

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 25-6

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, REQUIRING LANDLORD LICENSES FOR OWNERS OF RENTAL UNITS; ESTABLISHING OWNER RESPONSIBILITIES AND DUTIES FOR RENTAL UNITS; ENABLING THE CITY TO MAKE REPAIRS AND MAINTENANCE ON RENTAL UNITS; PROVIDING FOR THE NON-RENEWAL, SUSPENSION, AND REVOCATION OF LANDLORD LICENSES AND GROUNDS AND PROCEDURES THEREFOR; DESCRIBING VIOLATIONS AND PENALTIES; MAKING OWNERS JOINTLY AND SEVERALLY RESPONSIBLE; PROVIDING FOR IMMUNITY AND SEVERABILITY; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third Class City Code affords the City of Jeannette with the power to require licensing and registration and to develop a real estate registry; and

WHEREAS, the Municipalities Planning Code affords the City of Jeannette with certain powers relating to the regulation of land uses; and

WHEREAS, various statutes afford the City of Jeannette with certain powers to address blight and vacant and abandoned properties and other nuisance properties; 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 nuisances;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12432, afford the City of Jeannette with the power to “prohibit disorderly conduct;” 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;”

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of the City of Jeannette that:

Section 1. Purpose and Intent.

It is the purpose of this Ordinance and the policy of the City of Jeannette, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations

of owners and occupants relating to the rental of certain dwelling units in the City of Jeannette 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 City that owners, managers, and occupants share responsibilities to obey the various ordinances and codes adopted to protect and promote public health, safety, and welfare. As means to those ends, this Ordinance provides for issuance and renewal of landlord licenses; sets certain obligations and requirements for rental units, and sets 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 City of Jeannette makes the following findings:

1. There is a greater incidence of violations of various codes of the City at residential properties where owners do not reside in the City and/or rent such property to other persons than at owner-occupied residential properties.

2. There is a greater incidence of problems with the maintenance and upkeep of residential properties where owners do not reside in the City and/or rent such property to other persons than at owner-occupied residential properties.

3. There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where owners rent to other persons than at owner-occupied residential properties.

Section 2. Definitions. As used in this Ordinance, the following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) CITY — The City of Jeannette, Westmoreland County, Pennsylvania.

(b) CITY MANAGER — The individual or firm appointed by City Council to serve as City Manager and any staff of such City Manager's Office and/or Department within the City.

(c) CODE — Any code or ordinance adopted, enacted, and/or in effect in and for the City of Jeannette concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit, as the same may exist on the date this Ordinance becomes effective or as may be hereafter enacted by the City of Jeannette relating to the same, including, without limitation, any version of the International Property Maintenance Code adopted by the City.

(d) CODE OFFICIAL — The duly appointed person(s) having charge of code enforcement for the City of Jeannette, and any assistants or deputies thereof, including without limitation and if appointed by City Council, any City of Jeannette Firefighter or Fire Marshall.

(e) COMMON AREA — In multiple unit dwellings, any space which is not part of a rental unit and which is shared with other occupants of the dwelling whether they reside in rental

unit or not. Common areas shall be considered as part of the premises for purposes of this Ordinance.

(f) **CORRECTIVE ACTION PLAN** — Any report prepared by a property owner which shall set forth a plan to remedy property violations.

(g) **DWELLING** — A building having one or more dwelling units or used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

(h) **DWELLING UNIT** — A room or group of rooms forming a single unit and used for living and sleeping purposes having its own cooking facilities and a bathroom with a toilet and a bathtub or shower.

(i) **GUEST** — Any person on the premises with the actual or implied consent of an occupant.

(j) **LANDLORD** — One or more persons, jointly or severally, in whom is vested all or part of the legal title to a rental unit or premises, or all or part of the beneficial ownership and a right to present use and enjoyment of a rental unit or premises, including a mortgage holder in possession of a rental unit or premises. For purposes of this Ordinance, the term “landlord” shall also mean “owner.”

