

BILL NO. : 6 OF 2021  
INTRODUCED: APRIL 13, 2021  
BY: PRESIDENT MATTHEW T SHORRAW  
ENACTED: MAY 11, 2021  
ORDINANCE NO: 1236

CITY OF MONESSEN

MONESSEN TENANT AND OCCUPANCY REGISTRATION  
ORDINANCE

ORDINANCE 1236

AN ORDINANCE OF THE CITY OF MONESSEN, WESTMORELAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING THE IDENTIFICATION OF AND REGISTRATION OF THE OWNERS, LANDLORDS, INDIVIDUAL SELLERS OF REAL PROPERTY, OPTIONORS, LESSORS, AGENTS, AND TENANTS OF ANY UNIT OR PROPERTY OCCUPIED BY ANYONE OTHER THAN THE PROPERTY OWNER IN THE CITY; PROVIDING FOR DEFINITIONS; RE-ESTABLISHING A FEE AND REQUISITE INFORMATION AND PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; REQUIRING THE OBTAINING OF A LICENSE FOR ALL RENTAL UNITS IN THE CITY; PROVIDING FOR THE SUSPENSION AND REVOCATION OF LICENSES; REQUIRING THE PAYMENT OF LICENSING FEES; IMPOSING LIABILITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; GOVERNING THE OCCUPANCY OF REAL PROPERTY OR SEPARATELY SECURED PORTIONS THEREOF WITHIN THE CITY OF MONESSEN; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE 6 OF 2001 (ORDINANCE 1045), ORDINANCE 1 OF 2003 (ORDINANCE 1059), ORDINANCE 6 OF 2012 (ORDINANCE 1172), ORDINANCE 3 OF 2014 (ORDINANCE 1158), ORDINANCE 7 OF 2016 (ORDINANCE 1202), AND ALL PROVISIONS OF EXISTING ORDINANCES AND AMENDMENTS IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Mayor and Council of the City of Monessen wish to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of Owners and occupants relating to the rental of certain dwelling units in the City of Monessen, and to encourage owners and occupants to maintain and improve the quality of rental housing in the community, and;

**WHEREAS**, the Mayor and Council of the City of Monessen have found it necessary to establish a licensing fee for all rental units in the City and set forth the procedure necessary to obtain a license permit and penalties for violation of this Ordinance, and;

**WHEREAS**, the Mayor and Council of the City of Monessen find it appropriate to establish a licensing fee and registration procedures for all properties, rental or

otherwise, which are occupied by any person or persons other than the property Owner.

**WHEREAS**, the city has found a correlation between rental property owned by absentee landlords and code violations in the real property owned by absentee landlords, and;

**WHEREAS**, the absence from city records of adequate contact information for absentee landlords has frustrated the cities of Thames identifying, contact and enforce compliance with the cities codes, and;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the City of Monessen and it is hereby ordained and enacted as follows:

### **Section 1. Short Title.**

This Ordinance shall be known as and may be cited as the "Monessen Tenant and Occupancy Registration Ordinance."

### **Section 2. Definitions.**

**BUILDING CODES:** Any Code or Ordinance adopted, enacted, and/or in effect in and for the City of Monessen concerning fitness for habitation, the construction, maintenance, operation, occupancy, use or appearance of any unit, premises or building and/or fire prevention, housing standards, and municipal waste, including but not limited to all applicable Federal and State Codes and regulations. Also included within, but not limited by, this definition are the following which are in effect as of the date of enactment of this article: International Building Code; International Plumbing Code; International Electrical Code; Floodplain Management Ordinance; Weed and Vegetation Control Ordinance; Sidewalk Maintenance Ordinance; Ice Removal Ordinance; Solid Waste and Recycling Ordinance; Zoning Ordinance; Quality of Life Ordinance; Municipal Code and Ordinance Compliance Ordinance; Vacant Property Registry Ordinance; Nuisance Property Ordinance; and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

**CITY:** City of Monessen

**CODE ENFORCEMENT OFFICER:** The Code Enforcement Officer of the City of Monessen or any other person or entity designated by the City Council of the City of Monessen to perform the duties of the Code Enforcement Officer as set forth in this Ordinance.

