

ORDINANCE NO. ____ OF 2026

**AN ORDINANCE OF THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 5, CODE ENFORCEMENT, PART 3
(LANDLORD-OWNER REGISTRATION) AND PART 4 (CERTIFICATE OF
OCCUPANCY), TO ESTABLISH A RENTAL PROPERTY COMPLIANCE
CERTIFICATION PROGRAM; TO PROVIDE FOR RENTAL REGISTRATION,
LANDLORD CERTIFICATIONS, VOLUNTARY INSPECTIONS, ENFORCEMENT,
PENALTIES, AND RELATED MATTERS; AND REPEALING ALL INCONSISTENT
PROVISIONS**

WHEREAS, the Borough of White Haven has a substantial interest in protecting the health, safety and welfare of tenants and the public; and

WHEREAS, Borough Council desires to promote safe and habitable rental housing while respecting constitutional protections afforded to property owners and occupants; and

WHEREAS, Borough Council finds that a landlord self-certification program, combined with complaint-driven code enforcement and voluntary inspections, will advance the public health, safety and welfare of the residents of the Borough;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of White Haven as follows:

SECTION 1

Chapter 5, Part 3 is amended by adding a new Section §308-A(E), entitled "Rental Property Compliance Certification."

§308-A(E). Rental Property Compliance Certification.

(1) Annual Certification Required.

Every owner of a rental property located within the Borough shall annually submit a Rental Property Compliance Certification upon forms supplied by the Borough. Annual certifications shall be submitted on or before January 31 of each calendar year, or within thirty (30) days of the commencement of a new rental use.

(2) Contents of Certification.

The certification shall identify:

- (a) the owner of the rental property;
- (b) the address of the rental property;

- (c) the number of rental units located upon the property;
- (d) a local contact person or property manager, if applicable;
- (e) emergency contact information; and
- (f) such other information as may reasonably be required by the Borough for administration of this Part.

(3) Compliance Certification.

The owner shall certify, after reasonable inspection of the premises by the owner or owner's agent, that to the best of the owner's knowledge, information and belief:

- (a) the property complies with applicable Borough ordinances and codes;
- (b) all smoke detectors and carbon monoxide detectors required by law are installed and operational;
- (c) all means of ingress and egress are maintained in a safe condition;
- (d) the premises are fit for human habitation;
- (e) occupancy limits are being observed;
- (f) utilities required for occupancy are functional;
- (g) no known dangerous or unsafe conditions exist upon the premises; and
- (h) the information provided to the Borough is true and correct.

(4) Certification and Checklist.

The certification shall be signed by the owner, property manager, or authorized agent and shall be deemed a certification made to the Borough under penalty of enforcement under this Chapter.

Owners shall maintain records supporting the certification, including any inspection checklist utilized by the owner, for a period of three (3) years and shall provide such records to the Borough upon lawful request. Failure to maintain or produce required records shall constitute a violation of this Chapter.

Borough Council may approve by resolution a Rental Property Compliance Certification Form identifying minimum items to be reviewed and certified by landlords.

(5) Voluntary Inspection Program.

Nothing herein shall prohibit an owner, property manager, or authorized agent from voluntarily requesting an inspection by the Borough or the Borough's designated inspection agency for purposes of obtaining a Certificate of Occupancy or demonstrating code compliance.

(6) False Certification.

Any person who knowingly or recklessly submits false, misleading, or materially inaccurate information shall be subject to enforcement proceedings, fines, penalties, suspension or revocation of rental registration, and any other remedies authorized by law.

(7) Failure to File.

Failure to file a required certification, filing a materially incomplete certification, or submitting a knowingly or recklessly false, misleading, or materially inaccurate certification shall constitute a violation of this Chapter and shall be subject to all fines and penalties authorized by this Code.

(8) Borough Enforcement Authority Preserved.

Nothing herein shall limit the authority of the Borough to investigate complaints received from tenants, neighboring property owners, emergency responders, governmental agencies, or other persons, enforce Borough ordinances, issue notices of violation, conduct inspections with consent, conduct inspections authorized by law, seek administrative warrants where otherwise authorized by law and supported by individualized probable cause, or pursue any remedy available under law.

(9) Penalties.