(k) **MANAGER** — An adult individual designated by the owner of a rental unit under this Ordinance. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this Ordinance.

(l) **MULTIPLE-UNIT DWELLING** — A building containing four or more independent dwelling units, including, without limitation, duplexes, row houses, townhouses, condominiums, apartment buildings, and conversion apartments.

(m) **LANDLORD LICENSE** — The license issued to the owner of one or more rental units under this Ordinance constituting registration of such rental unit(s) with the City, which registration shall be required for the lawful rental, leasing, licensing, letting and occupancy of such rental unit(s).

(n) **OCCUPANT** — An individual who resides in a rental unit, whether or not he or she is the owner thereof. For purposes of this Ordinance, the term “occupant” shall also mean “tenant.”

(o) **OWNER** — One or more persons, jointly or severally, in whom is vested all or part of the legal title to a rental unit or premises, or all or part of the beneficial ownership and a right to present use and enjoyment of a rental unit or premises, including a mortgage holder in possession of a rental unit or premises.

(p) **OWNER-OCCUPIED DWELLING UNIT** — A dwelling unit in which the owner resides on a regular or permanent basis.

(q) PERSON — A natural person, partnership, corporation, unincorporated association, limited partnership, limited liability company, trust, estate, or any other entity.

(r) PREMISES — Any parcel of real property in the City, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more rental unit is located.

(s) RENTAL AGREEMENT — Any agreement by and between the owner and tenant of a premises or rental unit establish by a written or verbal agreement or lease or understanding, regardless of whether there is a signed lease or consideration, which allows for a tenant to reside on the premises or rental unit of such owner.

(t) RENTAL UNIT — A dwelling unit that an owner rents, leases, licenses, or lets to one or more occupants or tenants, including, without limitation, any short-term rental unit or any selling by either lease/rent-to-own terms or installment agreement terms whereby possession of the rental unit has been transferred from the owner and any portion of the purchase price may be treated or deemed to be any rent, lease, license, or liquidated damages payment.

(u) SHORT-TERM RENTAL UNIT — Any rental unit rented, leased, licensed, or let for a period of less than twenty-eight (28) days.

(v) TENANT — An individual who resides in a rental unit, whether or not he or she is the owner thereof.

Section 3. Owner's Duties.

(a) It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable codes, ordinances, and provisions of all other applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition and perform all routine maintenance, including, without limitation, lawn mowing and ice and snow removal, and shall promptly make all any and all repairs necessary to comply with the same. The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling in a rental agreement. In no case shall the existence of any rental agreement between owner and occupant relive an owner of any responsibility under this Ordinance and other ordinances or codes for the maintenance of the premises. As provided for in this Ordinance, every owner shall be responsible for regulating the proper and lawful use and maintenance of every rental unit which he, she, or it owns.

- (i) In order to achieve those ends, every owner of a rental unit shall be responsible for the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below.
- (ii) This section shall not be construed as diminishing or relieving, in any way the responsibility of occupants, or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or

onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceedings, or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants or their guests when such actions or proceedings are brought against the occupants based upon the occupants' conduct or activity. Nothing herein is intended to impose any additional civil or criminal liability upon owners other than that which is imposed by existing law.

(b) Every owner of a rental unit who is not a full-time resident of the City of Jeannette, or resides elsewhere in an area that is not within a twenty-five (25) mile radius of the City Hall of the City of Jeannette, shall designate a manager who shall reside in an area that is within a twenty-five (25) mile radius of the City of Jeannette. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside within the aforesaid area. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside within the aforesaid area. The partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Ordinance. The identity, address and telephone number(s) of a person who is designated as manager hereunder shall be provided by the owner or manager to the City, and such information shall be kept current and updated as it changes.

(c) Upon receiving notice of any code or ordinance violation from the code official, the owner or manager shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

(d) Before an occupant initially enters into or renews a rental agreement for a rental unit, the owner or manager shall furnish the occupant with a copy of the most recent code inspection report relating to the property. The owner or manager shall disclose to the occupant in writing on or before the commencement of any tenancy: (i) the name, address, and telephone number of the owner; and (ii) the name, address, and telephone number of the manager, if applicable.

