



# *CITY COUNCIL*

## *Public Safety Committee*

**Monday, June 7, 2010**

**Agenda  
5:00 p.m.**

**Committee Members: D. Sterner, Chair; J. Waltman; M. Goodman-Hinnershitz**

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### **COMMITTEE OF THE WHOLE**

**5:00 pm**

- I. Exec Session re Zoning**
  - II. Act 47 Discussion**
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### **PUBLIC SAFETY COMMITTEE**

**6:00 pm**

- I. Quality of Life - Vehicle Noise (Waltman)**
- II. Housing Permits & Approval**
  - a. Correction of zoning issued improperly through the AHO process**
  - b. Codes inspection backlog**
  - c. Quality of Life (ticketing) Ordinance review**
- III. Comprehensive Housing Policy**
  - 1. False advertising**
  - 2. Enforcement**
- V. Codes**
  - a. Property Placard Process**
  - b. Properties without utilities**
- VII. Property Insurance Requirement – Commercial Buildings**
  - a. Report from Solicitor re legislation distributed at May’s meeting**

*It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.*

## **Public Safety Goals**

**Goal 1: Coordination of Police, Codes and Zoning Services**

**Goal 2: Support Problem Oriented Policing**

**Goal 3: Surveillance Camera Project - *underway***

**Goal 4: Support Consolidation of Fire Departments - *underway***

**Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel) - *underway***

**Goal 6: Support Health and Safety Review Ordinances**

**Goal 7: Support Cops and Codes Sweeps**

**Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances - *complete***

**Goal 9: Support Implementation of Sidewalk Vendor Ordinance -*complete***

**Goal 10: Support Public Safety at City Schools**



# *CITY COUNCIL*

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## ***Public Safety Committee***

**Monday, May 3, 2010**  
**Council Office**  
**6 p.m.**

**Committee Members Attending:** D. Sterner, Chair, M. Goodman-Hinnershitz, J. Waltman

**Others Attending:** W. Heim, L. Kelleher, C. Younger

### **Vehicle Noise**

Mr. Waltman introduced the issue by describing the quality of life problems raised from taxi cabs blowing their horns through the night when they collect passengers from neighborhood homes and noise levels from car stereos.

Chief Heim explained that taxi companies have policies for serving various neighborhoods. In areas with high crime rates taxi drivers are instructed not to approach the homes for public safety reasons and to use their vehicle horns to announce their arrival. He stated that 79 vehicle noise citations were issued by Patrol officers during April.

The Committee referred this issue to the June meeting for further discussion.

### **Zoning Backlog Audit**

Ms. Kelleher distributed the memorandum prepared by Mr. Kersley, which states that due to low staffing levels the audit has not been completed. Of the files audited so far, only one (1) property qualified for the expedited process. At this point it is expected that the majority of applications will need to be processed by Council and the Zoning Hearing Board through Conditional Use or Special Exception Hearings.

Mr. Waltman stated that he remains disturbed by the number of properties that received zoning without meeting the required criteria. He noted his willingness to agree to some form of an expedited process with the application and use of approved criteria. He inquired about correcting the zoning provided improperly. Mr. Younger stated that he and Ms. Mayfield are exploring the City's options and a report will be provided at the June meeting. Mr. Waltman also

requested a report on the impact improper zoning approval has had.

Ms. Kelleher explained that the HPO Team has discussed two (2) forms of panels for the expedited approval process. The first would be a team composed of a solicitor, a member of Council, and a member of the current Zoning Hearing Board. Using this model Councilors and Zoning Hearing Board members could share the workload. The second model would be similar to the Consent Agenda and used by the Zoning Hearing Board. Under this model applications would be processed. Those meeting the criteria would, with certification documents endorsed by senior staff, would be placed on the Zoning Hearing Board under the Consent Agenda. Notification about the properties on the Consent Agenda would be improved as the list would be advertised with the Zoning Agenda. The Board would address the Consent Agenda first providing opportunity for people to object to their approval. If objections are raised about a property on the Consent Agenda, the property would be forwarded for Special Exception or Conditional Use Hearings. This issue will be discussed further.

The Committee next discussed the placarding process and the lack of eviction after the property is placarded. Mr. Waltman and Ms. Goodman-Hinnershitz described properties in their neighborhoods that were placarded without eviction. Ms. Kelleher stated that Codes incorrectly assumed that City Council stopped the eviction process.

The Committee discussed the process used by RAWA to notify and placard properties when water is shut off due to delinquent payment. Water can be discontinued if the delinquency grows past 30 days. RAWA informs the Call Center, who is to notify Codes weekly. Codes is to placard the property for eviction as the Property Maintenance Code requires all residential properties to have working utilities.

### **Special Event Ordinance**

Chief Heim explained that the issue raised by Mr. Marmarou regarding the use of watercraft and animals on private property was addressed in the new draft, as they do not create public safety problems.

