

**BOROUGH OF AVOCA**  
**ORDINANCE NO. 4 OF 2012**

AN ORDINANCE OF THE BOROUGH OF AVOCA, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE INSPECTION OF DWELLINGS AND BUILDINGS PRIOR TO RENTING, LEASING, CHANGES IN RESIDENCE AND OCCUPATION; REQUIRING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; PRESCRIBING DUTIES OF OWNERS AND OCCUPANTS; AND PRESCRIBING PENALTIES FOR VIOLATION.

**WHEREAS**, the Borough of Avoca is a duly authorized political subdivision of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Council of the Borough of Avoca is desirous of providing for the health, welfare and safety of the Borough residents pursuant to § 1202(24) of the Pennsylvania Borough Code; and

**WHEREAS**, the Borough Council believes that it is in the best interests of the residents of the Borough to implement certain regulations governing and regulating housing within the Borough in order to protect the health, welfare and safety of the residents.

**NOW, THEREFORE**, be it ordained and enacted as follows:

I. **TITLE:**

This Ordinance may be cited as the "Avoca Borough Tenant Protection Ordinance".

II. **PURPOSE:**

The purpose of this Ordinance is to require inspections of residential rental units and the issuance of a Certificate of Occupancy therefor within the Borough of Avoca, Luzerne County, Pennsylvania.

III. **APPLICABILITY:**

No person, firm, corporation or entity which owns, manages, sells, conducts or operates a house, building, apartment or dwelling unit of any kind, residential or commercial, shall rent, lease, let out or permit the occupation of, or shall re-rent or re-occupy the same without first securing a Certificate of Use and Occupancy from the Avoca Borough UCC Enforcement Agency, or person(s) designated by the Borough Council for that purpose.

IV. INSPECTION:

A. Prior to each managing, renting, leasing, letting out, or permitting the occupation or re-occupation of any house, dwelling, building, apartment or dwelling unit, residential or commercial, the owner(s) of each house, dwelling, building, apartment or dwelling unit shall first request, in writing on form as provided by Avoca Borough, an inspection of said house, dwelling, building, apartment or dwelling unit by the Avoca Borough UCC Code Agency or person(s) designated by the Borough Council for that purpose within five (5) days of request.

B. The Avoca Borough UCC Code Agency; or the person(s) designated by the Borough Council to perform said inspections shall follow the guidelines for occupation enacted by the Uniform Construction Code of 2006. (Property Maintenance Section) or any revisions thereof, which is hereby incorporated into this Ordinance by reference thereto; and the property in question shall comply with the aforesaid UCC provisions, as amended.

V. ISSUANCE OF OCCUPANCY PERMIT:

If the Avoca Borough UCC Agency; or the agency or person(s) designated by the Borough Council, determines that the house, dwelling, building, apartment or dwelling unit meets the occupation requirements as set forth and established by the Uniform Construction Code of 2006 (Property Maintenance Section) or the most recent revision thereof, they shall issue a Certificate of Occupancy to the owner of said structure.

In the event that the Avoca Borough UCC Code Agency or person(s) designated by the Borough Council determines that the house, dwelling, building, apartment or dwelling unit does not meet the occupation requirements as set forth and established by the Uniform Construction Code of 2006 (Property Maintenance Section) or the most recent revision thereof, he or she shall notify the owner thereof, in writing on form as provided by Avoca Borough, of any deficiencies, within five (5) days of said inspection, and a Certificate of Occupancy shall not be issued.

Any habitation or use of said house, dwelling, building, apartment or dwelling unit by any person without the deficiencies being remedied to the satisfaction of the Avoca Borough UCC Code Agency or person(s) designated by the Borough Council, when applying the applicable code, regulation or law shall be determined to be a violation of this Ordinance.

VI. FEES:

The inspection fee and occupancy permit fee shall be determined by the applicable fee schedule in effect at the time of inspection. Fee schedules are incorporated herein by reference thereto and shall be available for review at the Avoca Borough Building during normal business hours. Inspection shall be performed by the Avoca Borough UCC Agency or person(s) designated by the Borough Council to perform such inspections in the Borough of Avoca.

VII. VIOLATION AND PENALTY:

A. Any person who violates, or permits a violation of this article, upon being convicted before a Magisterial District Justice, shall pay a fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars; and any costs incurred by the Borough of Avoca, and in default of payment of the fine and costs, shall be subject to imprisonment for a period not exceeding thirty (30) days. Each day of the violation shall be considered a separate violation and offense. Avoca Borough reserves the right to institute appropriate actions at law or in equity to enforce this Ordinance or any provision thereof.

VIII. ENFORCEMENT:

All agencies and authorities within the Borough, including but not limited to the Avoca Borough Police Department and the Avoca Borough Code Agency, shall have full authority to enforce this Ordinance before the Magisterial District Justice, and impose such fines and other penalties as necessary and appropriate.

IX. SEVERABILITY:

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

X. EFFECTIVE DATE:

This Ordinance shall take effect on the date of enactment.

DULY ENACTED AND ORDAINED into law this 13<sup>TH</sup> day of DECEMBER, 2012.

ATTEST:

Ann BacLasky  
ANN BACLASKY, Secretary

Joseph Satkowski  
JOSEPH SATKOWSKI  
President of Council

(SEAL)

13<sup>TH</sup> THE FOREGOING ORDINANCE is hereby approved by the Mayor of the Borough of Avoca, this day of DECEMBER, 2012.

Robert Mullen  
ROBERT MULLEN, Mayor