

CHRISTIANA BOROUGH
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE 234

AN ORDINANCE OF THE BOROUGH OF CHRISTIANA, LANCASTER COUNTY , PENNSYLVANIA REGULATING RESIDENTIAL RENTAL UNIT OCCUPANCY; ESTABLISHING A TWO (2) YEAR LICENSE; PROVIDE FOR A "PASS/FAIL" INSPECTION PROCESS; PROVIDE REMEDIES FOR "DISRUPTIVE CONDUCT"; AND REQUIRE A LOCAL OWNER OR AGENT TO BE IDENTIFIED

WHEREAS, the Borough of Christiana desires to provide housing which meets the minimum requirements of the property maintenance code, protects and promotes public health and safety;

NOW THEREFORE, be it ordained as follows:

1. TITLE.

This Ordinance shall be known as the "Christiana Borough Residential Rental Unit Ordinance".

2. PURPOSES: It is recognized that Christiana Borough has a large number of Residential Rental Units as defined hereinafter. It is the purpose of this Ordinance and the policy of the Council of the Borough of Christiana, that in order to protect and promote the public health, safety and welfare of its citizens, it is desirable to establish rights and obligations of owners and occupants relating to residential rental units in the Borough of Christiana and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough, that owners, managers and occupants share responsibilities to obey the various codes adopted by the Borough to protect and promote public health, safety and welfare. As a means to those ends, this Ordinance provides for a systematic inspection program, the registration and licensing of residential rental units, and establishes penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies. In considering the adoption of this Ordinance, the Borough of Christiana makes the following findings:

In recent years, many formerly private homes have been turned into residential rental units. Those residential rental units are oftentimes rented to individuals who, because they have no ownership interest in the property, have allowed the properties to deteriorate. In many cases, the owners of the properties do not reside within the Borough of Christiana. As a result, property maintenance of rental units may become lax. In addition, problems occur because tenants have no ownership interest in the real estate, have not been concerned about following Codes of the Borough of Christiana, including codes which govern maintenance and safety of the property. This, in turn, causes problems for other home owners near the rental units.

3. DEFINITIONS.

APPLICATION – An application for a License, filed with the Borough by the Property Owner, pursuant to this Ordinance.

BOROUGH OF CHRISTIANA - The Borough of Christiana, Lancaster County, Pennsylvania.

CODES – Any code or ordinance adopted, enacted and/or in effect in and for the Borough of Christiana concerning the fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by, this definition are the following which are in effect as of the date of the enactment of this Ordinance: The Uniform Construction (hereinafter UCC), the International Property Maintenance Code (hereinafter IPMC), International Plumbing Code, International Fire Prevention Code, International Electrical Code, Flood Plain Management Ordinance, the International Building Code, Borough Zoning Ordinance, Municipal Waste Management Ordinance and any duly amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER – The duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Borough of Christiana and any assistants or agents who are designated by Borough Council to enforce the Ordinance, perform inspections, issue Residential Rental Unit Licenses and issue citations.

COMMON AREA – Any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to hallways, kitchens, bathrooms, living rooms, dining rooms, attics, basements, laundry rooms and any room used for parties, social events or the congregation of people, excepting bedrooms.

CUSTOMER – One who purchases a commodity or service.

DISRUPTIVE CONDUCT – Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to the hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior. Disruptive conduct shall also include any noise disturbance as defined in Chapter 10 of the Borough Code of Ordinances and Disorderly Conduct as defined in Chapter 6 of the Code of Ordinances. 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 a 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 the police shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report., of such occurrence to be maintained by the Bureau of the Police.

DISRUPTIVE CONDUCT LETTER – A letter from the Borough to the Property Owner advising that a Disruptive Conduct Report has been filed containing the date and time of the occurrence, and a description of the conduct.

DISRUPTIVE CONDUCT REPORT - A written report of disruptive conduct on a form to be prescribed therefore, to be completed by the Code Enforcement Officer or Police, as the case may be, who actually investigates an alleged incident of disruptive conduct.

GUEST – A person on the premises with the actual or implied consent of an occupant.

MANAGER – A person retained by an owner to be responsible for one or more residential rental units within the Borough.

