

# **BOROUGH OF BELLEVUE**

## **COUNTY OF ALLEGHENY COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 11 - 03

**AN ORDINANCE OF THE BOROUGH OF BELLEVUE, ALLEGHENY COUNTY, PENNSYLVANIA REQUIRING AND REQUIRING THE INSPECTION OF ALL RESIDENTIAL RENTAL PROPERTIES IN THE BOROUGH OF BELLEVUE, PROVIDING FOR DEFINITIONS, INTERPRETATIONS, AND PRESCRIBING PENALTIES FOR VIOLATIONS AND REPEALING INCONSISTENT ORDINANCES.**

WHEREAS, There are a substantial number of residential rental properties located in the Borough; and

WHEREAS, it is in the best interest of the Borough that the health, safety and welfare of the residents of the community is protected by periodic inspections of rental properties within the Borough for compliance with Borough ordinances, including but not limited to ordinances providing for building codes, building and property maintenance codes, fire safety codes, and zoning ordinances;

NOW THEREFORE, be it enacted by the Borough Council and it is hereby enacted by authority of the same:

### **ARTICLE I – DEFINITIONS AND INTERPRETATION.**

As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

**DWELLING UNIT:** one or more rooms used for living and sleeping purposes arranged for occupancy by one or more persons. A single dwelling unit is one that includes complete, independent living facilities for one or more tenants, which may include permanent provisions for living, sleeping, eating, cooking and sanitation.

LANDLORD - Any person who lets, rents, leases, or otherwise allows other persons to occupy or use real estate or portions of real estate owned by, or under the management or in the control of the landlord.

PERSON – any individual, partnership, association, firm or corporation.

RESIDENTIAL RENTAL UNIT: A room or rooms constituting a separate, independent housekeeping unit that is physically separated from any other room, dwelling unit, or rooming unit in the same structure, which is made available for occupancy by a tenant. For the purposes of this Ordinance, a Residential Rental Unit shall include rooms, Dwelling Units, or other Rooming Units, Boarding Units, and Lodging Units, or like facilities made available for occupancy by a tenant, boarder, or person seeking lodging.

ROOMING UNIT: (or Boarding Unit or Lodging Unit): A room or rooms constituting a separate, independent housekeeping unit that is physically separated from any other room, dwelling unit, or rooming unit in the same structure. The rooming unit may contain living and sleeping facilities, but not necessarily cooking or eating facilities, intended for occupancy by no more than one person or family.

TENANT – a person who has the use, either by himself or with others, of himself, or with others, of a dwelling unit or a business unit owned by another person.

## **ARTICLE II – INSPECTION AND ISSUANCE OF CERTIFICATE**

**SECTION 1 – PURPOSE.** This ordinance is enacted to provide for the health, safety, and welfare of the inhabitants of the Borough of Bellevue by calling for the inspection of all residential rental properties in the Borough of Bellevue.

**SECTION 2 – OCCUPANCY PERMIT (renewable).** A renewable Occupancy Permit, which shall automatically expire three (3) years from the date of issuance, shall be required for each building within the Borough of Bellevue that includes one or more Residential Rental Units.

**SECTION 3 – FEE.** A fee shall be paid by the landlord to cover the inspection provided for this ordinance and the issuance of the certificate. The fee shall be \$35.00 for the first unit and \$20.00 per unit thereafter. For structures with eight (8) units or more, 25% of the total number of units will be inspected and will be at the discretion of the Borough. There will be a \$30.00 re-inspection fee per unit. The fee shall be payable at the time of application and before inspection. Council may, by Resolution, amend the foregoing fee from time to time.

