

**BOROUGH OF GIRARDVILLE
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ OF 2026

AN ORDINANCE OF THE BOROUGH OF GIRARDVILLE, SCHUYLKILL COUNTY, PENNSYLVANIA, REPEALING AND REPLACING PRIOR INCONSISTENT RENTAL, OCCUPANCY, REGISTRATION, INSPECTION, AND TRANSFER-RELATED PROVISIONS; ESTABLISHING A RESIDENTIAL RENTAL REGISTRATION AND OCCUPANCY PERMIT PROGRAM; ESTABLISHING A TRANSFER, RESALE, AND CHANGE-IN-CONTROL INSPECTION AND CERTIFICATE PROCESS; PROVIDING FOR RESPONSIBLE LOCAL AGENTS, INSURANCE DISCLOSURE, TENANT AND OCCUPANT INFORMATION, INSPECTIONS, MINIMUM PROPERTY AND LIFE-SAFETY STANDARDS, CERTIFICATES, DENIAL, SUSPENSION, REVOCATION, PLACARDING, OWNER-CAUSED DISPLACEMENT, FEES, PENALTIES, COST RECOVERY, NOTICE, HEARINGS, APPEALS, SEVERABILITY, REPEALER, AND EFFECTIVE DATE.

WHEREAS CLAUSES

WHEREAS, the Borough Council of the Borough of Girardville is vested with authority to adopt ordinances and regulations for the health, safety, welfare, good government, cleanliness, convenience, comfort, and protection of the Borough and its residents;

WHEREAS, the Borough has previously adopted rental, occupancy, permit, inspection, fee, and related enforcement provisions through Ordinance No. 2013-2, Resolution No. 2016-3, Ordinance No. 2016-1, Ordinance No. 2017-1, and related administrative forms and practices;

WHEREAS, the Borough Council finds that the existing framework provides a useful foundation but is scattered across separate enactments and should be consolidated into one clearer ordinance that is easier for owners, tenants, Borough officials, Council, and the Magisterial District Court to understand and enforce;

WHEREAS, the Borough Council finds that unregistered rental properties, illegal occupancy, unsafe rental units, absentee ownership, repeated tenant turnover, failure to maintain essential services, nuisance conditions, and ownership transfers without prompt compliance review create risks to public health, fire safety, habitability, neighboring property owners, first responders, and Borough resources;

WHEREAS, the Borough Council further finds that rental approval should be unit-specific, owner-specific, nontransferable, and conditioned upon compliance with registration, inspection, property maintenance, utility, garbage, tax, fee, notice, and responsible-agent requirements;

WHEREAS, the Borough Council desires to preserve the strongest parts of the Borough's existing rental occupancy permit system while adding clearer standards for tenant changes, ownership transfers, resale/transfer inspections, re-occupancy, responsible local agents, owner-caused displacement, chronic noncompliance, formal appeals, and cost recovery;

WHEREAS, the Borough Council intends that the transfer, resale, and change-in-control provisions of this Ordinance be administered consistently with the Pennsylvania Municipal Code and Ordinance Compliance Act, 68 P.S. Sections 1081-1083, as amended, including the certificate categories and restrictions applicable to resale and transfer inspections;

WHEREAS, the Borough Council intends that inspection access be administered consistently with the United States Constitution, the Pennsylvania Constitution, controlling Pennsylvania case law, tenant rights, due process, and lawful consent or court process as applicable; and

WHEREAS, the Borough Council finds that this Ordinance is necessary, reasonable, and proper for the protection of the health, safety, welfare, and habitability of the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Girardville, Schuylkill County, Pennsylvania, and it is hereby ordained and enacted by authority of the same, as follows:

SECTION 1. ADOPTION OF CONSOLIDATED ORDINANCE.

The following provisions are hereby adopted as the Girardville Borough Residential Rental Registration, Transfer Occupancy, Inspection, Compliance, and Enforcement Ordinance. This Ordinance shall be codified in the Girardville Borough Code at such chapter and section numbers as may be assigned by the Borough Solicitor or codifier. References in this draft to Articles and Sections may be renumbered without changing the substantive effect of the Ordinance.

ARTICLE I - TITLE, AUTHORITY, PURPOSE, AND SCOPE

Section 101. Short Title.

This Ordinance shall be known and may be cited as the "Girardville Borough Residential Rental Registration, Transfer Occupancy, Inspection, Compliance, and Enforcement Ordinance."

Section 102. Authority.

This Ordinance is enacted pursuant to the Borough Code, including 8 Pa.C.S. Sections 1202 and 1203, the Borough's police powers, the Borough's authority to regulate nuisances and dangerous structures, the Borough's authority to prescribe reasonable fees and penalties, the Municipal Code and Ordinance Compliance Act, 68 P.S. Sections 1081-1083, and all other applicable laws of the Commonwealth of Pennsylvania.

Section 103. Purpose and Legislative Findings.