**HOTEL:** A building or structure operated in compliance with all applicable state and federal laws and regulations, and the operator of which is licensed by state or county which is held out to the public as a place where all transient persons who will come will be received as guests for compensation, and which actually operates as such, and which opens its facilities to the public as a whole rather than limited accessibility to a well-defined or limited private group. This definition includes a Motel.

**MOTEL:** See Hotel.

**OWNER:** The Owner or Owners of the fee simple title of a rental unit, or of a beneficial and equitable interest therein or a lesser estate thereon. The following person, persons, firms or corporations are included in the definition of Owner of a rental unit: a mortgagee, or vendee in possession, assignee or rents, receiver, executor, administrator, trustee, lessee, agent, or any other person, firm, corporation, partnership, or other entity directly or indirectly in control of a structure, dwelling, building in which a rental unit is located, or of an individual rental unit. Any person, persons, firms or corporations who holds the title to any real property.

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

**RENTAL UNIT:** A room or group of rooms within a building or structure which is either rented, leased, let or hired out to be occupied or is occupied, for which the owner of the rental unit receives any value, including, but not limited to money, or the exchange of services, as the temporary or permanent residence or house of one or more individuals. An owner-occupied unit can be a rental unit if any part thereof is rented, leased, let or hired out to be occupied or is occupied, in exchange for a value, including, but not limited to money, or the exchange of services, as the temporary or permanent residence or house of one or more individuals. Each rental unit within a building is a separate unit requiring a license.

**TENANT:** An individual which rents, leases, hires, or occupies a rental unit, whether for a consideration or not, as a temporary or permanent residence.

### **Section 3 Purpose.**

1. The purpose of this Ordinance is to protect the public health, safety, and general welfare of the residents of the City of Monessen, including but not limited to:
  - a. The protection of the character and stability of residential areas;
  - b. The correction and prevention of housing conditions which adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental, emotional, and social well-

being or persons occupying dwellings and adjoining or neighboring properties;

- c. The prevention of overcrowding of dwellings;
- d. The prevention of slums and blight;
- e. The preservation of the value of land and buildings throughout the City.

#### **Section 4. Occupancy Registration and License Required.**

1. Every landlord, lessor, optionor, individual seller or residential, commercial or institutional real estate situate, in the City of Monessen leasing, holding for lease, holding for lease with option to sell, or selling pursuant to an Article of Agreement or Installment Land Contract must first register with the City of Monessen each calendar year, effective immediately, and each and every subsequent calendar year and provide to the City:
  - a. The name and address of the said landlord, lessor, optionor or individual seller;
  - b. The address of the City properties held for lease or for sale, and;
  - c. The lease term or the sales term for the name of the lessee, optionee or buyer.
2. Every property owner with occupants other than the property owner, whether a formal agreement, lease or any other binding document exists or not, is required to register said property, pursuant to the articles in this Ordinance.
3. Each such landlord, lessor, optionor, individual seller, or property owner shall pay a yearly permit fee as set forth in Section 15 of this Ordinance.
4. All such landlords, lessors, optionors individual sellers, or property owners operating under a fictitious name, corporate name, land trust or similar trust document shall also provide a copy of said fictitious name, articles of incorporation, land trust or trust document as part of the registration process.
5. It shall be unlawful for any person, firm or corporation to conduct or operate, or cause or permit to be rented or occupied either as Owner, lessee, agent or manager within the city, any rental unit without having first obtained a license or temporary certificate to do so as hereafter provided. It shall also be unlawful for any person, firm or corporation to conduct or operate, or cause or permit to be rented or occupied any property in the City of Monessen by anyone other than the property owner without having first obtained a license, temporary certificate, or registering the information of the property owner, to do so as hereinafter provided.
6. On or before June 30, 2021, and each year there after, the property owner with occupants other than the property owner, including rental units, whether a formal agreement, lease or any other binding document exists or not, shall make written application on forms prescribed therefore to the City Code Enforcement Officer, containing such information as necessary to administer and enforce and to ensure compliance with the provisions of this ordinance and the building current, in their entirety. The application shall specify the rental unit the Owner