SECTION 4 – APPLICATION. From the effective date of this Ordinance, prior to initial occupancy of any structure or part thereof as a Residential Rental Unit, or upon Notice from the Borough to Landlords or Owners of existing Residential Rental Units as provided hereunder, and every three (3) years after issuance of any initial or renewed Residential Rental Unit Occupancy Permit issued hereafter, all Owners of Residential Rental Units within the Borough shall be required to submit to the Borough an application in the form as required by the Borough's Code Enforcement Officer, and obtain, a renewable Occupancy Permit for any Residential Rental Units within the Borough. An Occupancy Permit may be renewed only by making application as provided in this Ordinance. Applications for renewal should be made at least thirty (30) days prior to the expiration date and when made fewer than thirty (30) days before the expiration date, the pendency of the application will not prevent the expiration of the license. Upon the Owner's or Landlord's failure to timely apply for and obtain renewal prior to expiration of any Occupancy Permit issued hereunder, the Borough may send the owner or landlord of the property, or the owner's legal agent, a Notice of Non-Compliance with this Ordinance, along with an application for renewal and request for inspection. The owner/agent shall, within thirty (30) days from the date of such Borough Notice, submit a completed application for renewal of its Occupancy Permit and shall schedule the inspection with the Borough Code Enforcement Officer.

SECTION 5 – INSPECTION, OCCUPANY PERMITS. The Code Enforcement Officer [and Fire Marshall] shall enter and inspect all structures for which an application for an Occupancy Permit or renewal thereof has been made. The Code Enforcement Officer [and Fire Marshall] shall determine whether the property is in compliance with applicable Borough ordinances, including without limitation, the Zoning Ordinance, Commercial Code, the Property Maintenance Code Ordinance, and applicable Fire Codes.

The Code Enforcement Officer shall issue an Occupancy Permit or the renewal thereof to the landlord, owner or owner's legal agent of any building if the inspection discloses that the building or occupancy is in compliance with all applicable Borough Ordinances.

The Code Enforcement Officer shall deny issuance of an Occupancy Permit or the renewal thereof to the landlord, owner or owner's legal agent of any building if the inspection discloses that the building or occupancy is in violation of any applicable Borough Ordinance, in which case no occupancy permit or renewal shall issue, and the building's occupancy permit shall be suspended, until all repairs have been made to eliminate any substandard condition and bring the structure into compliance with the applicable Borough ordinances. (Nothing herein shall prohibit the Code Enforcement Officer, upon good cause shown, from issuing a temporary occupancy permit pending completion of necessary repairs and re-inspection, where the Code Enforcement Officer in his sole discretion is satisfied that such temporary occupancy does not pose a danger to the health, safety and welfare of the building's tenants or to other persons or property within the Borough. In such case, the Code Enforcement Officer may require the posting of security with the Borough in an amount estimated by the Borough to be reasonably necessary to assure the completion of such repairs.)

All inspections under this Ordinance shall be conducted at reasonable times with prior notice to the applicant, owner, landlord, manager, tenants of occupied units, or the agent of the owner, and subject to constitutional protections, including those pertaining to unreasonable searches and seizures. Prior to seeking entry to conduct an inspection hereunder, the Code Enforcement Officer shall display proper credentials, including photo identification, as shall have been approved by Borough Director of Administrative Services or Chief of Police. If permission to enter to conduct an inspection as authorized under this Ordinance is not obtained, or is refused, by an applicant, owner, landlord, manager, tenant, or occupant, the inspection of any such Unit or building shall not be conducted, and the Code Enforcement Officer is hereby authorized to pursue recourse as provided by law.

Nothing in this Ordinance is intended to, nor shall it be deemed to restrict or prevent any other inspection by the Code Enforcement Officer or Fire Marshall of any residential rental property or unit within the Borough of Bellevue at any time upon proper cause shown and/or as otherwise provided or authorized under law.

Nothing in this Ordinance shall restrict the Borough Fire Marshall from accompanying the Code Enforcement Officer on the inspections required by this Ordinance.

Nothing in this Ordinance shall be deemed to restrict the rights of the owners or tenants of a lawful non-conforming use under the Pennsylvania Municipalities Planning Code and the Borough zoning ordinance.

