

Chapter 11

Housing

Part 1

Registration, Licensing and Inspection of Non-owner Occupied Buildings

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Part 1**Registration, Licensing and Inspection of Non-owner Occupied Buildings****§11-101. Definitions.**

As used in this Part, the following words and phrases shall have the meanings specified:

Borough—Borough of Carnegie, Allegheny County, Pennsylvania.

Disruptive conduct—any form of conduct, action, incident, or behavior, perpetrated, caused, or permitted by any occupant or visitor of a non-owner occupied dwelling unit that is so loud, untimely (as to time of day), offensive, riotous, or that otherwise disturbs, or may cause to disturb, other persons of reasonable sensibility of their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a public officer complaining of such action, conduct, incident, or behavior. It is not necessary that such action, conduct, incident, or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused, or permitted the commission of disruptive conduct as defined herein; provided, however, that such action or conduct shall not be deemed to have occurred unless a public officer shall investigate and make a determination that such action or conduct did occur and make a record of such occurrence.

Disruptive conduct report—a written report of disruptive conduct on prescribed form to be completed by a public officer who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Officer of Code Enforcement.

Dwelling—a building having one or more dwelling units.

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 with the actual or implied consent of an occupant.

License (non-owner occupied dwelling units)—a document issued by the Borough of Carnegie to the owner of a non-owner occupied dwelling unit, granting permission to operate such non-owner occupied dwelling unit within the Borough. Such license is required for the lawful rental and occupancy of dwelling units under this Part. This license does not warrant the proper zoning, habitability, safety, or condition of the dwelling unit in any way.

Non-owner occupied dwelling unit—any dwelling unit that is rented, leased, let out, or otherwise permitted to be occupied by a person(s) other than the owner. Vacant dwelling units are classified as non-owner occupied dwelling units and as such are regulated by this Part. A non-owner occupied dwelling unit includes dwelling units under lease purchase agreements, long-term lease agreements of sale, land contracts and other such agreements.

Occupant—an individual who resides in a non-owner occupied dwelling unit,

whether or not he or she is the owner thereof, with whom a legal relationship with the owner is established by a written or oral lease or by the laws of the Commonwealth of Pennsylvania.

Owner—all corporations, partnerships, limited liability companies or partnerships, entities, shareholders, and/or all persons, jointly or severally, in whom is vested all or part of the legal title to the premises, including, but not limited to, a mortgage holder in possession of a dwelling unit.

Owner-occupied dwelling unit—a dwelling unit in which the owner resides on a regular, permanent basis.

Public officer—an officer of the Borough of Carnegie Police Department, or any other law enforcement agency having jurisdiction within the Borough of Carnegie, or the Code Enforcement Officer and/or his/her agents.

(Ord. 2286, 3/10/2008, §1)

§11-102. Owner Duties.

It shall be the duty of every owner, operator, responsible agent, or manager to keep and maintain all non-owner occupied dwelling units in compliance with all applicable codes and provisions of all applicable state laws and regulations and local ordinances, to keep such property in good and safe condition and to be aware of and to act to eliminate disruptive conduct in such non-owner occupied dwelling units either as owner, operator, responsible agent, or manager of any non-owner occupied dwelling unit within the Borough of Carnegie as well as to have the dwelling registered and licensed, as required by this Article. It shall be the responsibility of every owner, operator, responsible agent, or manager to display the issued license in the non-owner occupied dwelling.

The license shall include the following information:

- A. The name, mailing address, and telephone number of the owner, operator, responsible agent, or manager.
- B. The evenings on which garbage and recycling are to be placed curbside for collection.
- C. The telephone number to call to register complaints regarding physical condition of the non owner occupied dwelling unit.
- D. The telephone number for emergency police, fire, and medical services.
- E. The date of the expiration of the license.

(Ord. 2286, 3/10/2008, §2)

§11-103. Occupant Duties.

The occupant(s) shall comply with all obligations imposed unto by this Part and all applicable codes and ordinances of the Borough of Carnegie, as well as all State laws and regulations. The occupant(s) shall conduct themselves and require other persons, including, but not limited to, guests on the premises and within their non-owner dwelling unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same. The occupant(s) shall not engage in, tolerate, or permit others on the premises to cause

damage to the non-owner occupied dwelling unit or engage in disruptive conduct, or other violations of this Part, Borough codes, or applicable State laws.