- To protect the health, safety, and welfare of tenants, occupants, neighboring property owners, emergency responders, and the public.
- To require residential rental properties and dwelling units to be registered, inspected, maintained, and operated in a safe and lawful manner.
- To ensure that every rental unit has an identifiable owner, manager, and, when required, a responsible local agent who can respond promptly to notices, emergencies, inspections, complaints, and violations.
- To require review and inspection upon sale, transfer, deed change, sheriff sale, tax sale, estate transfer, entity transfer, change in beneficial ownership, change in operational control, re-occupancy, or tenant change, as more fully stated herein.
- To prevent unsafe units from being re-rented, reoccupied, advertised, or transferred into rental use without Borough review and written approval.
- To create a clear enforcement record through written notices, correction periods, certificates, placards, hearing rights, appeals, and specific offenses.
- To require owners, not the Borough or taxpayers, to bear the consequences of owner-caused displacement, illegal rental occupancy, utility loss, closure, placarding, or unsafe conditions.
- To consolidate and clarify prior Borough rental and occupancy provisions in one enforceable ordinance.

Section 104. Scope.

This Ordinance applies to all residential rental properties, residential rental units, non-owner-occupied dwelling units, mixed-use structures containing residential rental units, rent-to-own or installment occupancy arrangements, owner-authorized occupancy by persons other than the deeded owner, and all properties subject to transfer, resale, re-occupancy, or change-in-control review under this Ordinance, except where expressly exempted herein or prohibited by state or federal law.

This Ordinance does not waive, limit, or replace any requirement imposed by the Pennsylvania Uniform Construction Code, any property maintenance code adopted by the Borough, any fire prevention code adopted by the Borough, zoning regulations, health regulations, nuisance ordinances, solid waste regulations, water or sewer rules, or any other applicable law.

ARTICLE II - DEFINITIONS

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For purposes of this Ordinance, the following words and phrases shall have the meanings stated below. Words not defined shall be interpreted according to their common usage and applicable law.

Adult occupant. Any occupant eighteen (18) years of age or older.

Agent or responsible local agent. A natural person or business entity designated by the owner to receive notices, schedule inspections, provide access where legally authorized, respond to emergencies, correct violations, coordinate tenant displacement, and otherwise act for the owner under this Ordinance.

Borough. The Borough of Girardville, Schuylkill County, Pennsylvania.

Certificate of compliance. A written certificate or approval issued by the Borough stating that, based upon the inspection or records review performed, the property or unit has satisfied the requirements applicable to the certificate issued. A certificate of compliance is not a warranty or guarantee by the Borough.

Certificate of noncompliance. A written notice identifying violations, deficiencies, missing documentation, failed inspection items, or other grounds preventing approval.

Change in control. Any sale, transfer, deed change, transfer of controlling ownership interest, transfer of beneficial ownership, transfer to or from an entity, assignment of agreement of sale, estate transfer, sheriff sale, tax sale, merger, conversion, or other transaction that changes the person or entity exercising ownership, legal, beneficial, or operational control over the property.

Code Enforcement Officer. The Borough Code Enforcement Officer, Health Code Compliance Officer, Zoning Officer, Borough Manager, Borough Secretary, Borough Engineer, authorized designee, or other official appointed or authorized by Borough Council to administer or enforce this Ordinance.

Dwelling unit. One or more rooms arranged, designed, occupied, or intended to be occupied as separate living quarters for one household, with facilities for living, sleeping, sanitation, and cooking or food preparation, whether those facilities are exclusive or shared as permitted by law.

Essential services. Water, sewer, heat, electricity, garbage service, plumbing, required life-safety systems, safe means of egress, and other services or facilities required for lawful and habitable occupancy.

Immediate family exemption. Occupancy by a deeded owner's mother, father, son, daughter, spouse, or other category expressly approved by Council or required by law, provided that the arrangement is not a rental, installment-sale, rent-to-own, or other compensation-based occupancy designed to evade this Ordinance.

Inspection. A Borough review of a property, building, structure, dwelling unit, rental unit, exterior, common area, accessory area, records, or documentation for compliance with this Ordinance and applicable codes. Interior inspection requires lawful consent, emergency authority, or lawful court process as applicable.

Landlord. Any owner, lessor, sublessor, operator, manager, agent, or person who rents, leases, offers for rent, permits occupancy, collects rent, or has charge, care, or control of a residential rental unit.

Occupant. Any person living, sleeping, staying, or otherwise occupying a dwelling unit or residential rental unit, whether or not the person is named in a lease.

Owner. Any person, entity, partnership, corporation, limited liability company, association, trust, estate, mortgagee in possession, conservator, receiver, fiduciary, purchaser under agreement, land contract vendor or vendee, or other person having legal, equitable, beneficial, possessory, or operational control of real property.

Permit year. The calendar year or other annual registration period established by Borough Council by resolution.

Placard. A posted notice stating that a property, structure, dwelling unit, rental unit, or portion thereof is unsafe, unlawful, closed, restricted, denied, suspended, revoked, or not approved for occupancy or rental use.

Re-occupancy. Any occupancy by a new tenant or occupant following vacancy, tenant change, ownership transfer, failed inspection, revocation, closure, placarding, utility restoration, or other event requiring renewed Borough approval.

Rent-to-own occupancy. Any occupancy by a person other than the deeded owner under an agreement, understanding, installment arrangement, lease-purchase arrangement, land contract, option agreement, bond-for-deed arrangement, or similar transaction where occupancy occurs before legal title is conveyed. Unless exempted, such occupancy shall be regulated as rental occupancy.

Residential rental property. Any parcel, building, structure, dwelling, mixed-use building, or portion thereof containing one or more residential rental units.

