Ordinance 2029

Amending Chapter IV, Part L of the State College Borough Codification of Ordinances by Revising Chapter 8, Section 103.5.1, and Section 106.2 of Part L as follows:

Section 1. Amend Chapter IV, Part L, Section 103.5.1 Housing Permits, of the State College Borough Codification of Ordinances to read as follows:

103.5.1 Housing Permits. Housing permits shall be renewed annually as required in Section 802.4 of Chapter 8 of this Part.

Section 2. Amend Chapter IV, Part L, Section 106.2 Notice of Violation of the State College Borough Codification of Ordinances to read as follows:

106.2 Notice of Violation. The code official or the Borough of State College for violations of Part L occurring at rental housing located in the Borough of State College shall serve a notice of violation or order in accordance with Section 107 or 802.

Section 3. Amend Chapter IV, Part L, Chapter 8, Rental Housing Permits, of the State College Borough Codification of Ordinances to read as follows:

CHAPTER 8
RENTAL HOUSING PERMITS

SECTION 801
GENERAL

801.1 Scope. The provisions of this chapter shall govern the issuance, refusal, and maintenance of rental housing permits for the municipality.

SECTION 802
HOUSING PERMIT

802.1 Permit required. No person, firm, or corporation shall operate or rent to another, or provide for residential occupancy with or without compensation, any dwelling unit or rooming unit ***for 7 or more consecutive days*** until a housing permit has been issued by the Borough of State College.

Any person, firm, or corporation that operates or rents to another, or provides residential occupancy with or without compensation, any dwelling unit or rooming unit without a housing permit required in Section 802.1 is also subject to penalties outlined in Section 806.2.4 of this code.

802.1.1 Failure to obtain a permit. Any person, firm, or corporation that operates or rents to another, or provides residential occupancy with or without compensation, any dwelling unit or rooming unit without a housing permit as required in Section 802.1 shall be in violation of this Part and shall, upon notification by the Borough, submit an application for a rental housing permit within 10 calendar days of receiving said notification. Failure to submit a rental housing permit application within 10 calendar days shall subject the person, firm, or corporation operating or renting said dwelling or rooming unit to provisions of Section 106 Violations.

802.1.2 Penalty. Notice of violation shall be served requiring the submission of an application for a housing permit application and any other permits or licenses required by the Code official within 10 calendar days of receiving said notice. Failure to submit a housing permit application within 10 calendar days shall constitute an additional violation of this code, which carries a fine of not less than $300 or more than $1,000 or 30 days imprisonment,

which is at the discretion of the courts. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

802.2 Permit application. Applications for permits shall be made to the Borough of State College on forms furnished by the Borough.

802.2.1 Student Home License application. Applications for a student home license shall be submitted to Borough of State College Planning Department on forms provided by the Borough. The forms shall be signed by the owner or, if the owner is a corporation, an authorized agent of the corporation. Applications that do not contain all required information will be rejected by the Borough.

802.3 Issuance or refusal. The Borough of State College shall issue a housing permit to the applicant upon proof that all of the following requirements have been satisfied:

1. Zoning use permit has been issued for the purpose for which it will be used;
2. A student home license has been issued for all student homes as defined in Chapter XIX of the State College Borough Codification of Ordinances
3. The structure complies with the provisions of this code and all other applicable codes and/or ordinances;
4. A proper housing permit fee has been submitted.

802.3.1 Issuance or denial of a Student Home License. A student home license shall be issued by the Borough of State College upon proof that all of the following requirements have been satisfied:

1. A complete application for a license has been submitted
2. All requirements for student home use in Chapter XIX of the Codification of Ordinances have been met
3. The structure has been inspected by the Borough of State College and complies with all applicable provisions of Chapter XIX of the State College Codification of Ordinances
4. The correct student home license fee has been submitted.
5. The applicant has provided documentation to the Borough of State College that all owners of record of real property adjacent to the proposed student home have been notified of the receipt of the student home license application;
6. The applicant has provided documentation to the Borough of State College that the neighborhood association, if any, whose boundaries encompass the real property of the owner(s) of record have been notified.

802.4 Renewal. Housing permits shall be renewed annually, on or before the permit expiration date of each year. A housing permit shall become null and void upon permittee's failure to submit the required or proper annual rental housing fee. No reduction shall be made for fractional yearly permits.

802.4.1 Student Home License Renewal. Student home licenses shall be renewed annually with the renewal of the rental housing permit, on or before the permit expiration date of each year. A student home license become null and void upon licensee's failure to submit the required or proper annual student home license fee. No reduction shall be made for fractional yearly licenses.