(*Ord. 2286, 3/10/2008, §3*)

§11-104. Disruptive Conduct.

1. A public officer shall investigate alleged incidents of disruptive conduct. The officer shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein.

2. The information filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form.

3. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent, or manager within 10 working days of the occurrence of the alleged disruptive conduct.

4. After three disruptive conduct incidents in any 12-month period by an occupant documented by disruptive conduct reports, the owner, operator, responsible agent, or manager shall have 10 working days from the date of his/her receiving the notice of the third such disruptive conduct incident to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the occupancy license. The non-owner occupied dwelling unit involved shall not have its license reinstated until the disruptive occupants have been evicted, the magisterial district judge has ruled in the occupant's favor, the magisterial district judge has ruled in the owner's favor but has not ordered the eviction of the occupant(s), the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not re-occupy any non-owner occupied dwelling unit on the same premises involved for a period of at least 1 year from date of eviction. [*Ord. 2384*]

5. The content of the disruptive conduct report shall count against all occupants of the non-owner occupied dwelling unit involved in the disruptive conduct.

(*Ord. 2286, 3/10/2008, §4; as amended by Ord. 2384, 12/10/2012*)

§11-105. Exempt Units.

All non-owner occupied dwelling units which are condemned as uninhabitable for human occupancy or dwelling units which are being renovated, for which a legal and current building permit has been issued, shall be exempt from the registration and licensing provisions of this Part, until such time as the dwelling unit is declared habitable or the building renovations are complete, respectively.

(*Ord. 2286, 3/10/2008, §5*)

§11-106. Registration and Licensing.

1. By June 1 of each year, including and following the passage of this Part, the owner, operator, responsible agent, or manager of each non-owner occupied dwelling unit shall register such dwelling unit and apply for the applicable license to operate such dwelling unit with the Borough of Carnegie.

2. A license shall be issued if the owner or operator of the non-owner occupied by

dwelling unit pays the registration fee and submits a complete and accurate occupant listing by dwelling unit.

3. A license shall be revoked if the owner or operator of a non-owner occupied dwelling unit does not pay the registration fee, is not current on water and sewer fees for the dwelling unit, does not submit a complete and accurate occupant listing, does not correct a code violation found and cited by a public officer, and/or has not complied with the disruptive conduct provision of this Part, as described above.

4. A license shall be reinstated if the owner or operator of a non-owner occupied dwelling unit corrects the reason for the revocation of the license.

(*Ord. 2286, 3/10/2008, §6*)

§11-107. Inspections.

1. The public officer responsible for the building and housing safety and shall inspect each non-owner occupied at least once on or before the third anniversary of the initial licensing following the filing of the non-owner occupied dwelling unit registration. These periodic inspections shall occur notwithstanding more frequent inspections, which may be required in the investigation of complaints regarding the dwelling unit.

2. If the public officer, upon completion of the inspection, finds that the applicable codes have not been met, a notice of violation shall be issued, as prescribed in the Borough ordinances.

(*Ord. 2286, 3/10/2008, §7*)

§11-108. Appeals.

Any person aggrieved by any decision of a public officer may appeal to the Borough of Carnegie Board of Appeals in accordance with local regulations or ordinances.

(*Ord. 2286, 3/10/2008, §8*)

§11-109. Fees.

The fees for the annual registration and licensing for all non-owner occupied dwelling units shall be set by a resolution adopted by the Borough Council. The initial fee in an amount as established, from time to time, by resolution of Borough Council, for all non-owner occupied dwelling units.

(*Ord. 2286, 3/10/2008, §9; as amended by Ord. 2384, 12/10/2012*)

§11-110. Penalties.

1. Any person who shall violate a provision of this Part, or fail to comply therewith, or with any requirements thereof, shall be prosecuted within the limits provided by the laws of the Commonwealth of Pennsylvania, Allegheny County and the Borough of Carnegie.

2. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania

Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2384*]

(*Ord. 2286, 3/10/2008, §11; as amended by Ord. 2384, 12/10/2012*)