### **ARTICLE III – PENALTIES.**

SECTION 1. Any person who shall violate any provision of Article II of this ordinance, including failure to timely apply for an Occupancy Permit or renewal thereof; failure to submit to proper inspection; failure to file any required reports; filing inaccurate, untimely or incomplete applications or reports; or for any other violation of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than the greater of one thousand dollars (\$1,000.00) or the then maximum fine as permitted under Pennsylvania law at the time of the violation.

SECTION 2. For the purpose of this Article, each day a person is in violation of any provision of this ordinance shall be considered a separate offense.

SECTION 3. Nothing contained herein shall be deemed to preclude the Borough from seeking other relief or avail itself of any remedy that may be at law or in equity to prevent continuing violations of the terms of this Ordinance or of any other Ordinance found to exist as a result of the Code Enforcement Officer's inspections conducted hereunder. Nor shall any provision of this Ordinance be deemed to prevent the Borough from instituting other legal proceedings and seeking relief in the courts of equity of the Commonwealth if the Borough shall deem such action necessary to abate any violation of this or any other Borough Ordinance.

ARTICLE IV – REPEALER.

All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

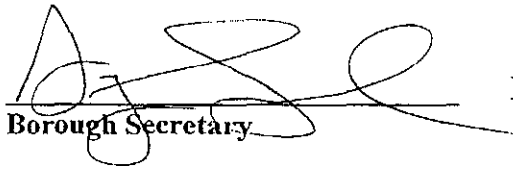
ARTICLE V – SEVERABILITY.

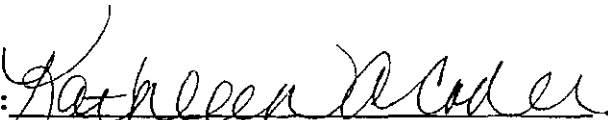
If any one or more of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, such provision or terms shall be deemed severable from the remaining provisions or terms of this Ordinance to the maximum extent possible and shall in no way affect the validity or enforceability of any other provisions hereof.

ORDAINED AND ENACTED THIS 26 DAY OF April, 2011.

ATTEST:

BOROUGH OF BELLEVUE

  
Borough Secretary

By:   
Kathleen Coder, President  
Bellevue Town Council

Examined and approved this 10<sup>th</sup> day of MAY, 2011.

  
Hon. George D. Doscher, Mayor



**BOROUGH OF BELLEVUE**

**ORDINANCE NO. 06 - 08**

**ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, REQUIRING OWNERS, LANDLORDS, MANAGERS AND AGENTS FOR OWNERS TO PROVIDE CERTAIN INFORMATION AND REPORTS TO THE BOROUGH RELATED TO RENTAL PROPERTIES AND TENANTS; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL INCONSISTENT ORDINANCES.**

**WHEREAS**, it is in the Public interest to maintain information related to the ownership and use of properties within the Borough; and

**WHEREAS**, it is also in the public interest to maintain census information related to the residents within the Borough.

***NOW THEREFORE, THE TOWN COUNCIL OF THE BOROUGH OF BELLEVUE HEREBY ORDAINS:***

**SECTION 1:** This ordinance shall be known as the Borough of Bellevue Census Enumeration Ordinance.

**SECTION 2:** This Ordinance is adopted to provide the Borough of Bellevue and the Northgate School District with relevant information regarding its residents, property usage and occupancy, and school facility utilization.

**SECTION 3:** For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein unless a different meaning clearly appears from the context:

**AGENT FOR AN OWNER** - Any person who is authorized to act on behalf of a property owner, and provides written proof thereof.

**BOROUGH** - The Borough of Bellevue, Allegheny County, Pennsylvania.

**CENSUS ENUMERATOR** - The person in the position of the Census Enumerator for the Borough of Bellevue as defined in Article VIII, Section A, Sub-Section 4 of the Personnel System of the Borough of Bellevue.

**DIRECTOR OF ADMINISTRATIVE SERVICES** - The person in the position of Director of Administrative Services for the Borough of Bellevue.

