subject to formal warning, non-renewal, suspension, or revocation of a license upon any of the following:

- (a) Failure to abate a violation of the Borough 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.
- (c) Failure to take steps to prevent violations of this Chapter by occupants of rental units through enforcement of a rental or lease agreement.
- (d) Failure to file and implement an approved plan to remedy and prevent violations of this Chapter by occupants of a rental unit.
- (e) Failure to initiate eviction proceedings against occupants after having been directed to do so by the Code Enforcement Officer of the Borough; or
- (f) Three (3) violations of this Chapter or other Ordinances of the Borough that apply to the premises within a license term. Before a violation can be considered under this section, the owner must have received notice in writing of each violation within thirty (30) days after the Code Enforcement Officer received notice of the violation.

(C) *Procedure for Non-Renewal, Suspension, or Revocation of License or Occupancy Permit.*

(1) Following a determination that grounds for non-renewal, suspension or revocation of a license or occupancy permit exist, the Code Enforcement Officer shall notify the owner

of his decision and the reason, therefore. Such notification shall be in writing, addressed to the owner, and shall contain the following information:

- (a) The address of the premises in question and identification of the particular rental unit(s) affected.
- (b) A description of the violation that has been found to exist.
- (c) A statement that the license for said rental unit will be suspended, revoked, or will not be renewed for the next calendar year, or that the owner will receive a formal warning.
- (d) 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 it shall also state the duration of said suspension.
- (e) A statement that, due to the non-renewal, suspension or revocation, the owner is prohibited from renting, letting, or permitting occupancy of the rental unit from and during the period said action is in effect.
- (f) A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking, or non-renewal of the license to the Borough Council by submitting in writing to the Borough Secretary within thirty (30) days from the date printed on the notice, a detailed statement of appeal, including the grounds therefore and the reasons alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned and a statement of the relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefore by Borough Council, to be signed by the appellant. The cost for filing such an appeal shall be determined and established from time to time by resolution of the Borough Council, however, until modified by resolution, the initial fee shall be as provided for above.
- (g) Upon receipt of an appeal in proper form, accompanied by the requisite fee, the Borough Secretary shall schedule a hearing to be held at the time of the next regularly scheduled Borough Council meeting to be held not less than ten (10) days from the date on which the appeal was filed.

- (h) The appellant, the Code Enforcement Officer, and the owners of properties within a radius of three hundred (300) feet from the premises for which the license is at issue, shall receive written notice of the hearing on the appeal.
- (i) Borough Council shall hold a hearing on the appeal, which shall be conducted in accordance with the Local Agency Law. 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 relevant factual presentations of other parties. The Borough 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 thirty (30) days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision, which decision shall be provided within forty-five (45) days of the date of that hearing. If Borough Council deems it necessary or desirable, the hearing may be continued to a subsequent time and date not later than thirty (30) days from the initial hearing date, which time and date shall be openly announced at the initial hearing and in such case, the time limits for rendering the decision and written opinion thereof shall be calculated from the date of the last hearing.

(D) Notification of Decision. All notices shall be sent to the owner and manager, if applicable, by certified mail and by regular first-class mail postage prepaid. In the event that the certified mail notice is returned by the postal authorities marked "Unclaimed" or "Refused", but the first class mail notice is not returned within five (5) days following the deposit in the United States Mail, said notice shall be deemed to have been delivered on the fifth (5th) day following deposit in the United States Mail. In the event that the certified mail notice is returned marked "Unclaimed" or "Refused" and the regular mail notice is returned by the postal authorities marked "Undeliverable", the Code Enforcement Officer shall attempt delivery by personal service on the owner or manager, if applicable. Upon delivery of the notification of the decision, pursuant to the provisions hereof, the owner shall have the right to appeal said decision to the Court of Common Pleas of Armstrong County, Pennsylvania. Upon notice of said appeal, the Borough shall cause to be filed with the Court a true and correct record of all proceedings before Borough Council and said appeal shall proceed before that Court in accordance with the provisions of the Local Agency Law.

§ 113.06. VIOLATION AND PENALTIES.

- (A) Any person, firm or corporation who shall violate any provision of this articles or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorneys' fees incurred by the Borough, and, in default of payment of said fines and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this article is found to exist or for each section of this article found to have been violated.
- (B) Occupancy Permits or licenses may be revoked at the discretion of the Borough Manager or Code Enforcement Officer upon conviction of any persons for three or more property maintenance violations at the permitted property in any eighteen-month period, for any single violation or combination of violations that reasonably constitute a nuisance, for failure to adhere to the terms of this chapter, for violation of the terms of this Part, or for any other reasonably justifiable cause as determined by the Borough Manager or Code Enforcement Officer to be in the best interest of the health, safety, and welfare of the community. Revocations of permits or licenses shall be appealable pursuant to the procedures set forth in § 113.05 in the same manner as provided for the appeal of the denial of permits.
- (C) In addition to any other remedy available under law, the Borough may enforce this Part or other Borough ordinance by any appropriate action in equity or at law to prevent, restrain, correct, enjoin, or abate violations of this Part or other Borough ordinance.

