

**AN ORDINANCE OF THE BOROUGH OF
LUZERNE, PENNSYLVANIA ESTABLISHING NEW REPORTING, REGISTRATION,
LICENSING, OCCUPANCY AND MANAGEMENT FOR LANDLORDS AND RENTAL
PROPERTIES WITHIN THE BOROUGH**

BE IT ORDAINED AND ENACTED, and its hereby enacted and ordained by the Mayor and Council of Luzerne, Luzerne County, Pennsylvania, as follows:

SECTION 1. TITLE.

The title of this Ordinance shall be the “Luzerne Borough Landlord Registration, Licensing, and Occupancy Ordinance.”

SECTION 2. GENERAL.

It is the purpose of this Ordinance and the policy of the Council of the Borough of Luzerne, to protect and promote the public health, safety and welfare of its citizens and, in furtherance of those objectives, to establish registration and licensing requirements for Landlords of real property in the Borough to establish and maintain a current record of all rental properties and tenants occupying such properties, to reduce blight within the Borough and to establish an enforcement mechanism to effect the aforementioned objectives.

SECTION 3. DEFINITIONS.

For the purposes of this Ordinance, the following terms shall have the meanings respectively ascribed to them:

BOROUGH – the Borough of Luzerne.

DANGEROUS ANIMAL – An animal which has been determined by a Magisterial District to have engaged in one or more of the following behaviors:

- A. Inflicted severe injury on a human being without provocation on public or private property;
- B. Killed or inflicted severe injury on a domestic animal, dog or cat, without provocation while off the owner’s property;
- C. Attacked a human being without provocation;
- D. Been used in the commission of a crime;
- E. A history of attacking human beings and/or domestic animals, dogs or cats without provocation;

F. A propensity to attack human beings and/or domestic animals, dogs or cats without provocation. A propensity to attack may be proven by a single incident or the conduct described in paragraph (A), (B), (C), (D) or (E); and

G. The Landlord's Tenant has been determined to be the owner or keeper of the animal.

LANDLORD – One or more persons, as defined by this section, jointly or severally, in whom all or part of the legal title to the premises is vested as documented by the most current deed on record with the Recorder of Deeds of Luzerne County and/or holds all or part of the beneficial ownership and a right to the present use and enjoyment of the premises. This definition includes a mortgage holder in constructive or actual possession of a residential rental unit.

LICENSE YEAR – A period of time beginning January 1st and expiring December 31st.

OCCUPACY LICENSE – The License issued to the Landlord of residential units under this Ordinance, which is required for the lawful rental and occupancy of residential rental units.

PERSON – A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

OWNER – One or more persons, as defined by this section, jointly or severally, in whom all or part of the legal title to the premises is vested as documented by the most current deed on record with the Recorder of Deeds of Luzerne County and/or holds all or part of the beneficial ownership and a right to the present use and enjoyment of the premises. This definition includes a mortgage holder in constructive or actual possession of a residential rental unit.

POSSESSION – Control and/or access to a premises under lease, contract or the provisions of a mortgage.

PROPERTY MANAGER – A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity appointed by a Landlord to take care of rental property within the Borough of Luzerne and be the agent for said Landlord.

RESIDENTIAL RENTAL UNIT – Any structure within the Borough of Luzerne occupied by a tenant as defined in this Ordinance, being someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel of real estate receives any value, including but not limited to money, or the exchange of services. Each rental unit within a building is a separate unit requiring licensing.

TENANT – An individual who resides in a residential rental unit, with whom a legal relationship with the Owner/Landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania. A tenant does not include:

1. A patient in a residential treatment or facility;
2. a resident in a drug, alcohol or other dependency treatment facility, half-way house, residence (or other facility) devoted to monitoring and promoting a sober or substance free lifestyle;
3. a resident in a nursing, physical therapy or assisted living facility;
4. an occupant of a hotel, motel, or “bed and breakfast” facility;
5. a resident in a “Community Group Home” facility licensed as such by the Pennsylvania Department of Public Welfare;
6. a resident of a facility owned and operated by the Luzerne County Housing Authority.

SECTION 4. OWNER/LANDLORD DUTIES

1. Registration. Every Owner/Landlord of a residential rental unit must register the unit with the Code Enforcement Officer in accordance with the following schedule:

A. All Owners/Landlords of residential units must register the units with the Borough by April 1st of each license year.

B. Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Borough upon the earliest occurrence of the following events:

1. within thirty (30) days of the completion of the conversion;
2. within thirty (30) days of the time when any rent, including the exchange of other services for the unit or units is obtained;
3. within thirty (30) days of the date which a tenant or tenants occupies the unit or units.

C. It shall be the responsibility of the grantee and the grantee’s agent to notify the Borough within ten (10) days of any purchase or transfer of a rental unit.

D. Registration information shall be provided by all Owners on a form prescribed by the Borough and shall include at minimum the following information for each residential rental unit:

1. Owner’s name, address and telephone number;
2. Property Manager’s name, address and telephone number, if applicable;
3. Property address and unit number for each rental registration unit;
4. Maximum occupancy for the registration rental unit;
5. Emergency telephone number sufficient to allow telephone contact by Luzerne Police, Fire, Public Works and Administration twenty-four (24) hours a day, seven (7) days a week;

6. Actual number of occupants in the registered unit; and
7. Names of current tenants in the registered rental unit.

E. The Owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten (10) days of any change of the information set forth above.

F. Any Owner of a residential rental unit shall notify the Borough within ten (10) days of a new tenant occupying, renting or residing in the Landlord's or Owner's residential rental unit.

G. The registration for each unit shall be notarized or subject to the provisions of Pennsylvania Statute 18 Pa.C.S.A §4904 relating to unsworn falsification to authorities.