802.5 Late Fee. A late fee charge equal in amount to the required permit fee per unpaid unit shall be imposed after the date of permit payment due, and every 30 days thereafter.

802.6 Transferability. Housing permits and student home licenses shall be transferable upon change of ownership, providing the use permitted and licensed has not changed. The new owner or designated operator is required to notify the State College Borough Planning Department within 5 business days of the change of ownership.

802.7 Reserved.

802.8 Applications. Applications for rental housing permits and student home licenses, and applications for the renewal of rental housing permits and student home licenses shall be filled out completely and accurately including addresses, ~~and~~ telephone numbers, and email address for both the owner(s), and person-in-charge. The rental housing permit shall not be issued or renewed if an application does not contain all required information. Applications for initial student home licenses and for student home license renewals shall contain all of the information required in Section 807 of this Part.

802.8.1 Contact address. The contact address provided to the Borough of State College in accordance with Section 802.8 must be a valid address for the receipt of United States mail and shall be checked by the owner or person-in-charge on a regular basis.

802.8.2 Telephone number. The telephone number provided to the Borough of State College in accordance with Section 802.8 must be a valid telephone number capable of receiving and recording voice mail at all times. This number is considered the emergency contact number for this individual. A response to a voice mail left on this number by a representative of the Municipality shall be returned or responded to within 3 hours. A response to a voice mail left on this number by a tenant shall be returned or responded to within 3 hours.

802.8.3 E-Mail Address. A valid e-mail address shall be provided to the Borough of State College in accordance with section 802.8. The e-mail address shall be considered an emergency contact and response to an e-mail left at this address by a staff member of the Borough of State College or tenant shall be responded to within 3 hours.

802.9 Rental housing permit fee. The rental housing permit fee shall be established by resolution of the Borough of State College.

802.9.1 Student Home License fee. The student home license fee shall be established by resolution of the municipality.

802.10 Display and use. The housing permit shall be made available by the owner/operator within 24 hours upon a request by any party or may be displayed. The issuance of a housing permit to an owner/operator shall constitute consent for an inspection. The housing permit is and shall remain the property of the Borough of State College.

SECTION 803
PERSON-IN-CHARGE

803.1 Person-In-Charge. All owners of residential rental property shall designate a person-in-charge for each of their residential properties. The Borough of State College shall be notified as to who the *person-in-charge* is and of any changes to information required by this code within 3 calendar days.

803.2 Maintenance. The person-in-charge shall maintain all rental property under their control in compliance with the occupancy limits, as specified in the Zoning Ordinance of the Municipality. Further, the *person-in-charge* shall notify the owner of rental property of any and all violations issued against said property by the code official.

803.3 Tenant notification. The lease for each tenant(s) shall contain an addendum as prescribed by the Borough of State College with, information regarding the following requirements, including reference to any ordinances. A signed copy of the lease addendum or proof of delivery shall be maintained by the person-in-charge and shall be made available to the tenant, code official, or municipality upon request:

1. Maximum occupancy for the residential rental property;
2. Regulations regarding dogs (if present);
3. Regulations regarding property maintenance;
4. Regulations regarding refuse, parking, weeds and removal of snow and ice from sidewalks;
5. Information on the handling of recyclable materials;

6. Specific information regarding the State College Health Department and the Centre Region Code Administration including:

   a. Basic property maintenance code requirements

   b. Appropriate department to contact if a problem continues after notifying the landlord

   c. Telephone numbers of the departments, addresses of the departments and the business hours of the departments

   Contents of the lease addendum shall be developed by the Municipality and made available to property owners and managers.

7. Fire safety certification in accordance with Section 704.9

8. Regulations regarding tampering with fire protection equipment

SECTION 804
RENTAL HOUSING PERMIT SUSPENSION FOR OUTSTANDING VIOLATIONS AND IMMINENT HAZARD

804.1 Imminent hazard. Whenever an imminent hazard to community health, safety, or welfare exists at a property, the Building Code Official is authorized and empowered to order and require any structure on the property vacated within 10 days from the date of the order. At the end of the 10 days, a notice shall be posted at each entrance to the structure(s) stating that occupancy of the structure is unlawful and any person occupying the structure will be prosecuted. The Centre Region Building and Housing Code of Appeals shall schedule a hearing with the property owner within 10 calendar days from the date of the order. The purpose of the hearing will be to review the vacation order with the property owner or an authorized representative and to establish an abatement plan.

804.2 Outstanding violations. The Code Official may revoke the rental housing permit when a violation of this code has not been corrected after a period of 90 calendar days.