§ 113.07. MISCELLANEOUS PROVISIONS.

(A) Notices.

- (1) For purposes of this Chapter, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.
- (2) There shall be a rebuttable presumption that any notice required to be given to the owner under this Chapter shall have been received by such owner if the notice was given to the owner in the manner provided by this Chapter.
- (3) A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license non-renewal, 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 Chapter.

- (B) Changes in Ownership.* It shall be the duty of each owner of a rental unit to notify the Borough in writing of any change in ownership of the premises or of the number of rental

units on the premises. It shall also be the duty of the owner to notify the Borough in writing of any increase in the number of occupants in any rental unit or of the changing of a dwelling unit from owner occupied to non-owner occupied which thereby transforms the dwelling into a rental unit for purposes of this Chapter.

(C) *Owners Severally Responsible.* If any rental unit is owned by more than one (1) person in any form of joint tenancy, tenancy by the entireties, as a partnership, or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Chapter and shall be severally subject to prosecution for the violation of this Chapter.

SECTION 8. Title XI, Business Regulations, is hereby amended by inserting the underlined terms as follows:

CHAPTER 114: SHORT-TERM RENTALS

§ 114.01. DEFINITIONS.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Borough. Borough of Ford City, Armstrong County, Pennsylvania.

Code. Any Federal or Commonwealth of Pennsylvania Statute, any code, any regulation, or any Ordinance adopted, enacted, or in effect in and for the Borough of Ford City, concerning the fitness for habitation, construction, maintenance, operation, occupancy, use, or appearance of any real property within the Borough.

Code Enforcement Officer. The duly appointed Code Enforcement Officer or duly appointed representative of the Borough having charge of the Office of Code Enforcement in the Borough of Ford City.

Commercial Property. Any property used for business purposes, including but not limited to office buildings, retail spaces, industrial properties, and other non-residential properties being rented or leased.

Disruptive Conduct. Any criminal activity and any form of conduct, action, incident, or behavior perpetrated, caused or committed by any occupant or visitor of a rental unit that is so loud, untimely, offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their property such that a report is made to the Police and/or to the Code Enforcement Officer, complaining of such condition, action, incident or behavior.

Disruptive Conduct Report. A written report of disruptive conduct on a form prescribed therefore to be completed by the Code Enforcement Officer, or a member of the Police Department,

as the case may be, who actually investigates an alleged incident of disruptive conduct, and which shall be maintained by the Code Enforcement Officer.

Dwelling. A building having one or more dwelling units.

Dwelling unit. A room or group of rooms within a building, forming a single unit, and used for living or sleeping purposes.

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 right to the present use and enjoyment of the premises including a mortgage holder in possession of a rental unit.

Manager. An adult individual, qualified by relevant property management experience or certification, designated by the owner of a rental unit who shall be the agent of the owner for service of process, receiving notices or demands, and performing the obligations of the owner under this Ordinance and rental agreements with occupants. The Manager must reside within a 25-mile radius of the Borough of Ford City.

Occupancy License. The license issued to the owner of a rental unit which is required for the lawful rental and occupancy of such unit.

Occupant. An individual or entity who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landowner is established by a Rental Agreement or by the laws of the Commonwealth of Pennsylvania.

Owner. See Landlord.

Person. A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

Premises. Any parcel of real property in the Borough of Ford City, including the land and all buildings and appurtenances, structures, or appurtenant elements on which one or more rental units are located.

Short-Term Rental. A dwelling unit that is rented in its entirety or in part to a guest(s) for less than thirty (30) consecutive days.

Short-Term Rental Unit. A dwelling unit, a portion of a dwelling unit, or any other structure or space that is offered to guests for short-term rental purposes, as defined herein. "Short-term rental unit" does not include:

- (1) A structure or any part of a structure not intended for human occupancy, including space in utility sheds, garages, attics, or basements that is not designed, inspected, and licensed to ensure proper certification for human occupancy.
- (2) A camper, tent, or vehicle, including a recreational vehicle.
- (3) Rooms or suites at hotels.
- (4) Health care facilities licensed by the state.

Unrelated. Of or pertaining to any and all persons not related to one another through blood, adoption or marriage.

Year. A calendar year.

§ 114.02. LICENSING AND REGISTRATION.

