

STEWARTSTOWN BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-02

AN ORDINANCE OF STEWARTSTOWN BOROUGH, YORK COUNTY, PENNSYLVANIA, ESTABLISHING RULES AND REGULATIONS FOR CONDUCT FOR RESIDENTIAL RENTAL PROPERTY

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of the Borough of Stewartstown, York County, Pennsylvania, under authority of law as follows:

SECTION 1: Short Title. This Ordinance shall be known as, and may be cited to as, the "Stewartstown Borough Disruptive Conduct Ordinance."

SECTION 2: Purpose and Intent. It shall be the declared policy of this Ordinance:

This Ordinance shall be construed to secure its expressed intent, which is to protect public safety, health and welfare of Borough citizens, in so far as they are affected by the continued occupancy rental structures and rental premises. This Ordinance shall establish the rights and obligations of owners and occupants of residential rental units in the Borough and to encourage owners and occupants to maintain and improve the quality of rental housing within the Borough. Borough police records evidence a greater number of disturbances at residential rental units than other properties in the Borough.

SECTION 3: Applicability. The provisions of this Ordinance shall apply to all residential rental property within the Borough.

SECTION 4: Definitions.

BOROUGH - the Borough of Stewartstown, York County, Pennsylvania.

CODE ENFORCEMENT OFFICER - a person, or persons or official designated by the Borough to enforce this Part, including the performance of inspections and issuance of citations and violations.

CODES - Any state or local code or ordinance adopted, enacted or in effect in and for the Borough.

COUNTY - the County of York.

DISRUPTIVE CONDUCT - any act by an occupant of a residential rental unit or by a person present at a residential rental unit who, while at the residential rental unit, is involved in an

incident involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as disorderly conduct in the Pennsylvania Crimes Code or which otherwise injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the gathering. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Code Enforcement Officer, a police officer or any other duly appointed Borough official shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The occupant and the owner and, if applicable, the manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct to be completed by a police officer, Code Enforcement Officer or other authorized Borough Official who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Borough.

DORMITORY UNITS - a form of transient lodging in a building or facility consisting of one room or rooms connected together constituting a separate and independent housekeeping established for occupancy of unrelated individuals occupying a single unit. Often used for educational institutional settings.

FAMILY - shall be considered (1) parents and children related to each other by blood, marriage, adoption or legal foster relationship.

GROUP QUARTERS - any dwelling or portion thereof which is designed or used for three or more persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters shall include, but not be limited to fraternity, and sorority houses, dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

GUEST - any person who shares a dwelling unit in a nonpermanent status for no more than 30 days in a one-year period.

LANDLORD - an owner or person who acts as an agent for the owner of any parcel of real estate located in the Borough of Stewartstown or an owner or person who acts as agent for the owner of any improvements on real estate or any building located in the Borough of Stewartstown; this shall include a manager of a rental unit or units.

MULTIPLE-FAMILY DWELLING - A building designed and occupied as a residence for two or more families living independently of each other and doing their own cooking, including apartment houses, rowhouses or townhouses.

OCCUPANT - any person over one year of age residing and sleeping in a residential rental unit within the Borough.

OWNER - the person(s) who holds record title and/or the equitable owner under an agreement of sale of a property upon which a residential rental unit is located or maintained. In the case that more than one person owns the unit, all such persons shall have all of the rights, duties and responsibilities of an owner under this Ordinance.

PERSON - a natural individual, unincorporated association, partnership, corporation, estate, trust, or any other legally recognized entity and the members of such partnership and the officers of such corporation.

PREMISES - a lot, plot or parcel of land, together with any improvements, thereon erected.

