

MOUNT CARMEL TOWNSHIP, NORTHUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-01

INTRODUCED — December 7, 2022

ADOPTED — January 3, 2023

AN ORDINANCE OF MOUNT CARMEL TOWNSHIP, NORTHUMBERLAND COUNTY, PENNSYLVANIA, ESTABLISHING A RESIDENTIAL RENTAL LICENSING AND INSPECTION SYSTEM, INCLUDING DESIGNATION OF THE RIGHTS AND RESPONSIBILITIES OF OWNERS, PROPERTY MANAGERS, TENANTS AND CODE OFFICIALS OF MOUNT CARMEL TOWNSHIP, PROCEDURES REGARDING DISRUPTIVE CONDUCT BY PROPERTY OCCUPANTS, AND INSPECTION REQUIREMENTS AND PROCEDURES; PROVIDING FOR VIOLATIONS, PENALTIES AND REMEDIES; PROVIDING FOR APPEALS; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT ON JANUARY 3, 2023.

WHEREAS, Mount Carmel Township has identified the need for a licensing program to ensure that residential rental properties and residential rental units are appropriately identified and maintained to meet all applicable property maintenance, building, fire, health, safety and zoning codes to protect the health, welfare and safety of residents of Mount Carmel Township and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the Township; and

WHEREAS, licensing and inspection programs have been upheld by Pennsylvania Courts as an appropriate exercise of municipal power to protect properties and persons within Pennsylvania cities; and

WHEREAS, Mount Carmel Township has operated such a program via Ordinances 2013-2 and 2020-02; and

WHEREAS, Mount Carmel Township now wishes to amend and restate the Ordinances in their entirety for use and understanding by all persons and parties.

NOW, THEREFORE, BE IT ORDAINED by the Supervisors of Mount Carmel Township that Ordinances 2013-2 and 2020-02 of Mount Carmel Township, as amended, be and hereby are restated in its entirety as follows:

Section 1 Purposes and Findings

(A) Purposes.

- 1) To assist Mount Carmel Township in protecting and promoting the public health, safety and welfare of its citizens.
- 2) The provisions of this Ordinance shall apply to any structure or part thereof that is or shall be used as a residential rental property or residential rental unit and constitutes the minimum requirements and standards for the premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance in Mount Carmel Township, Northumberland County, Pennsylvania.
- 3) This Ordinance governs the inspection, maintenance and issuance of Licenses for such residential rental properties and residential rental units within Mount Carmel Township.
- 4) This Ordinance repeals and replaces any previous Ordinances addressing residential rental licenses and/ or the inspection and maintenance of residential rental properties and residential rental units and specifically those referenced in Ordinances 2013-2 and 2020-02. It is the intent of the Supervisors of Mount Carmel Township for this single Ordinance to govern with regard to the licensing of residential rental properties and residential rental units located within Mount Carmel Township. Other Ordinances, including but not limited to those relating to Property Maintenance, Building Code standards, Fire Code and Zoning standards shall, however, continue to apply and shall not be repealed hereby.

(B) Findings.

- 1) This Ordinance is enacted under the authority of the Second-Class Township Code of Commonwealth of Pennsylvania.
- 2) In general, there is a greater incidence and greater severity of violations of various codes of the Township at residential rental properties than at owner-occupied residential properties.
- 3) In general, there is a greater incidence of maintenance and upkeep problems with residential rental properties than at owner-occupied properties.
- 4) In general, there is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood caused by persons of rental residential properties than at owner-occupied residential properties.
- 5) Systematic inspection processes can avoid life threatening problems, such as lack of functioning smoke detectors and other dangerous Code violations.
- 6) Licensing systems such as the one adopted hereby provide Mount Carmel Township and emergency responders with up-to-date information to utilize for critical communication purposes and to assure that tenants are properly protected and reside in safe and habitable properties.
- 7) A residential rental property licensing program provides an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, residential rental properties within Mount Carmel Township.
- 8) The following is a non-exhaustive list of laws, codes, ordinances and standards that are applicable to the Mount Carmel Township Residential Rental Licensing Program:
 - a. International Property Maintenance Code of Mount Carmel Township;
 - b. Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968;
 - c. Uniform Construction Code;

- d. Mount Carmel Township Zoning Ordinance; and
- e. Mount Carmel Township Quality of Life Ordinance

Section 2: Definitions and Interpretations

The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context, words used in the present tense include the future; words in the plural number include the singular number; words in the singular include the plural, and words in the masculine shall include the feminine and the neutral.