- (A) License Required. Owners of short-term rental properties must apply for and obtain a Short-Term Rental License from the Borough prior to advertising or renting the property. When an owner desires to operate more than one short-term rental unit within a single dwelling unit, the applicant must obtain a separate license for each short-term rental unit. A license holder must include the short-term rental license number in all advertisements for a short-term rental unit, including all online listings.
- (B) Multiple Licenses Prohibited. No person may hold more than three short-term rental licenses concurrently without the approval of Borough Council.
- (C) Preexisting Short-Term Rentals. Notwithstanding the foregoing, short-term rental units that were lawfully operated prior to the adoption of this Ordinance may continue in operation provided that the Owner must apply for a short-term rental permit no later than forty-five (45) calendar days after enactment of this Ordinance or within fifteen (15) calendar days of written notice from the Borough that a license is required.
- (D) Applicant. An applicant for a short-term rental license:
- (1) Must be a natural person who is at least twenty-one (21) years old and has the legal right to occupy the dwelling unit and operate a short-term rental unit; and
 - (2) May not be a person who has had a permit or license for operation of a short-term rental unit or other guest accommodation revoked within the previous twenty-four (24) months, either within the Borough or at any other location.
- (E) Expansions. A short-term rental license is valid only for the short-term rental unit as depicted in the permit application. A short-term rental unit may not be enlarged or expanded to include other rooms unless a new permit is obtained.

§114.03 APPLICATION REQUIREMENTS.

- (A) Application: To obtain a Short-Term Rental License, an applicant must first complete an application on a form prescribed by the Borough and provided by the Borough Manager or Code Enforcement Officer. The application form must include:

- (1) The address of the proposed short-term rental unit;
- (2) The name, mailing address, street address (if different from the mailing address), telephone number, and email address of (i) the applicant; (ii) the record owner of the property if the applicant is not the record property owner; and (iii) a local responsible party, if other than the applicant, who: (a) resides or is located within five (5) air miles of the short-term rental unit; and (b) will be responsible for addressing operation and safety concerns and responding to nuisance complaints; and (iv) an alternate contact person, who: (a) resides or is located within ten (10) air miles of the short-term rental unit; and (b) will be responsible for addressing operational and safety concerns and responding to nuisance complaints in the event the operator of the short-term rental or local responsible party is unavailable or does not respond;
- (3) A statement signed by the property owner, if the applicant is not the property owner, authorizing the applicant to submit the application;
- (4) The name and contact information for any host platform the applicant plans to use for listing the proposed short-term rental unit;
- (5) A statement verifying that: (i) the applicant has confirmed that the proposed short-term rental use will not violate any covenants, homeowners' association rules, bylaws, condominium agreement terms, rental agreement terms, or other restrictions applicable to the property; and (ii) no permit or license for operation of a short-term rental unit or other guest accommodation, either within the Borough or at any other location, has been revoked in the twenty-four (24) month period preceding the date of the application from the applicant or property owner;
- (6) Proof of payment of property taxes applicable to the parcel on which the proposed short-term rental unit will be operated;
- (7) A floor plan, drawn to scale, showing: (i) the structure containing the proposed short-term rental unit; (ii) the rooms to be used by short-term rental guests for sleeping; (iii) all other rooms and indoor areas to be used by short-term rental guests; (iv) the location of windows, doors, and smoke and carbon monoxide detectors; and (v) the evacuation route in case of fire or other emergency and verification of the presence of fire extinguishers, smoke alarms, and carbon monoxide detectors that are properly maintained and functioning;
- (8) A site plan of the lot showing: (i) the location of the proposed short-term rental unit; (ii) dedicated parking spaces for short-term rental guests; and (iii) any outdoor areas

that will be available to guests, such as patios, balconies, swimming pools, pet enclosures, and other outdoor amenities;

(9) An affidavit, signed by the applicant, stating that: (i) all information provided by the applicant is true and accurate; and (ii) the applicant has reviewed, understands, and agrees to comply with the requirements of this Ordinance;

(10) Any additional information determined by the Borough Manager or Code Enforcement Officer to be necessary for processing the application and verifying the eligibility of the applicant and the proposed short-term rental unit; and

(11) Payment of an application fee plus an inspection fee if an inspection is required pursuant to this Ordinance. Application and inspection fees shall be set by resolution of Borough Council from time to time.

(B) Expiration. Each license shall have a one (1) year term which shall commence on January 1st of each year and shall terminate at the end of the day on December 31st of each license year.

(1) Upon application for a license and prior to an issuance or renewal thereof, each applicant shall pay to the Borough an annual occupancy license fee and an initial inspection fee in an amount to be established from time to time by resolution of the Borough Council. Said resolution may provide for more than one (1) fee scale for various categories of premises to be more specifically set forth in the resolution. The Borough Council may also establish fees from time to time by resolution for appeals from the decisions of the Code Enforcement Officer and other fees related to the administration of this Ordinance.

(C) The license shall indicate thereon the maximum number of occupants permitted in each rental unit.

§ 114.04 OPERATING STANDARDS.

(A) Occupancy Limit. The maximum number of guests permitted to stay in a short-term rental property at any time shall not exceed two (2) persons per bedroom.