### **Codes Ticketing**

Chief Heim updated the Committee on the progress. He explained that Mr. Kersley recently discovered that Hansen can handle the ticketing process, which eliminates the need to purchase a new software program. The ordinance is being drafted; however, the program will probably not be ready for implementation until the end of summer 2010, as it is not on IT's priority list. Mr. Waltman stated that the Finance Committee can address the prioritization of Codes Ticketing at the June Finance meeting.

### **Ord. Requiring Property Insurance**

Ms. Kelleher called the Committee's attention to the sample ordinances requiring property insurance from other Pennsylvania cities (Hazelton, Harrisburg, etc). She explained that one example requires property insurance only at rental properties, and others only require property insurance at commercial properties. She noted the problem associated with a property owner's

ability to purchase property insurance to meet the requirement and then cancel it the next day.

Mr. Younger was asked to review the ordinances and report back to the Committee in June.

Mr. Waltman noted the problem examples provided by the properties located in the 500 block of Buttonwood Street, the Moss Street Warehouse, and 216 Buttonwood Street. These properties were purchased cheaply, were not insured and the City had to cover the cost of demolition and remediation.

### **Handicapped Parking Amendment**

Mr. Younger explained that Ms. Butler amended this resolution to correct procedural issues and State requirements.

The Public Safety Committee adjourned.

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*

### **Issues for Follow-Up:**

- Report – correcting zoning improperly obtained through the AHO Process and its impact - Solicitor
- Update: Codes Ticketing – Chief Heim
- Report - Ord requiring Property Insurance - Solicitor
- Audit of Housing Permit/Zoning Applications Currently in the Backlog – D. Kersley
- Discussion – Noise from Motor Vehicles (taxi cabs & vehicle stereos)
- Review – Ordinance creating new expedited zoning approval process – D. Kersley
- Prioritization of Codes Ticketing – referred to Finance Committee

## CHAPTER 2-106

### PROPERTY INSURANCE

Section2-106.1	Fire Legal Liability and Casualty Insurance
Section2-106.2	Escrow of Fire Insurance Proceeds When Fire Damage Exceeds \$7,500.00
Section2-106.3	Properties in Which Fire Damage is Sixty Percent (60%) or More of Policy Coverage
Section2-106.4	Procedure When More Than One Insured
Section2-106.5	Miscellaneous
Section2-106.99	Penalty

### CROSS REFERENCES

See the Insurance Company Law of 1921 §508: Act of May 17, 1921, P.L. 682, No. 284, as amended (40 P.S. §638)

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#### **2-106.1 FIRE LEGAL LIABILITY AND CASUALTY INSURANCE**

(a) In order to protect the health, safety and welfare of the residents of the City, it is hereby declared to be the policy of the City to require casualty and fire legal liability insurance for all landlords letting property in the City.

(b) All landlords owning property in the City shall be required to obtain a minimum of fifty thousand dollars (\$50,000.00) in fire legal liability insurance and casualty insurance in an amount sufficient to either restore or remove the building. Further, in the event of any fire or loss covered by such insurance, it shall be the obligation of the property owner to use such insurance proceeds to cause the restoration or demolition or other repair of the property, adhering to applicable housing or building code provisions.

(c) Said landlords shall be required to place their insurance company name, policy number and policy expiration date on their City real estate tax remittances or, in the alternative, to provide the City with a copy of their actual casualty and fire legal liability insurance policies. (Ord. 22-1990.)

#### **2-106.2 ESCROW OF FIRE INSURANCE PROCEEDS WHEN FIRE DAMAGE EXCEEDS \$7,500.00**

(a) When the fire loss to any property in the City is more than seven thousand five hundred dollars (\$7,500.00), no insurance company, association or exchange ("Insurer") shall pay a claim of an Insured for fire damage to a building or other structure located within the City ("structure"), unless said Insurer is provided with a Municipal Certificate from the City Treasurer and unless there is compliance with all of the procedures and provisions of this chapter.

(b) The request shall be made in writing by the named Insured to the City Treasurer and shall specify the tax number of the property, the name and address of the Insurer(s), the total amount of insurance on the property, the date of the fire, and documented proof of the date the loss was reported to the Insurer(s).

(c) The City Treasurer shall respond to such request within fourteen (14) days.

(d) The Municipal Certificate shall state whether all City taxes, liens, utilities, assessments, penalties, user charges, and other costs have been paid for the property.

(e) If delinquent sums are due, the City Treasurer shall attach a municipal bill to the Certificate, indicating what sums are due, including all City taxes, liens, utilities, assessments, penalties, and user charges as well as all costs incurred by the City for the removal, repair or securing of the structure. An unpaid tax or charge is deemed delinquent at the time a lien could have been filed by the City. For all municipal utilities, a lien can be filed at the time the utilities are provided.

(f) The Municipal Certificate shall bear the signatures of the Director of the Bureau of Codes Administration, the Director of the Bureau of Operations & Revenue, the City Solicitor, and the City Treasurer.