RENTAL UNIT - any space used for human occupancy, whether a rooming unit or a dwelling unit, for let or rent, located within a building used for residential use and occupancy, that is rented for human occupancy under either a written or oral lease or other rental agreement, regardless of the term of the rental or lease, and that is occupied by persons other than one occupied solely by owner and members of the owner's family, but for purposes of this Ordinance, excluding units within the motel or hotel rented by the day for transient occupancy. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily 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, it shall be considered a residential rental unit whether or not the owner or a relative of the owner also resides in the structure. A residential rental unit includes dwelling units under lease to purchase agreements or long-term agreements of sale (greater than six months).

ROOMING HOUSE - any dwelling or that part of any dwelling containing one or more rooming units, and/or one or more dormitory rooms.

ROOMING UNIT - 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.

SECTION 5: Interpretation. Unless otherwise expressly stated, this Ordinance shall be interpreted in the following manner:

- A. Words used in the present tense imply the future tense.
- B. Words used in the singular imply the plural.

- C. The word "shall" or "must" is to be interpreted as mandatory; the word "may" is directory and complied with unless waived.
- D. A pronoun in the masculine gender shall be considered as including the feminine gender or neutral gender.

SECTION 6: Disruptive Conduct Regulations.

- A. Police officers, the Code Enforcement Officer or other authorized Borough Official shall investigate alleged incidents of Disruptive Conduct. The police officer, Code Enforcement Officer or other authorized Borough Official conducting the investigation shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes Disruptive Conduct. The information filed in the Disruptive Conduct Report shall include, if possible, the identity of the alleged perpetrator(s) of the Disruptive Conduct and the factual basis for the Disruptive Conduct described in the Disruptive Conduct Report. A copy of the Disruptive Conduct Report shall be given or mailed to the Occupant and mailed to the Owner and, if applicable, the manager, within 30 days of the occurrence of the alleged Disruptive Conduct.
- B. The Occupant or the Owner and, if applicable, the manager, shall have 15 days from the date of receipt of the Disruptive Conduct Report to appeal the Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Borough of Stewartstown.
 - (1) An appeal from any decision of the Borough Official shall be taken to Borough Council. Such appeal shall be made in writing within 15 days after such decision has been made. The appeal shall be verified by an affidavit, shall state the grounds therefor and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee, which shall be established by ordinance or resolution of 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. Borough Council shall make a prompt decision on such appeal. Borough Council shall render a written decision, copies of which shall be provided to the Code Enforcement Officer/Person enforcing the Ordinance and the appellant.
 - (2) In the event the appeal is successful, for reasons other than the grant of an extension of time for compliance the appeal fee shall be refunded to the appellant.
- C. After three Disruptive Conduct incidents in any eighteen-month period by an Occupant documented by Disruptive Conduct Reports, the Owner and, if applicable, the manager shall have 30 days from the date of the receipt of the third Disruptive Conduct Report, or 15 days from the date of the appeal decision affirming the

violation, whichever is earlier, to begin eviction proceedings against the Occupants. The Disruptive Occupants, upon eviction, shall not reoccupy any residential Rental Units on the same premises involved for a period of at least one year from date of eviction. This Subsection is not intended to limit or inhibit the Owner and, if applicable, the manager's right to initiate eviction actions prior to the issuance of the third Disruptive Conduct Report in a twelve month period.

D. The Disruptive Conduct Report shall count against all Occupants of the residential Rental Unit. More than one Disruptive Conduct Report filed against the Occupants of a residential Rental Unit in a twenty-four-hour period shall count as a single Disruptive Conduct Report for the purpose of this section. The Code Enforcement Officer or other authorized Borough official shall maintain a list of the names of all Occupants evicted as a result of this section. The names shall remain on the list for a period of three years.

SECTION 7: Enforcement.

A. **Procedures.** The Borough may initiate enforcement proceedings through the issuance of a notice of violation to any Person or Property Owner in violation of this Ordinance's provisions, pursuant to Section 7 of this Ordinance. The Borough reserves its right, pursuant to 8 Pa. C.S.A. § 3321, to immediately levy a fine as outlined in Section 7 of this Ordinance at its discretion.