Any person who:

- (a) fails to submit a required Rental Property Compliance Certification;
- (b) submits a materially incomplete certification;
- (c) knowingly or recklessly submits a false, misleading, or materially inaccurate certification;
- (d) fails to maintain required records;
- (e) owns, rents, leases, permits the occupancy of, or otherwise allows a rental unit to be occupied without having timely complied with the rental registration and Rental Property Compliance Certification requirements of this Chapter; or
- (f) otherwise violates this Section;

shall, upon conviction before a Magisterial District Judge, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) plus costs of prosecution. Each day that a violation continues shall constitute a separate offense.

SECTION 2

Chapter 5, Part 4 is amended by deleting §403 in its entirety and replacing it with the following:

§403. Certificates of Occupancy.

(a) Voluntary Certificates of Occupancy.

An owner, property manager, or authorized agent may voluntarily request an inspection by the Borough or its designated inspection agency for purposes of obtaining a Certificate of Occupancy.

Where a rental unit is vacant and unoccupied at the time an inspection is requested, the Borough or its designated inspection agency may conduct the inspection upon the consent of the owner, property manager, or authorized agent having lawful authority to provide access to the premises. Tenant or occupant consent shall not be required for inspection of a vacant and unoccupied rental unit.

Where a rental unit is occupied, an inspection involving entry into the dwelling unit shall be conducted only with the voluntary consent of the tenant or occupant having lawful authority to consent to entry, unless entry is otherwise authorized by law.

The consent of an owner, property manager, or authorized agent to participate in the voluntary inspection program shall not constitute or be deemed consent on behalf of a tenant or occupant to entry into an occupied dwelling unit.

Where an owner has elected to participate in the voluntary inspection program but a tenant or occupant declines to consent to entry, the Borough shall not enter the occupied dwelling unit absent lawful authority to do so. The tenant's or occupant's refusal to consent shall not, standing alone, constitute probable cause for an administrative search warrant or constitute a violation by the owner.

In such circumstances, the owner may satisfy the annual compliance requirements of Part 3 by submitting the Rental Property Compliance Certification and self-inspection checklist required thereunder, together with documentation that the owner timely requested participation in the voluntary inspection program and that access to the occupied unit was declined by the tenant or occupant.

To the extent the tenant or occupant also declines to provide the owner or owner's agent reasonable access necessary to complete the self-inspection, the owner shall document such refusal on the certification and checklist, and the owner shall not be deemed in violation of the inspection or certification requirements of this Chapter solely by reason of the tenant's or occupant's refusal to provide access.

Upon successful completion of a voluntary inspection, the Borough may issue a Certificate of Occupancy. A Certificate of Occupancy issued pursuant to this subsection shall remain valid for a period of two (2) years unless sooner revoked for cause.

(b) Effect of Certificate of Occupancy.

A landlord who possesses a valid Certificate of Occupancy issued pursuant to subsection (a) shall nevertheless remain subject to the annual Rental Property Compliance Certification requirements of Part 3.

(c) Compliance Certification Alternative.

Participation in the voluntary Certificate of Occupancy program is encouraged but not required for rental registration. All landlords shall remain subject to the rental registration and annual Rental Property Compliance Certification requirements of Part 3 regardless of whether a Certificate of Occupancy has been issued. The Borough may establish reduced registration fees or other incentives by resolution for landlords who participate in the voluntary Certificate of Occupancy program.

(d) Rental Lease Inspection Provisions.

An owner may include within a written rental agreement or lease a provision requiring the tenant or occupant, upon reasonable advance notice and subject to applicable law, to provide reasonable access to the rental unit for purposes of a voluntary inspection conducted by the Borough or its designated inspection agency.

The existence of such a lease provision shall not, by itself, constitute consent by a tenant or occupant to governmental entry into an occupied dwelling unit, nor shall such provision authorize the Borough or its designated inspection agency to enter an occupied dwelling unit over the objection of a tenant or occupant except as otherwise authorized by law.

Borough Council may, by resolution, establish a reduced rental registration, compliance certification, or other applicable fee for an owner who demonstrates that the owner's written rental agreement or lease contains a provision substantially complying with this subsection.

(e) No Mandatory Inspection.

Nothing in this Chapter shall require a landlord or tenant to submit to a routine inspection of a rental unit as a condition of rental registration.

(f) Complaint-Based Enforcement.

The Borough may investigate complaints alleging violations of Borough ordinances, property maintenance standards, occupancy requirements, fire safety regulations, or other applicable laws.

(g) Code Enforcement.

Where violations are discovered through lawful means, the Borough may issue notices of violation, citations, administrative enforcement actions, civil actions, or other remedies authorized by law.

