

OFFICIAL

**BOROUGH OF CRAFTON
ORDINANCE NO. _____**

AN ORDINANCE OF THE BOROUGH OF CRAFTON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 90, CODE ENFORCEMENT, ARTICLE III, BUSINESS AND MULTIFAMILY RESIDENCE PREMISES REGISTRATION AND INSPECTION, TO ESTABLISH DEFINITIONS FOR THE TERMS RESPONSIBLE LOCAL AGENT AND DWELLING UNIT, PROVIDING PERMIT REGISTRATION AND REPORTING REQUIREMENTS FOR DWELLING UNITS AND COMMERCIAL PREMISES, DETAILS FOR THE MATERIAL PROVIDED IN A REGISTRATION FORM, THE DUTIES OF THE RESPONSIBLE LOCAL AGENT, BASES FOR INSPECTION AND INSPECTION PROCEDURES, PROCEDURES FOR THE POSTING OF RENTAL OCCUPANCY PERMITS AND NOTICES OF NONCOMPLIANCE, APPLICATION PROCEDURES, VIOLATIONS AND PENALTIES, AND APPEAL PROCEDURES.

WHEREAS, Section 32A04 of the Pennsylvania Borough Code, 8 Pa.C.S. § 32A04, authorizes the Borough of Crafton (the “Borough”) to enact a property maintenance ordinance incorporating a nationally recognized property maintenance code with any variance or changes to the code it desires; and

WHEREAS, Chapter 90 of the Crafton Borough Code of Ordinances, Code Enforcement, as amended, adopts the 2018 International Property Maintenance Code and establishes modifications to the standards laid out in the 2018 International Property Maintenance Code; and

WHEREAS, the Council of the Borough of Crafton desires to amend Chapter 90 of the Crafton Borough Code of Ordinances, Code Enforcement, as amended, to provide for and require inspection and registration of all Dwelling Units and commercial premises.

NOW, THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Crafton, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference.

SECTION 1. Article III, Business and Multifamily Residence Premises Registration and Inspection, of Chapter 90 of the Borough of Crafton Code of Ordinances, Code Enforcement, is hereby repealed in its entirety and restated as follows:

§ 90-14. Purpose.

The purpose of this article is to protect the health, safety, and welfare of residents of Crafton Borough and to guarantee that Dwellings Units are in a safe, livable, and habitable condition and that all buildings and premises in the Borough of Crafton meet fire, safety, health, and other regulations.

§ 90-15. Definitions.

The following words and phrases shall have the meanings ascribed to them, as follows:

BOROUGH — The Borough of Crafton, Allegheny County, Pennsylvania.

COUNCIL — The Council of the Borough of Crafton, Allegheny County, Pennsylvania.

COMMERCIAL PREMISES — Any building or portion of any building designed or used for business, storage, or any purpose other than a place of residence for a person or family.

DWELLING UNIT — Any property, building, or portion of any property or building designed or used as permanent living quarters for one or more persons, which have permanent facilities for sleeping and cooking and access to separate sanitary facilities. A Dwelling Unit does not include hotels, motels, dormitories, assisted living facilities, nursing homes, personal care boarding homes, group-care facilities, or an educational, religious, or philanthropic institution that includes residential facilities.

OWNER — The legal owner of real estate, including the owner as reflected in a deed or document recorded in the Office of the Recorder of Deeds of Allegheny County or any other county office.

PERSON — Any natural person, firm, partnership, association, or corporation.

RESPONSIBLE LOCAL AGENT — A natural person having his or her place of residence in the Commonwealth of Pennsylvania or a professional, licensed real estate management firm with an office located in the Commonwealth of Pennsylvania that has been granted legal authority by the property owner in accordance with the laws of the commonwealth as the agent responsible for operating such property in compliance with the ordinances adopted by the Borough.

§ 90-16. Occupancy permit required.

