

ORDINANCE NO. 2024-02

**AN ORDINANCE OF THE BOROUGH OF JONESTOWN, LEBANON COUNTY, PENNSYLVANIA ESTABLISHING A RESIDENTIAL RENTAL UNIT LICENSING SYSTEM, INCLUDING PURPOSES AND FINDINGS, DEFINITIONS, DUTIES OF OWNERS, MANAGERS, AND OCCUPANTS, RESIDENTIAL RENTAL UNIT LICENSING REQUIREMENTS, APPEALS, ENFORCEMENT, VIOLATIONS AND PENALTIES, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.**

A. PURPOSES AND FINDINGS

(1) Purposes

In order to protect and promote the public health, safety, and welfare of the citizens of Jonestown Borough, it is the purpose of this Ordinance to establish procedures for registration of residential rental units located within Jonestown Borough, by requiring owners and/or managers to obtain a Borough-issued license, to renew the license annually, as a means to gather information about residential rental units, and to monitor trends relating to residential rental units within Jonestown Borough, and to establish penalties for violations.

(2) Findings

- (a) The Jonestown Borough Council desires to learn the location of each residential rental unit, and its ownership, within Jonestown Borough;
- (b) The Jonestown Borough Council desires to learn the number of tenants residing within each residential rental unit within Jonestown Borough;
- (c) The Jonestown Borough Council desires to identify police, fire, emergency, and any other responses to residential rental units within Jonestown Borough;
- (d) The Jonestown Borough Council desires to establish a systematic registration process that will allow Jonestown Borough to:
  - (i) Identify the location of each residential rental unit within Jonestown Borough;
  - (ii) Identify the ownership of each residential rental unit within Jonestown Borough;

- (iii) Identify the number of tenants residing in each residential rental unit within Jonestown Borough;
- (iv) Identify responses by police, fire, other emergency responders, and other Jonestown Borough agents to residential rental units within Jonestown Borough; and
- (v) The adoption of this Ordinance is authorized by the Borough Code pursuant to 53 P.S. §46202, *et seq.*

**B. DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this Section:

**BOROUGH** – Jonestown Borough, Lebanon County, Pennsylvania

**BOROUGH COUNCIL** – Jonestown Borough Council Members, Jonestown Borough, Lebanon County, Pennsylvania.

**DISRUPTIVE CONDUCT** – A form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or guest of a residential rental unit, which is contained in a written report issued by a sworn police officer or Enforcement Officer and issued to the occupant, owner, or manager, including:

A. Is a violation of Ordinances of the Borough of Jonestown and that is so loud, untimely as to the time of day, offensive 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;

B. Involves music that is audible from a street, sidewalk or dwelling unit from a minimum distance of 50 feet away from the premises where the sound is originating;

C. Is the subject of a criminal citation for disorderly conduct; and/or

D. Is the subject of a criminal citation under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code.

**DISRUPTIVE CONDUCT REPORT** – a written report of “DISRUPTIVE CONDUCT” that is completed by a police officer or enforcement officer who investigates the matter.

**DWELLING UNIT** – One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated

from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

**ENFORCEMENT OFFICER** — Any person specifically designated to enforce this Ordinance by Resolution of the Jonestown Borough Council, the duly authorized representative(s) of such a person, and all police officers from a police department authorized by Borough Council to enforce this Ordinance.

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

**MANAGER** — A person representing and acting on behalf of an owner.

**OCCUPANT** — Any person living and sleeping in a residential rental unit or having actual possession of said residential rental unit.

**OWNER** — Any person who holds record title and/or the equitable owner under an Agreement of Sale for property upon which a residential rental unit is erected or maintained. If more than one person owns the residential rental unit as joint tenants, tenants in common, tenants by the entirety, or tenants in co-partnership, each such person shall be considered an owner and shall have all the duties of an owner under this Ordinance.

**PERSON** — A natural individual, unincorporated association, partnership, corporation, estate, trust or any other legally recognized entity, and each member of such partnership, and each officer of such other entity.

**POLICE** — Any properly authorized member or officer of any law enforcement agency having jurisdiction within Jonestown Borough.

**RESIDENTIAL RENTAL UNIT** – A rooming unit, or a dwelling unit let for rent, or a residential unit occupied by any persons other than one occupied solely by the owner and members of the owner's family. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multi-family building, and each rooming unit, shall be considered a separate residential rental unit. If a structure contains a rooming unit or if any portion of the structure is let for rent other than to immediate family, it shall be considered a residential rental unit whether or not the owner or relative of the owner also resides in the structure. A residential rental unit includes dwelling units under Lease-Purchase Agreements or Long-Term (greater than six (6) months) Agreements of Sale. A residential rental unit shall not include: hospitals; nursing and personal care homes; and entities operated exclusively for religious or charitable purposes.

RESIDENTIAL RENTAL UNIT LICENSE — A document issued by the Borough, to the owner or manager of a residential rental unit.