SECTION 3 – Specific Repealer

Any provisions of Chapter 5 requiring routine, periodic, or mandatory inspections of rental units as a condition of rental registration, licensing, occupancy, or continued rental operation are hereby repealed.

SECTION 4 – Repealer

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 5 – Severability

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions.

SECTION 6 – Effective Date

This Ordinance shall take effect immediately upon enactment and advertisement as required by law.

ATTEST:

WHITE HAVEN BOROUGH COUNCIL:

Linda Szoke, Manager

John Klem, President

APPROVED THIS _____ DAY OF _____, 2026.

Tim Janosco, Mayor

RESOLUTION NO. _____ of 2026

A RESOLUTION OF THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY, PENNSYLVANIA, AUTHORIZING AMENDING CHAPTER 18, MOTOR VEHICLES AND TRAFFIC, PART 4, PARKING REGULATIONS, SECTION 404 OF THE WHITE HAVEN BOROUGH CODE OF ORDINANCES TO REVISE THE DESIGNATED NO-PARKING DAY FOR REFUSE COLLECTION ON NORTHUMBERLAND STREET.

WHEREAS, the Borough Council of the Borough of White Haven has determined that it is in the best interest of the Borough to amend Chapter 18, Motor Vehicles and Traffic, Part 4, Parking Regulations, Section 404, Parking Prohibited in Certain Locations, Certain Days and Hours, of the White Haven Borough Code of Ordinances; and

WHEREAS, the purpose of the proposed amendment is to revise the designated no-parking day associated with refuse collection on Northumberland Street between Church Street and Towanda Street; and

WHEREAS, the amendment will change the designated refuse collection day from Monday to Wednesday, and the corresponding parking restrictions will be revised accordingly, acknowledging that the regularly scheduled refuse collection day is subject to change due to a recognized holiday or other schedule adjustment by the Borough's refuse collection provider.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of White Haven, Luzerne County, Pennsylvania, as follows: The proposed ordinance amends Chapter 18, Motor Vehicles and Traffic, Part 4, Parking Regulations, Section 404, Parking Prohibited in Certain Locations, Certain Days and Hours, to revise the designated no-parking day for refuse collection on Northumberland Street between Church Street and Towanda Street from Monday to Wednesday, together with any corresponding revisions necessary to accurately reflect the change.

RESOLVED AND ADOPTED this _____ day of August, 2026, by the Borough Council of the Borough of White Haven, Luzerne County, Pennsylvania.

ATTEST:

Borough Manager

President

APPROVED this _____ day of _____ 2026

Mayor

ORDINANCE NO. ____ OF 2026

AN ORDINANCE OF THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 10, FIRE PREVENTION AND FIRE PROTECTION, PART 5 (REIMBURSEMENT OF COSTS FOR EMERGENCY SERVICES), TO REVISE THE AUTHORITY OF VOLUNTEER EMERGENCY SERVICES ORGANIZATIONS TO ESTABLISH FEES, BILL FOR SERVICES, AND PURSUE COLLECTION OF EMERGENCY RESPONSE COSTS; TO CLARIFY THE LIMITED ROLE OF THE BOROUGH IN SUCH BILLING AND COLLECTION ACTIVITIES; AND TO PRESERVE THE BOROUGH'S AUTHORITY TO ENFORCE ITS ORDINANCES

WHEREAS, the Borough of White Haven recognizes the valuable public services provided by volunteer fire, rescue, emergency medical, hazardous materials response, and other volunteer emergency service organizations; and

WHEREAS, Borough Council finds that such organizations incur substantial costs in providing emergency services, personnel, apparatus, equipment, supplies, and related emergency response activities; and

WHEREAS, Borough Council desires to clarify that Volunteer Emergency Services Organizations may independently establish fees, bill for services, and pursue collection of lawful charges without Borough approval or administration; and

WHEREAS, Borough Council further desires to preserve the Borough's authority to investigate and enforce violations of Borough ordinances arising from incidents requiring emergency response;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of White Haven, Luzerne County, Pennsylvania, as follows:

SECTION 1

Chapter 10, Part 5, §503, entitled "Schedule of Fees, Costs and Expenses," is deleted in its entirety and replaced as follows:

§503. Cost Recovery Authorized.