(g) No Insurer shall pay any fire claim to the Insured until all sums listed on the Municipal Certificate have been paid in full.

(h) The City Treasurer shall have no duty to supply the Municipal Certificate until the property owner requests said Certificate.

(Ord. 1-1995.)

**2-106.3 PROPERTIES IN WHICH FIRE DAMAGE IS SIXTY PERCENT (60%) OR MORE OF POLICY COVERAGE**

(a) If fire damage to a property is sixty percent (60%) or more of policy coverage, the Insurer shall pay the City two thousand dollars (\$2,000.00) for every fifteen thousand dollars (\$15,000.00) of the claim.

(b) The City Treasurer shall place said sums into an Escrow Account established for this purpose and shall be entitled to retain said funds until such time as the insured repairs or removes the fire-damaged structure or until such time as alternative arrangements are made between the City and the insured.

(c) If the Insured does not repair or remove or otherwise make alternative arrangements with the City, the City shall, after giving reasonable notice and an opportunity for response, repair or remove said structure. If the City has to correct the damage, the costs to the City are to be deducted from the fund, and any remaining principal amounts are to be applied first to any delinquent taxes, liens, delinquent utilities, assessments, penalties, and user charges due and owing to the City, and the remainder of the principal amounts may be returned to the Insured. If any principal amount remains, then the Insured shall also be entitled to accrued interest, if any. If no principal amount remains after all taxes, liens, delinquent utilities, assessments, penalties, costs, and user charges are paid, then the City shall be entitled to retain any accrued interest.

(d) If the City has not incurred any costs for the repair, removal or securing of the structure and all taxes, liens, delinquent utilities, assessments, penalties, costs, and user charges have been paid, the

amounts that have been transferred to the City by the Insurer shall be paid over to the Insured when the City Treasurer receives confirmation from the Codes Administrator that repair, removal or securing of the structure has been completed.

(e) Nothing in this section shall be construed to limit the ability of the City to recover any deficiency.

(f) Nothing in this section shall be construed to prohibit the City and the Insured from entering into an agreement that permits the transfer of funds to the Insured after some other reasonable disposition of the damaged property has been negotiated.

(Ord. 1-1995.)

#### **2-106.4 PROCEDURE WHEN MORE THAN ONE INSURED**

(a) If a property is insured by more than one policy, the transfer of proceeds to the City Treasurer shall be on a pro rata basis by all Insurers insuring the structure.

(b) Policy proceeds remaining after the assessment of delinquencies and costs, if any, shall be allocated on a pro rata basis among all Insurers insuring the structure and shall be disbursed in accordance with instruction from the Insurers. (Ord. 1-1995.)

#### **2-106.5 MISCELLANEOUS**

(a) It shall be the duty of the Insurer to provide the City with the name and mailing address of the Insured, if the request for a Certificate is made by an Insurer on behalf of the Insured.

(b) The City shall notify the Insured, in writing, when appropriate proceeds have been received by the City and that the procedures of this Chapter shall be followed in order for the proceeds to be disbursed to the Insured.

(c) The City Clerk shall file with the Department of Community Affairs a certified copy of this chapter upon its effectiveness and identify for said department the municipal official designated by the Mayor as responsible for compliance with this chapter.

(d) No report shall be released by the Bureau of Fire unless the Insured has requested from the City Treasurer a Municipal Certificate if required by Section 2-106.2 of this Chapter.

(Ord. 1-1995.)

#### **2-106.99 PENALTY**

Any person who violates the provisions of this chapter shall be subject to the General Code Penalty, Section 1-301.99, of these Codified Ordinances.

**ORDINANCE 2006-35**

*ESTABLISHING A REGISTRATION PROGRAM FOR RESIDENTIAL RENTAL PROPERTIES; REQUIRING ALL OWNERS OF RESIDENTIAL RENTAL PROPERTIES TO DESIGNATE AN AGENT FOR SERVICE OF PROCESS; AND PRESCRIBING DUTIES OF OWNERS AND AGENTS; DIRECTING THE DESIGNATION OF AGENTS; ESTABLISHING FEES FOR THE COSTS ASSOCIATED WITH THE REGISTRATION OF RENTAL PROPERTY; AND PRESCRIBING PENALTIES FOR VIOLATIONS*

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAZLETON and it is hereby ordained and with the authority of the same as follows:**

**SECTION 1. DEFINITIONS AND INTERPRETATION.** *The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; words in the singular shall include the plural, and words in the masculine shall include the feminine and the neuter.*