ROOMING UNIT — A portion of a dwelling unit including any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. Granting of permission to use shared or common cooking facilities maybe associated with the leasing of a rooming unit.

C. DUTIES OF OWNERS AND MANAGERS OF RESIDENTIAL RENTAL UNITS:

- (1) It shall be the duty of every owner to:
  - (a) Obtain and maintain a Residential Rental License for each residential rental unit.
  - (b) Provide the Borough within ten (10) days of occupancy with the number of tenants in the residential rental unit.
  - (c) Notify the Borough of changes in the occupancy of the residential unit within ten (10) days thereof.
  - (d) Provide trash and recyclables collection and disposal services information and instruct tenants regarding the collection process for such items (e.g. curbside or dumpster and day of pickup).
  - (e) Lease each residential rental unit to only one family. For the purposes of this paragraph, a "family" is defined in the Borough Zoning Ordinance.
  - (f) Retain a manager when this Ordinance requires that a manager be designated.
  - (g) If the owner has appointed a manager, the manager shall be jointly responsible to fulfill all of the obligations set forth herein. No owner may relieve himself of the responsibility to perform the duties set forth herein by appointing a manager.
  - (h) It shall be the responsibility of the owner or manager to make available a copy of the Residential Rental License to the occupants of each residential rental unit. The Residential Rental License shall include the following information:
    - (i) The name and telephone number of the owner or manager.

(ii) The date of expiration of the Residential Rental License.

- (i) It shall be the duty of every owner to keep and maintain all residential rental units in compliance with all Borough ordinances, and to keep such property in good and safe condition.
- (j) Every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling unit as well as be responsible to act to minimize disruptive conduct on the premises by the occupants of the residential rental units.
- (k) Every owner shall provide a written statement or addendum to any lease agreement signed by each occupant establishing an owner's obligation to evict an occupant in the event of three (3) disruptive conduct violations within any one (1) year period during which a residential rental license was required.

(2) No Residential Rental License shall be issued to any owner residing more than thirty (30) miles from the municipal limits of the Borough unless the owner provides the Borough with the name, mailing address and telephone number of a manager residing within thirty (30) miles of the municipal limits of the Borough, authorized to accept service of process on behalf of the owner. For the purpose of this section, a post office box is not acceptable for the manager's address. This designation shall not be valid unless signed by the owner and the manager designated to act on behalf of the owner. The owner shall notify the Borough within ten (10) days of any change in manager.

(3) In the event that an occupant(s) of a residential rental unit is involved in a third disruptive conduct violation within any one (1) year period which a residential rental license was required, a police officer or enforcement officer shall provide a written statement to the owner or manager that the property shall be vacated. If the disruptive conduct was caused by only one occupant, then the owner or manager may limit the vacate order to 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 area on the same lot for a minimum period of two (2) years. In addition, once an eviction is ordered, those occupant(s) shall not be permitted to occupy any dwelling unit that is owned by the same person or entity within Jonestown Borough for a minimum period of two (2) years.

- (a) Failure of an owner to comply with this section as it pertains to

disruptive conduct of an occupant shall result in the suspension or revocation of a residential rental unit license and shall be a violation of this Part.

- (b) This shall not limit the ability of an owner to evict occupants in compliance with State law for reasons other than violations in this section.
- (c) A requirement to evict occupants shall not apply if a district magisterial judge rules in the occupant's favor during any eviction proceedings, or where a court appeal or other legal action has been filed that would lawfully prevent the eviction.
- (d) The enforcement officer shall maintain a list of occupants who were ordered to be evicted and the affected addresses.

D. DUTIES OF OCCUPANTS OF RESIDENTIAL RENTAL UNITS

(1) It shall be the duty of each occupant of a residential rental unit to:

- (a) Use the trash and/or recyclables collection service as instructed by the owner to include placing trash out for pickup.
- (b) Not allow persons other than those identified in the lease agreement to reside in the residential rental unit except as permitted by law.
- (c) Occupants shall not engage in, tolerate, or permit guests on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code, 18 Pa.C.S.A. §101, *et. seq.*, or Liquor Code, 47 P.S. §1-101, *et. seq.*, or the illegal sale or distribution of controlled substances under the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-101, *et. seq.*, as may be amended.
- (d) Occupants shall not engage in, tolerate or permit guests to engage in disruptive conduct.
  - (i) When a complaint of an alleged incident of disruptive conduct is investigated, the police or enforcement officer shall complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute "disruptive conduct" as defined herein. The information provided in this report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and the factual basis for the disruptive conduct.
  - (ii) When a police officer or enforcement officer issues a disruptive

conduct report concerning a residential rental unit, a copy of the disruptive conduct report shall be mailed to any identified and affected occupant(s) and the owner or manager.

(iii) A criminal or civil citation is not required in order for a disruptive conduct report to be issued.

(iv) If a citation is issued and successfully prosecuted or a guilty plea is entered before a magisterial district judge, such citation may automatically be considered a disruptive conduct report. However, if an appeal of a citation is filed from a decision of a magisterial district judge, the matter shall not be deemed to constitute disruptive conduct unless a finding of guilty is affirmed by a final decision on appeal.