Bed and Breakfast Establishment – The use of an owner-occupied, single-family, detached structure or portion thereof providing for compensation, sleeping accommodations and breakfast for transient occupants.

Code – Any Code or Ordinance adopted, enacted, and/or in effect in and for Mount Carmel Township concerning fitness for habitation or the construction, alteration, addition, demolition, repair, removal, maintenance, operation, occupancy, use, vermin or rodent control, or public health matters of any premises, building, dwelling unit or structure. This shall include, but not be limited to, the Uniform Construction Code, the International Property Maintenance Code, Solid Waste Ordinances, Public Health / Sanitation Ordinances, and Noise Control Ordinances.

Code Official - The duly appointed Code Official(s) having the duty to enforce this and similar codes of Mount Carmel Township, and any assistants and/or deputies thereof.

Department – The Department of Code Enforcement for the Township of Mount Carmel.

Disruptive Conduct –

- A. Any act by an occupant of a residential rental unit or by a person present at a residential rental unit that:
 - 1. Is so loud, untimely as to the time of day, and/or nuisance - causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes damage to property that is owned by others;
 - 2. Involves music or noise that is disruptive to persons occupying a different dwelling unit;
 - 3. Involves music that is audible from a street, sidewalk or dwelling from a minimum distance of 50 feet away from where the sound is originating;
 - 4. Is the subject of a criminal citation for disorderly conduct under the Pennsylvania Crimes Code;
 - 5. Is the subject of a criminal citation under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code;
 - 6. Involves the illegal possession of a controlled substance or drug paraphernalia as defined by the Crimes Code or Controlled Substance, Drug Device and Cosmetic Act.
- B. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges or summary charges be filed against any person, in order for said person to have perpetrated, caused or permitted the commission of the disruptive conduct, as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless a Police Officer has

investigated and made a determination that such did occur, and keep written records, including a disruptive conduct report of such occurrences. A copy of such report shall be submitted to the Code Official. The occupant and the owner or, if applicable, the responsible agent shall be notified of any such occurrences, in writing.

Disruptive Conduct Letter - A letter from the Code Official advising that a disruptive conduct report has been filed and containing information including the following:

1. The date and time of the occurrence;
2. A description of the conduct and if it is the first, second or third offense
3. Information regarding rights to appeal a finding of disruptive conduct

Disruptive Conduct Report – a written report of Disruptive Conduct that is completed by the Police Officer who investigated the matter.

Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Guest - A person on the premises of a residential rental unit with the actual or implied consent of an occupant.

Hotel / Motel - A commercial lodging establishment that offers units for sleeping purposes to transient guests and which provides twenty-four-hour service for receiving and assisting guests.

Occupant – Any person over one year of age living and sleeping in a residential rental unit or having actual possession of such residential rental unit.

Owner – Any person, agent, operator, housing authority or fiduciary having legal, equitable or other interest in any real property; as recorded in the official records of the state, county or municipality as holding title to the real property; or otherwise having control of the real property, including the guardian of the estate of such person and the executor or administrator of such person's estate. When used in this article in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each general partner; as applied to corporations, the officers thereof; and as applied to limited liability companies, the members and any managers thereof.

Owner Occupied Dwelling Unit –A dwelling unit in which at least one owner of record of the property resides as his/her primary dwelling.

Person – Any natural person, partnership, association, limited liability company, corporation, firm or other similar entity.

Police Department – means the Police Department of Mount Carmel Township or any member thereof sworn to enforce laws and ordinances in the Township.

Premises – A lot, plot or parcel of land, easement or public way, including any structures thereon.

Property Manager – an individual or business certified or licensed by the Commonwealth of Pennsylvania to manage residential rental property, or who takes responsibility for the care, maintenance, tenant management and supervision of the residential rental property under contract with the owner, including receiving notices, citations, or other mail from Mount Carmel Township on behalf of the owner.

Related Party – Any spouse or child of an owner, or any corporation, limited liability company, partnership or other entity in which the owner, the owner's spouse or an owner's child has an ownership interest, whether equitable or legal.