No Dwelling Unit or Commercial Premises that have not been previously occupied may be occupied until the owner or responsible local agent has secured an occupancy permit from the Borough Building Inspector. Dwelling Units or Commercial Premises that previously obtained an occupancy permit shall be subject to annual renewal and re-inspection every three (3) years. A separate occupancy permit must be issued for each Dwelling Unit or Commercial Premises. The Borough shall notify Owner or Responsible Local Agent when the Dwelling Unit is to be re-inspected. Owners or Responsible Local Agents are required to contact the Borough and schedule an inspection and receive an occupancy permit for the following exceptions:

- A. Publicly subsidized housing that requires regular inspections and occupancy permits;
- B. Condemned properties require an inspection and occupancy permit to remove the condemnation designation; and
- C. Properties with a documented history of code violations require an inspection and occupancy permit up to five (4) years after the last recorded code violation.

§ 90-17. Adequate Fire Insurance and Payment of Taxes, Judgments, and Fines.

Prior to the issuance of the occupancy permit, the owner or authorized agent must establish:

- A. Proof of an adequate fire insurance policy covering the Dwelling Unit or Commercial Premises. The fire insurance policy must be effective at the time of issuance of the permit. The fire insurance policy must be in an amount reasonably calculated to pay for the cost of repair, replacement, or the demolition of the structure in which said Dwelling Unit or Commercial Premises is situated. The owner or local agent must maintain adequate fire insurance coverage for the duration of the occupancy permit.
- B. Payment in full of all real estate taxes, business taxes, housing court judgments, code enforcement fines, and zoning fines. The Borough is hereby authorized to require proof of payment of said taxes, judgments, fines, and fire insurance policy(ies) at reasonable intervals for the duration of the occupancy permit.

§ 90-18. Permit registration and reporting.

No person shall lease, rent, occupy, or otherwise allow a Dwelling Unit or Commercial Premises within the Borough to be occupied without first registering the Dwelling Unit or Commercial Premises with the Borough and designating a responsible local agent.

- A. Registration forms. Registration shall be made upon forms furnished by the Borough and shall require the following information:
 - (1) The street address and block and lot number of the Dwelling Unit(s) or Commercial Premise(s);
 - (2) The number and types of the Dwelling Unit(s) or Commercial Premise(s) within the rental property;
 - (3) Name, residence address, telephone number, and, where applicable, an e-mail address, mobile telephone number, and facsimile number of all property owners of the Dwelling Unit(s) or Commercial Premise(s);
 - (4) Name, residence address, telephone number, and, where applicable, an e-mail address, mobile telephone number, and facsimile number of the responsible local agent designated by the owner;

- (5) The maximum number of tenants permitted for each Dwelling Unit and Commercial Premises;
 - (6) The name, address, telephone number, and, where applicable, an e-mail address, mobile telephone number, and facsimile number of the person authorized to collect rent from the tenants;
 - (7) The name, address, telephone number, and, where applicable, an e-mail address, mobile telephone number, and facsimile number of the person authorized to make or order repairs or services for the property if it is in violation of Borough or state codes if the person is other than the owner or the responsible local agent;
 - (8) The name, address, and telephone number of any lienholder(s) on the real property or structure upon which the Dwelling Unit or Commercial Premises are located at the time of registration;
 - (9) The name and telephone number of all leaseholders, the number of occupants, and the termination date of the lease; and
 - (10) A copy of a current valid occupancy permit for the property shall be provided at the initial application but shall not be necessary for subsequent applications unless there is a transfer of property.
- B. Accurate and complete information. All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a Dwelling Unit or Commercial Premises or fail to provide the information required for such registration. The registration form shall be signed by the property owner(s) or the designated responsible local agent, where applicable. When the owner is not a natural person, the owner's information shall be that of the president, general manager, or other chief executive of the organization. When more than one person has an ownership interest, the required information shall be provided for each owner.
- C. Change in registration information or transfer of property.
- (1) Except for a change in the registered local agent, the property owner of a Dwelling Unit or Commercial Premises registered with the Borough shall re-register within sixty (60) calendar days after any change occurs in the registration information.
 - (2) If the property is transferred to a new owner, the new property owner of a registered Dwelling Unit or Commercial Premises shall reregister the Dwelling Unit or Commercial Premises within sixty (60) calendar days following the transfer of the property.