- a. **AGENT** - *Individual of legal majority who has been designated by the Owner as the agent of the Owner or manager of the Property under the provisions of this ordinance.*
- b. **CITY** - *City of Hazleton.*
- c. **CITY CODE** – *the building code (property Maintenance Code 1996 as amended or superseded) officially adopted by the governing body of the City, or other such codes officially designated by the governing body of the City for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.*
- d. **ZONING ORDINANCE** – *Zoning ordinance as officially adopted by the City of Hazleton, File of Council # 95-26 (as amended).*
- e. **OFFICE** – *The Office of Code Enforcement for the City of Hazleton.*
- f. **DWELLING UNIT** – *a single habitable unit, providing living facilities for one or more persons, including permanent space for living, sleeping, eating, cooking and bathing and sanitation, whether furnished or unfurnished. There may be more than one Dwelling Unit on a Premises.*
- g. **DORMITORY** - *a residence hall offered as student or faculty housing to accommodate a college or university, providing living or sleeping rooms for individuals or groups of individuals, with or without cooking facilities and with or without private baths.*
- h. **INSPECTOR** - *any person authorized by Law or Ordinance to inspect buildings or systems, e.g. zoning, housing, plumbing, electrical systems, heat systems, mechanical systems and health necessary to operate or use buildings within the City of Hazleton. An Inspector would include those identified in Section 8 – Enforcement.*
- i. **FIRE DEPARTMENT** – *the Fire Department of the City of Hazleton or any member thereof, and includes the Chief of Fire or his designee.*

- j. **HOTEL** – a building or part of a building in which living and sleeping accommodations are used primarily for transient occupancy, may be rented on a daily basis, and desk service is provided, in addition to one or more of the following services: maid, telephone, bellhop service, or the furnishing or laundering of linens.
- k. **LET FOR OCCUPANCY** – to permit, provide or offer, for consideration, possession or occupancy of a building, dwelling unit, rooming unit, premise or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.
- l. **MOTEL** – a building or group of buildings which contain living and sleeping accommodations used primarily for transient occupancy, may be rented on a daily basis, and desk service is provided, and has individual entrances from outside the building to serve each such living or sleeping unit.
- m. **OCCUPANT** – a person age 18 or older who resides at a Premises.
- n. **OPERATOR** – any person who has charge, care or control of a Premises which is offered or let for occupancy.
- o. **OWNER** – any Person, Agent, or Operator having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a Court of competent jurisdiction.
- p. **OWNER – OCCUPANT**- an owner who resides in a Dwelling Unit on a regular permanent basis, or who otherwise occupies a non-residential portion of the Premises on a regular permanent basis.
- q. **PERSON** – any person, partnership, firm, association, corporation, or municipal authority or any other group acting as a single unit.
- r. **POLICE DEPARTMENT** – the Police Department of the City of Hazleton or any member thereof sworn to enforce laws and ordinances in the City, and includes the Chief of Police or his designee.
- s. **PREMISES** – any parcel of real property in the City, including the land and all buildings and structures in which one or more Rental Units are located.
- t. **RENTAL UNIT** – means a Dwelling Unit or Rooming Unit which is Let for Occupancy and is occupied by one or more Tenants.
- u. **ROOMING UNIT** – any room or groups of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- v. **TENANT** – any Person authorized by the Owner or Agent who occupies a Rental Unit within a Premises regardless of whether such Person has executed a lease for said Premises.

## **SECTION 2. APPOINTMENT OF AN AGENT AND/OR MANAGER**

*Each Owner who is not an Owner-occupant, or who does not reside in the City of Hazleton or within a ten (10) mile air radius of the City limits, shall appoint an Agent who shall reside in the City or within a ten (10) mile air radius of the City limits.*

### **SECTION 3. DUTIES OF THE OWNER AND/OR AGENT**

- a. *The Owner has the duty to maintain the Premises in good repair, clean and sanitary condition, and to maintain the Premises in compliance with the current Codes, Building Codes and Zoning Ordinance of the City of Hazleton. The Owner may delegate implementation of these responsibilities to an Agent.*
- b. *The duties of the Owner and/or Agent shall be to receive notices and correspondence, including service of process, from the City of Hazleton; to arrange for the inspection of the Rental Units; do or arrange for the performance of maintenance, cleaning, repair, pest control, snow and ice removal, and ensure continued compliance of the Premises with the current Codes, Building Codes and Zoning Ordinance in effect in the City of Hazleton, as well as arrange for garbage removal.*
- c. *The name, address and telephone number of the Owner and Agent, if applicable, shall be reported to the Code Enforcement Office in writing upon registering the Rental Units.*
- d. *No Dwelling Unit shall be occupied, knowingly by the Owner or Agent, by a number of persons that is in excess of the requirements outlined in 2003 International Property Maintenance Code, Chapter 4, Light, Ventilation, and Occupancy Limits, Section PM-404.5, Overcrowding, or any update thereof, a copy of which is appended hereto and made a part hereof.*