**DUPLEX** - A structure containing two dwelling units each of which has direct access to the outside.

**DWELLING** - A building or portion thereof designed for and used exclusively for residential occupancy.

**DWELLING UNIT** - A single unit with an area of at least five hundred (500) s.f. providing independent living facilities for one or more persons, including permanent window sash area of at least twenty-five (25) s.f. and served by a heating system capable of providing sixty-eight (68°) degrees Fahrenheit throughout the unit when the outside temperature is zero (0°) degrees Fahrenheit.

**LANDLORD** - One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises who receives rent and leases a dwelling unit or a rooming unit in a boarding, lodging or tourist home to a tenant for a period of time.

**MANAGER** - An adult person designated by the owner as agent for the owner of the premises who has charge of a multiple-unit dwelling or a business unit and who acts as the agent of the owner for service of process and receiving notices or demands and who performs the obligation of the owner under this ordinance and under rental agreements with occupants.



**MULTIPLE-FAMILY DWELLING** - A building or portion thereof containing or designated to contain three (3) or more individual dwelling units with separate cooking and toilet facilities in each dwelling and each for exclusive use by one family, including, but not limited to, double houses, row houses, town houses, condominiums, apartment houses and conversion apartments.

**OCCUPANT** - An individual resident or tenant in a regulated dwelling, rental dwelling unit or commercial facility on a temporary or permanent basis whether or not he or she is the owner thereof, with whom a legal relationship with the owner or landlord is established by a written or oral lease or by the laws of the Commonwealth of Pennsylvania.

**OWNER** - One or more persons, jointly or severally, who has a property right in a premises, and every person who owns, has, keeps or maintains a premises with the right to the present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

**OWNER-OCCUPIED DWELLING UNIT** - A dwelling unit in which the owner resides on a regular, permanent basis.

**PERSON** - An individual, proprietorship, partnership, corporation, association, limited partnership, limited liability company, trust, or any other legal entity.

**PREMISES** - Any parcel of real property in the Borough including the land and all buildings and appurtenant structures or appurtenant elements on which one or more regulated rental units is located, including condominium units.

**REGULATED RENTAL UNIT** - Any dwelling unit, rooming unit, business unit, or similar property that is governed by this ordinance as far as providing reports regarding the use and occupancy of the affected rental units.

**RENTAL AGREEMENT** - A written agreement between an owner or landlord and an occupant or tenant embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit or premises.

**ROOMING HOUSE, INCLUDING A BOARDING LODGING OR TOURIST HOME** - A dwelling house, other than a multi-family dwelling providing, for compensation or other consideration, rooming units for the lodging of people in addition to the owner.

**ROOMING UNIT** - A room or rooms constituting a separate, independent dwelling unit that is physically separated from any other room, dwelling unit, or rooming unit in the same structure. The rooming unit shall contain living and sleeping facilities, but not cooking or eating facilities, and shall be occupied by not more than one family.

**SCHOOL DISTRICT** - The Northgate School District.

**SINGLE FAMILY DWELLING** - a detached residential building which is the only principal structure on the lot, designed and/or constructed exclusively for and occupied exclusively by one (1) family group and containing only one (1) dwelling unit.

**TENANT** - An individual who resides in a regulated rental unit and who pays rent or other consideration and leases space, a dwelling unit, or a rooming unit from the owner or landlord for a period of time through a written or oral lease or by the laws of the Commonwealth of Pennsylvania.

**SECTION 4:** Within ninety (90) calendar days from the effective date of this ordinance every owner of an owner occupied dwelling unit within the Borough of Bellevue shall contact the Director of Administrative Services, or his designee, the Census Enumerator, and shall supply the following information:

- A. The Allegheny County Lot and Block number of the parcel of real estate upon which the owner occupied residential building is located; and
- B. The name or names, and age category group (0-5 years old, 6-18 years old, over 18 years old) of each person inhabiting the owner occupied residential building not having a legal address elsewhere.