Rent to Own – A sales agreement between the current tenant and the owner of the residential rental property. For the purposes of this Ordinance, the owner shall be required to comply with all regulations of this Ordinance, unless the sales agreement is recorded at the Northumberland County Recorder of Deeds Office; a copy of which is on file with the Township.

Residential Rental License - A document issued annually by Mount Carmel Township to the owner of a residential rental unit certifying the unit is in compliance with all residential rental registration requirements. Such license is required for lawful rental and occupancy of residential rental units, unless the Code Official certifies that violations of the applicable codes are being corrected or that it is a Residential Rental Unit awaiting inspection. A Rental License does not warrant the proper habitability, safety, or condition of the residential rental unit in any way. Whenever the word "license" is used herein, it shall mean "residential rental license" as defined by this definition.

Residential Rental Property - Any parcel of real estate, including land and all buildings and appurtenant structures and dwellings thereon that contain therein one or more residential rental units. Whenever the word "property" is used herein, it shall mean residential rental property as defined by this definition.

Residential Rental Registration – A form sent annually by the Township to the owner of a residential rental property evidencing the existence of said residential rental property. A residential rental registration shall be required for lawful rental and licensing of residential rental units contained on said property. Whenever the word "registration" is used herein, it shall mean "residential rental registration" as defined by this definition.

Residential Rental Unit - A dwelling unit or rooming unit occupied or intended for residential occupancy, regardless of compensation, that is not: (A) occupied solely by the owner and members of the owner's family and (B) exempted by these regulations from needing a residential rental license. Whenever the word "unit" is used herein, it shall mean "residential rental unit" as defined by this definition.

Rooming House / Boarding House (Dormitory) - A building arranged for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming Unit - A living unit that does not meet the definition of a dwelling unit and that is not a hotel / motel or bed and breakfast establishment. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit.

Short Term Rental - A dwelling which does not meet the definition of a residential occupancy i.e., the occupancy of the dwelling by one family for a period of less than 30 continuous days. An approved Bed and Breakfast establishment shall not be considered a short-term rental.

Tenant – An occupant of a residential rental unit with whom a legal relationship with the owner is established by a lease or other enforceable agreement under the laws of the Commonwealth of Pennsylvania.

Township – The Township of Mount Carmel

Section 2: Owner's Duties

A. General.

- 1) Keep and maintain all units in compliance with all applicable codes, ordinances and provisions of all applicable local and state laws and regulations, including but not limited to the Property Maintenance Code of Mount Carmel Township.
- 2) Keep and maintain all property in good and safe condition including the performance of maintenance, cleaning, repair, pest control, lawn mowing and snow and ice removal.
- 3) Keep and maintain a combined total of a minimum of \$75,000 in casualty and fire liability insurance on all regulated rental properties listing Mount Carmel Township as an additional certificate holder.
- 4) Be aware of, and to act to eliminate, disruptive conduct in all units. This includes ensuring new tenants are not listed on the Township's previous offender list available at the Code Office.
- 5) Employ policies to manage the units under his/her control in compliance with the provisions of this article and applicable state laws.
- 6) Payment of or proof of payment arrangements for all utility / real estate / school taxes, and/or outstanding Township debts, fees, violation tickets, fines or Township liens associated with abatement actions.
- 7) Complete an annual registration for each unit on a form(s) provided by the Township.
- 8) Obtain and maintain a license for each unit. All such licenses shall be prominently displayed at the unit for which they are issued. No owner or property manager may offer for rent or assist in offering for rent, by advertising or otherwise, any unit without first ascertaining that the property is properly registered with the Mount Carmel Township Code Department. No unit may be occupied prior to the unit being properly licensed.
- 9) Provide for trash and recyclable collection and disposal services and instruct tenants of the method of trash and recyclable collection (e.g., curbside or dumpster) and, if applicable, the day of week of trash and recyclable pickup.
- 10) Provide, upon request by the Township Code Official, a written rental agreement for each unit which shall include the names of all permitted occupants and their relationship to each other.
- 11) The owner and/or owner's property manager shall accompany the Township Code Official on all scheduled inspections at the property conducted under this program.

11) Any owner who subsequently changes her/his place of residence or who changes the designation of the Property Manager shall notify, in writing, the Township Code Official within 5 days after such change.