- (3) Property owners shall notify the Borough of any change in the designation of the registered local agent, including a change in name, address, e-mail address, telephone number, mobile telephone number, or facsimile number of the designated registered local agent, within five business days of the change.
 - (4) A change in the lienholder or tenants shall be made upon registration.
- D. Registration term and renewals. Registration of a Dwelling Unit or Commercial Premises shall be effective for one year. All registrations shall expire on September 30th of each year. The property owner shall re-register each Dwelling Unit or Commercial Premises with the Borough at least thirty (30) calendar days prior to the expiration of the registration of the Dwelling Unit (August 31st of each year).
- E. Responsible local agent. The designated responsible local agent shall be responsible for the following:
 - (1) Operating the registered Dwelling Unit or Commercial Premises in compliance with all applicable Borough ordinances;
 - (2) Providing access to the Dwelling Unit or Commercial Premises for the purpose of making any and all inspections necessary to ensure compliance with the applicable Borough ordinances;
 - (3) Maintaining a list of the names and number of occupants of each Dwelling Unit or Commercial Premises for which the local agent is responsible; and
 - (4) Accepting all legal notices or services of process with respect to the Dwelling Unit or Commercial Premises.

§ 90-19 Inspections.

- A. Basis for 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:
 - (1) A complaint received by the Borough of Crafton or any law enforcement agency indicating that there is a violation of any ordinance adopted by the Borough or any federal, state, county, or local law or regulation;
 - (2) A lawful observation by any law enforcement officer, code enforcement, or any member of the Crafton Volunteer Fire Department of a violation of any ordinance adopted by the Borough or any other federal, 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 Article;
- (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; or
- (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.
- (9) For any other reason deemed necessary by the Borough and executed in accordance with law.

B. Inspection procedures.

- (1) Once the Borough has determined that a Dwelling Unit or Commercial Premises, complies with all of the ordinances adopted by the Borough and federal, state, county, and local law or regulation, the inspection required for occupancy shall be satisfied. The inspection shall then be valid for a period of three (3) years from the date the certificate of occupancy is issued. Regular inspections shall occur at three (3) year intervals thereafter.
- (2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of the ordinances adopted by the Borough or federal, state, county, and local law or regulation, the Borough shall provide the registered local agent and/or owner with written notice of such violations. The Borough shall set a reinspection date before which such violation shall be corrected. If such violation has been corrected within that period, the inspection required for issuance of a certificate of safety and rental permit shall be satisfied. If such violations have not been corrected within that period, the Borough shall not issue the occupancy permit and may take any action necessary to enforce compliance with the applicable ordinances adopted by the Borough and federal, state, county, and local law or regulation.
- (3) If the Borough receives a complaint regarding a Dwelling Unit or Commercial Premises, the owner and/or responsible local agent will be notified in writing. In the event that the complaint is of an emergency nature, as determined by any Borough code enforcement official, it will require immediate compliance with the

adopted Building Code. If the complaint is not of an emergency nature, the owner will have a period of time as legally prescribed by the Borough to correct such violation, after which a reinspection or written verification from the owner and/or responsible local agent and complaining party that the violation has been corrected will be required.

- (4) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected Dwelling Unit or Commercial Premises.
- (5) Where a reinspection must be made to ensure conformity with this Article for those Dwelling Units or Commercial Premises that have been issued violation notices, the Borough will charge a separate inspection fee for every inspection when the violation has not been abated or corrected; this fee may not be waived.
- (6) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and no inspection shall be completed until the inspection fee is paid in full.
- (7) Borough access to a Dwelling Unit or Commercial Premises for inspection purposes shall be in accordance with applicable law.

§ 90-20 Posting of the rental permit or notice of noncompliance.

- A. The occupancy permit shall be displayed in a conspicuous place in each Dwelling Unit or Commercial Premises at all times, along with the name, address, and telephone number of the owner and/or responsible local agent.
- B. If the owner does not comply with this Article, a notice of noncompliance may be placed on the building in a manner determined by the Borough.