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Residential rental unit or rental unit. Any dwelling unit occupied or intended to be occupied by a person other than the deeded owner for rent, compensation, consideration, services, installment payments, rent-to-own payments, or other value, whether paid directly or indirectly.

Substantial violation. A violation that presents an immediate or serious threat to health, safety, fire safety, structural safety, sanitation, habitability, required utilities, or lawful occupancy, including any violation treated as substantial under the Municipal Code and Ordinance Compliance Act or other applicable law.

Temporary access certificate, temporary use and occupancy certificate, and use and occupancy certificate. Certificates issued in connection with resale, transfer, or change-in-control review as required by the Municipal Code and Ordinance Compliance Act, 68 P.S. Sections 1081-1083, as amended.

Tenant change. Any change in tenant, occupant, adult occupant, leaseholder, unit assignment, or actual residential occupancy, excluding temporary guests not otherwise regulated by law.

Transfer. Any sale, conveyance, deed transfer, sheriff sale, tax sale, estate transfer, transfer between related persons, transfer to or from an entity, change in control, or other transaction changing ownership or control of real property.

ARTICLE III - REGISTRATION AND RENTAL OCCUPANCY PERMIT REQUIRED

Section 301. Registration Required.

No owner, landlord, agent, manager, or other person shall rent, lease, advertise for rent, offer for rent, allow occupancy of, collect rent for, or permit re-occupancy of any residential rental property or rental unit within the Borough unless the property and each rental unit are registered with the Borough and a valid rental occupancy permit or certificate has been issued for the applicable unit, subject to any lawful temporary certificate or written Borough authorization expressly allowing continued occupancy.

Section 302. Unit-Specific and Owner-Specific Approval.

Each registration, permit, certificate, or approval issued under this Ordinance shall be specific to the owner, property, building, and rental unit identified in the application. No registration, permit, certificate, or approval shall be transferred to a new owner, new entity, new agent, new unit, new building, or new property.

Section 303. Annual Registration.

Each owner of a residential rental property shall file an annual registration application for each property and each rental unit on forms supplied or approved by the Borough. Council may establish the registration period, filing deadline, inspection cycle, fees, and administrative procedures by resolution.

Section 304. Application Information Required.

The application shall be signed by the owner or authorized agent and shall include, at minimum:

- Property address, tax parcel number if available, number of buildings, number of dwelling units, number of rental units, and unit designations.
- Full legal name, mailing address, physical address, telephone number, and email address of every owner.
- For any corporation, limited liability company, partnership, trust, estate, or similar entity: the legal name of the entity, state of formation, registered office, responsible officers or managing members, and the name, address, telephone number, and email address of the natural person authorized to act for the entity.
- Name, address, telephone number, and email address of the property manager, agent, or responsible local agent, if any.
- Purchase date or acquisition date and whether the property was acquired by deed, sheriff sale, tax sale, estate transfer, private sale, entity transfer, or other transaction.
- Current tenant and adult occupant information, including unit number, occupant name, whether the occupant is eighteen (18) or older, move-in date, and such other information reasonably required by the Borough.
- Insurance carrier, policy number, policy expiration date, and proof of current property or liability insurance for rental use, if required by Council or this Ordinance.

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- Statement whether the property is vacant, partially vacant, under renovation, under agreement of sale, subject to rent-to-own occupancy, or subject to any known code, utility, tax, lien, or municipal-charge issue.
- Certification that the information is true and correct and that the owner is familiar with and will comply with this Ordinance, applicable property maintenance requirements, building codes, health and safety codes, zoning regulations, nuisance ordinances, and other applicable Borough ordinances.

Section 305. Completeness of Application.

An application shall not be considered filed or complete until all required information, signatures, supporting documentation, tenant or occupant sheets, agent information, insurance information where required, prior violation disclosures where required, and applicable fees have been received by the Borough.

Section 306. Rent-to-Own and Similar Arrangements.

A property occupied by any person other than the deeded owner under a rent-to-own, installment, lease-purchase, agreement of sale, option, land contract, or similar arrangement shall be treated as a residential rental property and shall be registered, inspected, and permitted as required by this Ordinance, unless the owner establishes to the satisfaction of the Borough and the Borough Solicitor that the arrangement is legally exempt. The burden of establishing an exemption shall be on the owner.

Section 307. Immediate Family and Other Exemptions.

Council may recognize limited exemptions for owner-occupied properties, immediate family occupancy, or other categories required by law. Exempt status shall not excuse compliance with property maintenance, nuisance, health, safety, fire, utility, zoning, transfer, or resale requirements. The Borough may require documentation sufficient to verify an exemption.

ARTICLE IV - RESPONSIBLE LOCAL AGENT, OWNERSHIP DISCLOSURE, AND INSURANCE

Section 401. Responsible Local Agent Required for Absentee Owners.

Any owner who does not reside within Schuylkill County or within twenty (20) miles of the Borough shall designate a responsible local agent located within twenty (20) miles of the Borough, unless a different distance is established by resolution of Council. A post office box, mail drop, business mailing address without a responsible natural person, or address without 24-hour response capability shall not satisfy this requirement.

Section 402. Duties of Responsible Local Agent.