#### E. RESIDENTIAL RENTAL UNIT LICENSING

(1) By December 31<sup>st</sup> of each calendar year, the owner or, if applicable, the manager of each residential rental unit shall apply for a residential rental license from the Borough, which shall be valid from January 1<sup>st</sup> to December 31<sup>st</sup> of the following year.

(2) The Borough shall issue a Residential Rental License if the owner provides his name, address and phone number and, if applicable, the name, address and phone number of a manager, pays the annual registration fee, and submits a complete and accurate count of the number of tenants for the residential rental unit by December 31<sup>st</sup> of each year.

(3) The Borough shall deny and may revoke a Residential Rental License if the owner does not provide his name, address and phone number, and, if applicable, the name, address and phone number of a manager, does not pay the annual registration fee, or does not correct a violation of this Ordinance within thirty (30) days of notification of the violation.

(4) The Borough shall forward written notice to the owner if the Enforcement Officer will deny, refuse to renew or revoke a Residential Rental License. The notification shall (1) identify the residential rental unit (2) the grounds for the denial, non-renewal or revocation, including the factual circumstances and the Section of this Ordinance supporting such determination; and (3) inform the owner of the right to appeal the denial, non-renewal or revocation of the Residential Rental License to the Borough Council under this Ordinance.

(5) The enforcement officer may reinstate a Residential Rental License if the owner or manager corrects the reason for the revocation of the Residential Rental License, has paid the proper fees and is otherwise in compliance with this Ordinance and all other applicable rules, regulations, codes, ordinances and

laws.

(6) Borough Council shall be authorized to establish by Resolution such fees as they determine are necessary to administer all provisions of this Ordinance.

F. SALE OR TRANSFER OF RESIDENTIAL RENTAL UNITS

A Residential Rental License shall not be transferred. In the case of licensed residential rental units that are sold or transferred, the new owner shall seek a Residential Rental License for each residential rental unit within thirty (30) days of the date of the sale or transfer.

G. APPEALS

An appeal from any decision of the Borough or enforcement officer shall be taken to the Borough Council. Such appeal shall be made in writing within thirty (30) days after such decision has been made. The appeal, shall state the grounds for the appeal and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee which shall be established from time to time by Resolution of the Borough Council. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. The Borough Council shall make a decision on the appeal within twenty-five (25) calendar days following the hearing. The Borough Council shall render a written decision, copies of which shall be provided to the enforcement officer and the appellant.

H. ENFORCEMENT

(1) The enforcement officer(s) is (are) authorized to enforce this Ordinance and to initiate enforcement actions against owners, managers, and occupants for any violation of this Ordinance;

(2) Any enforcement proceeding shall begin by service of a written notice upon the owner, manager and/or occupant, which shall identify the residential rental unit, provide a detailed description of the violation resulting in the enforcement notice, the date of the notice and the date for compliance with the Ordinance, and a direction of what is required for compliance with the Ordinance;

(3) The enforcement notice shall be served upon the owner, agent, and/or occupant by personal service, or service by certified or registered mail, return receipt requested, or, if this mail is returned, by posting the enforcement notice in a conspicuous place upon the residential rental unit.

I. VIOLATIONS AND PENALTIES

(1) Violations

It shall be a violation of this Ordinance for any person to fail to comply with Parts C, D, E, or F of this Ordinance.

(2) Specific Penalties

(a) An owner, manager or occupant determined to be in violation of this Ordinance shall be subject to a fine as follows:

- (i) For any violation, a fine of not less than Fifty (\$50.00) and not more than Five Hundred Dollars (\$500.00) per residential rental unit for each month or portion thereof that such violation exists with each month or portion thereof constituting a separate violation;
- (ii) Costs and Borough Attorneys Fees – Where the Borough incurs any costs relating to any violation of this Ordinance or any enforcement action, including counsel fees from the Borough Solicitor, the owner, manager, and/or occupant, found by any court in violation of this Ordinance or where enforcement is directed, shall also be responsible for all such costs and attorneys fees incurred by the Borough;
- (iii) The penalty provisions of this Ordinance and the enforcement provisions of this Ordinance are non-exclusive remedies and the Enforcement Officer(s) may use either or both to enforce this Ordinance;
- (iv) The enforcement officer(s), upon authorization by Borough Council, may pursue such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any owner, manager or occupant, or their property, real or personal in order to meet the provisions of this Ordinance.

2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

3. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Jonestown Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

4. This Ordinance shall become effective on adoption.

ENACTED AND ORDAINED this 6 day of November, 2024.

BOROUGH OF JONESTOWN  
JONESTOWN BOROUGH COUNCIL

By: Thomas S. Keefer  
Thomas Keefer, President

ATTEST:

Mariah Mauser  
Mariah Mauser, Secretary

Approved this 6<sup>TH</sup> day of NOVEMBER, 2024.

Joseph Quairolli  
Joseph Quairolli, Mayor