**SECTION 5:** Within ninety (90) calendar days from the effective date of this ordinance and every owner, landlord, manager, or agent for an owner who rents or leases any existing dwelling unit in any single family dwelling, two family dwelling, multi-family dwelling, group care facility, group residence facility, personal care home, and existing rooming unit in any rooming house, including a boarding, lodging or tourist home, or condominium in the Borough of Bellevue to any tenant for a period of time in excess of thirty (30) days in any calendar year, shall register such existing building as a property being utilized as rental property with the Director of Administrative Services, or his designee, the Census Enumerator, and shall supply the following information on a form provided by the Census Enumerator:

- A. A complete list of the dwelling units and rooming units owned and located within the Borough of Bellevue, whether occupied or not occupied, including the number of units in each such building; and
- B. The complete street address and mailing address of each dwelling unit and rooming unit; and
- C. A notation indicating whether or not any said dwelling unit or rooming unit is inhabited, occupied, or used by a tenant; and
- D. The Allegheny County Lot and Block number of each parcel of real estate upon which is located a rental dwelling unit or a rental rooming unit; and
- E. The name or names, mailing addresses, and age category (0-5 years old, 6-18 years old, over 18 years old) of each tenant inhabiting, occupying, or using each such dwelling unit or rooming unit; and
- F. School attended by each child under 18 years of age.
- G. The period of time for which the rental for each unit is made.
- H. The name, mailing address, and telephone number of the manager of the regulated rental unit, if any.

- I. The name, mailing address, and telephone number of the owner of the regulated rental unit.
- J. This information shall be obtained by the Landlord from the tenant or occupant at the time the rental or lease agreement is entered into.

**SECTION 6:** After the effective date of this ordinance, every owner, landlord, manager, or agent for the owner who rents or leases any real property within the Borough of Bellevue shall report to the Borough Director or Administrative Services, or his designee, the Census Enumerator, any change in the occupancy of any dwelling unit or rooming unit in the Borough of Bellevue rented for a period of time of thirty (30) days or more in any calendar year. The reported change shall include the information as identified in Section 5 herein, together with the date when such changes were effective. The forwarding address of the previous tenant(s) shall also be provided, if known. If any rented unit becomes vacant or any vacant unit becomes rented such change shall be reported. All reports required by this section shall be made not later than the tenth (10<sup>th</sup>) day of the month following the month after the owner, landlord, manager, or agent for the owner has knowledge that such a unit has had a change in occupancy, use, or has become vacant.

**SECTION 7:** Any person, partnership, corporation, limited liability company or other legal entity who violates any of the provisions of this Ordinance shall upon conviction in a summary proceeding, initiated by the Census Enumerator of the Borough of Bellevue, be fined not less than five hundred (\$500.00) dollars and in default of the payment of the fine and costs, shall be committed to the Allegheny County Jail for a period not to exceed thirty (30) days. Nothing contained herein shall be deemed to preclude the Borough to seek other relief or avail itself of any remedy that may be at law or in equity to prevent continuing violations of the terms of this Ordinance, including civil actions that may include in the pleadings the right to reasonable attorneys fees.

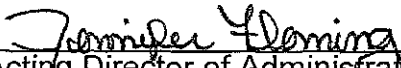
**SECTION 8:** Each day that a person, partnership, corporation, limited liability company or other legal entity is in violation of any provision of this ordinance shall be deemed a separate offense.

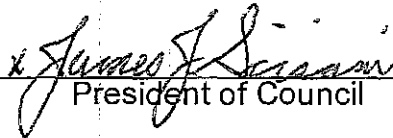
**SECTION 9:** The provisions of this Ordinance are severable and if any of its provisions or any part of any provision shall be held unconstitutional or otherwise held to be invalid, the decision of the Court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

**SECTION 10:** Any ordinance, or part of any ordinance, conflicting with the provisions of this ordinance, is hereby repealed, insofar as the same affects this ordinance.


**ORDAINED AND ENACTED** this 5th day of December, 2006.

**ATTEST:**

  
Acting Director of Administrative Services  
and Secretary

  
President of Council

**EXAMINED AND APPROVED** this 5th day of December, 2006.

  
Mayor

