

**BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA
ORDINANCE NO. 442**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH'S RENTAL PROPERTY INSPECTION ORDINANCE TO INCORPORATE DEFINITIONS FROM THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REQUIRING INSPECTION PRIOR TO OCCUPANCY BY NEW TENANTS, PROVIDING PROVISIONS FOR RETALIATORY EVICTION, AND ASSESSING TENANT RELOCATION COSTS IN THE EVENT OF VACATION OF OCCUPANCY OF THE PROPERTY FOR VIOLATION OF THE ORDINANCE; AND PROVIDING FOR REPEALERS, SEVERABILITY AND THE EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Orwigsburg (the "Borough") desires to amend its Rental Property Inspection Ordinance, being Borough Ordinance No. 432, enacted and ordained on July 1, 2018 (the "Ordinance").

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

SECTION 1. Section 101 of the Ordinance shall be and hereby is amended from and after the date hereof by adding the following sentences to read in their entirety as follows:

The defined terms set forth in the IPMC are incorporated herein by reference. To the extent of any inconsistency between the defined terms in the IPMC and the definitions set forth herein, the defined terms in the IPMC shall control.

SECTION 2. Section 105 of the Ordinance shall be and hereby is amended from and after the effective date hereof by adding a new Subsection C.1 to read in its entirety as follows:

C.1. Upon any change in the occupancy of a rental property dwelling unit(s), the Building Code Inspector shall conduct an inspection of the rental property and such rental property dwelling unit(s) shall not be occupied until such time as a certificate of occupancy is issued to verify conformance to the current edition of the IPMC.

SECTION 3. The Ordinance shall be and hereby is amended from and after the effective date hereof by adding a new Section 105A to read in its entirety as follows:

105A. Tenant Protection.

- A. It shall be unlawful for an Owner to recover possession of a rental housing unit in retaliation of a tenant for exercising his or her right to file a complaint with the Borough advising that a building, housing, sanitation code or ordinance violation or permit violation may exist on the property.
- B. If an order is made under Section 106 of this Ordinance, the Owner shall not:
(1) increase the rent for the existing tenants of any rental housing unit that is the subject of the order from the date of the order for a period of one (1) year after the Code enforcement Officer determines that the Owner has complied with the order, or (2) engage in other types of retaliatory conduct, including, but not limited to, depriving the tenants of use of the premises, decreasing services, or otherwise interfering with the tenants' rights under the lease.
- C. If the Borough finds it is necessary to vacate any rental housing unit because of an unsafe or unsanitary condition, or to correct any violations, the moving costs and expenses of any tenant shall be the responsibility of the Owner.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

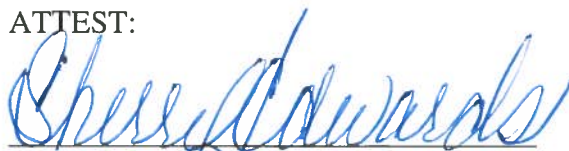
SECTION 4. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. This Ordinance shall become effective upon enactment.

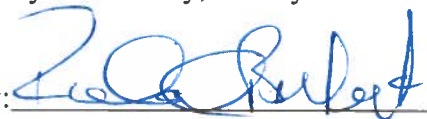
ENACTED and ORDAINED into an ordinance this 12th day of August, 2020, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

ATTEST:



Sherry Edwards, Borough Secretary

By: 

Richard Bubeck, President of Council

EXAMINED and APPROVED this 12th day of August, 2020.



Barry J. Berger, Mayor, Borough of Orwigsburg