804.3 Suspension Procedures.

804.3.1 Notification. The Centre Region Code Administration shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.

804.3.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.

804.4 Appeal procedure for suspension initiated by the code official. Appeals of suspension initiated by the Code Official shall be heard by the Centre Region Building and Housing Code Board of Appeals in accordance with the procedures established for appeals to that Board, as referenced in Section 111. The Board of Appeals is empowered to sustain, withdraw, or modify the suspension.

804.5 Appeals to the Court of Common Pleas. Appeals by the property owner or Centre Region Code Administration of the Centre Region Building and Housing Code Board of Appeals decision shall be made to the Court of Common Pleas.

804.6 Effect of suspension. While under suspension, the residential unit subject to suspension shall be secured and vacated.

SECTION 805 [4A]
RENTAL HOUSING PERMIT SUSPENSION FOR ZONING VIOLATIONS

805.1. General. The rental housing permit of any 1-family dwelling, 1-family dwelling with an apartment unit or 2-family dwelling within the Borough shall be suspended whenever two or more zoning offenses, as described in Section 805.2, occur within any 4-year period. The 4-year period shall commence upon the date of the first enforcement notice or, in the event such notice is appealed, upon the date that a final determination in favor of the Municipality is made by either the Zoning Hearing Board or court of competent jurisdiction.

805.2 Applicable offense. An offense shall count towards suspension whenever a violation has been determined to have occurred at the property by a zoning officer and the landowner was sent a violation notice pursuant to Section 616.1, Enforcement Notice, as provided for in the Pennsylvania Municipalities Planning Code. In the event such notice is appealed, the violation shall count towards suspension whenever the Zoning Hearing Board or court of competent jurisdiction rules in favor of the Municipality.

805.3 Additional notification requirements. In addition to the requirements contained in the Pennsylvania Municipalities Planning Code, the enforcement notice shall inform the landowner that any subsequent violation of the zoning regulations for occupancy or student home use that occurs within 4 years of the date of the current notice will result in suspension of the rental housing permit for the subject property with the consequence that the rental unit cannot be occupied during the term of the suspension.

805.4 Definitions. For the purposes of Section 805, 1-family dwelling, 1-family dwelling with a single apartment unit, and 2-family dwelling refer to housing classifications described and used in the State College Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559, as amended.

805.5 Self-reported complaints. Self-reported complaints filed by the property owner, property manager or person-in-charge that result in an enforcement notice being sent by the Borough shall not count towards the suspension of the rental housing permit provided the Borough has not already discovered the violation or a 3rd party has not already made a complaint about the property prior to the self-reported complaint. The property owner, property manager or person-in-charge shall provide proof that he or she attempted to correct the violation but has found the violation still exists. Self-reported complaints shall not be used as an expectation or opportunity to avoid enforcement action by the Borough.

805.7 Effect of concurrent violations. When an over occupancy violation and student home violation occur concurrently, the two violations shall count as only one offense towards suspension. Another violation of either or both that occurs within any 4-year period following the first preceding violation shall constitute a basis for suspension.

805.8 Offenses. For the purpose of this suspension provision, offenses are violations of the following two sections of the Borough's Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559, as amended:

805.8.1 Occupancy. Refers to regulations for use of 1- and 2-family homes under Section 501.1(3).

805.8.2 Student home. Refers to regulations for use of 1- and 2-family homes under Section 501.1(6).

805.9 Suspension Procedures.

805.9.1 Notification. The Borough shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.

805.9.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.

805.9.3 Effect of additional points. Should additional points accumulate against the property during the time a rental housing permit is suspended or under consent agreement, the violation(s) shall be considered to be a detriment to the health, safety and welfare of the Community. The property shall be deemed a nuisance property in violation of the Centre Region Building Safety and Property Maintenance Code, current edition. The owner, person-in-charge or the tenant(s) or either of them as the case may be shall be held responsible as determined by culpability. In the event responsibility for the violation(s) cannot be determined, the property owner shall be held responsible and subject to the penalties provided for in this section. In addition, the permit suspension shall be extended by 6 months.

1. A fine of up to $500.00 for each point shall be assessed for violations which are one point violations.

2. A fine of $500.00 to $1,000.00 shall be assessed for police incidents resulting in criminal prosecution and for violation of fire code which are 2 point violations.

3. A fine of $1,000.00 shall be assessed for police incidents resulting in criminal prosecution which are 3 point violations.

805.10 Effect of suspension. While under suspension, the residential unit subject to suspension shall be secured and vacated.