(e) An owner or manager must notify the City of Jeannette within ten (10) days when a rental unit has experienced a change in occupants. Notification shall be provided consistent with this Ordinance.

(f) All owner-occupied dwelling units or rental units must notify the City of Jeannette when a unit is going to be vacant for a period exceeding three months due to matters including, without limitation, vacation, renovation, or the inability to locate an acceptable tenant. Notification shall be provided consistent with this Ordinance and consistent with the requirements of any other ordinance of the City regulating vacant properties.

(g) Where an owner does not regulate the use of any common area or the behavior of occupants or guests in any common area, the owner shall be deemed directly responsible for the behavior of occupants and guests in any common area as if the owner were an occupant.

(h) The owner shall install and maintain in good working order at least one (1) hardwired (110AC with battery back-up) and interconnected smoke detector per floor in a readily accessible area such that when one detector is activated, all hardwired detectors throughout the building sound. Additionally, the owner shall install and maintain in good working order at least one (1) battery-powered smoke detector in each bedroom and/or sleeping room in the rental unit.

(i) The owner shall install and maintain in good working order in each rental unit at least one electrical or battery carbon monoxide detector. No owner, manager, occupant, or person shall disable, obstruct, tamper with, remove, disarm, disengage, or otherwise render inoperable any carbon monoxide detector in any rental unit.

(j) This Ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the City against an owner, occupant, or guest thereof.

(k) The code official is authorized to enter the rental unit at reasonable times and with consent of the occupant to inspect the rental unit, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law, including, without limitation, obtaining a search warrant pursuant to this Ordinance or any other applicable ordinance of the City. Under no circumstances shall an owner or occupant be subject to citation hereunder for refusing to permit the code official entry to the rental unit without a search warrant.

Section 4. Occupant Duties.

(a) All occupants shall comply with all obligations imposed upon occupants by this ordinance, all applicable codes and ordinances of the City and all applicable provisions of state law.

(b) All occupants shall conduct themselves and require other persons, including without limitation, guests on the premises and within their rental unit with his or her consent to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others nor disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.

(c) All occupants shall comply with all lawful provisions of any rental agreement entered into between owner and occupant. Failure to comply may result in the eviction of occupant by the owner.

(d) The occupant shall not intentionally cause, nor tolerate others to cause, damage to the premises. Conduct resulting in damage in excess of \$500.00 shall be a violation of this Ordinance.

Section 5. City Authority to Perform Maintenance and Repairs.

In case the owner of a rental unit or related premises shall neglect, fail or refuse to comply with any notice from the City or its code official to correct a violation constituting a public nuisance relating to maintenance and repair of the premises under any code or ordinance within the period of time stated in such notice, and no appeal of such notice is taken therefrom, the City may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus ten percent (10%) of said costs for each time the City shall cause a violation to be corrected; and the owner of the rental unit or related premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the rental unit or related premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the City and its code official may invoke such other remedies available under this Ordinance or other applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of a rental unit or premises as unfit for habitation; or suspension, revocation, or non-renewal of any license issued hereunder or otherwise by the City.

Section 6. Landlord Licenses.

(a) As a prerequisite to renting, leasing, or licensing a rental unit or permitting the occupancy of any rental unit (except as provided hereinbelow), the owner of every such rental unit shall be required to apply for and obtain a landlord license. The cost for a landlord license shall be for each rental unit in an amount to be set by ordinance or resolution of City Council. Such ordinance or resolution may provide for more than one fee scale for different categories of premises, as defined in such ordinance or resolution. Such ordinance or resolution shall also provide for the manner in which the initial licensing of rental units under this Ordinance will be administered. A landlord license shall not be required for (i) hotels and motels; (ii) hospitals, nursing homes, personal care homes, and assisted living facilities; and (iii) such other uses identified and described under the City's zoning ordinance that are not otherwise characterized as residential rental, leasing, or licensing.