### **SECTION 4. NOTICES**

- a. *Whenever an Inspector or Code Enforcement Officer determines that any Rental Unit or Premises fails to meet the requirements set forth in the applicable Codes, the Inspector or Code Enforcement Officer shall issue a correction notice setting forth the violations and ordering the Occupant, Owner or Agent, as appropriate, to correct such violations. The notice shall:
  - 1) *be in writing;*
  - 2) *describe the location and nature of the violation; and*
  - 3) *establish a reasonable time for the correction of the violation.**
- b. *All notices shall be served upon the Occupant, Owner or Agent, as applicable, personally or by certified mail, return receipt requested. A copy of any notices served solely on an Occupant shall also be provided to the Owner or Agent. In the event service is first attempted by mail and the notice is returned by the postal authorities marked "unclaimed" or "refused", then the Code Enforcement Office or Police Department shall attempt delivery by personal service on the Occupant, Owner or Agent, as applicable. The Code Enforcement Office shall also post the notice at a conspicuous place on the Premises. If personal service directed to the Owner or Agent cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the Owner or Agent, as*

*applicable, at the address stated on the most current registration 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 day following its deposit in the United States Mail.*

- c. For purposes of this Ordinance, any notice hereunder that is given to the Agent shall be deemed as notice given to the Owner.*
- d. There shall be a rebuttable presumption that any notice that is given to the Occupant, Owner or Agent under this ordinance shall have been received by such Occupant, Owner or Agent if the notice was served in the manner provided by this ordinance.*
- e. Subject to paragraph 4.d above, a claimed lack of knowledge by the Owner or Agent, if applicable, of any violation hereunder cited shall be no defense to closure of rental units pursuant to Section 9, as long as all notices prerequisite to such proceedings have been given and deemed received in accordance with the provisions of this ordinance.*
- f. All notices shall contain a reasonable time to correct, or take steps to correct, violations of the above. The Occupant, Owner or Agent to whom the notice was addressed may request additional time to correct violations. Requests for additional time must be in writing and either deposited in the U.S. Mail (post-marked) or hand-delivered to the Code Enforcement Office within five (5) days of receipt of the notice by the Occupant, Owner or Agent. The City retains the right to deny or modify time extension requests. If the Occupant, Owner or Agent is attempting in good faith to correct violations but is unable to do so within the time specified in the notice, the Occupant, Owner or Agent shall have the right to request such additional time as may be needed to complete the correction work, which request shall not be unreasonably withheld.*
- g. Failure to correct violations within the time period stated in the notice of violation shall result in such actions or penalties as are set forth in Section 10 of this ordinance. If the notice of violation relates to actions or omissions of the Occupant, and the Occupant fails to make the necessary correction, the Owner or Agent may be required to remedy the condition. No adverse action shall be taken against an Owner or Agent for failure to remedy a condition so long as the Owner or Agent is acting with due diligence and taking bona fide steps to correct the violation, including but not limited to pursuing remedies under a lease agreement with an Occupant or Tenant. The City shall not be precluded from pursuing an enforcement action against any Occupant or Tenant who is deemed to be in violation.*

## **SECTION 5. INSURANCE**

*In order to protect the health, safety and welfare of the residents of the City, it is hereby declared that the city shall require hazard and general liability insurance for all property owners letting property for occupancy in the City.*

- a. Minimum coverage; use of insurance proceeds. All Owners shall be required to obtain a minimum of fifty thousand (\$50,000.00) dollars in general liability insurance, and hazard and casualty insurance in an amount sufficient to either restore or remove the building in the event of a fire or other casualty. Further, in the event of any fire or loss covered by such insurance, it shall be the obligation of the Owner to use such insurance proceeds to*

cause the restoration or demolition or other repair of the property in adherence to the City Code and all applicable ordinances.

- b. Property owners to provide City with insurance information. Owners shall be required to place their insurance company name, policy number and policy expiration date on their Rental Property Registration form, or in the alternative, to provide the Code Enforcement Office with a copy of a certificate of insurance. A registration Certificate (see Section 6 below) shall not be issued to any Owner or Agent unless the aforementioned information has been provided to the Code Enforcement Office. The Code Enforcement Office shall be informed of any change in policies for a particular rental property or cancellation of a policy for said property within thirty (30) days of said change or cancellation.

## **SECTION 6. REGISTRATION AND LICENSE REQUIREMENTS**

- a. No Person shall hereafter allow to be occupied, advertise for occupancy, solicit occupants for, or let to another person for occupancy any Rental Unit within the City for which an application for license has not been made and filed with the Code Enforcement Office and for which there is not an effective license. Initial application and renewal shall be made upon forms furnished by the Code Enforcement Office for such purpose and shall specifically require the following minimum information:

- 1) Name, mailing address, street address and phone number of the Owner, and if the Owner is not a natural person, the name, address and phone number of a designated representative of the Owner;
- 2) Name, mailing address, street address and phone number of the Agent of the Owner, if applicable;
- 3) The street address of the Premises being registered; and
- 4) The number and types of units within the Premises (Dwelling Units or Rooming Units).

The Owner or Agent shall notify the Code Enforcement Office of any changes of the above information within thirty (30) days of such change.