NOTICE OF APPEAL – A Notice of Appeal filed with the Borough pursuant to this Ordinance.

NOTICE OF HEARING – A Notice of Hearing to be held by Council pursuant to this Ordinance.

NOTICE OF VIOLATION (“NOV”) – Any Notice of Violation issued by the Code Enforcement Officer pursuant to the Ordinance.

OCCUPANT – An individual who resides in or has actual possession of a residential rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania.

ORDINANCE – This Ordinance.

OWNER – Any person, agent, operator, property management group, housing authority or fiduciary having legal, equitable or other interest in any real property; as recorded in the official records of the state, county or municipality as holding title to the real property; or otherwise having control of the real property, including the guardian of the estate of the person and the executor or administrator of such person’s estate. 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 article. When used in this Ordinance in a clause prescribing any activity or imposing a penalty, the term as applied to partnerships and associations shall mean each general partner, as applied to corporations, the officers thereof; and as applied to limited liability companies, the members and any managers thereof. All penalties shall apply to the identified property owner or owners of the property in question regardless of the designated agent acting on behalf of the property owner or anyone else identified herein as the “Owner”. This clarification is provided to assure that any judgment obtained under this Ordinance can be imposed as a lien on the property at issue. Any wording of “Owners” shall also mean the “Manager” or “Agent” who reside within a twenty-five (25) mile radius, in the event that the “Owner” resides outside of a twenty-five mile radius. In all events, there must be a “Manager” or “Agent” within a twenty-five (25) mile radius responsible for the property.

OWNER OCCUPIED RESIDENTIAL RENTAL UNIT – A residential rental unit in which the owner resides on a regular, permanent basis.

LICENSE – A Residential Rental Occupancy License issued by the Code Officer pursuant to 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.

POLICE – The Police Department of the Borough of Christiana or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of Christiana.

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 residential rental units are located.

RENTAL AGREEMENT – A written agreement between owner/landlord and occupant/tenant.

RESIDENTIAL RENTAL OCCUPANCY LICENSE – A document issued every two (2) years by the Code Officer of the Borough of Christiana to the owner, operator, responsible agent or manager of a residential rental unit certifying the unit as Licensed for being rented. Such License is required for lawful rental and occupancy of residential units, unless a Code Officer certifies that violations of the applicable codes are being corrected, or is a registered rental unit awaiting inspection. Whenever the word “License” is used herein, it shall mean “Residential Rental Occupancy License” as defined by this paragraph.

RESIDENTIAL RENTAL PROPERTY – Any parcel of real estate, including land and all buildings and appurtenant structures and dwellings thereon that contain therein one or more Residential Rental Units. Whenever the word “Property” is used herein it shall mean “Residential Rental Property” as defined by this paragraph.

RESIDENTIAL RENTAL REGISTRATION – The document issued by the Borough of Christiana to the owner, operator, responsible agent or manager of a residential rental property evidencing the existence of said residential rental property. A Residential Rental Registration shall be required for lawful rental and licensing of residential units contained in said property. Rental registration does not warrant the proper zoning habitability, safety, or condition of the residential rental unit in any way. Whenever the word “Registration” is used herein, it shall mean “Residential Rental Registration” as defined by this paragraph.

RESIDENTIAL RENTAL UNIT – A rooming unit; or 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-unit 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, 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 shall not include a hotel unit, excepting, to the extent permitted by applicable federal and state law, units

occupied by the same person or persons for 30 or more consecutive days. A residential rental unit includes dwelling units under lease-purchase agreements or long-term (greater than six months) agreements of sale.

RESPONSIBLE AGENT – Any person or entity retained by the owner who or which aids in the rental of residential Property or who takes responsibility for the care or supervision of one or more residential units within the Borough; including responsible agents.

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 may be associated with the leasing of a rooming unit.

SHORT-TERM RENTAL PROPERTY OR UNIT – Any residential rental property or unit in Christiana Borough which is rented or leased for a period of less than 30 days..

SHORT-TERM RENTAL OCCUPANCY LICENSE – A document issued every year by the Code Office of the Borough of Christiana to the owner, operator, responsible agent or manager of a Short Term Rental Property or unit. Such License is required for lawful rental and occupancy of the property or unit, unless a Code Officer certifies that violations of the applicable codes are being corrected, or is registered property or unit awaiting inspection. Whenever the word “License” is used herein, it shall mean Residential “Rental Occupancy License”.