805.11 Defense. When tenants are culpable for violations resulting in a suspension notice, the property owner may request a stay of suspension proceedings by providing written evidence of the initiation of eviction proceedings against culpable tenants. If tenants are evicted, the property owner may request termination of the suspension proceedings. If suspension has been stayed, but the tenants are not evicted, suspension proceedings can be reinstated by the Borough.

805.12 Consent agreement and stay of suspension. The Borough Manager is empowered during the course of an administrative inquiry on suspension of a rental housing permit to enter into a consent agreement with the landowner. The consent agreement may set forth steps and conditions designed to bring the property into compliance with Borough Ordinances and to maintain the property in a proper manner so that it ceases to be a Nuisance Property. In conjunction with the consent agreement, the Borough Manager may stay the effective date of the suspension to afford the landowner an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a violation of the consent agreement occurs or additional points accrue, the stay shall be immediately lifted and the suspension reinstated.

805.13 Appeal procedure for suspension. Any affected landowner may appeal a suspension notice by first filing an appeal to the Borough Manager. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The Borough Manager shall hold an administrative inquiry within 30 calendar days of receiving the landowner's appeal, and shall notify the landowner of the date, time, and location of the administrative inquiry. Following the conclusion of the inquiry, the Borough Manager is empowered to take any of the following actions:

1. Sustain the suspension.

2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension.

3. Stay or terminate the suspension pursuant to Section 805.11, Defense for Eviction Proceedings.

4. Enter into a consent agreement with the landowner and stay the effective dates of the suspension pursuant to Section 805.12 Consent Agreement.

805.14 Appeals to the Rental Housing Revocation Appeals Board (RHRAB). An affected property owner may appeal any adverse decisions or determinations made by the Borough Manager to the RHRAB. The appeal shall be filed, in writing, within 15 calendar days of receipt of the Borough Manager's decision. The RHRAB shall notify the appellant of the date, time, and location of the hearing, which shall be held within 30 calendar days of receipt of the request for hearing. The RHRAB is empowered to void, suspend or sustain the Borough Manager's decision. A fee for an appeal will be set by resolution of Borough Council from time to time.

805.15 Appeals to the Court of Common Pleas. Appeals by the property owner or Borough of the RHRAB's decision shall be made to the Court of Common Pleas.

SECTION 806 [4]
RENTAL HOUSING PERMIT SUSPENSION FOR NUISANCE AND CRIMINAL VIOLATIONS

806.1 Conditions for suspension and assignment of points for nuisance and criminal violations. The rental housing permit for any property within the Borough shall be suspended whenever 10 or more points for offenses have accumulated individually or collectively at the property within a 1-year period and the property owner has received required notice. The 1-year (12-month) period is a rolling year, and shall be counted as the 12-month period that immediately precedes the date of the most recent offense.

806.2 Assignment of points. Points for offenses shall be assigned as follows:

1. 1 point shall be assigned for each offense of the following ordinances as set forth in Section 806.11, property maintenance, refuse, sidewalk obstruction, grass and weeds, and dogs. These points shall accumulate against a property at the time of issuance of a violation notice or citation.

2. 2 points shall be assigned for each offense of the following ordinances or statutes as set forth in Section 806.11: noise control ordinance, disorderly conduct, alcohol possession or consumption by a minor, drugs, simple assault, harassment, open lewdness, indecent exposure, and fire prevention code offenses. Points for fire code offenses listed in Chapter 7 or 9 shall accumulate against a property at the time of issuance of a violation notice or citation. Points for the other offenses shall accumulate against a property at the time of adjudication, unless the defendant is acquitted, found not guilty, or the case is withdrawn. Points shall also accumulate if, after being charged, a defendant ignores a citation or criminal complaint and a warrant is issued for the defendant's arrest.

3. 3 points shall be assigned for each offense of the following statutes as set forth in Section 806.11: furnishing alcohol to a minor, 6310.1, crimes code, furnishing to a minor, 493, liquor laws, aggravated assault, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and possession with intent to deliver controlled substances or look-alike substances. Points for these offenses shall count against a property at the time of adjudication unless the defendant is acquitted, found not guilty or the case is withdrawn. The points shall also accumulate if after being charged, the defendant ignores the citation or criminal complaint and a warrant is issued for the defendant's arrest.

4. 5 points shall be assigned for operating a rental property without a valid rental housing permit as required in Section 802.

806.2.1 Multiple violations. Upon discovery of multiple violations at a property, the maximum number of points that can accumulate in a 24-hour period is 3, unless one of the violations is operating a rental property without a valid rental housing permit in which case the maximum number of points can accumulate in a 24-hour period is 8.