(B) Guest Conduct. Owners must ensure that guests adhere to all applicable Borough ordinances and do not engage in disruptive conduct.

(C) Safety Requirements. All short-term rental properties must be equipped with functional smoke detectors, carbon monoxide detectors, and fire extinguishers. Exits must be clearly marked and unobstructed

§ 114.05 INSPECTIONS.

(A) Inspection; notice to interested parties. Within thirty (30) days of the date of notification by the Borough Manager or Code Enforcement Officer that it has determined a short-term rental application to be complete and all prerequisite conditions and criteria to have been met, the applicant must:

(1) Contact the Borough Manager or Code Enforcement Officer to schedule an inspection, as may be required by this Ordinance, to verify that:

(a) The property complies with all applicable building, property maintenance, and fire codes; and

(b) The floor plan and site plan provided with the application accurately reflect the property; and

(c) Provide proof that the applicant has given written notice to the owners and occupants of each dwelling unit within 100 feet of the property line of the proposed short-term rental unit. Acceptable forms of proof shall be as determined by the Borough Manager or Code Enforcement Officer. The notice shall:

(i) Be in a format approved by the Borough Manager or Code Enforcement Officer;

(ii) Inform each such owner or occupant of the pending application, the Borough Manager or Code Enforcement Officer's intent to issue the permit, and the owner's or occupant's right to appeal the issuance of the permit;

(iii) Include a copy of the complete permit application for the proposed short-term rental unit; and

(iv) Provide contact information for the Borough Manager, Code Enforcement Officer, and the applicant for obtaining further information.

(2) Failure to pass inspection. If a proposed short-term rental unit fails to pass the inspection required under this section, the applicant may request a reinspection, provided the reinspection request is submitted within sixty (60) days of the first inspection and an additional inspection fee is submitted to the Borough. Each reinspection will constitute an additional reinspection fee.

(B) Insurance; other legal requirements. If no appeal contesting the issuance of a short-term rental permit is filed with the Ford City Borough Council within the applicable deadline, or if the Ford City Borough Council, upon hearing an appeal, has decided in favor of an applicant for a short-term rental permit, the applicant must within thirty (30) days:

(1) Provide proof that the applicant has obtained or applied for all other licenses, permits, registrations, and approvals required by any government entity to lawfully engage in the business of short-term rentals, including, but not limited to:

(a) Borough occupancy permit;

(b) Any state, county, or local tax filings or forms specific to short-term rentals;

(c) Any other license, permit, registration, or approval that may be required by state, county, or local regulations now or in the future, and as may be specifically requested by the Borough to complete the application; and

(d) Provide proof of liability insurance with a company authorized to do business in the State of Pennsylvania, insuring against personal injury (including death) and property damage claims related to the short-term rental use, with coverage limits of no less than \$500,000 per occurrence. Said insurance coverage must remain in effect the entire time a short-term rental unit is available for rent.

(C) Failure to complete required measures. An application for a short-term rental permit will be voided and no permit will be issued if the applicant fails to complete any of the measures required under this section within the required time frame.

(D) Yearly Inspections. Short-term rental properties must undergo yearly inspections by the Code Enforcement Officer to ensure compliance with safety and operational standards.

(E) Periodic Inspections. In accordance with law, inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following:

- (1) A complaint received by the Borough of Ford City or any law enforcement agency indicating that there is a violation of any ordinance adopted by the Borough or any state, county or local law or regulation;
- (2) A lawful observation by any law enforcement officer, code enforcement, or of any member of the Fire Department of a violation of any ordinance adopted by the Borough or any other state, county, or local law or regulation;
- (3) A report or lawful observation of a dwelling unit or commercial premises that is unoccupied, unsecured, or that has been damaged by fire;
- (4) The failure to register or comply in any manner with the provisions required by this Ordinance;
- (5) The need to determine compliance with a notice or an order issued by the Borough;
- (6) An emergency observed or reasonably believed to exist;
- (7) A request for an inspection by the property owner;
- (8) Requirements of law where a dwelling unit or commercial premises is to be demolished by the Borough or where ownership is to be transferred to the Borough; or
- (9) For any other reason deemed necessary by the Borough and executed in accordance with law.

§ 114.06 DENIAL OF PERMIT.

If the Borough Manager or Code Enforcement Officer determines that a proposed short-term rental unit or the person applying for a permit to operate the unit fails to meet any requirement, condition, or criteria established by this Chapter, the permit will be denied, subject to the applicant's right to appeal the denial as provided in this Chapter.

§ 114.07 ISSUANCE OF PERMIT.