STRUCTURE – Any human made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land. Each apartment within a building is a separate structure.

TENANT – An occupant of a Residential Rental Unit with whom a legal relationship with the owner is established by a lease or other enforceable rental agreement under the laws of the Commonwealth of Pennsylvania.

VIOLATION(S) – A violation and/or non-compliance with the requirements of this Ordinance, the Regulations and/or any other applicable Borough regulation.

Whenever the “Owner” is required to do something pursuant to this Ordinance, all Owners shall have the duty jointly and severally.

Word Usage:

Whenever the phrase “pursuant to this Ordinance” is used with respect to a requirement, it shall mean, unless the context clearly indicates otherwise, pursuant to this Ordinance, the Regulations and any Determination and/or order of the Code Officer.

4. RENTAL OCCUPANCY LICENSES

- A. Licenses Required – An owner shall obtain and maintain a valid License, for Rental Unit(s),
- B. An owners shall obtain a License for each Residential Rental Unit, prior to the expiration of the current valid License,
- C. An owner shall obtain a License for conditioned occupancy of any Residential Rental Unit after the License for that Unit has been revoked and any period for achieving a new License for that Unit, as established by the Code Officer, has elapsed.
- D. Duration of License –
 - (a) Each License for a Residential Rental Unit shall expire automatically 2 years after it is initially issued. Each License for a Short-Term Residential Rental Property or Unit shall expire automatically 1 year after it is initially issued.
 - (b) A License shall become invalid if and when revoked, by the Code Officer, pursuant to the Code Officer’s written determination, issued to the Owner, that the Residential Rental Unit for which the Permit was issued is no longer compliant with the applicable Borough Property Maintenance Code and/or Building Code.
- E. Application for License –
 - (a) The Owner(s) of the property where a Residential Rental Unit or Short-Term Residential Rental Unit or Property requiring a License is located is/are responsible, jointly and severally, for filing an Application to the Borough for the License, which Application must comply with all the requirements, established pursuant to the Ordinance, and any applicable Regulation, for such Applications.
 - (b) All Applications shall be in writing, shall use the Borough’s form, shall provide all the information required pursuant to this Ordinance and shall be accompanied by the required fee. The Borough shall have no duty to process the Application without the fee.
 - (c) The information to be provided, by the Owner, with the Application, shall include:
 - (1) the street address of the property where the Residential Rental Unit to be permitted is located, the Lancaster County Parcel identifier number for the property and street address separately identifying the Unit itself;
 - (2) the number of Residential Rental Units located on the property;

- (3) the number and names of occupants in all Residential Rental units who will occupy the Unit pursuant to the requested License, once a year prior to January 31st and after the change of occupants in each single Residential Rental Unit which such information shall be kept current with any changes in the names and numbers of tenants supplied by the Owner in supplemental filings within ten (10) days after any change in circumstances;
- (4) the application must include an appropriate addendum to any lease, or must incorporate into the lease, provisions which establish that the Lease cannot and shall not contain any language that is contrary to the provisions of this Ordinance (or which seek to shift responsibilities away from the obligations imposed upon the Owner pursuant to this Ordinance); and,
- (5) all information required pursuant to the Regulations.

F. Requirements for Issuance of Initial License

The Code Officer shall issue the Initial License for the Residential Rental Unit when:

- (a) the required Application has been filed with the Borough;
- (b) all the required fees have been paid in full;
- (c) the property in question is not subject to any outstanding Borough fees or bills owed to the Borough;
- (d) the Residential Rental Unit has been inspected on a “pass or fail” basis and receives a passing inspection.

G. Denial of License

If, there is an outstanding Notice of Violation with respect to any Residential Rental Unit and there has, accordingly, been an inspection by the Code Officer, as a result of which the Code Officer has determined the License should not be granted, due to any condition(s) that does/do not comply with applicable regulations, the Code Officer shall issue, to Owner, a written determination identifying the non-compliant condition(s) and ordering that compliance be achieved in a timely manner. The Owner shall comply with all such orders. Provided, however, that the Owner may appeal any such order, but only as provided in this Ordinance, no such appeal shall relieve the Owner of the immediate duty to correct dangerous and/or nuisance conditions.