806.2.2 Self-reported complaints. With the exception of violation of ordinances; Municipal Waste, Chapter VIII, Part A, Grass and Weeds, Chapter IX, Part C and Obstructions on Sidewalks, Chapter XIV, Part G of the Borough Codification of Ordinances, self-reported complaints filed by the property owner, property manager, person-in-charge, or a tenant of the premises that result in a prosecution that would otherwise cause points to be assigned to the property shall not count towards suspension provided the Borough or Code Official or a 3rd party has not already discovered the violation. Self-reported complaints as described in this section shall not be used as an expectation or opportunity to avoid nuisance property points from being assigned to the property.

806.3 Notices required. Within any 1-year (12-month) period, written notices shall be issued as required below.

1. Prior to suspension of a rental housing permit, the Borough shall provide the owner of the subject rental property with a written notice entitled "Problem Property Notice" whenever offenses totaling 5 or more points accumulate at the rental property within any 1-year period. The Problem Property Notice shall list the offenses and state that should 10 or more points accumulate at the rental property, the property shall be deemed a "Nuisance Property" and the rental housing permit shall be suspended. The offenses subject to points are listed in Section 806.11 and the corresponding points are listed in Section 806.2.

2. The Problem Property Notice shall inform landowners that a written correction plan is required to be submitted to the Borough within 30 calendar days after receipt of the Problem Property Notice. The written correction plan shall indicate the ways the landowner intends to take control of the property so that it does not become a Nuisance Property.

3. The Problem Property Notice shall inform landowners that they may request an informal meeting with the appropriate Borough Official, as designated in the notice, to discuss the violations and corrective actions intended to prevent the problem property from becoming a Nuisance Property. Owners requesting a meeting may appoint someone to represent them so long as their representative is authorized to act on their behalf, including but not limited to entering into agreements.

4. Whenever 10 or more points accrue at a rental property, a permit suspension notice shall be sent to the property owner advising that the rental property is now designated a Nuisance Property and the rental permit is suspended.

806.4 Suspension procedures.

806.4.1 Notification. The Borough shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.

806.4.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.

806.4.3 Effect of additional points. During the time a rental housing permit is suspended, should any additional points accumulate against the property, the permit suspension shall be extended by 6 months.

806.5 Effect of suspension. While under suspension, the residential unit subject to suspension shall be secured and vacated.

806.6 Defense. When tenants are culpable for violations resulting in a suspension notice, the property owner may request a stay of suspension proceedings by providing written evidence of the initiation of eviction proceedings against culpable tenants. If tenants are evicted, the property owner may request termination of the suspension proceedings. If suspension has been stayed, but the tenants are not evicted, suspension proceedings can be reinstated by the Borough.

806.7 Appeal procedure for suspension. Any affected landowner may appeal a suspension notice by first filing an appeal to the Borough Manager. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The Borough Manager shall hold an administrative inquiry within 30 calendar days of receiving the landowner's appeal, and shall notify the landowner of the date, time, and location of the administrative inquiry. Following the conclusion of the inquiry, the Borough Manager is empowered to take any of the following actions:

1. Sustain the suspension.

2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension.

3. Stay or terminate the suspension pursuant to Section 806.6, Defense for Eviction Proceedings.

4. Enter into a consent agreement with the landowner and stay the effective dates of the suspension pursuant to Section 806.8. Consent Agreement.

806.8 Consent agreement and stay of suspension. The Borough Manager is empowered during the course of an administrative inquiry on suspension of a rental housing permit to enter into a consent agreement with the landowner. The consent agreement may set forth steps and conditions designed to bring the property into compliance with Borough Ordinances and to maintain the property in a proper manner so that it ceases to be a Nuisance Property. In conjunction with the consent agreement, the Borough Manager may stay the effective date of the suspension to afford the landowner an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a violation of the consent agreement occurs or additional points accrue, the stay shall be immediately lifted and the suspension reinstated.

806.9 Appeal to the Rental Housing Revocation Appeals Board (RHRAB). An affected property owner may appeal any adverse decisions or determinations made by the Borough Manager to the RHRAB. The appeal shall be filed, in writing, within 15 calendar days of receipt of the Borough Manager's decision. The RHRAB shall notify the appellant of the date, time, and location of the hearing, which shall be held within 30 calendar days of receipt of the request for hearing. The RHRAB is empowered to void, suspend or sustain the Borough Manager's decision. A fee for an appeal will be set by resolution of Borough Council from time to time.

806.10 Appeal to the court of common pleas. Appeals by the property owner or Borough of the RHRAB's decision shall be made to the Court of Common Pleas.