(b) Each landlord license shall have an annual term beginning on January 1 of each year for a period of one year unless cancelled, terminated, surrendered, or revoked.

(c) The application for the landlord license shall be in a form as determined by the City.

(d) The landlord license shall indicate thereon the maximum number of occupants in each rental unit.

(e) No landlord license shall be issued if the owner of a rental unit has not paid any fines and costs arising from enforcement of this Ordinance or any code or ordinance of the City of Jeannette relating to land use and/or code enforcement or is subject to the denial or revocation of licenses or permits under Act 90 or any related City ordinance.

(f) The owner shall maintain a current list of occupants in each rental unit which shall include the occupant's name, permanent address and permanent telephone number. The owner shall furnish the list to the City each year when submitting the application for landlord license.

Section 7. Inspections.

(a) All premises containing three or fewer rental units, except short-term rental units, shall be subject to inspections and payment of a license inspection fee, as set by ordinance or resolution of City Council, every three (3) years by the code official or another duly authorized agent for the City. Any such inspections may take place when an application is submitted for a landlord license, or at any time during the license period, as determined by the City.

(b) All premises containing a multiple-unit dwelling or a short-term rental unit shall be subject to inspection and payment of a license inspection fee, as set by ordinance or resolution of City Council, every one (1) year by the code official or another duly authorized agent for the City. Any such inspections may take place when an application is submitted for a landlord license, or at any time during the license period, as determined by the City.

(c) Any premises shall be subject to an inspection upon the change in occupant(s) or person(s). Failure by any owner or manager to voluntarily notify the City of Jeannette of a change in occupant(s) or person(s) as required by this Ordinance shall be a violation of this Ordinance and shall result in the charge of an additional inspection fee and other available penalties and fees, as may be set by ordinance or resolution of City Council.

(d) The code official is hereby designated as the official authorized to enforce this Ordinance and to take the appropriate measures to abate violations hereof, for and on behalf of the City of Jeannette.

(e) This section shall not be construed so as to limit or restrict the code official's authority to conduct inspections of premises, whether or not subject to the permitting and inspection requirements of this Ordinance, pursuant to any other ordinance or code.

(f) In the event the code official is denied access to a premises following request, upon a showing of probable cause that a violation of this Ordinance or any other ordinance of the City of Jeannette has occurred, or upon a showing that such code official is otherwise entitled under the laws of the Commonwealth of Pennsylvania to the issuance of a warrant, the code official may apply to the Magisterial District Judge having jurisdiction in the City of Jeannette for a search warrant to enter and inspect the premises, or to obtain from the owner and or manager of the premises any such evidence that a violation of this Ordinance has occurred or is occurring.

Section 8. Non-Renewal, Suspension, or Revocation of Landlord License.

(a) The code official may initiate disciplinary action against an owner that may result in a formal warning, non-renewal, suspension or revocation of the owner's landlord license, for violating any provision of this Ordinance that imposes a duty upon the owner or is subject to the

denial or revocation of licenses or permits under Act 90, as amended, or any related City ordinance implementing Act 90, as amended.

(b) Definitions of Options of the Code Official.

(1) Formal Warning - Formal written notification of at least one violation of this Ordinance. Upon satisfactory compliance with this Ordinance and any conditions imposed by the code official and/or the City of Jeannette, the formal warning shall be removed when the owner applies for landlord license renewal at a time set by the code official or by City of Jeannette.

(2) Non-Renewal - The denial of the privilege to apply for a landlord license renewal after expiration of the annual license term. The City will permit the owner to maintain occupants in the rental unit until the end of the license term but will not accept applications for renewal of a landlord license until a time set by the code official or by City of Jeannette such time not to exceed one (1) year from the renewal date.