- desires permission to operate or rent, as well as the total number of Tenants the Owner request permission to have occupied the rental unit.
7. In addition, the Owner of each rental unit constructed or proposed to be rented, occupied or used after the effective date of this ordinance but not yet existing, rented or occupied as such shall make written application to the code enforcement officer for a license as hearing provided prior to any initial occupancy.
  8. Upon receipt of a completed application for license, for an existing an occupied rental unit with tender of the appropriate license fee as hereinafter provided, the City Code Enforcement Officer shall issue a "temporary certificate" indicating that the license has been duly applied for, and that such license shall be issued on tonight after the building, including but not limited to, interior portions thereof intended or use for human habitation, I've been inspected for compliance with the provisions of this ordinance and the building codes.
  9. Temporary certificate, as issued, shall authorize continued occupancy of such rental unit in actual existence and use on the effective date of this ordinance, pending the issuance or denial of the applied for license.
  10. Units proposed to be rented, occupied or used or for which construction is to be completed, for use as or a conversion to a rental unit, after the effective date of this ordinance, but not yet so used or occupied, shall not be occupied for human habitation as a rental unit prior to issuance of a license.
  11. Upon completion of the inspection of the building or buildings, if the City Code Enforcement Officer finds the requirements of this ordinance in the building codes have been met, a license shall be issued. Such license shall identify the unit, which is authorized for operation and occupancy as a rental unit as well as the total number of Tenants, which may lawfully occupy the rental unit. It shall be a violation of this ordinance to occupy, use or permit the occupancy or use of a unit not covered by, or contrary to a duly issued license.
  12. If the code enforcement officer finds that the requirements of this ordinance or building codes have not been met, a written denial specifying the defects shall be transmitted to the applicant. When the license has been denied, expired, suspended, or revoked, no further rental or occupancy of rental units then vacant or which may become vacant shall be permitted until the license has been issued. It shall be the Owners responsibility to remove all Tenants occupying a rental unit for which license is denied, expired, suspended or revoked.
  13. The rental units within the structure which are in compliance with this ordinance and building codes may continue to be occupied of units or other areas in other portions of the structure which do not comply, do not create any hazard to the health safety or welfare to the persons in the occupied units.
  14. Unless sooner revoked or suspended for cars, each license expire on June 30 of each year and may be renewed for successive one-year periods.
  15. A license issued hereunder is transferable, for a fee of two and 00/100 (\$2.00) Dollars, to any Owner who has acquired Ownership of a licensed rental unit for the unexpired portion of the one-year term for which it was issued or re-issued, provided that the application to transfer such license is timely filed with the City Code Enforcement Officer for a change of Ownership and the licensed rental unit

is in compliance with this ordinance and city building codes. A license shall terminate upon failure to apply for a transfer within thirty (30) days of the date of sale or transfer of Ownership of the rental unit.

16. Licenses issued under this ordinance shall be prominently in publicly displayed on the premises of the structure, or produced on the request of a Tenant or prospective Tenant and shall be available at reasonable times for inspection by the City Code Enforcement Officer at a location within the City of Monessen.
17. In the event the inspection of the subject property by the Code Enforcement Officer of the city of Monessen reveals the subject property is in compliance with all relevant ordinances of the city of Monessen, the code enforcement officer shall forthwith issue an occupancy permit to the owner of the subject property.
18. In the event the inspection of the subject property by the code enforcement officer reveals the subject property is not in compliance with all relevant ordinances of the City of Monessen, said code enforcement officer shall provide the owner with a specific list of violations along with a reasonable time period in which the property owner shall bring the subject property into compliance. The subject property shall remain unoccupied until the occupancy permit is granted. Said property shall be subject to inspection by the code enforcement officer at regular intervals to determine the extent of compliance and subject to penalties for noncompliance and set forth in the relevant ordinances of the City of Monessen.
19. Upon receipt of the completed application and payment of the occupancy permit fee, the code enforcement officer of the City of Monessen, is authorized and empowered to inspect the subject property for compliance with all relevant ordinances of the City of Monessen. Prior to any inspection, said applicant must pay an inspection fee. The inspection fee shall be set by city Council and may be modified, from time to time, by resolution.