- b. The initial application for registration and licensing shall be made by personally filing an application with the Code Enforcement Office as outlined in Section 6D, below. Thereafter, any new applicant shall file an application before the Premises is let for occupancy, or within thirty (30) days of becoming an Owner of a currently registered Premises. One application per property is required, as each property will receive its own license.
- c. Upon receipt of the initial application or any renewal thereof and the payment of applicable fees as set forth in Section 7 below, the Code Enforcement Office shall issue a Rental Registration License to the Owner within thirty (30) days of receipt of payment.
- d. Each new license issued hereunder, and each renewal license, shall expire on December 31<sup>st</sup> of each year. This Ordinance shall require registrations beginning for calendar year 2007. The Code Enforcement Office shall mail 2007 license applications by February 28, 2007. Subsequent license renewal applications shall be sent to the Owner or designated Agent on or before November 1<sup>st</sup> of each year. Renewal applications and fees may be

returned by mail or in person to the Code Enforcement Office. A renewal license will not be issued unless the application and appropriate fee has been remitted.

## **SECTION 7. FEES.**

a. ***Annual License Fee.*** *There shall be a license fee for the initial registration and license and an annual renewal fee thereafter. Fees shall be assessed against and payable by the Owner in the amount of \$5.00 per Rental Unit, payable at the time of initial registration and annual renewal, as more specifically set forth in Section 6 above.*

## **SECTION 8. ENFORCEMENT**

a. *The following persons are hereby authorized to enforce this Ordinance:*

1. *The Chief of Police*
2. *Any Police Officer*
3. *Code Enforcement Officer*
4. *The Fire Chief*
5. *Deputy Fire Chief of the City of Hazleton*
6. *Health Officer*
7. *Director of Public Works*

b. *The designation of any person to enforce this Ordinance or authorization of an Inspector, when in writing, and signed by a person authorized by Section 8.a to designate or authorize an Inspector to enforce this Ordinance, shall be prima facie evidence of such authority before the Magisterial District Judge, Court of Common Pleas, or any other Court, administrative body of the City, or of this Commonwealth, and the designating Director or Supervisor need not be called as a witness thereto.*

## **SECTION 9. FAILURE TO CORRECT VIOLATIONS.**

*If any Person shall fail, refuse or neglect to comply with a notice of violation as set forth in Section 4 above, the City shall have the right to file an enforcement action with the Magisterial District Judge against any Person the City deems to be in violation. If, after hearing, the Magisterial District Judge determines that such Person or Persons are in violation, the Magisterial District Judge may, at the City's request, order the closure of the Rental Unit(s), or assess fines in accordance with Section 10 below, until such violations are corrected. Such order shall be stayed pending any appeal to the Court of Common Pleas of Luzerne County.*

## **SECTION 10. FAILURE TO COMPLY WITH THIS ORDINANCE; PENALTIES**

- a. *Except as provided in subsections 10.b and 10.c below, any Person who shall violate any provision of the Ordinance shall, upon conviction thereof after notice and a hearing before the Magisterial District Judge, be sentenced to pay a fine of not less than \$100.00 and not more than \$300.00 plus costs, or imprisonment for a term not to exceed ninety (90) days in default of payment. Every day that a violation of this Ordinance continues shall constitute a separate offense, provided, however, that failure to register or renew or pay appropriate fees in a timely manner shall not constitute a continuing offense but shall be a single offense not subject to daily fines.*

## **SECTION 11. APPLICABILITY AND EXEMPTIONS TO THE ORDINANCE**

*The provisions of the ordinance shall not apply to the following properties, which are exempt from registration and license requirements:*

- a. *Hotels and Motels.*

## **SECTION 12. CONFIDENTIALITY OF INFORMATION**

*All registration information collected by the City under this Ordinance shall be maintained as confidential and shall not be disseminated or released to any individual, group or organization for any purpose except as provided herein or required by law. Information may be released only to authorized individuals when required during the course of an official City, state or federal investigation or inquiry.*

## **SECTION 13. SAVING CLAUSE**

*This ordinance shall not affect violations of any other ordinance, code or regulation existing prior to the effective date thereof and any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.*

## **SECTION 14. SEVERABILITY**

*If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable without the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.*

## **SECTION 15. EFFECTIVE DATE**

*This Ordinance shall become effective immediately upon approval.*

**SECTION 16.** *This Ordinance is enacted by the Council of the City of Hazleton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and all other laws enforceable the State of Pennsylvania.*