Volunteer Emergency Services Organizations are authorized to recover fees, charges, costs and expenses associated with providing emergency services, including personnel, apparatus, equipment, supplies, mitigation activities, rescue services, traffic control, hazardous materials response, standby services, and related emergency operations, from any person, entity, insurance carrier, or other responsible party to the extent permitted by applicable law. Any person, entity, or other responsible party billed pursuant to this Part shall be liable for payment of such charges.

The fees, charges, costs and expenses authorized by this Part may include response services provided within or outside the Borough where the Volunteer Emergency Services Organization is authorized or requested to respond.

SECTION 2

Chapter 10, Part 5, §504, entitled "Requirement to Pay for Costs, Fees and Expenses," is deleted in its entirety and replaced as follows:

§504. Determination of Rates, Fees and Charges.

(a) Each Volunteer Emergency Services Organization shall independently establish and maintain its own schedules of rates, fees, charges, billing policies, collection procedures, exemptions, waivers, and related administrative practices.

(b) The schedules, policies, and procedures established by a Volunteer Emergency Services Organization shall not require approval, ratification, adoption, amendment, or review by Borough Council.

(c) Nothing in this Part shall require a Volunteer Emergency Services Organization to bill any particular person, entity, insurance carrier, or class of persons.

SECTION 3

Chapter 10, Part 5, §505, entitled "Reimbursement Procedures," is deleted in its entirety and replaced as follows:

§505. Billing and Collection.

(a) Volunteer Emergency Services Organizations may invoice, bill, charge, and collect reimbursement directly from any person, entity, insurance carrier, or other responsible party for emergency services provided.

(b) The Borough shall not be responsible for determining liability, issuing invoices, processing insurance claims, collecting payments, resolving billing disputes, or administering any billing or collection program established by a Volunteer Emergency Services Organization.

(c) The billing and collection activities of a Volunteer Emergency Services Organization shall be conducted in its own name and on its own behalf.

(d) Any insurance proceeds, benefits, reimbursements, payments, or settlement funds received by a person, entity, or other responsible party attributable to emergency services provided by a Volunteer Emergency Services Organization shall be deemed to be held in trust for the benefit of the Volunteer Emergency Services Organization to the extent of any unpaid charges.

Acceptance of insurance proceeds intended to reimburse emergency service charges shall not extinguish the underlying obligation to the Volunteer Emergency Services Organization unless and until the applicable charges have been paid.

In any action brought by a Volunteer Emergency Services Organization to recover unpaid charges, evidence that a responsible party received insurance proceeds attributable to such charges and failed to remit the proceeds may be considered by the court in determining liability, damages, costs, interest, and attorney's fees.

(e) In any civil action brought by a Volunteer Emergency Services Organization to recover unpaid charges, the Volunteer Emergency Services Organization shall be entitled to seek recovery of reasonable attorney's fees, collection costs, expert fees, court costs, statutory interest and such other relief as may be permitted by law.

SECTION 4

Chapter 10, Part 5, §506, entitled "Enforcement," is deleted in its entirety and replaced as follows:

§506. Enforcement and Borough Cooperation.

(a) A Volunteer Emergency Services Organization may pursue any remedy available at law or equity for the collection of unpaid charges, including the commencement of civil proceedings in a court of competent jurisdiction.

(b) Upon written request of a Volunteer Emergency Services Organization, and to the extent permitted by applicable law, the Borough may provide incident reports, property ownership information, ordinance violation records, and other non-confidential records in the Borough's possession that may reasonably assist the organization in pursuing collection of lawful charges.

(c) Nothing contained herein shall limit, impair, or otherwise affect the Borough's authority to investigate, issue notices of violation, issue citations, commence enforcement proceedings, seek injunctive relief, or otherwise enforce the provisions of the Borough Code of Ordinances arising from the same incident or occurrence for which emergency services were provided.

(d) The remedies provided in this Part shall be cumulative and in addition to any other rights or remedies available under applicable law.

(e) The Borough, to the extent permitted by law and records-retention requirements, may maintain and provide copies of incident reports, police reports, fire reports, code enforcement records, property ownership records, and related documentation that may assist a Volunteer Emergency Services Organization in establishing or collecting lawful charges.

SECTION 5 – Repealer

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 6 – Severability

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 7 – Effective Date

This Ordinance shall take effect immediately upon enactment and advertisement as required by law.

ATTEST:

WHITE HAVEN BOROUGH COUNCIL:

Linda Szoke, Manager

John Klem, President

APPROVED THIS _____ DAY OF _____, 2026.

Tim Janosco, Mayor