#### **Section 5. Suspension or Revocation.**

1. A license shall be suspended upon a finding by the City Code Enforcement Officer that one or more of the requirements of this ordinance or the building codes have been violated. The code enforcement officer shall give written notice to the license holder of such violations. Service upon a managing agent shall be deemed service upon the license holder.
2. Said written notice may be served upon the Owner, or such Owner's managing agent by any of the following methods:
  - a. Personal service by hand delivery;
  - b. Certified Mail, return receipt requested;
  - c. By handing a copy at the residence of the Owner, agent, to an adult member of the family with him such person resides; but if no adult member of the family is found, then to an adult person in charge of such residence;

- d. By handing a copy at any office or usual place of business of the Owner or the managing agent to their agent or to the person for the time being in charge thereof.
3. Upon failure of the license holder to correct the violation stated in the notice of violation within thirty (30) days, or such short a time as designated by the City Code Enforcement Officer, the license may be revoked. A suspended license may be reinstated upon meeting the requirements of the building codes. Issuance of a new license after revocation shall be subject to payment of the full amount of the applicable license fee and the procedures for issuing set forth above.

### **Section 6. Additional Inspections to be made.**

Any occupied structure shall, at the sole discretion of the City, be subject to a random inspection to determine its fitness for habitability in accordance with the City's occupancy codes, Quality of Life codes, and any other applicable regulations and ordinances, and each such landlord, lessor, optionor, individual seller, or property owner shall permit such inspection upon request by the City.

### **Section 7. Registration Statement and Managing Agent.**

1. Every Owner of a rental unit as above defined shall file with the City Code Enforcement Officer, within sixty (60) days after the adoption of this Ordinance, a written registration statement on forms to be supplied by the City Code Enforcement Officer, containing the following information:
  - a. A description of the rental unit by street number, tax I.D. parcel number, and apartment number or other indicia sufficient to distinguish the rental unit from all others;
  - b. The name and residence and business address of such Owner, together with his residence and business telephone number or, if such Owner is a corporation, the name, telephone number and address of such corporation and the name, residence and business address of all officers thereof, together with the residence and business telephone numbers of the corporation's officers;
    - i. If the owner of the rental unit is a partnership, the written registration statement shall include the name, residence address, business address, and residence and business telephone numbers of all natural persons who are partners. If an entity other than a natural person is a partner, then the written registration statement shall contain the name and residence and written business address, and residents and business telephone number of all natural persons who are officers of that entity;
    - ii. If an owner is a limited liability company, then the written registration statement shall contain the name and residents and