H. Effect of License

The issuance of a License, for a Residential Rental Unit which is not new construction, is based upon inspection of conditions readily observable. A License does not constitute the Borough's representation that there is no condition, at the inspected premises, which violates applicable Borough regulations. The Borough's ability to enforce compliance with its regulations, with respect to conditions existing at the time any License is issued, is not limited by the issuance of the Permit or any reliance thereon.

5. ADMINISTRATION, ENFORCEMENT, INSPECTION

- A. The Code Officer shall administer and enforce this Ordinance and the Regulations.
- B. The Code Officer is authorized to inspect Rental Units once every two years and Short-Term Rental Units or Properties every year to determine the condition, occupancy, number of occupants, use and/or compliance, of any and all Rental Units, with this Ordinance, the Regulations and other applicable Borough regulations.
- C. The Code Officer is authorized to issue Licenses, revoke Licenses and issue determinations of non-compliance with this Ordinance, the Regulations and other applicable Borough regulations; to issue orders compelling such compliance; and to file and prosecute legal and equitable action to compel such compliance.
- D. Search Warrants
If entry to any property, building or Residential Rental Unit, for the purpose of inspection, is denied to the Code Officer, the Code Officer may apply to the appropriate authority for an administrative search warrant. Without limitation, when denied access, the Code Officer may request a warrant for the following reasons:
 - (a) the inspection is part of a systematic inspection, permitting and enforcement program;
 - b) the affiant has knowledge of or probable cause to believe that there is an existing or potential violation of applicable Borough regulations, in the Rental Unit; and/or,
 - (c) the entry is necessary for the purpose of re-inspecting a violation of a Borough regulation previously observed by the Code Officer and which the Code Officer ordered to be corrected.

No search warrant is required if an imminent danger to health or safety exists, or the Code Officer has probable cause to believe that dangerous conditions exists

and an inspection is required to determine if an inherent danger to health or safety exists.

E. Emergency Order

If the Code Officer determines that, within any residential premises, an emergency condition exists which requires immediate action to protect the public health, safety and/or welfare, the Code Officer may issue a Determination declaring the existence of such emergency condition and an Order requiring the action necessary to be undertaken by any Owner to correct such condition effectively and immediately. The owner may file an Appeal of such Order, but any such Appeal shall neither serve as nor have the effect of a supersedeas.

6. ENFORCEMENT, SERVICE OF NOTICES AND ORDERS

A. Whenever the Code Officer believes, or has cause to believe, that a violation of this Ordinance, any Regulations or any other Borough regulations (including but not limited to the Property Maintenance and Building Maintenance Codes) exist, the Code Officer shall give the written notice to the Owner that an inspection is required and the Owner shall promptly schedule the inspection.

B. Should a violation exist, the Code Officer shall first attempt to mediate the issue for a period of not greater than seven (7) days; and thereafter the Code officer (unless the problem has been resolved), shall issue a Notice of Violation to the Owner, which Notice shall:

- (a) state the nature of violation;
- (b) identify the regulations violated;
- (c) identify the date the notice is issued; and
- (d) include an Order requiring correction within a specified time.

The Notice of Violation may contain other requirements for compliance as well as any other pertinent information or statements which the Code Officer deems appropriate under the circumstances including, with the landlord's consent, a requirement that the use and Occupancy Permit for the Rental Unit be revoked.

C. Service of Notice of Violation, issued by the Code Officer shall be made by both regular first class mail, postage prepaid, and certified mail, return receipt requested signed by the Owner or Authorized Agent. Service of the NOV shall be complete upon delivery. An NOV personally served on the Owner shall be effective immediately for all purposes.

7. TENANT REGISTRATION

- A. All landlords shall provide to the Borough of Christiana the name and phone number of tenants within 10 days of occupancy.