- Accept service of notices, orders, citations, certificates, placards, and other communications from the Borough.
- Schedule inspections and reinspections.
- Provide or coordinate lawful access where legally authorized by the owner and occupant.
- Respond to emergencies, unsafe conditions, utility failures, tenant displacement, police or fire concerns, and code complaints.
- Coordinate repairs, correction of violations, removal of nuisances, and compliance with Borough orders.
- Maintain current telephone and email availability, including emergency contact capability.

Designation of a responsible local agent shall not relieve the owner of any duty, violation, cost, penalty, fee, citation, or obligation under this Ordinance. The owner and agent may each be cited or proceeded against where authorized by law.

Section 403. Change in Owner, Agent, Manager, or Contact Information.

The owner shall notify the Borough in writing within five (5) business days after any change in ownership, management, responsible local agent, mailing address, telephone number, email address, emergency contact, insurance status, tenant information, or other material application information.

Section 404. Insurance.

Every owner shall maintain insurance appropriate for residential rental use and shall provide proof of insurance upon application, renewal, transfer, re-occupancy, inspection request, or demand by the Borough. Council may establish minimum insurance documentation requirements by resolution. Failure to provide proof of insurance when required shall be grounds for denial, suspension, non-renewal, or revocation of a rental occupancy permit, subject to notice and applicable process.

ARTICLE V - TRANSFER, RESALE, CHANGE-IN-CONTROL, AND RE-OCCUPANCY REVIEW

Section 501. Transfer Review Required.

No owner, seller, purchaser, transferee, agent, settlement officer, landlord, or other person shall allow a residential property, residential rental property, mixed-use property containing a residential unit, or property intended for residential occupancy to be transferred, resold, reoccupied, or placed into rental use without complying with the transfer, resale, change-in-control, and re-occupancy requirements of this Article, to the extent permitted by law.

Section 502. Covered Events.

The following events require application to the Borough and review under this Article:

- Sale or resale of real property.
- Deed transfer or conveyance, whether or not for monetary consideration.
- Sheriff sale, tax sale, judicial sale, repository sale, or similar transfer.
- Estate transfer, fiduciary transfer, or transfer from an estate to an heir, beneficiary, purchaser, or other person.
- Transfer to or from a corporation, limited liability company, partnership, trust, estate, or other entity.
- Transfer of controlling interest, beneficial ownership, operational control, management control, or occupancy control.
- Change from owner-occupied to rental use or non-owner-occupied use.
- Re-occupancy after vacancy, failed inspection, closure, placarding, utility shutoff, fire, condemnation, unsafe condition, or other event requiring renewed Borough approval.

Section 503. Timing of Application.

An application for transfer, resale, change-in-control, or re-occupancy review shall be filed before settlement, deed recording, transfer of possession, re-occupancy, tenant placement, or rental use, whichever occurs first. For sheriff sale, tax sale, estate transfer, or other transfer where pre-settlement application is not reasonably possible, the transferee shall file within ten (10) business days after acquisition or notice of transfer and before any new occupancy or rental use.

Section 504. Nontransferability of Prior Rental Permit.

Any rental registration, rental occupancy permit, certificate, or approval previously issued to a former owner is nontransferable and shall not authorize the new owner to rent, lease, advertise, collect rent for, permit new occupancy of, or continue rental use of the property except as expressly permitted in writing by the Borough and applicable law. The new owner must apply, register, disclose required information, pay required fees, and obtain inspection approval or other lawful certificate before continued rental use or new occupancy.

Section 505. Relationship to Municipal Code and Ordinance Compliance Act.

Where the Borough requires a use and occupancy certificate or similar certificate in connection with resale, transfer, or change in ownership, the Borough shall administer such process consistently with the Municipal Code and Ordinance Compliance Act, 68 P.S. Sections 1081-1083, as amended. Based upon the inspection and applicable law, the Borough may issue a use and occupancy certificate, temporary use and occupancy certificate,

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temporary access certificate, certificate of noncompliance, or other written determination as required or permitted by law.

The Borough shall not require escrow, bond, or similar financial security as a condition of issuing a certificate where prohibited by the Municipal Code and Ordinance Compliance Act. Nothing herein shall prevent the Borough from requiring permits, applications, fees, correction of violations, compliance with health and safety codes, or other lawful obligations as permitted by the Act and other applicable law.

Section 506. Temporary Access and Occupancy Limitations.

Where a temporary access certificate or temporary use and occupancy certificate is issued, the owner, purchaser, transferee, and occupants shall comply with all limitations, correction deadlines, access restrictions, occupancy restrictions, and inspection requirements stated in the certificate and required by law. A transfer certificate shall not be construed as a rental occupancy permit unless the certificate expressly states that rental use has also been approved.

ARTICLE VI - INSPECTIONS, REINSPECTIONS, AND ACCESS

Section 601. Inspection Required.

An inspection or records review, as applicable, shall be required before issuance or renewal of a rental occupancy permit, before initial rental use, before re-occupancy, at tenant change, after transfer or change in control, after failed inspection, after utility shutoff or restoration, after fire or casualty, after vacancy exceeding a period established by Council, after complaint where reasonable cause exists, and at such other times as permitted by this Ordinance and law.

Section 602. Tenant Change and Re-Occupancy.

No owner or landlord shall allow a new tenant, new adult occupant, or new household to occupy a rental unit unless the owner has notified the Borough and obtained any required inspection, reinspection, certificate, or written approval. A prior inspection or permit shall not authorize re-occupancy when this Ordinance requires a new tenant-change or re-occupancy review.