(3) Suspension - The immediate loss of the privilege to rent, lease, or license rental units for a period of time set by the code official or City of Jeannette such time not to exceed one (1) year from the date of suspension. The owner, after the expiration of the suspension period, may apply for a landlord license renewal without the need to show cause why the owner's privilege to apply for a landlord license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

(4) Revocation - The immediate loss of the privilege to rent, lease, or license rental units for a period of time set by the code official or the City of Jeannette and the loss of the privilege to apply for renewal of a landlord license at the expiration of the revocation period such time not to exceed one (1) year from the date of revocation. Upon revocation or the loss of the privilege to rent, lease, or license any rental unit, the owner shall take immediate steps to evict the occupants.

(5) Reinstatement - A landlord license shall be reinstated if the owner of a rental unit corrects the reason for the revocation of the landlord license and is compliant with City codes and ordinances and is not otherwise subject to the denial or revocation of licenses or permits under Act 90, as amended, or any related City ordinance implementing Act 90, as amended.

(6) In addition to enforcing sanctions as set forth above, the code official may recommend and City of Jeannette may impose upon the existing or subsequent landlord licenses reasonable conditions related to fulfilling the purposes of this Ordinance.

(c) Criteria for Applying Sanctions.

(1) The code official, when recommending sanctions, and the City of Jeannette, when applying sanctions, shall consider the following:

- (i) The effect of the violation on the health, safety and welfare of the occupants of the rental unit and other residents of the related premises.
- (ii) The effect of the violation on the neighborhood.
- (iii) Whether the owner has prior violations of this Ordinance or other ordinances of the City or has received notices of violations as provided for in this Ordinance.
- (iv) Whether the owner has been subject to sanctions under this Ordinance.
- (v) The effect of sanctions against the owner on the occupants.
- (vi) The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.

(d) Grounds for Imposing Sanctions.

(1) Any of the following may subject an owner to sanctions as provided for in this Ordinance:

- (i) Failure to obtain a landlord license for any rental unit prior to occupancy of said unit.
- (ii) Failure to abate a violation of City code or ordinance that applies to a rental unit within the time directed by the code official or such other City official or representative.
- (iii) Refusal to permit the inspection of a rental unit by the code official as required by this Ordinance.
- (iv) Failure to evict occupants after having been directed to do so by the code official or the City as provided for in this Ordinance. Any eviction action must be in conformity with the Landlord Tenant Act, as may be amended.

For purposes of this Ordinance, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this section, the owner must have received notice in writing of this violation within thirty days after the code official received notice of the violation.

(e) Procedure for Non-Renewal, Suspension or Revocation of Landlord License and Appeal.

(1) Notification. Following a determination that grounds for non-renewal, suspension or revocation of a landlord license exist, the code official shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information:

- (i) The address of the premises in question and identification of the particular rental unit(s) affected.
- (ii) A description of the violation which has been found to exist.
- (iii) A statement that the owner's landlord license shall be either suspended or revoked, or will not be renewed for the next landlord license. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence, and in the case of a suspension shall also state the duration of said suspension.
- (iv) A statement that, due to the non-renewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, leasing, licensing, letting, or permitting occupancy of any rental unit subject to said enforcement action, from and during the period said action is in effect.

(2) Appeal. Any person aggrieved by the issuance of a notice of violation or order may file an appeal from that notice to the board of appeals within ten (10) days of the notice of the violation or order. The appeal shall set forth the factual and legal basis as to why the City's action against such real property, owner and/or mortgagee was unlawful and accompanied with an appeal hearing fee, as may be set by ordinance or resolution of City Council. A public hearing shall be heard on the appeal within thirty (30) days of the filing of the appeal, at which time the appellant shall present their appeal. The City employee, official, enforcement officer or designee responsible for the action giving rise to the appeal may make a presentation to the board of appeals. City Council shall serve as the board of appeals, unless a board of appeals is separately appointed by City Council. The board of appeals may appoint a hearing officer to conduct any public hearing. The board of appeals shall issue a decision on the appeal following the presentment of the appeal and after to the close of the public hearing. Any person aggrieved by any decision of the board of appeals relevant to the provisions of this Ordinance may appeal to the Westmoreland County Court of Common Pleas within thirty (30) days of the decision.