8. OCCUPANT DUTIES

- A. General. The occupant shall comply with all obligations imposed upon occupants by the Ordinance, all applicable codes and ordinances of the Borough of Christiana and all applicable provisions of State Law.
- B. Health and Safety Regulations.
 - (a) The maximum number of persons permitted in any rental unit at anytime shall not exceed the occupancy limits as defined in the International Property Maintenance Code as adopted by the Borough of Christiana.
 - (b) The occupant shall deposit all rubbish, garbage and other waste from his or her rental unit into containers provided by the owner or landlord in a clean and safe manner.
- C. Peaceful Enjoyment. The occupant shall conduct himself or herself and require other persons including, but not limited to, guests on the premises and within his or her rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the person occupying the same.
- D. Residential Use. The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence.
- E. Illegal Activities. The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act.
- F. Disruptive Conduct. The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in disruptive conduct or other violations of this Ordinance.
- G. Inspection of Premises. The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.
- H. Removal or Defacement of Notice. It shall be a violation of this Ordinance for any person to remove or deface any notice or document required to be posted

within a rental unit and shall be unlawful for any person to occupy the rental unit unless all notices and documents are posted as required.

9. DISRUPTIVE CONDUCT

- A. Police Officers may investigate alleged incidents of Disruptive Conduct. A Police Officer shall complete a Disruptive Conduct Report upon a finding that reported incident constitutes Disruptive Conduct as defined herein. 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.
- B. A Disruptive Conduct Letter shall be given or mailed to the Occupant and mailed to the Owner or, if applicable, the Responsible Agent, within ten (10) working days of the occurrence of the Disruptive Conduct.
- C. The Occupant or the Owner or, if applicable, the Responsible Agent shall have ten (10) working days from the date of mailing of a Disruptive Conduct Letter to appeal the Disruptive Conduct Report. The appeal shall be in writing and submitted to the Borough Manager.
- D. After three (3) documented disruptive conduct incidents by an occupant or a person present in the unit in any twelve-month period, the property owner's rental license shall be revoked unless proof is provided to the Borough Manager that the eviction process is started and being diligently pursued by the owner, manager, or responsible agent. The unit involved shall not have its license reinstated until the reinstatement fee is paid, the disruptive occupants have been evicted, the Magisterial District Justice has ruled in the occupant's favor, the Magisterial District Justice has ruled in the owner's favor but has not ordered an eviction of the occupants, or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not reoccupy any unit on the same property involved for a period of at least one year from the date of eviction. This section is not intended to limit the owner's and, if applicable, the responsible agent's right to initiate eviction actions prior to the issuance of the third disruptive conduct letter in a 12-month period.

10. DUTIES OF OWNER

- A. The Owner of each Residential Rental Unit shall file the requisite Application by January 31st, and thereafter sixty days prior to the expiration of the then-current License.
- B. Owner shall keep and maintain all premises in good and safe condition.

- C. The Owner of each Residential Rental Unit shall maintain the Unit and all common areas used by the occupants of the Unit and all facilities servicing the Unit and the building in which, and the property on which the Unit is located in compliance with all applicable regulations at all times and provisions of all applicable state laws and regulations.
- D. The duties of the Owner shall be to receive notice and correspondence from the Borough; to arrange for Inspection of each Rental Unit every two years; Short-Term Rental Units or Properties every year; or should the Code Officer identify the need for an inspection due to alleged violations; to do or arrange for the performance of maintenance, cleaning, repair, pest control, etc. and insure continued compliance of the Rental Unit(s) with the current Codes, Building Codes and Zoning Ordinance in effect in the Borough.
- E. The owner shall be aware of and act to eliminate disruptive conduct in all rental units.
- F. It is the responsibility of the owner or manager to notify tenants or customers of the inspection and be present or have a representative onsite at time of the inspection.
- G. No owner or landlord shall knowingly allow a unit to be occupied by a number of persons that is in excess of the requirements outlined in the Property Maintenance Code as adopted by the Borough.
- H. To protect the health, safety, and welfare of the residents of the Borough, it is hereby declared that the borough shall required hazard and general liability insurance for all property owners, letting property for occupancy in the Borough contain minimum coverage of \$50,000.00 in general liability insurance and hazard and casualty in amounts sufficient to either restore or remove the building in the event of a fire or other casualty. Owner shall be required to provide the Code Enforcement Officer with a copy of the Certificate of Insurance upon inspection.

11. FEES AND CHARGES

Fees, the time for their payment, and interest for non-payment for Applications, Permits, inspection, re-inspection and other matters pursuant to this Ordinance and the Regulations shall be established, from time to time, By Council, by written Resolution.