Section 603. Inspection Cycles.

Council may establish by resolution annual inspection, zone-based inspection, risk-based inspection, event-triggered inspection, or other administrative inspection schedules consistent with this Ordinance and law. Regardless of the inspection cycle selected, event-triggered inspections required by this Ordinance shall remain mandatory unless waived in writing by the Borough for good cause.

Section 604. Notice and Consent.

Except in emergencies or where otherwise permitted by law, inspections shall be conducted at reasonable times upon reasonable notice and with lawful consent of the owner, occupant, or other person authorized to provide access. Nothing in this Ordinance authorizes unlawful entry, warrantless nonconsensual entry, or inspection inconsistent with the United States Constitution, the Pennsylvania Constitution, controlling case law, or applicable statutes.

Section 605. Refusal, Failure to Schedule, or Failure to Provide Lawful Access.

Where an owner fails to schedule, fails to attend, fails to provide documentation, refuses lawful access where the owner has authority to provide access, fails to obtain occupant cooperation where legally required by lease or law, or otherwise prevents completion of a required inspection, the Borough may deny, suspend, revoke, withhold, or refuse renewal of a rental occupancy permit or certificate after notice and applicable process. The Borough may also seek lawful court process, injunction, or other relief where individualized facts and applicable law support such action.

Section 606. Emergency Conditions.

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Where the Code Enforcement Officer has reasonable grounds to believe that an emergency exists requiring immediate action to protect life, health, safety, fire safety, structural safety, sanitation, or habitability, the Borough may act as permitted by law, including issuance of emergency orders, placarding, referral to appropriate agencies, utility coordination, or court action. Emergency action shall be limited to the condition and authority supporting such action.

Section 607. Reinspection.

If a property or unit fails inspection, the owner shall correct the violations within the time stated by the Borough and shall request reinspection. No unit that has failed inspection may be rented, newly occupied, reoccupied, advertised for rent, or used as a rental unit until the Borough has issued written approval, except where lawful continued occupancy is expressly authorized in writing.

ARTICLE VII - MINIMUM PROPERTY, LIFE-SAFETY, AND PERMIT CONDITIONS

Section 701. Minimum Standards.

Every residential rental property and rental unit shall comply with this Ordinance, all applicable Borough ordinances, all property maintenance standards adopted by the Borough, the Pennsylvania Uniform Construction Code where applicable, all applicable health, fire, plumbing, electrical, zoning, nuisance, water, sewer, garbage, and safety requirements, and the minimum standards stated herein.

Section 702. Required Conditions.

- Smoke alarms shall be installed, maintained, and operational as required by applicable code and manufacturer instructions.
- Carbon monoxide alarms shall be installed, maintained, and operational where required by applicable code or where fuel-burning appliances, attached garages, or other triggering conditions exist.
- Every unit shall have safe and lawful means of egress, unobstructed exit paths, functional doors and windows required for egress, and stairs, landings, guards, and handrails maintained in safe condition.
- Every unit shall have safe electrical service, fixtures, outlets, panels, wiring, and equipment free from readily observable hazards, unlawful temporary wiring, exposed live parts, overloaded circuits, missing covers, or unsafe conditions.
- Every unit shall have safe plumbing, functioning fixtures, potable water, sanitary drainage, hot water, and no sewage backup, active leak, or unsanitary condition.
- Every unit shall have heat and utilities required for lawful occupancy, including safe heating equipment and required ventilation.
- Every structure shall be weather-tight, structurally sound, free from unsafe roof, wall, floor, ceiling, foundation, porch, balcony, stair, chimney, or exterior conditions, and maintained to prevent water intrusion, collapse, or nuisance.
- Interior walls, ceilings, floors, doors, windows, and common areas shall be maintained in safe, sanitary, intact, and serviceable condition.
- The property shall be free from infestation, vector conditions, garbage accumulation, rubbish, sewage, excessive debris, hoarding conditions creating health or fire risk, and other nuisance conditions.
- Garbage and solid waste service shall be provided and maintained as required by Borough ordinance, municipal authority rule, or applicable law.
- Water and sewer service shall be provided and maintained as required for lawful occupancy.
- Address numbers shall be posted and visible as required by Borough ordinance or emergency response standards.
- Fire escapes, exterior stairs, exits, halls, sidewalks, and access areas shall be maintained clear, safe, and usable.
- Any work requiring permits shall be performed only after required permits are issued and required inspections are completed.

Section 703. Taxes, Municipal Charges, Water, Sewer, and Garbage Accounts.

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As a condition of registration, renewal, continued rental approval, and issuance of any rental occupancy permit, the owner shall remain current on Borough taxes, municipal charges, garbage fees, water charges, sewer charges, inspection fees, reinspection fees, penalties, costs, and other verified obligations associated with the property, to the extent permitted by law. The Borough may deny, suspend, revoke, or withhold a rental occupancy permit or certificate for delinquency after written notice and an opportunity to cure or provide proof of payment, unless emergency or other lawful grounds justify immediate action.

Section 704. Vacant Properties and Vacant Rental Units.

A vacant property or vacant rental unit remains subject to registration, property maintenance, nuisance, exterior maintenance, safety, and emergency contact requirements. The owner shall disclose vacancy status, date of vacancy, reason for vacancy, property maintenance plan, emergency contact, work being performed, and permits obtained. Vacancy shall not be used to avoid registration or inspection where the property is intended for rental use, re-occupancy, transfer, or sale.

