

CITY OF JEANNETTE  
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023- 04

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 15-04, AS AMENDED, TO PROVIDE FOR INSPECTIONS BY SEARCH WARRANT; TO MODIFY THE DEFINITION OF “MULTIPLE-UNIT DWELLINGS”; CHANGING THE TERM OF LICENSES; TO PROVIDE FOR A MODIFIED INSPECTION SCHEDULE FOR REGULATED RENTAL UNITS; PROVIDING FOR IMMEDIATE ENFORCEMENT FOR FAILURE TO PROVIDE NOTIFICATION OF CHANGES IN OCCUPANCY; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jeannette has determined that violations relating to the failure to obtain a regulated rental unit license or permit must be immediately addressed; and

WHEREAS, the City Council of the City of Jeannette desires to reduce the number of necessary inspections for non-multiple-unit dwelling landlords who maintain regulated rental units in good order and experience low tenant turnover; and

WHEREAS, multiple-unit dwellings have a higher life safety and fire loss risk, and annual inspections are to be done on an annual basis in accordance with the International Fire Code and due to the presence of additional required life safety equipment (e.g., fire doors, commercial fire alarms, automatic suppression systems, emergency and exit lighting, etc.); and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Jeannette with the power “to prohibit and abate public nuisances;” and

WHEREAS, the Third Class City Code affords the City of Jeannette with the power to regulate businesses and business activities within the City; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 141A05, affords the City of Jeannette with powers relating to codes, occupancy, and inspections; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Jeannette with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures. (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs.”

**BE IT ENACTED AND ORDAINED** by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1.** Definition of "Multiple-Unit Dwelling". The definition of the term "Multiple-Unit Dwelling" in Section I(B) of Ordinance 15-04, as amended and as codified at § 387-2, is hereby amended to read, in its entirety, as follows:

**"MULTIPLE-UNIT DWELLING**

A building containing four or more independent dwelling units, including, but not limited to, duplexes, row houses, townhouses, condominiums, apartment buildings, and conversion apartments."

**Section 2.** Inspections by the City. Section II(J) of Ordinance 15-04, as amended and codified as § 387-3(J), is hereby amended to read, in its entirety, as follows:

"Inspections by the City. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. If the owner or occupant shall not permit such inspections of the premises by the Code Enforcement Officer, the Code Enforcement Officer shall obtain a search warrant to conduct such inspections of the premises as provided herein or by applicable law."

**Section 3.** Annual License Term, Fee, and Occupancy Limit. Section IV(B) of Ordinance 15-04, as amended and codified as § 387-5(B), is hereby amended to read, in its entirety, as follows:

- (1) Each license shall have a one-year term, running from the date of issuance of such license through the first anniversary of such license date.
- (2) Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay to the City an annual license and, if applicable, inspection fee in an amount to be established from time to time by resolution of the Jeannette City Council. Such resolution may provide for more than one fee scale for different categories of premises, as defined in such resolution. Such resolution shall also provide for the manner in which the initial licensing of regulated rental units under this article will be administered.
- (3) The license shall indicate thereon the maximum number of occupants in each regulated rental unit."

**Section 4.** Inspection. Section IV(C) of Ordinance 15-04, as amended and codified as § 387-5(C), is hereby amended to read, in its entirety, as follows:

- (1) All regulated rental units in multiple-unit buildings shall be subject to inspection every year by the Code Enforcement Officer or another duly authorized agent for the City. All regulated rental units in other premises shall be subject to inspection every ten years by the Code Enforcement Officer or another duly authorized agent for the City. Such

inspections may take place when an application is submitted for a license or at any time during the year. Upon any annual license issuance or renewal for regulated rental units in a multiple-unit building or a request for required inspection or license issuance or renewal for all regulated rental units in other premises, an owner shall pay to the City an inspection fee in an amount to be established from time to time by resolution of the Jeannette City Council.

- (2) Any premises shall be subject to an inspection upon the change in occupant(s) or person(s). In the event this inspection occurs during any existing occupancy license period, the inspection shall be performed upon the payment of a change of occupancy inspection fee in an amount to be established from time to time by resolution of the Jeannette City Council. Failure by an owner or manager to voluntarily notify the City of Jeannette of a change in occupant(s) or person(s) shall be an immediate violation of this article which shall be immediately citable and shall not require the issuance of a notice of violation and shall result in the charge of an inspection penalty and other available penalties and fees.

[Amended 7-17-2018 by Ord. No. 18-15]

- (3) The Code Enforcement Officer is hereby designated as the official authorized to enforce this article and to take appropriate measures to abate violations hereof for and on behalf of the City of Jeannette.
- (4) This section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspections of premises, whether or not subject to the permitting and inspection requirements of this article, pursuant to any other ordinance or code.”

**Section 5.** Violations and Penalties. Section V(A) of Ordinance 15-04, as amended and codified as § 387-6(A), is hereby amended to read, in its entirety, as follows:

“A. Violations. It shall be unlawful for any person, as either owner or manager of a regulated rental unit for which a license is required, to operate without a valid, current license issued by the City authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a regulated rental unit to exceed the maximum limit as set forth on the license, or to violate or fail to otherwise comply with any corrective action plan or any other term or provision of this article. It shall also be unlawful for any person, either owner or manager, to allow a change in the occupant(s) or person(s) without immediately notifying the City of Jeannette, which violation shall be immediately citable and shall not require prior notice of violation. It shall be unlawful for any occupant to violate any term or provision of this article.”

**Section 6.** Codification. This Ordinance shall be codified within the codified ordinances of the City of Jeannette as an amendment to §§ § 387-2, 387-3(J), 387-5(B), and 387-5(C), and 387-6(A), respectively.

**Section 7.** Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

**Section 8.** Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

**Section 9.** Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 8<sup>th</sup> day of June, 2023.



CITY OF JEANNETTE

By: Curtis J. Antoniak  
Curtis J. Antoniak  
Mayor and President of Council

ATTEST: (SEAL)

Ben Walker  
Benjamin D. Walker  
City Clerk