- (A) *Borough approval.* The Borough Manager or Code Enforcement Officer shall issue a short-term rental permit to an applicant if:
 - (1) The Borough Manager or Code Enforcement Officer determines that the applicant and the proposed short-term rental unit meet the requirements, conditions, and criteria established by this Ordinance;

- (2) The proposed short-term rental unit has passed inspection or reinspection within a three-year period and the applicant has completed all other measures as required under § 114.05; and
 - (3) No appeal contesting the issuance of a short-term rental permit has been filed with the Ford City Borough Council within the applicable deadline.
- (B) *Special conditions.* The Borough Manager or Code Enforcement Officer may make the issuance of a short-term rental permit subject to special conditions established to mitigate the impact of the short-term rental on surrounding properties and nearby residents. Such conditions may include, but are not limited to:
- (1) Limitations on the number of vehicles per dwelling unit;
 - (2) Designation of dedicated parking locations for guests or the issuance of a limited number of parking permits that must be displayed on guest's vehicles;
 - (3) Limitations on the number of guests per dwelling unit or per bedroom;
 - (4) Limitations on the type, size, and number of pets per dwelling unit based on property characteristics, location, and proximity to other homes;
 - (5) Display of signs or placards visible from the street that denote the property as a short-term rental unit and provide phone numbers for the local responsible party and alternate contact person;
 - (6) Prohibition of guest use of certain outdoor areas;
 - (7) Limited hours for use of outdoor areas; or
 - (8) Prohibition of special events or for-profit functions.

§ 114.08 APPEALS FROM ISSUANCE OR DENIAL OF PERMITS.

- (A) *Filing an appeal.* Pursuant to the procedures established under this Chapter and Local Agency Law, an appeal may be filed with the Ford City Borough Council by:
- (1) An applicant whose application for a short-term rental permit has been denied or who wishes to appeal any special conditions imposed by the Borough manager or Code Enforcement Officer; or

(2) Owners and occupants of dwelling units within 100 feet of the proposed short-term rental unit that are aggrieved by the issuance of a short-term rental permit.

(B) Reversal of decision to issue or deny permit. The Ford City Borough Council may reverse the Borough Manager or Code Enforcement Officer's decision to issue or deny a short-term rental permit if it determines the Borough Manager or Code Enforcement Officer acted in error. If the Ford City Borough Council finds in favor of the applicant whose application for a permit has been denied, the Borough Manager or Code Enforcement Officer shall issue a short-term rental permit that complies with the Ford City Borough Council's findings upon completion of any final measures remaining to be completed under § 114.05.

(C) Special conditions. The Ford City Borough Council may:

(1) Impose special conditions on the issuance of a permit that was previously denied by the Borough Manager or Code Enforcement Officer, consistent with the types of special conditions that may be imposed by the Borough Manager or Code Enforcement Officer under § 114.07(B); or

(2) Remove or revise any special conditions imposed by the Borough Manager or Code Enforcement Officer.

§ 114.09 TRANSFERS AND ASSIGNMENTS.

(A) A short-term rental permit does not authorize any person, other than the person named on the permit, to operate a short-term rental. A permit holder may not transfer or assign the permit to another person or address. However, a new applicant may apply to assume the operation of a permitted short-term rental and may be granted a temporary permit for the remainder of the original permit period if the applicant meets all eligibility requirements for short-term rental permit holders and any specific requirements for the permit for the property. An application for a temporary permit under this section must include:

(1) The same information as required for new permits under Section 4, except that no floor plan, site plan, or photographs are required if no changes have been made or are proposed to the short-term rental unit or the property containing the short-term rental unit;

(2) Payment of an application fee plus an inspection if an inspection is required pursuant to this Ordinance; and

- (3) Submittal of proof of liability insurance and compliance with all other applicable legal requirements in accordance with § 114.05(B), provided that the applicant may opt to submit such documents after notification that the Borough Manager or Code Enforcement Officer has determined the application to be otherwise complete.

§ 114.10 PERMIT RENEWAL.

- (A) Renewal required upon expiration. A short-term rental permit must be renewed upon its expiration if the operator plans to continue renting the short-term rental unit. It is a violation of this Ordinance to continue operating a short-term rental unit after the permit has expired; provided, however, that if no complaints have been submitted to the Borough or are pending in regard to the short-term rental unit, the permit holder may continue to operate the short-term rental unit for a thirty (30) day grace period following its expiration to allow for submission of a renewal application.
- (B) Renewal application. An application for renewal of a short-term rental permit must include:
 - (1) All of the same information required for an application for a new permit under § 114.03, provided that no floor plan, site plan, or photographs are required if the permit holder affirms that no changes have been made or are proposed to be made to the short-term rental unit or the property containing the short-term rental unit;
 - (2) Updated proof of liability insurance, consistent with the requirements of § 114.05(B);
 - (3) Proof that all other licenses, permits, registrations, and approvals required by any government entity to lawfully engage in the business of short-term rentals are current;
 - (4) Proof that real estate taxes and all applicable local taxes and fee payments for the operation of the short-term rental unit are current; and
 - (5) Payment of a renewal application fee plus an inspection fee if an inspection is required pursuant to this Ordinance.
 - (6) Floor plan and site plan revisions. A revised floor plan must be submitted if any changes have been made or are proposed to be made to the area included as part of the short-term rental unit. A revised site plan must be submitted if the previous site plan no longer accurately depicts the property or there are proposed changes to the property as depicted in the previously approved site plan.