ARTICLE VIII - LEASES, OCCUPANT INFORMATION, AND OWNER DUTIES

Section 801. Written Lease Required.

Every owner or landlord shall maintain a written lease or written occupancy agreement for each residential rental unit unless exempted by law. The lease shall identify the unit, permitted occupants, maximum lawful occupancy if stated by the Borough, rent or consideration, owner or agent contact information, tenant duties to comply with applicable laws and ordinances, and provisions requiring occupants to maintain the unit in a lawful and sanitary manner.

Section 802. Required Lease Provisions.

To the extent permitted by law, each lease shall provide that illegal drug activity, substantial nuisance activity, repeated disorderly conduct, intentional damage, interference with inspection or enforcement, and violation of applicable Borough ordinances may constitute a breach of the lease. The owner shall take reasonable corrective action where the owner knows or should know that a tenant, occupant, or guest is causing repeated violations, nuisance conduct, or unsafe conditions.

Section 803. Occupant Updates.

The owner shall file updated occupant information within ten (10) days after a tenant change, new adult occupant, move-out, move-in, or other occupancy change. Council may require tenant registration forms, adult occupant fees, or other administrative documentation by resolution.

Section 804. No Retaliation or Misuse.

Nothing in this Article shall be construed to penalize a tenant or occupant for requesting police, fire, ambulance, domestic violence, mental health, child protection, elder protection, disability-related, or emergency assistance, nor shall this Ordinance be used to encourage unlawful retaliation or discriminatory housing practices. Enforcement shall focus on owner duties, property conditions, unlawful occupancy, and conduct properly attributable to the owner or property under applicable law.

ARTICLE IX - NUISANCE, DISORDERLY BEHAVIOR, AND CHRONIC NONCOMPLIANCE

Section 901. Nuisance Rental Property.

A residential rental property or rental unit may be declared a nuisance rental property where the Borough documents repeated violations, unsafe conditions, substantial violations, repeated police or code responses, drug activity, disorderly conduct, garbage or sanitation violations, illegal occupancy, utility loss, failure to correct violations, or other recurring conditions that threaten health, safety, welfare, habitability, or neighborhood peace.

Section 902. Notice and Corrective Action Plan.

Before suspension or revocation based solely on chronic nuisance or disorderly behavior, the Borough shall provide written notice to the owner identifying the incidents, violations, or conditions relied upon and may require a corrective action plan. The corrective action plan may require repairs, property management changes, tenant notices, lease enforcement, eviction proceedings where lawful and appropriate, increased monitoring, garbage correction, security measures, or other lawful corrective steps.

Section 903. Grounds for Escalation.

Failure to submit or implement a corrective action plan, continued violations after notice, additional substantial violations, repeated failed inspections, unlawful re-occupancy, or three (3) or more qualifying nuisance or disorderly incidents within a twelve (12) month period may constitute grounds for denial, suspension, revocation, placarding, prosecution, injunction, or other lawful enforcement action.

Section 904. Chronic Offender Status.

An owner may be treated as a chronic offender where the owner repeatedly violates this Ordinance, owns or controls multiple noncompliant rental units, fails to correct violations, rents without approval, allows re-occupancy after denial or revocation, or has multiple units closed, placarded, or declared unsafe within a rolling twenty-four (24) month period. Chronic offender status may support increased inspection priority, stricter renewal review, required compliance meetings, and enforcement action as permitted by law.

ARTICLE X - CERTIFICATES, PERMITS, DENIAL, SUSPENSION, REVOCATION, AND PLACARDING

Section 1001. Issuance of Permit or Certificate.

Upon receipt of a complete application, payment of required fees, completion of required inspection or records review, and verification of compliance, the Borough may issue a rental occupancy permit, certificate of compliance, use and occupancy certificate, temporary use and occupancy certificate, temporary access certificate, or other written approval as applicable. Issuance of any certificate or permit is not a representation, warranty, or guarantee that no violations exist.

Section 1002. Certificate of Noncompliance.

Where violations or deficiencies are found, the Borough may issue a certificate of noncompliance, inspection report, notice of violation, correction order, or other written notice identifying the conditions to be corrected, applicable deadlines, reinspection requirements, and consequences of failure to comply.

Section 1003. Grounds for Denial, Suspension, Non-Renewal, or Revocation.

- Failure to register or renew registration.
- Incomplete, false, misleading, or materially inaccurate application information.
- Failure to pay required fees, costs, municipal charges, or verified delinquent obligations after required notice and process.
- Failure to obtain or pass required inspection or reinspection.
- Failure to correct violations within the required time.
- Failure to maintain essential services, garbage service, water, sewer, heat, electricity, or required life-safety systems.
- Failure to maintain insurance where required.
- Failure to maintain a responsible local agent where required.
- Refusal or prevention of lawful inspection, where the owner has authority and obligation to provide access.
- Transfer, change in control, re-occupancy, tenant change, or rental use without required Borough approval.
- Repeated nuisance, disorderly behavior, substantial violations, or chronic noncompliance.
- Unsafe, unfit, condemned, fire-damaged, structurally dangerous, unsanitary, or otherwise unlawful conditions.