2. License Requirement.

A. As a prerequisite to entering into a rental agreement or permitting the occupancy of any rental unit (except as provided in subsection (2)(C) below), the Owner of every such rental unit shall be required to apply for and obtain a license for each rental unit. No residential rental contract for property within the Borough shall be legal without the prior registration of the unit and the issuance of a license for said unit. The cost of a license shall be TWENTY-FIVE (\$25.00) DOLLARS per occupied unit if registered with the Borough by April 1st of the relevant year. Should an Owner/Landlord not register with the Borough by April 1st of the relevant year, the cost of the License shall be FIFTY (\$50.00) DOLLARS per unit until June 30th of the relevant year after which the cost of the License shall be ONE HUNDRED (\$100.00) DOLLARS if registered during the remaining months of the relevant year.

B. The cost of a license for an unoccupied unit shall be ZERO (\$0.00) DOLLARS. Should such a unit become occupied during the license year, the cost of a license shall be TWENTY-FIVE (\$25.00) DOLLARS, if registered within ninety (90) days of occupancy, FIFTY (\$50.00) DOLLARS, if registered within one-hundred eighty (180) days of occupancy and ONE HUNDRED (\$100.00) DOLLARS thereafter.

C. The cost of a license may be amended by Resolution of Council and Mayor from time to time.

D. A license shall be required for all residential rental units, whether occupied or not occupied.

E. The following categories of properties shall not require licenses, and thus, shall not, therefore, be subjected to section (1)(A) and (1)(B) of this ordinance:

1. Residential rental units occupied by immediate family members of the Owner's family; provided that not more than two (2) unrelated individuals, in addition to the immediate members of the Owner's family, occupy the dwelling unit at any given time.

2. Those properties occupied by individuals who are not “tenants” as defined by this Ordinance.

3. General.

A. It shall be the duty of every Owner/Landlord to keep and maintain all rental units in compliance with all applicable laws and regulations of the Commonwealth of Pennsylvania and Ordinances of the Borough and to keep such property in good and safe condition. The Owner/Landlord shall be responsible for regularly performing all maintenance, including lawn mowing and ice and snow removal, and for making any and all repairs in and around the premises. The delegation of the aforementioned duties to tenants (or any other person or entity) shall not excuse the Owner/Landlord from these responsibilities.

B. Owner/Landlord must be proactive in managing their property and are expected to utilize all legal means available to them to evict tenants who routinely engage in disorderly conduct, disturb the public peace, create excessive noise, violate any felonious or misdemeanor criminal laws of the Commonwealth of Pennsylvania, or keep or allow tenants who own or keep a Dangerous Animal in the property. The term “routinely engage” is defined as two (2) or more violations of any of the foregoing in any sixty (60) day period or more than three (3) times in any twelve (12) consecutive month period. Violations by either tenants or landlord/owners shall be added together in compiling violations for a property.

4. Appointment of a Property Manager. Every Owner/Landlord residing further than twenty (20) miles from the corporate boundaries of the Borough must designate a property manager or person responsible for the care of all rental property. The property manager or person responsible for taking care of rental property must reside or have its corporate offices within twenty (20) miles of the corporate boundaries of the Borough. The property manager shall be the designated recipient of all correspondence and violation notices from the Borough. The property manager shall be the direct point of contact for disruptive conduct, emergencies, and any other occurrence that may be of a time sensitive nature. The property manager shall be the agent of the property owner and by his, her, its appointment shall be authorized and empowered to accept service of all correspondence, violation notices, citations, Court complaints and pleadings on behalf of the Landlord. The appointment of a property manager shall remain in effect and shall be considered as legally binding on both the Principal and Agent until revoked and notice of revocation is provided by the Owner/Landlord to the Borough.

SECTION 5. PENALTIES.

A. Any Landlord of a Residential Rental Unit who violates any provision of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine no less than \$300.00 and up to \$500.00 for each and every offense. Each day an Owner operates a rental unit in violation of Section 4 shall be treated as a separate offense.

B. In addition to the monetary fines set forth in Section 5.A., any Owner/Landlord of a Residential Rental Unit who violates any provision of this Ordinance, shall, upon conviction thereof, have its Rental License for operation of any Residential Rental Units within the Borough suspended for such period of time during which the violating Tenant remains in possession of the Residential Rental Unit.

C. No Landlord with outstanding fines resulting from violation of any and all Borough Ordinances shall be eligible to obtain a license to rent residential real estate in the Borough unless and until such fines are paid in full.

D. Fines imposed through this Ordinance shall be collected by any means allowable by law.

E. This Ordinance and the foregoing penalties shall not be construed to limit or deny the right of the Borough of Luzerne, its agents and representatives from seeking any other equitable or legal remedies that may otherwise exist under applicable law.

F. In addition to the fines set forth herein, the Borough of Luzerne shall be entitled to reasonable attorney's fees and costs of collection incurred in enforcing this Ordinance. Said fees shall be added to any penalties set forth above.

SECTION 6. SEVERABILITY.

If any section or provision of this Ordinance is adjudicated, by a court of competent jurisdiction, as unlawful, void, or unenforceable, all remaining sections and provisions of this Ordinance shall remain in full force and effect.

ENACTED AND ORDAINED this 12TH day of JUNE, 2024, at a regular meeting of the Council of the Borough of Luzerne, held on the 12TH day of JUNE, 2024.

Attest:

Linda Brath
Secretary

Michael Jancuska
MICHAEL JANCUSKA
Council Chairman

APPROVED, this 12th day of June 2024

of June, 2024.

James Keller
JAMES KELLER, Mayor