C. Renewal of the short-term rental permit is contingent upon approval of the revisions by the Borough Manager or Code Enforcement Officer. If the Borough Manager or Code Enforcement Officer denies approval of the revisions, the permit holder may submit a revised renewal application without the revisions.

(1) If the Borough Manager or Code Enforcement Officer determines that the revisions warrant notification to nearby property owners and occupants, the Borough Manager or Code Enforcement Officer may require the permit holder to provide such notification, consistent with the notification requirements applicable to new permit applications under § 114.03.

(2) The Borough Manager or Code Enforcement Officer may impose special conditions in conjunction with approval of the revisions, consistent with the Borough Manager or Code Enforcement Officer's authority under § 114.07(B).

(3) Pursuant to the procedures established under § 114.11, the permit holder or any other party aggrieved by the Borough Manager or Code Enforcement Officer's decision under this section may appeal the decision to the Ford City Borough Council. On consideration of the appeal, the Ford City Borough Council may:

(a) Affirm or reverse the Borough Manager or Code Enforcement Officer's decision to approve or deny approval of the revisions;

(b) Impose special conditions on the approval of revisions that were previously denied by the Borough Manager or Code Enforcement Officer, consistent with the types of special conditions that may be imposed by the Borough Manager or Code Enforcement Officer; and

(c) Remove or revise any special conditions imposed by the Borough Manager or Code Enforcement Officer in conjunction with the Borough Manager or Code Enforcement Officer's approval of the revisions.

D. Inspection required for renewal at least once a year. As a condition of renewal of a short-term rental permit, the applicant must schedule a new inspection with the Borough Manager or Code Enforcement Officer at least once every year to verify that:

(1) The property complies with all applicable building and fire codes; and

(2) The most recently approved floor plan and site plan accurately reflect the property.

(3) Nothing shall restrict the Borough from conducting inspections more frequently as determined in the sole discretion of the Borough Manager or Code Enforcement Officer.

E. Failure to pass inspection. If the short-term rental unit fails to pass the inspection, the applicant may request a reinspection, provided:

(1) The reinspection request is submitted within sixty (60) days of the first inspection, and an additional inspection fee is submitted to the Borough;

(2) If a proposed short-term rental unit fails to pass the reinspection required under this section, the applicant may request additional reinspection's, provided the reinspection request is submitted within sixty (60) days of the last inspection and an additional inspection fee is submitted to the Borough. Each reinspection will constitute an additional reinspection fee; and

(3) The Borough Manager or Code Enforcement Officer may, at its discretion, suspend the short-term rental permit and order that no short-term rental use take place at the premises unless the unit passes reinspection.

§ 114.11 GROUNDS FOR NONRENEWAL, SUSPENSION, OR REVOCATION OF LICENSE.

(A) 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 Chapter that imposes a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided for herein.

(B) Definitions.

(1) **Owner.** Any person operating a short-term rental unit or advertising any property within the Borough of Ford City as available for short-term rental use.

(2) **Formal Warning.** Formal written notification of at least one violation of this Chapter. Upon satisfactory compliance with this Chapter and any conditions imposed by the Code Enforcement Officer or Borough Council, the formal warning shall be removed when the Owner applies for license renewal at a time set by the Code Enforcement Officer or Borough Council.

- (3) **Nonrenewal.** The denial of the privilege to apply for license renewal after the expiration of the license term. The Borough 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 Borough Council.
- (4) **Suspension.** The immediate loss of the privilege to rent a Short-Term Rental Unit for a period of time set by the Code Enforcement Officer or Borough 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.
- (5) **Revocation.** The immediate loss of the privilege to rent Short Term Rental Units for a period of time set by the Code Enforcement Officer or Borough 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.

(C) *Criteria for Applying Discipline.* The Code Enforcement Officer, when recommending discipline, and the Borough Council, when applying discipline, shall consider the following:

- (1) The effect of the violation on the health, safety, and welfare of the occupants of the Short-Term Rental Unit and other residents of the subject property.
- (2) The effect of the violation on the neighborhood.
- (3) Whether the Owner has prior violations of this Chapter and other ordinances of the Borough or has received notices of violations as provided for in this Chapter.
- (4) Whether the Owner has been subject to disciplinary proceedings under this Chapter.
- (5) The effect of disciplinary action on the occupants.
- (6) The action taken by the Owner to remedy the violation and to prevent future violations, including any written plan submitted by the Owner.
- (7) The policies and lease language employed by the Owner to manage the Short-Term Rental Unit which enables the Owner to comply with the provisions of this Chapter.