B. Designation of a Property Manager

- 1) If the owner does not reside within 25 miles of the residential rental unit, then the owner shall designate a person to serve as a Property Manager who does reside within 25 miles of the residential rental unit. If the owner is a corporation, a Property Manager shall be appointed unless an officer of the corporation is appointed as the Property Manager and such officer lives within 25 miles of the residential rental unit. If the owner is a partnership, a Property Manager shall be required if a partner does not reside within 25 miles of the residential rental unit. Said partner shall perform the same function as a Property Manager. The Property Manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this article and under rental agreements with occupants.
- 2) The owner shall not designate any tenant as a Property Manager unless the tenant is a Facilities Manager with verifiable employment records.
- 3) The owner shall provide the legal name, mailing address and physical address (not a post office box), cell number and email contact information in writing to the Township Code Official and all such information shall be kept current and updated within five business days after it changes. No license shall be issued or may be revoked to any owner for a unit unless this information is provided in full.
- 4) The designation of a Property Manager shall not be valid unless signed by both the owner and the Property Manager.

C. Maintenance of the Premises

- 1) The owner shall maintain the premises in compliance with the Property Maintenance Code of Mount Carmel Township and shall regularly perform all routine maintenance, including lawn mowing, ice / snow removal, pest control and shall promptly make any and all repairs necessary to fulfill this obligation.
- 2) The existence of an agreement between the owner and occupant shall not relieve an owner of any responsibility under this article or other Township codes for proper repair and maintenance of a building or premises.
- 3) If the owner neglects, fails or refuses to comply with any notice from the Township Code Official 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 Township may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus an administrative fee as set by Resolution by the Mount Carmel Township Board of Supervisors for each time the Township shall cause a violation to be corrected. The owner of the premises shall be billed after such work has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of interest and a municipal lien placed upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate, attorney's fees and court costs.
- 4) The remedies provided by this subsection are not exclusive and the Township Code Official may invoke such other remedies available under this article or other

applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; revocation, or non-renewal of the residential rental license.

D. The owner and occupants shall comply with all provisions of the Pennsylvania Landlord-Tenant Act.

E. Eviction.

In the event that an occupant(s) of a residential rental unit is involved in a third disruptive conduct violation within three (3) calendar years of the first offense, the Township Code Official shall provide a written statement to the owner that the residential rental unit shall be vacated. If the disruptive conduct was caused by only one occupant, then the owner or his property manager shall limit the Order to Vacate to only that person. Occupants shall be responsible to prevent their guests from engaging in disruptive conduct on the premises. The owner shall begin eviction proceedings within 15 days after receiving such statement and shall continue such proceedings to completion, without interruption, unless the occupants vacate the premises. Once an eviction is ordered, those occupant(s) shall not be permitted to occupy any dwelling unit or boarding/rooming house unit within Mount Carmel Township for a minimum period of two years.

- 1) Failure of an owner to vacate the premises shall result in the revocation of the residential rental license and shall be a violation of this article.
- 2) This article shall not limit the ability of an owner to evict tenants in compliance with State law for reasons other than violations of this article.
- 3) A requirement to evict occupants shall not apply if a successful appeal is made to the Mount Carmel Township Housing Board of Appeals, or if the district magistrate rules in the occupant's favor during eviction proceedings, or where a court appeal or other legal action has been filed that would lawfully prevent eviction.
- 4) The Code Enforcement Officer shall maintain a list of occupants who were ordered to be evicted. Such list shall be maintained for a minimum of three years and shall be available for public review.

Section 3: Joint Responsibility

- A. If the owner has contracted with a property manager, the property manager shall be jointly and separately responsible to fulfill all of the obligations set forth in this Ordinance and each shall be separately subject to prosecution for any violation of this Ordinance. All duties in this Ordinance are the ultimate responsibility of the owner of the property.
- B. If any residential rental unit is owned by more than one person or entity, in any form of joint tenancy, as a partnership or otherwise, each person or entity shall be jointly and separately responsible for the duties imposed under the terms of this Ordinance and shall be separately subject to prosecution for the violation of this Ordinance.

Section 4: Occupant(s) Duties

A. General

It shall be the duty of each occupant of a unit to:

- 1) Comply with all obligations of this article and all applicable codes and Township Ordinances, as well as all state laws and regulations.