806.11 Offenses. For purposes of this ordinance, offenses are those as set forth in the following ordinances or statutes:

806.11.1 Refuse. Refers to Garbage, Refuse, and *municipal solid waste* regulations enforced by the Health Department pursuant to Chapter VIII, State College Borough's Codification of Ordinances, Part A, Section 101, et seq. as amended.

806.11.2 Property maintenance (interior and exterior). Refers to regulations for the maintenance of residential property as generally enforced by the Centre Region Code Administration, pursuant to this code with the exception of Chapter 9 (Fire Code) as adopted by Chapter IV, State College Borough's Codification of Ordinances.

806.11.3 Sidewalk obstruction. Refers to regulations for clearing snow, ice, and other obstructions from sidewalks pursuant to Chapter XVI, State College Borough's Codification of Ordinances, Part G, Section 701, et seq, as amended.

806.11.4 Noise. Refers to the enforcement of the Noise Control Ordinance, Chapter V, State College Borough's Codification of Ordinances, Part A, Section 101, et seq, as amended ***by Ordinance 1987.***

806.11.5 Vegetation. Refers to enforcement of grass and weeds pursuant to Chapter IX, State College Borough's Codification of Ordinances, Part C, Section 301, et seq, as amended.

806.11.6 Disorderly conduct. Refers to enforcement by Law Enforcement of Section 5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334.

806.11.7 Drugs and possession with intent to deliver. Refers to enforcement by Law Enforcement of *The Controlled Substance, Drug, Device and Cosmetic Act*, of April 14, 1972, P.L. 233, No. 64, as amended.

806.11.8 Alcohol. Refers to possession or consumption by a minor pursuant to Section 6308, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, or ***Furnishing Liquor or Malt or Brewed Beverages to Minors, pursuant to Section 6310.1, Crimes Code, Act of March 25,1988, P.L. 262, No.31, or Furnishing to a Minor,*** Section 493, Liquor Laws, Act of April 12, 1951, P.L. No. 90, as amended.

806.11.9 Dogs. Refers to enforcement of dog offenses pursuant to Chapter II, State College Borough's Codification of Ordinances, Part A, Dogs, Section 101, et seq, as amended.

806.11.10 Fire Code. Refers to regulations for the prevention of fires at rental properties as adopted in Chapter 9 (Fire Code) of this code as adopted by Chapter IV, State College's Borough's Codification of Ordinances.

806.11.11 Simple Assault. Refers to enforcement by the Law Enforcement of Section 2701, Crimes Code, Act 172(1).

806.11.12 Aggravated Assault. Refers to enforcement by Law Enforcement of Section 2702, Crimes Code, Act 132 (3).

806.11.13 Harassment. Refers to enforcement by Law Enforcement of Section 2709, Crimes Code, Act 218(1).

806.11.14 Open Lewdness. Refers to enforcement by Law Enforcement of Section 5901, Crimes Code.

806.11.15 Sexual Assault. As enumerated in the Crimes Code referring to enforcement by Law Enforcement of Sections: 3121, Rape, Act 226 (1.1); 3122.1, Statutory Sexual Assault; 3123, Involuntary Deviate Sexual Intercourse, Act 226 (1.1); 3124.1, Sexual Assault; 3125, Aggravated Indecent Assault, Act 226 (1.1); 3126, Indecent Assault; 3127, Indecent Exposure.

806.12 Assignment of points for offenses. The assignment of points for offenses, as set forth in Section 806.11. of this ordinance, shall apply towards suspension of the rental housing permit for any 1-family house, duplex, multiple-family dwelling unit, rooming unit, or fraternity, as the case may be, in accordance with the following schedule:

1. <u>1-Family House or Fraternity House</u>: Points shall be assigned to the property whenever an offense occurs anywhere on the property, including sidewalks within or along the boundary of the property, provided such offense is caused by a tenant or a guest at the property. Points for offenses committed by the property owner shall be assigned to the property.

2. <u>2-Family (Duplex), Multiple-Family or Rooming Unit</u>: Points for offenses that occur within an individual dwelling or rooming unit shall apply to that unit. Points for offenses committed by a tenant or guest shall apply to the tenant's dwelling or rooming unit. Points for offenses committed by the property owner shall be assigned to the property in general.

documentation that the unregistered student home is eligible to receive a certificate of nonconformity. State College Borough has the right to request additional documentation or to reject any documentation submitted by the owner.

807.4.4 Initial application form and contents. The student home license application shall be made on forms provided by the Planning Department. The forms shall be signed by the owner or, if the owner is a corporation, an authorized agent of the corporation.