- business address, and residents and business telephone number of all natural persons who are organizers. If an organizer is an entity other than a natural person, and the written registration statement shall include the name and business and residential address, and residents and business telephone numbers of all natural persons who are principles thereof;
- iii. If an owner is a business trust, then the written registration statement shall include the name, residents and business address, and residents and business telephone numbers of the settlor, the trustee and the beneficiaries of the trust.
- c. The number of Tenants the Owner proposes to have occupancy in the rental unit.
2. Designation of managing agent:
- a. The name, residence, business address and residence and business telephone numbers of a natural person, twenty-one (21) years of age or over, who resides within the City or a radius of fifteen (15) miles surrounding the City and who shall be designated by such Owners as a managing agent who may be accessible regarding maintenance and operation of such rental unit, and who shall be designated as the person upon whom process may be served on behalf of the Owner.
  - b. The managing agent shall keep a current record of all the Tenants and their names and address, who are renting, leasing or living in each rental unit on the premises. The list shall be available for inspection by the Code Enforcement Officer at reasonable times at a location within the City.
  - c. There shall be endorsed upon the registration statement a written consent to such designation as managing agent signed by such managing agent. An Owner who is a natural person and who resides within the City or a radius of fifteen (15) miles surrounding the City and otherwise meets the requirements of this subsection may designate himself as such managing agent.
  - d. Nothing contained in this section shall be construed as preventing a corporation, which is an Owner of a rental unit, from designating as its managing agent with respect thereto any officer of such corporation who meets the requirements of this subsection as to the location of the residence of a managing agent.
  - e. Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated hereinafter provided.
3. Where, after the filing of any registration statement in relation to any rental unit under the applicable provisions of this ordinance, the Owner of such rental unit shall have granted or transferred his rights, title or interest there in or in any part thereof, search Owner shall file with the City Code Enforcement Officer, within ten (10) days after such grant or transfer, a written statement which shall contain the name, residents and business address, and residents and business telephone numbers of the grantee, transferee or other successor of such right,



- title or interest, or is such grantee, transferee or successor is a corporation, the name, telephone number and address of such corporation.
4. Where, after the filing of any registration statement with the City Code Enforcement Officer pursuant to the applicable provisions of the section, any change, other than a designation of a different managing agent or a change of Ownership or interest, occurs in any name, residence or business address, List of officers or telephone number(s) or any other information required to be included in such statement, the Owner, within ten (10) days after such a change, shall file, and duplicate, on forms to be furnished by the City Code Enforcement Officer, a statement setting forth the particulars of such change so I asked to supply the information necessary to make currently correct the last registration statement file pursuant to the applicable provisions of this ordinance.
  5. Any designation of a managing agent made pursuant to the applicable provisions of this ordinance shall cease to be affected with such agent shall die or be judicial he declared incompetent.
  6. Any Owner may terminate the designation of a managing agent by filing with the City Code Enforcement Officer a written designation of a new managing agent made income form a team with the provisions here in above.
  7. If any Owner shall fail to file a designation of a new managing agent with the City Code Enforcement Officer in conformity with the provisions here in and within the following time periods, such a Owner shall be guilty of a violation of this ordinance:
    - a. On or before the effective date of a notice of termination or within three business days after an Owner received a notice of termination from a managing agent or other termination of a written designation, or fifteen (15) days after any such agent shall die or be judicial he declared incompetent.
    - b. Any registration statement or designation of a managing agent required to be filed with the City Code Enforcement Officer under the provisions of this ordinance shall be signed by an Owner or, if such Owner is a corporation, but an authorized officer thereof.
    - c. Any such registration statement or designation of a managing agent shall be deemed prima facie proof of the statements that are in contained in any prosecution or a litigation instituted by the city or any department, commission, agent or authority there of against the Owner or managing agent of a rental unit.

#### **Section 8. Schedule of Fees.**

1. At the time of application for the license or for license renewal required by this article, the Code Enforcement Officer shall collect the following license fee for each rental unit:
  - a. \$25.00 if the owner resides, or maintains its principal place of business within the City of Monessen;
  - b. \$100.00 if the owner has designated a property manager who resides within the City of Monessen;

- c. \$150.00 if the owner has a designated property manager who resides outside the City of Monessen, within 5 air miles outside the borders of the City of Monessen.
  - d. \$250.00 if the owner resides outside of the City of Monessen and has not designated a property manager who resides within the City of Monessen; or if said property manager resides more than 5 miles outside of the border of City of Monessen.
2. The license fee shall be tendered with the application for a rental unit license and annually thereafter on or before the date of license renewal. The license fee shall be subject to a 1% penalty per month, or any portion thereof, beyond the date due and payable. No refund of license shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a licensed rental unit to another person. If an application is denied, the license fee will be returned to the applicant.
3. By Resolution, City Council may modify the amount of the license fees stated herein, from time to time.