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- Interference with Borough enforcement, removal of placards, or occupancy contrary to written Borough order.

Section 1004. No-Rent and No-Occupancy Rule.

No owner, landlord, agent, manager, tenant, occupant, or other person shall rent, lease, advertise for rent, collect rent for, permit occupancy of, permit re-occupancy of, or allow continued unlawful occupancy of a residential rental unit that has been denied, suspended, revoked, placarded, closed, condemned, found unsafe, failed inspection without clearance, or lacks a valid rental occupancy permit or certificate required by this Ordinance, except where continued occupancy is expressly authorized in writing by the Borough and permitted by law.

Section 1005. Placarding.

The Code Enforcement Officer may placard a property, structure, dwelling unit, rental unit, or portion thereof where occupancy or rental use is unlawful, unsafe, denied, suspended, revoked, closed, condemned, subject to substantial violation, or otherwise restricted under this Ordinance or applicable law. No person shall remove, obscure, deface, damage, alter, or violate a placard except by written authorization of the Borough.

Section 1006. Effect of Placard.

A placard shall remain in effect until the Borough issues written authorization removing or modifying it. While a placard is in effect, no person shall occupy, reoccupy, rent, lease, advertise, collect rent for, or use the placarded property or unit in violation of the placard.

ARTICLE XI - OWNER-CAUSED DISPLACEMENT AND TEMPORARY HOUSING

Section 1101. Owner Responsibility.

Where any tenant or lawful occupant is displaced from a residential rental unit because of owner-caused conditions, owner act or omission, illegal rental occupancy, lack of required permit, failure to correct violations, failure to maintain essential services, fire or casualty caused or worsened by owner neglect, condemnation, closure, suspension, revocation, placarding, or unsafe or unfit condition attributable to the owner or owner's agent, the owner shall be responsible for arranging and paying for safe temporary housing or relocation assistance as required by this Article and applicable law.

Section 1102. Required Temporary Housing Assistance.

The owner shall immediately provide, at the owner's expense, safe temporary lodging for displaced occupants in a hotel, motel, comparable dwelling, or other safe and lawful location approved by the Borough or acceptable to the displaced occupant. The owner shall provide transportation assistance, contact information, and coordination necessary to protect the health and safety of displaced occupants. Council may establish by resolution the minimum period, documentation, reimbursement schedule, and administrative procedures for owner-paid temporary housing, subject to solicitor review.

Section 1103. Borough Action and Cost Recovery.

If the owner fails to provide required temporary housing or relocation assistance and immediate action is necessary to protect health or safety, the Borough may coordinate emergency assistance to the extent resources are available. The Borough does not assume the owner's housing obligation by doing so. The Borough may recover costs, administrative expenses, legal fees, and related charges from the owner to the extent permitted by law, including by municipal claim, action in assumpsit, civil action, citation, or other lawful proceeding.

Section 1104. Separate Offense.

Failure to provide required temporary housing or relocation assistance shall be a separate offense for each displaced occupant and for each day the failure continues, in addition to any other violation of this Ordinance.

ARTICLE XII - FEES, COSTS, AND ADMINISTRATIVE CHARGES

Section 1201. Fees by Resolution.

Council may establish, amend, and update by resolution reasonable fees for registration, rental occupancy permits, transfer inspections, resale certificates, tenant or adult occupant registration, inspections, reinspections, missed inspections, emergency inspections, appeal filings, duplicate certificates, administrative processing, and other services authorized by this Ordinance.

Section 1202. Unpaid Fees and Costs.

Unpaid fees, costs, penalties, reinspection charges, administrative charges, abatement costs, emergency costs, and other amounts owed under this Ordinance may be collected by any lawful means, including citation, civil action, municipal claim where authorized, action in assumpsit, or other remedy permitted by law.

Section 1203. No Prohibited Escrow or Bond for Transfer Certificate.

No fee or cost provision of this Ordinance shall be interpreted to require escrow, bond, or similar financial security as a condition of issuing a certificate where prohibited by the Municipal Code and Ordinance Compliance Act.

ARTICLE XIII - VIOLATIONS, PENALTIES, AND ENFORCEMENT

Section 1301. Violations.

It shall be unlawful for any person to violate or fail to comply with any provision of this Ordinance, notice, order, placard, certificate, permit condition, correction deadline, or written determination issued hereunder. Violations include, but are not limited to:

- Failure to register a rental property or rental unit.
- Renting, leasing, advertising, collecting rent, permitting occupancy, or allowing re-occupancy without required approval.
- Failure to report tenant change, adult occupant change, vacancy, re-occupancy, transfer, change in control, or agent change.
- Failure to schedule, attend, permit, or complete required inspection or reinspection where legally required.
- Failure to correct violations within the required time.
- False, incomplete, or misleading statements in any application, tenant form, certificate request, or communication with the Borough.
- Failure to maintain required utilities, garbage service, life-safety systems, insurance, or responsible local agent.
- Occupancy or use contrary to a certificate, denial, suspension, revocation, closure order, placard, or notice.
- Removal, defacement, concealment, alteration, or violation of a Borough placard.
- Interference with the Code Enforcement Officer or other Borough official performing lawful duties.
- Failure to provide owner-paid temporary housing or relocation assistance where required.
- Failure to pay fees, costs, fines, or municipal charges after required notice and process.

Section 1302. Penalties.