807.4.5 Renewal application form and contents. An application for the renewal of a student home license shall be made on forms provided by the Borough of State College or its agent. An application for a license renewal shall be signed by the owner and contain the same information as an initial application unless the owner certifies there have been no changes from the previous application, in which case information on the previous application may be incorporated by reference into the application for license renewal.

807.4.6 New owner application form and contents. An application for the new owner or prospective new owner of a previously or currently licensed student home shall be made of forms provided by the Borough of State College.

SECTION 807.5. INSPECTION OF STUDENT HOMES

807.5.1 Initial Student Home License Inspection. Within 60 days following the acceptance of an application for an initial student home license, the proposed student home shall be inspected for compliance with the requirements of the State College Borough Zoning Ordinance.

807.5.1.1 Scheduling of Inspections. Owners and Person-in-Charge shall be notified of inspections in accordance with the following:

(1) Prior to conducting an inspection for student home license application the Borough of shall give the owner and person-in-charge reasonable notice by first class mail sent to the address on file. The notice shall contain the date and time of the inspection.

(2) The owner or person-in-charge must be present at all inspections.

807.5.2 Renewal inspection. Notice of inspections for the renewal of student home licenses shall follow the procedures in section 5.1.1 above.

807.5.3 Additional inspections. When any violations of the State College Borough Zoning Ordinance are found during an inspection said inspection shall not be considered to have been completed until the Planning department determines that all violations have been corrected or that a satisfactory schedule has been provided by the property owner for the correction of the violations. The Planning Department may require such additional inspections as deemed necessary to determine that all violations have been corrected.

SECTION 807
Student Home License

SECTION 807.1 GENERAL PROVISIONS

807.1.1Scope. This Part shall require the licensing of all student homes

807.1.2Purpose. The regulation, inspection and licensing of student homes is intended to:

(1)Protect the health, safety, and welfare of persons affected by or subject to the provisions of this Chapter;
(2)Ensure that owner(s) of a student home, persons-in-charge, and tenants are informed of, and adhere to, all applicable code provisions governing the use and maintenance of student homes;

807.1.3 Administration. The Planning Department, as directed by the Borough Manager, shall be responsible for ensuring the equitable and effective administration of this Section.

807.1.4 Student Home Defined: For the purposes of this Part, a student home is any property that meets the definition of student home in the State College Borough Zoning Ordinance.

SECTION 807.2. RENTAL HOUSING PERMITS REQUIRED FOR STUDENT HOMES

807.2.1 Rental License Requirements. No student home shall be leased or occupied for rental purposes, in whole or in part, by any person unless it is first in compliance with the provisions of every section of this section. Occupancy of any dwelling by any person other than or in addition to the owner of record shall be presumed to require a rental housing permit issued by the Borough of State College.

SECTION 807.3 STUDENT HOME LICENSE AND EXPIRATION

807.3.1 Student Home License. A license will not be approved for a student home use unless property complies with all applicable requirements for student home use expressed in Chapter XIX or for which a certificate of nonconformity has been approved by the Borough.

807.3.2 Student Home License Expiration. A license for a student home shall expire on the same date as the rental housing permit issued by the Borough for said property.

SECTION 807.4 APPLICATIONS FOR STUDENT HOME LICENSES

807.4.1 Application. Applications for a student home license shall be submitted to the Planning Department.

807.4.2 Registered Student Homes. All student homes currently registered with the Borough of State College are eligible to receive a student home license upon completion and submission by the owner of an application for an initial student home license.

807.4.3 Unregistered Student Homes. The owners of any existing student homes not registered with the Borough of State College may register said student home within 60 days of the enactment of this ordinance, provided

807.5.4 Notice of Violations

The property owner and person-in-charge shall be promptly notified in writing of the existence of any violations found during an inspection of a property. For purposes of this subsection, "violation" shall mean any distinct violation of the Zoning Ordinance

This notice shall either be sent by first class mail to the address(s) for the owner and person-in-charge contained in the rental unit license application, renewal application or reinstatement application or delivered to the owner or person-in-charge in person. The notice shall contain all information required by the applicable notice of violation sections of the State College Borough Zoning Ordinance, as appropriate. All violation notices shall provide a reasonable time limit within which the violations must be corrected.

807.5.5. Additional inspections. In addition to the initial or renewal inspections, inspections may be scheduled on one or more of the following bases:

(1)By area, such that all student homes in a predetermined geographical area will be inspected simultaneously, or within a short period of time.

(2)By written complaint, such that written complaints of violations will be inspected within a reasonable time.

(3)By recurrent violations, such that any covered student home which has been found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.

(4)For the purpose of re-inspection to ensure the correction of any violations in existence at a previous inspection.