Section 9. Violations and Penalties.

(a) Basis for Violation. It shall be unlawful for any person, as either owner or manager of a rental unit, to operate without a valid, current landlord license or valid inspection 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 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 Ordinance. 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 Ordinance.

(b) Penalties.

(1) Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements hereof, or shall be in violation of an approved plan or directive of the code official or City shall, upon conviction thereof before a Magisterial District Judge of the City of Jeannette, be liable by a fine not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) Dollars plus costs of prosecution or, in default of payment of such fine and costs, by a term of imprisonment not to exceed thirty (30) days for each offense. Each day a violation continues shall constitute a separate and distinct offense without the necessity of filing a separate citation.

(2) Where an eviction is not otherwise required under this Ordinance, upon conviction of a third offense, the owner of any rental unit will be required to begin eviction of the occupants of such rental unit. Any eviction action must be in conformity with the Landlord Tenant Act, as may be amended.

(c) Non-Exclusive, Cumulative Remedies. The penalty provisions of this Ordinance and the landlord license non-renewal, suspension and revocation procedures provided in this Ordinance shall be independent, non-mutually exclusive, cumulative, separate remedies, all of which shall be available to the City as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the City in the case of a violation of any other code or ordinance of the City, whether or not such other code or ordinance is referenced in this Ordinance and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Ordinance. The penalty provisions and remedies contained in this Ordinance are intended to be cumulative. Nothing in this Ordinance shall be deemed or construed to prevent the City from engaging in any other remedies to which it may be entitled at law, in equity, or otherwise.

Section 10. Notices.

(a) For purposes of this Ordinance, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner. In the event that the notice is returned by the postal authorities marked “unclaimed” or “refused”, then the City Manager or code official within ten (10) days shall serve such notice on the owner, manager, and/or occupant by regular U.S. Mail. The City Manager or code official shall also post the notice at a conspicuous place on the premises. If service cannot be accomplished after a ten (10) day period, then the notice may be sent to the owner or manager at the address stated on the most current license application for the premises in question, by regular first-class mail, postage prepaid. If such notice is not returned by the postal authorities within five (5) days of its deposit in the U.S. Mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth (5th) day following its deposit

in the U.S. Mail, and all time periods set forth above, shall thereupon be calculated from said fifth (5th) day.

(b) There shall be a rebuttable presumption that any notice required to be given to the owner under this Ordinance shall have been received by such owner if the notice was given to the owner in the manner provided by this Ordinance.

(c) A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to landlord license non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

(d) No notice of violation shall be required to be sent to owner, manager, or occupant of any rental unit or premises for the violation or failure to obtain a landlord license or inspection or to adhere to or abide by any occupancy limit, manager designation requirement, change occupant(s) or person(s) notification requirement, extended vacancy notification requirement, or corrective action plan, as such violations shall constitute immediate violations affecting public health and safety for which a citation may be immediately issued by the code official.

Section 11. Owners Severally Responsible. If any rental unit is owned by more than one person, in any form of co-tenancy, joint tenancy, as a partnership, or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Ordinance, and shall be severally subject to prosecution for the violation of this Ordinance.

Section 12. Immunity. Any City officer or employee or any person authorized by the City to take action pursuant to this Ordinance shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this Ordinance.

Section 13. Rules and Regulations. The City Council of the City of Jeannette is hereby authorized and empowered to prepare, promulgate, and enforce rules and regulations made pursuant to the provision of this Ordinance. Such rules and regulations shall have the full force and effect of law unless modified, revoked, or repealed by City Council.

Section 14. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this Ordinance, including, without limitation, Ordinance Nos. 15-04, 2021-04, and 2023-04, is hereby repealed to the extent of any such conflict on the effective date of this Ordinance.

Section 15. Severability. The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses, or sentences.

Section 16. Effective Date. This Ordinance shall become effective in ten (10) days.

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 _____ day of _____, 2025.

CITY OF JEANNETTE

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

ATTEST: (SEAL)

Ethan Keedy
City Clerk/ City Manager