**ORDAINED AND ENACTED** by Council this 28<sup>th</sup> day of December, 2006.

**First Reading**  
(December 13, 2006)

**Second Reading**  
(December 28, 2006)

**Third Reading**  
(December 28, 2006)

<u>Presented</u> <u>Graham</u>	<u>Presented</u> <u>Graham</u>	<u>Presented</u> <u>Graham</u>
<u>Seconded</u> <u>Mundie</u>	<u>Seconded</u> <u>Mundie</u>	<u>Seconded</u> <u>Mundie</u>
<u>Gabos</u> <u>Y</u>	<u>Gabos</u> <u>Y</u>	<u>Gabos</u> <u>Y</u>
<u>Graham</u> <u>Y</u>	<u>Graham</u> <u>Y</u>	<u>Graham</u> <u>Y</u>
<u>Mundie</u> <u>Y</u>	<u>Mundie</u> <u>Y</u>	<u>Mundie</u> <u>Y</u>
<u>Nilles</u> <u>Y</u>	<u>Nilles</u> <u>Y</u>	<u>Nilles</u> <u>Y</u>
<u>Yannuzzi</u> <u>Y</u>	<u>Yannuzzi</u> <u>Y</u>	<u>Yannuzzi</u> <u>Y</u>

**ORDINANCE PASSED 12/28/06**

ARTICLE 1512

Fire Insurance Escrow Act

1512.01 Purpose. 1512.05 Limits of liability.

1512.02 Definitions. 1512.06 Insurance requirements.

1512.03 Responsibilities and 1512.98 Severability.

duties. 1512.99 Penalty.

1512.04 Claim recoverable by

insuring agent for fire loss.

CROSS REFERENCES

Municipal certificate required prior to payment of fire loss

claims - see 40 P.S. Sec. 638

1512.01 PURPOSE.

The Commonwealth of Pennsylvania has enacted Act 98 of 1992 effective on September 7, 1992 amending the Insurance Company Law of 1921 to provide procedures for the payment of certain fire loss claims. It is the purpose of such legislation to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration. Council desires to adopt an ordinance pursuant to Section 508 of the Insurance Company Law of 1921 to provide for the payment of proceeds from certain fire loss claims to the City, and to this end, Council enacts this article.

(Ord. 24-1992 Sec. 1. Passed 10-6-92.)

1512.02 DEFINITIONS.

As used in this article, certain terms are defined as follows:

(a) "City" means the City of York, Pennsylvania.

(b) "Building Official" means the Building Official of the City of York, Pennsylvania.

(c) "Insuring agent" means any insurance company, association or exchange.

(d) "Named insured" means the person or persons who are insured for the building or structure where the fire occurred.

(e) "Treasurer" means the City Treasurer of the City of York, Pennsylvania.

(Ord. 24-1992 Sec. 1. Passed 10-6-92.)

1512.03 FIRE PREVENTION CODE 18

1512.03 RESPONSIBILITIES AND DUTIES.

(a) The Treasurer or his designee is hereby appointed as the designated person who is authorized to carry out all responsibilities and duties stated herein.

(b) When a fire occurs on a property, all property owners are to supply all insurance information to the Treasurer that is required for this article.

(Ord. 15-98. Passed 11-4-98.)

#### 1512.04 CLAIM RECOVERABLE BY INSURING AGENT FOR FIRE LOSS.

No insuring agent doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500), unless the named insured or insuring agent is furnished by the Treasurer with a municipal certificate pursuant to Section 508 (B) of Act 98 of 1992 and unless there is compliance with Section 508 (C) and (D) of Act 98 of 1992 and the provisions of this article.

(Ord. 24-1992 Sec. 1. Passed 10-6-92; Ord. 14-1994 Sec. 1. Passed 12-20-94.)

#### 1512.05 LIMITS OF LIABILITY.

Pursuant to Section 508 (B)(1)(I) of Act 98 of 1992, the Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured, provided however, that if the loss is agreed upon by the named insured and the insuring agent equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be followed:

(a) The insuring agent shall transfer from the insurance proceeds to the City in the lesser of two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) of a claim or the estimate amount less than the amount calculated under the foregoing transfer formula.

(b) If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the City from the insurance proceeds the amount specified in the estimate.

(c) The transfer of proceeds shall be on pro rata basis by all insuring agent's insuring the building or other structure.

(d) After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure.

(e) Upon receipt of proceeds under this section, the City shall do the following:

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(1) The Treasurer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the City. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any proceedings related thereto.

(2) It is the obligation of the insuring agent when transferring the proceeds to provide the City with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the City and notify the named insured that the procedures under this subsection shall be followed.

(3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the City and the required proof of such completion received by the Building Official, and if the City has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the City has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the

City shall transfer the remaining funds to the named insured.

(4) To the extent that interest is earned on proceeds held by the City pursuant to this section, and not returned to the named insured, such interest shall belong to the City.

(f) Nothing in this section shall be construed to limit the ability of the City to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the City and the named insured from entering an agreement that permits the transfer of funds to the named insured of some other reasonable disposition of the damaged property has been negotiated.

(Ord. 24-1992 Sec. 1. Passed 10-6-92; Ord. 14-1994 Sec. 2. Passed 12-20-94.)

