

BOROUGH OF NORTHUMBERLAND
Northumberland County, Pennsylvania

ORDINANCE NO. 2002-1

AN ORDINANCE AMENDING REGULATIONS FOR THE RESIDENTIAL LEASING OF REAL ESTATE WITHIN THE BOROUGH OF NORTHUMBERLAND; AUTHORIZING INSPECTIONS; ESTABLISHING FEES AND COSTS AND IMPOSING PENALTIES UPON VIOLATORS

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Council of the Borough of Northumberland, Northumberland County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. Name. This Ordinance shall be named the "Amendment to Landlord Regulation Ordinance of 2002."

SECTION 2. Purpose. This Ordinance is enacted to provide for criminal in addition to civil penalties for violations of this ordinance; to provide for a mechanism for appeals of decisions made by the enforcement officer; to provide a mechanism for negotiation of the liabilities of owners of large premises; and to make these provisions severable.

SECTION 3. Definitions. The following definition is added

Large Premises An apartment house, or other connected, multi-family dwelling owned by one person (as defined in the Land Lord Tenant Regulation Ordinance of 2000) which contains more than ten (10) dwelling units.

SECTION 4. Appeals.

Any person aggrieved by a decision of the Borough of Northumberland or its designee with respect to the regulation of rental properties may challenge the decision by demanding an appeal before the Appeals Board of the Borough of Northumberland currently in existence to consider Code appeals. A demand for appeal shall be in writing and delivered or mailed to the Borough Office. The Borough may set a reasonable fee for the costs of the hearing. Any further challenge to the decision of the Appeals Board shall be to the Court of Common Pleas of Northumberland County. Nothing herein limits the right of a person to raise any defense or objection to the Ordinance in an enforcement proceeding before the district justice.

SECTION 5 Large Premises The Borough Council or its designee may negotiate with the owners of Large Premises to set a flat rate for the inspection of the units in a large premises within a calender year.

SECTION 6 Penalties The provision of the Land Lord Tenant Regulation Ordinance of 2000 relating to penalties (§7) is amended to provide for criminal in addition to civil penalties (new text underlined):

SECTION 7. Penalties.

A. Any person or entity which fails to comply with this Ordinance shall be subject to proceedings before a District Justice, and upon a determination of that person or entity's failure to comply with this Ordinance shall be subject to a civil penalty as set in the Borough schedule of fees, plus costs and the Borough's attorney's fees.

B. Moreover, any person who intentionally fails to comply with this Ordinance commits a summary offense and shall, upon conviction thereof, be subject to a fine as set in the Borough schedule of fees and/or imprisonment in the county prison for not more than thirty (30) days.

SECTION 7. Severability. Each provision of this Ordinance and the Land Lord Tenant Regulation Ordinance of 2000 is severable and shall continue in full force and effect even if a specific section were determined invalid or unenforceable by any court.

SECTION 8. Effective Date This Ordinance shall be effective January 1, 2002.

ENACTED AND ORDAINED as an Ordinance of the Borough of Northumberland Northumberland County, PA this 22nd day of January, 2002

BOROUGH OF NORTHUMBERLAND

Janice R. Bowman
Secretary

[Signature]
President

Approved this 31st day of January, 2002.



Gretchen H. Brasius
MAYOR