807.5.6. Notice of Additional Inspections. For any inspection authorized by this article or other codes and ordinances, other than an initial or renewal inspection, the Borough shall attempt to give the owner and the person in charge reasonable notification of the date and time of the inspection unless probable cause exists to believe the lack of notice is necessary for the appropriate conduct of an investigation.

807.5.7. Inspection authorization. An application for a student home license shall authorize the entry upon and inspection of the premises at all reasonable times as required by this Part to the extent permitted by law. The failure of an owner to permit an inspection of the rental unit after notice is given shall constitute a withdrawal of the rental unit license application and a reason for denial of an application.

807.5.8. Inspection reports. A copy of all inspection reports shall be mailed to the tenants.

Section 807.6. Standard student home license provisions. A student home license shall show the following:

(1)The date of issuance and expiration date;

(2)The maximum number of persons who may occupy the student home;

(3)The tax parcel identification number, street address and unit number of the student home;

(4)Notification that the student home license is subject to the imposition of terms and conditions, suspension, summary suspension, or revocation based upon failure to comply with the applicable requirements of the Borough Code;

(5)The name, telephone number, postal address, email address of the owner and the person-in-charge;
(6)The type of the student home license;
(7)Any requirements or restrictions imposed by the Borough on the license pursuant to this Part or Chapter XIX of the Borough of State College Codification of Ordinances.

Section 807.8. Appeals. Any decision by the Planning Department Director regarding the approval, approval with conditions, or denial of a student home license may be appealed to the Borough Manager within 21 days from the date the Planning Department mails, by first class mail, notice of the Planning Department Director's action to the appellant.

Section 807.8.1 Appeals of the decision of the Borough Manager on any appeal of an action by the Planning Director shall be to the court of competent jurisdiction.

Section 807.8.2 Effect of appeal. Except for an appeal from an emergency rental unit license suspension order, appeals to the Borough Manager shall operate to stay any order or action until a decision is reached. A stay shall not relieve an owner of any obligation to correct any property maintenance code violations; to schedule any licensing inspection or re-inspection; to cooperate with code officials to facilitate any complaint investigation; or to pay any licensing, inspection or re-inspection fee.

SECTION 807.9 ENFORCEMENT

807.9.1 Maximum licensed occupancy. No owner, person-in-charge, or person occupying any student home licensed under this chapter shall knowingly, or under circumstances where the owner, owner's legal agent, or person in charge should have known, allowed the student home to be occupied by more than the number of persons permitted by the student home license. Each day that a violation exists shall constitute a separate offense.

807.9.2 Occupancy without a license. No person shall occupy, and no owner or person-in-charge shall allow a person to occupy, a student home unless a license applicable to the student home has been issued and remains in effect. Each day that a violation exists shall constitute a separate offense.

807.9.3 Occupancy of nonhabitable space. No person shall occupy for sleeping purposes, and no owner or person-in-charge shall allow a person to occupy for sleeping purposes, the nonhabitable spaces, as defined in the Centre Region Building Safety and Property Mainttenance Code, of a student home. Each day that a violation exists shall constitute a separate offense.

807.9.4 False statements. No person shall knowingly make any false statement or provide any false information on a rental unit license application to any employee of the Borough of State College or other authorized person in relation to any investigation of a violation of this Part.

807.9.5 Coercive conduct. No person shall coerce, threaten, or intimidate any person into failing to report, or as a result of reporting, a violation of the State College Borough Codification of Ordinances, or to waive any rights established by law.

807.9.6 Transfer of complaint inspection fees. No owner or Person-in-Charge shall transfer or attempt to transfer fees imposed for complaint inspections to the tenant making the complaint unless the owner or owner's legal agent was not given a reasonable opportunity to repair the violation prior to the complaint or the tenant was responsible for the violation which gave rise to the complaint.

Section 807.10. Penalty. Any person who shall violate any of the provisions of this ordinance shall, on conviction thereof, be sentenced to pay a fine of not more than $500.00 for the first offense in any calendar year and not more than $1000.00 for the second and subsequent offenses in any calendar year plus all costs. Upon failure to pay such fine and costs, to imprisonment for not more than 30 days. Each day's continuance of a violation of any provision of this ordinance shall constitute a separate offense.

SECTION 807.11. Severability. If a section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

ENACTED AND ORDAINED this 18th day of November, 2013.

ATTEST:

Sharon K. Ergler
Assistant Borough Secretary

BOROUGH of STATE COLLEGE

By: Donald M. Hahn
President of Council

EXAMINED AND APPROVED as an Ordinance this 27th day of November, 2013.

Elizabeth A. Goreham
Mayor