§ 90-21. Reoccurring inspections

Dwelling Units and Commercial Premises having previously obtained an occupancy permit shall be subject to renewal and re-inspection every three (3) years. The Borough Building Inspector and appropriate Borough staff shall be administratively responsible for planning, implementation, and management of reoccurring inspections. A hard copy inspection notice shall be mailed to the owner and occupant of each Dwelling Unit and Commercial Premises no sooner than sixty (60) days prior to an inspection that includes the minimum following information: notice to schedule an occupancy inspection, a proposed date and time for said inspection, the fees associated with said inspection, the Building Inspector's contact information, and the mailing and/or internet address to remit inspection fees.

§ 90-22. Annual fire inspection.

The Borough of Crafton designates the Building Inspector, or the Building Inspector's designee, as the official who shall inspect all commercial, industrial, institutional, and multifamily residential facilities/buildings according to an established schedule. Pertaining to the violations and repairs of properties within the scope of the 2018 International Property Maintenance Code, 2018 International Fire Code, and 2018 International Building Code, as amended, and all later versions adopted by the Borough of Crafton:

- A. Educational uses, child daycares, assembly uses with a fifty-person occupancy load or higher, institutional uses, factories, multifamily units, mercantile, and high-hazard uses shall be inspected annually (the "annual fire inspection").
- B. In buildings or structures containing more than one business, a separate inspection shall be required for each business or commercial area. Any areas under the control of the owner shall also require an inspection.

§ 90-23. Violations and Enforcement.

Upon a failed inspection, the Building Inspector shall provide a thirty (30) day grace period to the owner to remediate deficiencies and shall re-inspect the Dwelling or commercial premises thereafter at no additional fee. The Building Inspector may grant a grace period extension at the written request of the owner. If an owner fails to provide access for an inspection or fails to remediate deficiencies, the Building Inspector or Borough designee may issue a citation. Any person, firm, or corporation who shall violate any provision of this article, upon conviction thereof, shall be sentenced to pay a fine of not more than \$500 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this article continues shall constitute a separate offense. Additionally, the Borough Solicitor may institute, with the approval of or at the direction of Borough Council, an appropriate equitable action to prevent, restrain, abate, or correct any violation of this Article.

§ 90-24. Appeals.

- A. Any person aggrieved by a determination of the Borough may appeal such determination to Borough Council by filing a written request for a Local Agency Law appeal, 2 Pa.C.S.A. § 551 et seq., with the Borough Manager within thirty (30) days after the date of the issuance of the determination appealed from. Such appeal shall be in writing and shall state the grounds for the appeal and the relief sought. All appeals shall be accompanied by an appeal fee of \$150 or such other amount as is set by resolution of the Borough Council. The appellant shall also be responsible for providing an escrow amount of \$750 used to reimburse the Borough for any costs of a court report or advertising relating to such an appeal hearing. Any unused portion of the escrow shall be returned to the appellant and if the costs of the hearing exceed the escrowed amount, the appellant shall reimburse the Borough for such costs.
- B. Borough Council, upon receipt of the appeal shall have the authority and duty to consider and act upon the appeal. Council shall act on the appeal as expeditiously as possible and

shall schedule a hearing within 60 days of an administratively complete appeal. Council may approve, modify, or deny the appeal and shall notify the appellant of its decisions in writing within 30 days of the close of the appeal hearing.

- C. The appellant may appeal the decision of Borough Council to the Allegheny County Court of Common Pleas within 30 days of the Borough Council's decision.

SECTION 2. Any relevant Borough Officials are hereby authorized to take any additional steps necessary to effectuate the terms of this Ordinance.

SECTION 3. Should a court of competent jurisdiction declare any sentence, section, clause, part, or provision of this Ordinance to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

SECTION 4. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 5. This Ordinance shall take effect in accordance with applicable law.

ENACTED AND ORDAINED this ____ day of _____, 2024, by the Council of the Borough of Crafton in lawful session duly assembled.

ATTEST:

CRAFTON BOROUGH

By: _____
Jim Price
Borough Manager

By: _____
John Oliverio
Council President

(SEAL)

EXAMINED and **APPROVED** this ____ day of _____, 2024.

Coletta Perry
Mayor