#### **Section 9. Familial Exemption.**

1. In the case where an immediate family member of the property owner is regularly occupying said property, there shall be no annual occupancy fee; however, the property owner must provide proof of familial status, by submitting a certification statement that is signed by both the property owner and the family member(s) who are occupying the said property. Such certification must affirm that the property owner and occupant are immediate family members, and such certification must, upon signing, be notarized by a notary public, and submitted to the City Code Enforcement Officer, with any applicable forms.
2. Those property owners who use the family exemption are still required to submit the property registration form(s), with the applicable information, as mentioned in Sections 4 and 6 of this Ordinance.

#### **Section 10. Classification/Modification.**

1. City Council may, by resolution, categorize and/or classify and re-categorize and/or re-classify rental units in the City and modify application or other deadlines under this Ordinance, so as to stagger inspections of rental units.

#### **Section 11. Other Exemptions/Exclusions.**

1. The requirements of this ordinance shall not apply to any person excluded or exempt by law from application of the requirements of this ordinance, nor two hotels, motels nor nursing homes, as nursing homes are defined in the zoning ordinance of the city. Provided, however, that this exclusion shall not be available for, and this ordinance shall be fully applicable to any and all hotels and/or Motels which permit or suffer continued occupancy by one or

more Tenants for a period in excess of three consecutive months. Such hotel and/or motel shall lose this exclusion and shall comply with the terms of this ordinance within 10 days of such occurrence.

#### **Section 12. Duty to file list of Occupants.**

1. For the rental unit license and all renewals, it shall be the duty of every Owner of a rental unit within the city to certify to and file with the City Code Enforcement Officer a list of the names of all lessees, Tenants, and occupants, as well as their permanent addresses and the telephone number for such permanent addresses, for each rental unit, whether licensed or not. Where any change occurs in any Tenant(s) or lessee(s) name or residence, the Owner, within ten (10) days after such change, shall certify the same to the City Code Enforcement Officer, so as to supply the information necessary to make currently correct the last tenant list filed by the Owner.

#### **Section 13. Current Licenses.**

1. The obligation to apply for a license fee for a rental unit license shall not apply to any owner currently holding a valid license under another city ordinance which is rescinded by the adoption here of until the expiration or other termination of such current license, provided, however, that all other requirements under this ordinance shall apply to and be complied with by all rental unit owners.

#### **Section 14. Liability of Owner.**

1. Every owner of a rental unit in the city who willfully or negligently fails to register a rental unit, pay the license fee, license a rental unit or file a list of tenants an occupant shall be liable for, in addition to other penalties herein provided, the payment of all sewer rents and charges as levied by the city, together with all penalties, cost, interest and lien charges. This provision shall in no way modify or nullify any others persons' or tenants' liability for the same.
2. The Code Enforcement Officer shall not issue a license or temporary certificate as to such property until all such delinquent charges, penalties, costs, interest and lien charges have been paid in full.
3. Any person, persons, firm, corporation, or organization knowingly providing fictitious information provided on official City forms for the purposes of this ordinance shall be considered shall be constituted as perjury.

#### **Section 15. Change in Occupancy.**

1. All owners of any real property or separately secured portion thereof located in the City of Monessen shall report any change in use or occupancy of said subject property pursuant to this Ordinance. However, it shall not include

transient or casual rentals for persons not permanently residing in or occupying said premises, i.e. hotel, inn, boarding house, etc. Any occupancy of premises for a period in excess of ten (10) days shall be presumed to be a permanent occupancy of said premises and the occupier shall be deemed to be a resident.