- 2) Shall not engage in disruptive conduct, nor tolerate, nor permit others on the property from committing disruptive conduct or to cause damage to the rental unit, common areas or other premises.
- 3) Use the trash and recyclable collection services provided by the owner.
- 4) Use the unit for no purpose other than as a residence.
- 5) Maintain the unit in a clean, safe and sanitary manner meeting all requirements for occupants of structures set forth in the codes.
- 6) Allow the Code Enforcement Official to inspect the unit in accordance with this article at reasonable times.
- 7) Not allow persons other than those identified on the lease to reside in the unit.
- 8) Keep and maintain the rental license displayed inside the rental unit at all times and be available upon request of any Police, Fire or Code Enforcement Officer.

Section 5: Registration and Licensing

The Code Department shall have the responsibility for administering the annual registration and licensing of all residential rental properties within the Township in accordance with following:

- A. Every owner, property manager or property management company shall register each residential rental unit annually during the month of January on a form provided by the Township. Any form not completed in its entirety will be returned and subject to all late fees prior to the issuance of a Residential Rental License.
- B. Provide a copy of the most recent certificate of insurance listing Mount Carmel Township as an additional certificate holder along with the registration application.
- C. No person shall permit any residential rental unit, rooming house, bed & breakfast, short-term rental, multifamily dwelling (a building containing three or more dwelling units which is not a transient dwelling), transient dwelling or other residential rental property to be occupied unless it has first been registered with the Township and issued a Rental License. It shall be the duty of the owner, property manager or property management company to notify the Township prior to any unit becoming occupied.
- D. Every owner of a residential rental unit shall pay an annual licensing fee as set by Resolution of the Township Board of Supervisors unless exemption status is granted under this ordinance. Any required documents missing or incomplete will be subject to all late fees and/or loss of exemption privilege. A courtesy reminder letter will be sent to all owners of any residential rental property who have failed to meet the January 31st deadline and a late fee as set by Resolution of the Township Board of Supervisors will be charged.
- E. On March 1st, any occupied residential rental unit found in violation of the registration/licensing requirements will be posted with a 30-Day Order to Vacate Placard. A lift fee as set by Resolution of the Township Board of Supervisors will be charged to the owner prior to the removal of the Order to Vacate Placard. If the residential rental unit is still not registered after the 30-Day period, the residential rental unit will be posted with an "Unfit for Human Occupancy / Condemned" Placard. A lift fee as set by Resolution of the Township Board of Supervisors will be charged to the owner prior to the removal of the Unfit for Human Occupancy / Condemned Placard.

- F. A license by itself shall not warrant that a rental unit is lawful, safe, habitable or in compliance with all Township codes.
- G. Each Rental License shall expire on January 31st of the following year unless revoked sooner in accordance with the Code. There will be no prorated fees for a newly created and/or renovated residential rental unit becoming available for rent during the remaining months of the year.
- H. No registration or Rental License required hereunder shall be transferable unless the new owner shall give notice in writing to the Code Official within 10 business days after the transfer, in any manner, of ownership or control of the interest in the property. Such notice shall include the name and address of the person succeeding to the ownership or control. The full residential rental registration fee will be charged for any time beyond the 10-day grace period.
- I. No residential Rental License shall be issued if the premises has delinquent real estate, school taxes or any outstanding Township debts, fines, tickets and/or fees associated with abatement actions or liens.
- J. The Rental License shall be displayed inside the unit for which it was issued and shall be readily available upon request of any Police / Fire / Code Enforcement Officer. If the Rental License is unable to be produced, a fine shall be issued upon the property owner. The fine amount shall be set by Resolution of the Township Board of Supervisors.

Section 6: Exemptions to Registration / Licensing Requirements

- A. All property owned by the Northumberland County Housing Authority which is inspected annually by that agency to assess compliance with federal standards established by the United States Department of Housing and Urban Development or state standards established by the Pennsylvania Housing Finance Agency shall be exempt from these regulations.
- B. All property possessing a current residential health-care facilities license issued by the Commonwealth of Pennsylvania shall be exempt from these regulations upon submission of a copy of the current residential health-care facilities license issued by the Commonwealth of Pennsylvania.
- C. A dwelling unit that is posted with a Mount Carmel Township “Unfit for Human Occupancy” Placard.
- D. A vacant dwelling unit, unless the rental registration application is completed in its entirety along with proof that water and/or electric (or both) have been terminated. The application documents must be completed and received by the January 31st registration deadline in order to qualify for the exemption and the invoice voided.
- E. A vacant dwelling unit, with utilities, that has a Township Renovation Permit on file with the Code Office. This one-time renovation permit expires on December 31st and is not renewable.
- F. Hotels and motels used for transient visitors to the area, if they are certified and inspected by the State.

