

**BOROUGH OF TARENTUM**

**AN ORDINANCE OF THE BOROUGH OF TARENTUM PROVIDING FOR THE DENIAL OF OCCUPANCY PERMITS FOR RENTAL DWELLING UNITS WHERE TAX, WATER, SEWER OR REFUSE COLLECTION BILLS ARE DELINQUENT.**

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WHEREAS, Act 90, TITLE 53 of Purdon's Pennsylvania Statutes, 6101 et seq., has been enacted, effective April 4, 2011, and is entitled "Neighborhood Blight Reclamation and Revitalization;" and

WHEREAS, the denial of occupancy permits for rental dwelling units when tax, sewer, water or refuse collection bills are delinquent, in accordance with the Neighborhood Blight Reclamation and Revitalization Act, will encourage timely payments of said bills, reduce the financial burden of delinquent payments on the Borough of Tarentum and promote the public health, safety, and welfare; and

WHEREAS, denial of occupancy permits for violations of Chapter 190, the International Property Maintenance Code of the Borough of Tarentum is also grounds for denial of an occupancy permit;

NOW THEREFORE, it is hereby Ordained as follows:

I. Definitions:

- A. Rental Dwelling Unit – A dwelling unit rented to or available for rent by tenants or otherwise occupied by persons other than the owner or the owner's relatives, including, but not limited to units in single family houses, two family houses, multiple family dwellings, multiple family houses, apartment houses, row houses, townhouses, and other buildings of similar character, and also including group homes, community living arrangements, boarding houses, domiciliary homes, long term care facilities or personal care homes.
- B. Tenant or Occupant – A person who has the use, either by himself or with others, of a dwelling unit or a business unit owned by a person other than himself, for a period exceeding thirty (30) days.

II. Bill Collection: Money paid to the Borough for utilities shall be applied first to water bill, then electric bill, then refuse collection, and finally E.P.A. surcharge.

III. Duties of the Code Enforcement Officer:

- A. The Officer shall investigate to determine whether the landowner owns any real property within the Borough of Tarentum for which there exists on the

real property a final and unappealable tax, water, sewer or refuse collection bill delinquency on account of the actions of the landowner and within the meaning of the Neighborhood Blight Reclamation Revitalization Act.

- B. If the Officer finds that such a delinquency exists, then the Officer shall deny an occupancy permit for the dwelling unit in question in accordance with all applicable procedures set forth in the Neighborhood Blight Reclamation Revitalization Act.
- C. The Officer shall investigate to determine whether the rental dwelling unit is in violation of the International Property Maintenance Code. If there is a violation he shall deny the occupancy permit.
- D. The Officer shall state in writing the reasons for any denial or revocation of an occupancy permit. Any person aggrieved by the Officer's denial of revocation of an occupancy permit may appeal such denial by submitting a written request for a Local Agency Law hearing to the office of the Borough Manager within twenty (20) days from the date of mailing of the denial letter and accompanied by a nonrefundable Seven Hundred (\$700.00) dollar appeal fee, the amount of such fee to be subject to adjustment by resolution of the Council of the Borough of Tarentum. Any funds not used for advertising, attorney, or stenographic fees shall be refunded to applicant. Such written request for a Local agency Law hearing shall state the grounds upon which the request is made. The Council of the Borough of Tarentum may act as the Local Agency Law appeal hearing body or may appoint a tribunal or hearing officer to hear the appeal and to make a recommended ruling to the Borough Council.

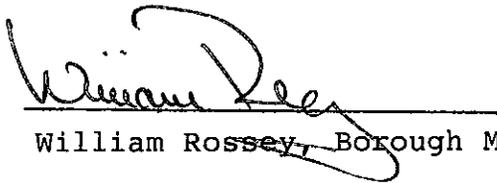
- IV. Repealer: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
- V. Severability: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.
- VI. Penalties: Any person who shall violate any provision of this Ordinance or who knowingly files a false report requiring by this Ordinance shall, upon conviction thereof, be sentenced to pay a civil fine of not more than Six Hundred (\$600.00) dollars.

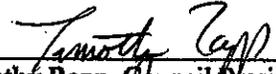
- VII. This Ordinance may be supplemented, and implemented in any way consistent with Act 90, including, but not limited to in personam actions against property owners to collect judgments.
- VIII. Effective Date: This Ordinance shall take effect immediately.

ORDAINED into law this 19th day of September, 2011.

ATTEST:

BOROUGH OF TARENTUM:

  
William Rossey, Borough Manager

By:   
Timothy Rapp, Council President

Approved this 19th day of September, 2011.

  
Carl Magnetta, Mayor