B. **Enforcing Officers.** Unless otherwise noted, the provisions of this Ordinance shall be enforced by any Police Officer having jurisdiction within the Borough, the Borough Mayor, the Borough Zoning Officer, the Borough Permit Officer, the Borough Solicitor, and any other Stewartstown Borough official duly appointed and authorized from time to time by the Stewartstown Borough Council.

C. **Fine Range.** The Borough's enforcing officers may prescribe a fine of no less than Fifty Dollars (\$50.00) and no more than six hundred (\$600.00) per violation. Each day of a violation, as well as each violation of one of this Ordinance's provisions, constitutes a separate violation for which a fine may be levied.

D. **Recovery of Expenses.** The Borough shall be entitled to recover all expenses incurred in the enforcement of this Ordinance, including but not limited to reasonable attorneys' fees, and court costs associated with the enforcement of this Ordinance.

SECTION 8: Notice of Violation.

A. **Notice of Violation.** In the event that any provision of this Ordinance is violated, the Zoning Officer or any individual authorized by the Borough, may at his/her discretion, serve or cause to be served, a notice of violation to the Person determined to have violated this Ordinance. This notice of violation may be issued immediately upon discovery of a violation, or at a later time, at the sole discretion of the issuing officer authorized to enforce the provisions of this Ordinance.

B. **Contents of Notice.** A notice of violation shall set forth:

- (1) a factual description of the Disruptive Conduct that would enable the Person who received the notice to discern what activities, behavior, or conduct are being referenced;
- (2) a citation to the relevant section/subsection of this Ordinance that is being violated and provide a reasonable time for the correction of any violation hereto;
- (3) Provide a reasonable time for the correction of any violation alleged. The time for compliance shall take into consideration the type and seriousness of the violation and the climatic conditions. The Codes Enforcement Officer or the Borough Official may, in his or her sole and absolute discretion, give one additional extension of time, provided that the property owner is exercising due diligence and the inability to make the correction is through no fault of the property owner;
- (4) if applicable, a demand that the Disruptive Conduct be immediately abated, or in the alternative, the date upon which the Disruptive Conduct must be remedied, but in no event exceeding twenty (20) days following the receipt of the notice; and
- (5) the date of the notice's issuance.

C. **Service of Notice.** Notice shall be served on the Person in one of the following manners:

- (1) By making personal delivery of the notice on the Person;
- (2) By handing a copy of the notice at the residence of the Person to an adult member of the family with which the Person resides, but if no adult family member is found, then to an adult Person in charge of such residence;
- (3) By fixing a copy of the notice to the door at the entrance of the Property in violation; or
- (4) By mailing a copy of the notice to the last known address of the Person by certified mail.

D. **Compliance.** The recipient of such notice shall comply fully with the terms of the notice, with all materials to be supplied and work to be done at the Person's expense. If the Borough Council, or its authorized agent, determines that a violation of this Ordinance constitutes an emergency, requiring immediate corrective measures, then such notice shall require the Person to immediately comply with the terms of the notice.

SECTION 9: Repealer. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 10: Severability. 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

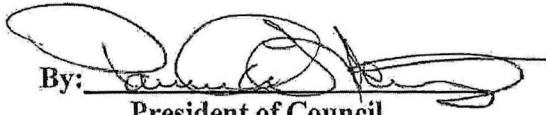
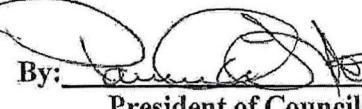
SECTION 11: Effective Date. This Ordinance shall become effective five days after the date of its enactment as provided by law.

ENACTED AND ORDAINED this 5th day of February, 2024, by the Borough Council of the Borough of Stewartstown, York County, Pennsylvania, in lawful session, duly assembled.

ATTEST:


Secretary

BOROUGH OF STEWARTSTOWN
YORK COUNTY, PENNSYLVANIA


By: 
President of Council

APPROVED this 5th day of February, 2024.


Mayor