Section 7: Revocation of License

- A. Mount Carmel Township Code Department may revoke a Rental License for any violation of this Ordinance.
- B. Whenever a Rental License has been revoked, the Code Official shall issue a Notice of Violation notifying the Owner and/or Property Manager in writing that the Rental License has been revoked.
- C. Renting a residential rental unit following the revocation of a Rental License will be subject to the penalties set herein.
- D. If a Rental License is revoked, the residential rental unit shall remain vacant until such time as the Rental License is reinstated.
- E. In order to reinstate the Rental License, the owner must comply with the Notice of Violation and pay a reinstatement fee set by Resolution of the Township Board of Supervisors.

Section 8: Inspections

- A. Each regulated rental unit shall be subject to inspection by the Mount Carmel Township Code Official or their authorized representative every two years or to require that a property be made available for inspection whenever there is probable cause that a violation of Township codes may be present.
- B. It shall be the duty of all owners, property managers, and occupants to provide access to the Mount Carmel Township Code Official or their authorized representative to the residential rental property subject to inspections hereunder, and failure to permit such access shall be deemed a violation of this article. The submission of an application for a license hereunder constitutes assent by the owners of the property described in the application to the inspection of the premises by the Code Official during reasonable hours.
- C. For purposes of enforcing this Ordinance, the Code Official or their authorized representative may seek to obtain an administrative warrant issued by a competent authority for the purpose of compelling an inspection of a residential rental unit and all costs thereof, including attorney' s fees, will be the responsibility of the owners.
- D. If requested, the Code Official or his authorized representative shall disclose proper credentials for the purpose of inspecting any and all structures and properties in the performance of their duties under this article.
- E. In the event the residential rental unit is not in compliance with the codes of Mount Carmel Township, the Code Official shall provide a copy of the report specifying the noncompliance with the Code and a reasonable timeframe to make corrections. Upon abatement of the violations, the Code Official shall reinspect the property and/ or residential rental unit.
- F. If any violations still exist, the Code Official will schedule reinspection and the owner will be charged a fee for each reinspection as set by Resolution of the Mount Carmel Township Supervisors.
- G. These periodic inspections shall occur notwithstanding the fact that more frequent or other inspections may be required and be conducted in the investigation of complaints regarding the dwelling, or as deemed necessary by the Township Code Official or their authorized representative for reasons such as reasonable threats to the safety of occupants of the residential rental unit, reasonable threats to the safety of users of rights-of-way and

adjoining properties and reasonable concern that the residential rental unit is the subject of additional code violations.

Section 9: Other Inspections

Other inspections of a residential rental property may occur, including, without limitation:

- A. Prior to the initial occupancy of newly constructed residential rental units, newly erected residential rental units, or substantially rehabilitated residential rental units;
- B. Prior to the sale of any residential rental unit or structure in which it is located;
- C. Upon a Change in Tenant of the residential rental unit;
- D. Upon receipt of complaints regarding any residential rental property subject to this article;
- E. Upon the occurrence of disruptive conduct at such residential rental unit;
- F. When residential rental units of the owner or any related party of the owner receive three notices of violation within any twelve-month period; or
- G. For any other reasonable cause.

This Ordinance shall not be construed as to limit any Code Official's or Law Enforcement's authority to conduct inspections or enforcement actions under Township Ordinances or valid search warrants, or to require that a property be made available for inspection whenever there is probable cause that a violation of Township Ordinances may be present.

Within the limitations of federal and state law, a Code Official may apply to a Magisterial District Judge or Justice having jurisdiction for an administrative search warrant to enter and inspect a property subject to the provisions of this Ordinance. In addition, for any other reasons available at law or in equity, such warrant process is authorized for access to the property that cannot be obtained, is denied, or in the event of exigent circumstances.