2. An individual, person, business or an agent seeking an occupancy permit or reporting a change of status for any information needed to satisfy the requirements of this ordinance, shall file an application with the code enforcement officer of the City of Monessen, no less than ten (10) days immediately prior to the occupation of the subject property setting forth the following information:
  - a. The owner's legal name and address and contact information;
  - b. Name and address of rental agency or property manager, if any;
  - c. Specific location of the subject property;
  - d. Name and birthdates of all proposed occupants;
  - e. The nature of the proposed use of the subject property;
  - f. Term of lease or rental, if applicable;
  - g. The proposed date of occupancy.
2. In the event that the subject property becomes vacant or changes use of occupancy without prior knowledge of the owner, said change in status shall be reported as aforesaid to the code enforcement officer of the City of Monessen, within fourteen (14) days of the change in status.
3. Any property that becomes vacant shall be subject to fees and penalties based on the City's Vacant Property Registry Ordinance (Ordinance 11 of 2020).

#### **Section 16. Violations and Penalties.**

1. Any owner violating any of the provisions of this ordinance, or providing or filing any false information required pursuant to this ordinance shall, upon conviction there of, in summary proceeding before district justice, be subject to a fine of not more than One Thousand and 00/100(\$1000) together with the cost of prosecution, and a default payment there of, shall be subject to a president for not more than 30 days. Each day that the tenant resides in an unlicensed rental unit so constitute a separate violation. Anyone violating any provisions of this ordinance by intentionally or knowingly lying or falsifying information on official City forms shall also commit perjury, and shall be prosecuted accordingly.
2. It shall be a violation of this ordinance for any person to occupy any premises as an owner or otherwise without having first complied with this ordinance.
3. It shall be a violation of this ordinance for any owner and/or his agent to lease, rent, or otherwise permit occupancy of any dwelling under his or her respective ownership and/or control without having filed with the code enforcement officer the notice of occupancy set forth and required here in above. It shall be a further violation for an owner and or his agent to collect

rent or lease payments from any tenants for any dwelling unit without first having complied with the obligations of this ordinance.

4. Upon conviction before a Magisterial District Judge within the judicial district wherein the subject property is located, any individual, business, or agent there of in violation of any provision of this ordinance, shall be subject to a fine of up to \$1000 but not less than fine established for the conviction of a summary offense as set forth in Title 18 Pa.C.S.A. Section 1101, as amended and/or subject to imprisonment for a term not to exceed the maximum imposed for summary offenses as set forth in Title 18 Pa.C.S.A. Section 1105, as amended, at the discretion of the Court. Each day that a violation continues after due notice thereof shall be deemed a separate offense.

#### **Section 17. Owners Severally Responsible.**

1. That is owned by more than one person, in any form of joint tenancy, as partnership, or otherwise, each person, including each corporate officer of a corporate Owner shall be jointly and severally subject to prosecution and liability for a violation of this ordinance.

#### **Section 18. Insurance.**

1. It shall be further unlawful for any landlord to offer for rent or rent any residence or unit without the landlord providing for adequate fire insurance to cover 150% of the replacement cost of the structure.

#### **Section 19. Severability.**

1. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall be severable and shall not affect or impair any of the remaining provisions, sections, sentences, clauses, or parts of this Ordinance; it being the intent of the City of Monessen that the remainder of the Ordinance shall be and shall remain in full force and effect.
2. If any section, subsection, sentence, clause or phrase of this ordinance is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

#### **Section 20. Repealer.**

1. Ordinance 6 of 2001 (Ordinance 1045) is hereby repealed and rescinded. Ordinance 1 of 2003 (Ordinance 1059) is hereby repealed and rescinded. Ordinance 6 of 2012 (Ordinance 1172) is hereby repealed and rescinded. Ordinance 3 of 2014 (Ordinance 1185) is hereby repealed and rescinded. Ordinance 7 of 2016 (Ordinance 1202) is hereby repealed and rescinded. All

ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.


**Section 21. Effective Date.**

1. This Ordinance shall come into effect immediately upon enactment.

**ORDAINED AND ENACTED** this 11<sup>th</sup> day of MAY, 2021, by the Council of the City of Monessen, in lawful session duly assembled.

ATTEST:

  
\_\_\_\_\_  
Cheryl Gordon  
City Clerk

  
\_\_\_\_\_  
Matthew T. Shorraw  
Mayor and President of Council

[SEAL]