(8) In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend, and Borough Council may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Chapter.

(D) Grounds for Imposing Discipline. Any of the following may subject an Owner to discipline as provided for in this Chapter:

(1) Failure to abate a violation of Borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.

(2) Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by § 114.05.

(3) Failure to take steps to remedy and prevent violations of this Chapter by occupants of the Short-Term Rental Unit as required by § 114.11 of this Chapter.

(4) Failure to file and implement an approved plan to remedy and prevent violations of this Chapter by occupants of a Short-Term Rental Unit as required by § 114.11 of this Chapter.

(5) Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the Borough as provided for in § 114.11 of this Chapter.

(6) Three violations of this Chapter or other ordinances of the Borough that apply to the premises within a license term. For purposes of this Chapter, 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 thirty (30) days after the Code Enforcement Officer received notice of the violation.

(E) Procedure for Nonrenewal, Suspension, or Revocation of License.

(1) 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:

(a) The address of the premises in question and identification of the particular Short Term Rental Unit(s) affected.

- (b) A description of the violation which has been found to exist.
- (c) A statement that the license for said Short Term Rental Unit shall be either suspended, revoked, or will not be renewed for the next license year 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.
- (d) 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 the occupancy of the dwelling unit(s) by more than three unrelated individuals subject to said enforcement action, from and during the period said action is in effect.
- (e) A statement informing the Owner that they have a right to appeal the decision suspending, revoking, or declining to renew the license to Borough Council, by submitting in writing to the Borough Manager, within thirty (30) days from the date printed on the notice, a detailed statement of the appeal including the grounds therefor and the reason(s) why the determination of the Code Enforcement Officer is incorrect or should be overturned, as well as a statement of relief requested. Such notice of appeal may be required to be submitted on a form to be prescribed therefor by Borough Council, to be signed by the appellant. There is hereby imposed a fee for filing such appeals, the amount of which shall be determined and established, from time to time, by resolution of Borough Council.
- (f) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Manager shall schedule a hearing to be held at the time and date of the next regularly scheduled Borough Council meeting not less than fifteen (15) days from the date on which the appeal is filed.
- (g) The appellant, the Code Enforcement Officer, and the owners of properties within a radius of 100 feet from the premises for which the license is at issue shall receive written notice of the hearing on the appeal.
- (h) Borough Council shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S. §§ 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 Borough 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 thirty (30) days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision. If Borough Council deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than thirty (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).

2) *Delivery of Decision and Notice.*

- (a) All notices shall be provided to the Owner by posting the subject property and sending notice to the address stated on the most current license application for the Owner.
- (b) If such notice is not returned by the postal authorities within five 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 (5th) day following its deposit in the U.S. mail, and all time periods set forth under this Section shall be calculated from the fifth (5th) day.

§ 114.12. VIOLATION AND PENALTIES.

- (A) Any person, firm or corporation who shall violate any provision of this articles or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorneys' fees incurred by the Borough, and, in default of payment of said fines and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this article is found to exist or for each section of this article found to have been violated.
- (B) Permits may be revoked at the discretion of the Borough Manager or Code Enforcement Officer upon conviction of any persons for three or more property maintenance violations in any eighteen-month period, for any single violation or combination of violations that reasonably constitute a nuisance, for failure to adhere to the terms of the short-term rental permit, for violation of the terms of this Part, or for any other reasonably justifiable cause

as determined by the Borough Manager or Code Enforcement Officer to be in the best interest of the health, safety, and welfare of the community. Revocations of permits shall be appealable pursuant to the procedures set forth in § 114.08 in the same manner as provided for the appeal of the denial of permits.

(C) In addition to any other remedy available under law, the Borough may enforce this Part or other Borough ordinance by any appropriate action in equity or at law to prevent, restrain, correct, enjoin, or abate violations of this Part or other Borough ordinance.

SECTION 9. Title XV, Land Usage, is hereby amended by inserting the underlined terms as follows:

CHAPTER 153: VACANT PROPERTY REGISTRATION

§ 153.01. DEFINITIONS.

For the purposes of this Chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Borough. Borough of Ford City, Armstrong County, Pennsylvania.

Code. Any Federal or Commonwealth of Pennsylvania Statute, any code, any regulation, or any Ordinance adopted, enacted, or in effect in and for the Borough of Ford City, concerning the fitness for habitation, construction, maintenance, operation, occupancy, use, or appearance of any real property within the Borough.

Code Enforcement Officer. The duly appointed Code Enforcement Officer or duly appointed representative of the Borough having charge of the Office of Code Enforcement in the Borough of Ford City.

Commercial Property. Any property used for business purposes, including but not limited to office buildings, retail spaces, industrial properties, and other non-residential properties being rented or leased.