Section 10: Violations, Penalties and Appeals

A. Violations:

1. When, during the course of any inspection authorized by this Ordinance, the Code Official determines that a residential rental unit is in violation of this Ordinance, the Township's Property Maintenance Code, Building Code or any other Township Code, the Code Official will issue a Notice of Violation to the legal owner of record on file in the Northumberland County Assessment Office. A copy of the notice may also be sent to the designated Property Manager listed on file in the Code Office.
2. Such notice shall be sent Certified and USPS regular first-class mail.
3. The Notice of Violation will outline the provisions that have been violated and the timeframe required for remediation of the violations.
4. After the expiration of the time for compliance as stated on the notice of violation, the Code Official will conduct a reinspection to determine compliance. If violations have not been remedied, the Code Official may commence enforcement actions under the procedures set forth in the code which has been violated or under any other applicable ordinance of the Township.
5. If additional reinspection's are required, the Township will impose a reinspection fee as set by Resolution of the Mount Carmel Township Supervisors.
6. If the residential rental unit is vacant at the time of the inspection, the residential rental unit will remain vacant until the violations are abated.
7. If violations are not remedied in a timely manner, the Rental License shall be revoked, and the unit will be posted with a 30-Day Order to Vacate.

B. Appeals:

1. Any party aggrieved by a decision of the Township Code Official or their authorized representative regarding any provisions in this Ordinance shall have the right to file an appeal with the Mount Carmel Township Housing Board of Appeals.
2. The appeal shall be filed in writing on the form provided by the Township within 20 days of the date of the Notice of Violation.
3. The appeal form must be accompanied by a check made payable to Mount Carmel Township in the amount set forth in the fee schedule adopted by resolution of the Mount Carmel Township Board of Supervisors.
4. The Appeal Board may require the party bringing the appeal to pay any additional costs associated with hearing the appeal, including, but not limited to, court reporter and attorney fees, regardless of whether or not the Board partially or fully upholds the Township's issuance of the appealed decision.
5. A claimed lack of knowledge by an owner or property manager of any violation cited hereunder shall not be a defense to a Rental License revocation or an eviction order as long as all notices to parties required hereunder involving such proceedings were sent to the last known address of the owner or property manager.
6. Any party aggrieved by a decision of the Board may appeal to the Court of Common Pleas of Northumberland County as provided by law, within 30 days of receiving the Board's decision.
7. Nothing in this article shall preclude or prohibit the Code Officer or their authorized representative from identifying any violations of the codes and taking lawful action in connection therewith.
8. Nothing in this article shall preclude the Township from, and the proper officers of the Township be and hereby are, authorized to seek equitable relief to enforce the provisions of this ordinance to enjoin individuals and entities from failing to comply with the ordinance, or to seek other relief as otherwise appropriate under law and/ or equity.

C. Penalties:

1. Allowing occupancy of a residential rental unit without a valid residential rental license, will be subject to a fine of \$500 per residential rental unit for each month the violation exists, or a term of imprisonment not exceeding 90 days, or both. Each month the violation exists constitutes a separate violation. Notwithstanding the foregoing, no fines shall be imposed for any period during which the residential rental unit is vacant and the owner or property manager, is taking action to correct the violations.
2. Whoever violates any other provisions of this Ordinance shall be subject to a fine of not more than \$ 1,000 or a term of imprisonment not exceeding 90 days, or both. Each month that a violation exists constitutes a separate violation.
3. In addition to fines, an eviction of occupants of residential rental units at the owner's expense may be required under the provisions of this Ordinance, and the residential rental license that grants that privilege to rent the same, shall be revoked.
4. In addition to prosecution of persons in violation of this article, the Code Official or their authorized representative may seek such civil or equitable remedies, including injunctive relief and other measures, to enforce this Ordinance in any

court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to affect the provisions of this Ordinance.

5. No person whose Rental License has been revoked by Mount Carmel Township may, purchase property in Mount Carmel Township at any Northumberland County Tax Sale. The Township shall furnish, documentation regarding license revocations to the Northumberland County Tax Claim Bureau in advance of the sales.

Section 10

All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

Section 11

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of Mount Carmel Township that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 12

This Ordinance shall take effect on January 3, 2023.

Duly ordained and enacted this 3rd day of January, 2023, by the Board of Supervisors of Mount Carmel Township, Northumberland County, Pennsylvania in lawful session duly assembled.



Aaron Domanski, Chairman

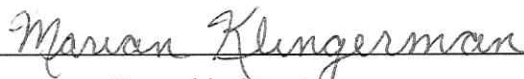


Richard Mychak, Supervisor

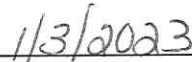


Charles Koveleskie, Supervisor

ATTEST:



Township Secretary



Date

SEAL