#### 1512.06 INSURANCE REQUIREMENTS.

(a) All owners of tenant occupied properties in the City shall be required to obtain and maintain current property insurance in an amount sufficient to either restore or remove the structure in compliance with current City ordinances. Any insuring agent who cancels coverage based on notification by the owner or failure by owner to pay for such coverage shall notify the Treasurer in writing of the cancellation. In the event of any fire or loss covered by such insurance, it shall be the obligation of the property owner to use such insurance proceeds to cause the restoration or demolition or other repair of the property, adhering to all applicable Housing or Building Code provisions.

(b) Owners of residential tenant occupied properties shall be required to report their insurance company name, policy number and policy expiration date, and proof of an amount of coverage equal to or greater than the insurance company's determination of the actual cash value, minimal of fifteen thousand dollars (\$15,000), of the structure when applying for an annual license to operate tenant occupied property through the Department of Fire/Rescue Services. The cancellation of or the failure to report such information or failure to acquire the required insurance as stated above, will result in forfeiture of license as stated in Article 1761.

#### 1512.98 FIRE PREVENTION CODE 20

(c) Owners of non-residential tenant occupied properties shall maintain current proof of insurance and proof of an amount of coverage equal to or greater than the insurance company's determination of the actual cash value, minimal of fifteen thousand dollars (\$15,000), of the structure and shall produce such proof as part of any application for or renewal of a certificate of occupancy. Any insuring agent who cancels coverage based on notification by the owner or failure by owner to pay for such coverage shall notify the Treasurer in writing of the cancellation. The cancellation of or the failure to produce such proof, or failure to acquire the required insurance as stated above, will be grounds to refuse to issue or renew a certificate of occupancy. Falsifying such proof will result in forfeiture of an issued certificate of occupancy. (Ord. 42-2003. Passed 11-5-03.)

#### 1512.98 SEVERABILITY.

The provisions of this article 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.

(Ord. 24-1992 Sec. 1. Passed 10-6-92.)

#### 1512.99 PENALTY.

Any owner of property, any named insured or any insuring agent violating the provisions of this article shall, upon conviction, be fined not less than five hundred dollars (\$500.00) per offense nor more than one thousand dollars (\$1,000) per offense, plus costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than ninety days (90 days).

(Ord. 1-2009. Passed 1-6-09.)

**AMENDING THE CITY OF READING CODIFIED ORDINANCES BY ADDING A NEW PART 8 TO CHAPTER 6 - CONDUCT REGULATING THE REAL ESTATE ADVERTISEMENTS FOR REAL ESTATE FOR SALE IN THE CITY.**

**WHEREAS**, the City of Reading is a community enjoying many advantages such as affordable housing; and

**WHEREAS**, the growth of rental housing has increased the pressure on the City's neighborhoods and housing and has put additional strain on our stable residential neighborhoods; and

**WHEREAS**, the conversion of single family homes and other properties to rental properties has increased quality of life problems such as overcrowding, excess noise, traffic congestion, lack of parking, trash, poor property maintenance and deterioration of housing stock; and

**WHEREAS**, the City of Reading City Council continues to (1) strengthen the enforcement of the housing and occupancy regulations on rentals and pursue legal action when necessary; (2) increase inspection staff and increase fees so that the inspection program becomes self-supporting; (3) continue to use code enforcement, legislation and appropriate zoning to protect single family residences; and (4) discourage the further conversion of single family homes to rentals; and

**WHEREAS**, the City of Reading has received complaints regarding advertisements claiming single family dwellings located in the City of Reading could be converted for rental use; and

**WHEREAS**, the following ordinance will prohibit certain language used in the advertisement of properties for sale in the City of Reading.

**NOW THEREFORE, THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Amending the Codified Ordinances of the City of Reading by adding a new Part 8 to Chapter 6 – Conduct regulating the real estate advertisement of properties for sale in the City of Reading.

**SECTION 2. Declaration of Purpose.** The City of Reading City Council finds that the overabundance of the rental properties in the City is increasing quality of life problems and complaints such as congestion, lack of available parking, noise, increased traffic, trash, etc. Council and the Administration continue to strengthen enforcement efforts on housing problems, including placing a moratorium on the conversion of single family dwellings to multi-family rentals. Council has had complaints and has seen real estate advertisements informing prospective buyers that properties could easily be converted to multi-family rental properties. Therefore, to protect the quality of life of the City's residential neighborhoods Council, through enactment of this ordinance, restricts certain advertisement practices.

**SECTION 3.** Prohibiting those selling properties in the City of Reading from using any language that infers or states that these properties be converted to a use that contradicts the City's Zoning Code.

**SECTION 4.** Requiring the those selling all properties in the City of Reading to alert the potential buyer about requirements pertaining to requirements contained in the City's Codified Ordinances to include but not limited to Chapter 4 Buildings - Historical Districts and Chapter 27 - Zoning.

**SECTION 5. Penalty.** Failure to comply with the terms of this ordinance shall result in a fine in an amount of no less than \$1,000.

**SECTION 6.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2007

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

*(Councilors Goodman-Hinnershitz and Waltman)*

Submitted to Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_