Dwelling. A building having one or more dwelling units.

Dwelling unit. A room or group of rooms within a building, forming a single unit, and used for living or sleeping purposes.

Manager. An adult individual, qualified by relevant property management experience or certification, designated by the owner of a rental unit who shall be the agent of the owner for service of process, receiving notices or demands, and performing the obligations of the owner under this Chapter and rental agreements with occupants. The Manager must reside within a 25-mile radius of the Borough of Ford City.

Occupancy Permit. The permit issued to the owner of a rental unit which is required for the lawful rental and occupancy of such unit.

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 right to the present use and enjoyment of the premises including a mortgage holder in possession of a rental unit.

Person. A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

Premises. Any parcel of real property in the Borough of Ford City, including the land and all buildings and appurtenances, structures, or appurtenant elements on which one or more rental units are located.

Vacant Property. Any building or structure that is not legally occupied for a period of ninety (90) consecutive days or more.

Year. A calendar year.

§ 153.02. REGISTRATION.

- (A) **Vacant Property Registration Required.** Owners of vacant properties must register their properties with the Borough within thirty (30) days of the property becoming vacant unless that property owner is a resident of the Commonwealth of Pennsylvania and is traveling for leisure with an intent to return to the property.
- (B) **Application.** The registration must include the owner's name, address, telephone number, email address, and the address of the vacant property.
- (C) **Fee.** A registration fee, as determined by the Borough Council via resolution, must be paid at the time of registration. An annual renewal fee will also be required.
- (D) **Designation of Manager.** Every owner who is not a natural person and any owner who is a natural person but who is not a full-time resident of the Borough of Ford City or does not reside within a 25-mile radius of the Borough of Ford City, shall designate a manager who shall reside in an area that is within a 25-mile radius of the Borough of Ford City.
 - (1) The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as performing the obligations of the owner under this Chapter. The identity, address and telephone number of the person designated as manager shall be provided to the Borough and such information shall be kept current and updated in the event of any change thereto, as soon as reasonably possible.

§ 153.03. MAINTENANCE.

(A) Property Maintenance. Owners of vacant properties must ensure that the exterior of the property is maintained in accordance with Borough codes, including lawn care, snow removal, and preventing the accumulation of debris.

(B) Security Measures. Vacant properties must be secured against unauthorized entry. This includes ensuring that all doors, windows, and other openings are closed and locked.

(C) Inspections.

(1) Initial Inspection. The Code Enforcement Officer must inspect the property upon registration to ensure it is secure and maintained.

(2) Periodic Inspections. In accordance with law, inspections may be made to obtain and maintain compliance with the standards of this Chapter based upon one of the following:

(a) A complaint received by the Borough of Ford City or any law enforcement agency indicating that there is a violation of any ordinance adopted by the Borough or any state, county or local law or regulation;

(b) A lawful observation by and law enforcement officer, code enforcement, or of any member of the Fire Department of a violation of any ordinance adopted by the Borough or any other state, county, or local law or regulation;

(c) A report or lawful observation of a dwelling unit or commercial premises that is unoccupied, unsecured, or that has been damaged by fire;

(d) The failure to register or comply in any manner with the provisions required by this Chapter;

(e) The need to determine compliance with a notice or an order issued by the Borough;

(f) An emergency observed or reasonably believed to exist;

(g) A request for an inspection by the property owner;

(h) Requirements of law where a dwelling unit or commercial premises is to be demolished by the Borough or where ownership is to be transferred to the Borough;
or

(i) For any other reason deemed necessary by the Borough and executed in accordance with law.

(D) No vacant property may be occupied until the owner or manager has secured an occupancy permit from the Borough Code Enforcement Officer and, if necessary, the Borough Building Code Official.

§ 153.04. VIOLATIONS AND PENALTIES.

(A) Any person, firm or corporation who shall violate any provision of this articles or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorneys' fees incurred by the Borough, and, in default of payment of said fines and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this article is found to exist or for each section of this article found to have been violated.

(B) In addition to any other remedy available under law, the Borough may enforce this Chapter or other Borough ordinance by any appropriate action in equity or at law to prevent, restrain, correct, enjoin, or abate violations of this Part or other Borough ordinance.

SECTION 10. Repealer. Any prior ordinances or resolutions or chapters, sections, subsections, paragraphs, sentences or phrases of any other prior ordinance or resolution conflicting with the provisions of this Ordinance shall also hereby be repealed to the extent of such conflict

SECTION 11. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 12. Effective Date. This ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this _____ day of _____, 2026, by the Council of Ford City Borough in lawful session duly assembled.

[Signature page to follow]

ATTEST:

BOROUGH OF FORD CITY

Abby Nimerosky
Borough Secretary

Vicki Schaub
President, Borough Council

(SEAL)

EXAMINED and **APPROVED** this _____ day of _____, 2026.

Tim Bureau
Mayor