12. APPEAL

- A. An appeal from decision of the Code Enforcement Officer and from a Notice of Violation shall be taken to the Christiana Borough Council.

- B. An Appeal shall be commenced only by filing a written Notice of Appeal with the Borough Secretary within fifteen (15) days after service of or deemed service of the Notice of Violation or decision of the Code Enforcement Officer on the appellant. At the time of filing the Notice of Appeal, the appellant shall pay to the Borough Secretary a filing fee, the amount of which shall be established by Resolution of Council. The Notice of Appeal shall state specifically all the grounds and facts on which the Code Officer's determination and/or Order is challenged and shall identify the mailing address of the appellant for purposes of all communications concerning the appeal.
- C. Within thirty (30) days after the Borough received the Notice of Appeal, Council shall hold a public hearing thereon. Written notice of the hearing shall be given not less than fifteen (15) days prior to the date of the hearing to the following individuals:
 - a. the appellant;
 - b. the Council
 - c. the Code Officer; and
 - d. the Borough Solicitor
- D. Council should issue an Adjudication within fifteen (15) days after the hearing. The Adjudication shall be in writing, contain findings of fact, reasons for the adjudication, and an order. The Adjudication and Order shall be served upon all parties or their attorney of record by first class regular mail, postage pre-paid, or by personal service, within three (3) business days of the issuance.
- E. During the hearing Council shall review the Notice of Violation, the Notice of Appeal, applicable rules and regulations, take testimony and hear witnesses as Council deems appropriate. Strict rules of evidence shall not apply. Council's review shall be limited to the specific issues raised by the Notice of Appeal.
- F. Appeal of Council's Adjudication and Order shall be filed with the Court of Common Pleas within thirty (30) days after the date such Adjudication and Order is mailed to or served personally to the appealing party or the attorney for the appealing party.
- G. Any person aggrieved by any decision of a public officer regarding a disruptive conduct report may appeal to the Borough Council in accordance with the above procedures A-F.

13. PENALITIES FOR VIOLATION

It shall be a violation of this article to commit or to permit any other person to commit any of the following acts:

- (1) To lease, let, or allow the occupancy of a residential rental unit without obtaining a residential rental unit license where required by this article.
 - (2) To refuse to permit inspections required under this article for a residential rental unit.
 - (3) To fail to perform the duties established by §10 of this article if such person is an owner or a manager of a residential rental unit.
 - (4) To fail to perform the duties set forth in §8 if such person is an occupant of a residential rental unit.
 - (5) To fail to comply with any other provision of this article.
- A. Any Owner of a residential rental unit who violates any provisions of this Ordinance together with all subsections shall upon conviction thereof be sentenced to pay a fine of \$500.00 for each and every offense as well as the revocation of the Use and Occupancy Permit with respect to the Rental Unit. In all cases the Owner shall pay all the costs of prosecutions, including to but not limited to, the Borough's reasonable legal fees.
 - B. In addition to prosecution of persons violating this article, the Code Enforcement Officer, or any duly authorized agent of the Borough, may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this article.
 - C. Every violation of this Ordinance shall constitute a separate offense, and each day such violation exists shall constitute a separate offense.
 - D. If a tenant of a Rental Unit shall provide a written complaint regarding the condition of a Rental Unit such that the Code Officer, on the basis of the complaint, conducts an inspection of the Rental Unit and such written complaint is determined to be without any basis, then the tenant shall be in violation of this Ordinance and shall be required to pay expenses incurred by the Borough for conduction the inspection, for failing to do so shall be charged with a first offense and subject to the penalties above "A".

14. SEVERABILITY

If any section or provision of this Ordinance is held, by the final Order of any Court of jurisdiction, to be unconstitutional, illegal or invalid, all the remaining sections and provisions of this Ordinance shall remain in full force and effect.

Effective Date: This Ordinance shall become effective immediately upon enactment.

ENACTED and ORDAINED by the Council of the Borough of Christiana, Lancaster County, Pennsylvania, this 5TH day of December, 2017.

BOROUGH OF CHRISTIANA

Council President

ATTEST:

Borough Manager

Mayor