Any person who violates this Ordinance shall, upon conviction before a Magisterial District Judge, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) for each offense, plus court costs and any other amounts authorized by law. In default of payment, the defendant may be subject to imprisonment to the extent authorized by law. Council or the Solicitor may revise the minimum fine, maximum fine, or default provision before enactment to ensure consistency with applicable law and Borough policy.

Section 1303. Separate Offenses.

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Each day that a violation continues shall constitute a separate offense. Each affected property, structure, building, dwelling unit, rental unit, tenant, occupant, missing registration, missed inspection, unlawful occupancy, or placard violation may constitute a separate offense.

Section 1304. Additional Remedies.

The Borough may pursue any one or more remedies available at law or in equity, including citations, injunctions, emergency orders, municipal claims where authorized, civil actions, abatement, cost recovery, suspension, revocation, placarding, closure, non-renewal, denial, or referral to any appropriate agency. Remedies shall be cumulative and not exclusive.

ARTICLE XIV - NOTICE, SERVICE, HEARINGS, AND APPEALS

Section 1401. Notices.

Notices, orders, certificates, inspection reports, correction notices, denials, suspensions, revocations, placards, hearing notices, and other documents may be served by personal delivery, certified mail, first-class mail, posting on the property, email if provided by the owner or agent, delivery to the responsible local agent, or any other method permitted by law. Service shall be sufficient if reasonably calculated to provide notice to the owner, agent, or responsible party.

Section 1402. Contents of Notice.

A notice shall identify the property or unit, describe the violation or action taken, identify required corrective action when applicable, state applicable deadlines, identify appeal rights where applicable, and state potential consequences for failure to comply.

Section 1403. Appeal Right.

Any owner or person aggrieved by a denial, suspension, revocation, closure order, placard, certificate of noncompliance, substantial violation determination, or other appealable written determination may file a written appeal with the Borough within ten (10) business days after service of the determination, unless a different period is required by law or stated in the determination. Council may establish an appeal fee by resolution.

Section 1404. Hearing Officer or Council Hearing.

Appeals may be heard by Borough Council, a committee of Council, a hearing officer, or another body designated by Council. The hearing body may receive testimony, documents, photographs, inspection reports, municipal records, and other relevant evidence. A written decision shall be issued after the hearing. Proceedings shall be conducted to create a record sufficient for review under applicable law, including the Local Agency Law where applicable.

Section 1405. Stay Pending Appeal.

The filing of an appeal shall not automatically stay emergency orders, unsafe-condition orders, placards, utility-related closures, substantial violation restrictions, or other orders issued to protect health, safety, fire safety, structural safety, sanitation, or habitability, unless the Borough or a court orders otherwise. Non-emergency administrative actions may be stayed at the discretion of the Borough pending hearing.

Section 1406. Judicial Review.

Any party aggrieved by a final adjudication may seek judicial review as provided by applicable law.

ARTICLE XV - ADMINISTRATION, FORMS, AND RULES

Section 1501. Administrative Forms.

The Borough may create and update registration applications, tenant sheets, inspection reports, certificates of compliance, certificates of noncompliance, transfer applications, temporary certificates, notices of violation,

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placards, hearing notices, appeal forms, and other forms necessary to administer this Ordinance, provided such forms remain consistent with this Ordinance and applicable law.

Section 1502. Rules and Procedures.

Council may adopt by resolution administrative rules, fee schedules, inspection cycles, filing deadlines, documentation requirements, permit forms, hearing procedures, and enforcement procedures consistent with this Ordinance.

Section 1503. No Borough Warranty or Liability.

Issuance of a registration, permit, certificate, inspection report, temporary certificate, or other approval shall not constitute a warranty, guarantee, or representation by the Borough that a property is free from defects or violations. The owner remains responsible for compliance with all applicable laws and for safe, lawful, and habitable conditions.

SECTION 2. REPEALER.

All ordinances, resolutions, parts of ordinances, parts of resolutions, forms, policies, or practices inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. This Ordinance is intended to repeal and replace prior inconsistent rental registration, rental occupancy permit, resale/transfer occupancy, and inspection provisions, including inconsistent portions of Ordinance No. 2013-2, Resolution No. 2016-3, Ordinance No. 2016-1, Ordinance No. 2017-1, and any related provisions, except that prior violations, unpaid fees, pending enforcement actions, existing notices, and accrued liabilities shall remain enforceable unless expressly waived by Council.

SECTION 3. SAVINGS CLAUSE.

Nothing in this Ordinance shall affect any act done, liability incurred, right accrued, citation issued, prosecution commenced, notice served, inspection performed, fee owed, municipal claim filed, or enforcement action pending before the effective date of this Ordinance.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law. Council may establish by resolution transition deadlines for existing rental properties, provided that provisions involving unsafe conditions, failed inspections, transfer, re-occupancy, tenant change, emergency orders, utility loss, placarding, or owner-caused displacement may be applied immediately to the extent permitted by law.

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ORDAINED AND ENACTED by the Borough Council of the Borough of Girardville, Schuylkill County, Pennsylvania, this ____ day of _____, 2026.

BOROUGH OF GIRARDVILLE

By: _____
President of Borough Council

ATTEST:

Borough Secretary

APPROVED this ____ day of _____, 2026.

Mayor

Reviewed as to form:

Borough Solicitor