

ORDINANCE NO. 15120

FILE OF CITY COUNCIL

BILL NO. 4 - 2014

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March 5, 2014

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AN ORDINANCE

Amending the Property Rehabilitation and Maintenance Code, Article 1759.99, by providing a penalty of Five Hundred (\$500.00) dollars for the unauthorized removal of any official notice or placard placed on a property by an official from the City of Allentown, including but not limited to a notice posting a property as uninhabitable or being an illegal unit. Any unpaid charges relative to this penalty may be subject to a lien being placed upon the property.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the following penalty for removing city notices on property be added to Article 1759.99 as follows:

**1759.99 FEES/PENALTIES SECTION**

A. FEES

1. Registration:

The fee for a Residential Rental Registration shall be Seventy-five Dollars per residential rental unit per year due and payable by on or before April 30<sup>th</sup> of each year until a Residential Rental License is obtained. (14047 §1 12/10/02 14219 §1 10/21/04; 14436 §1 11/7/06; 14737 §1 8/24/2009; 14753 §1 11/18/09)

For all payments received after April 30<sup>th</sup> of any year, a late fee shall be assessed, such that the total fee shall be One Hundred (\$100) Dollars per residential rental unit. (14219 §1 10/21/04; 14436 §1 11/7/06)

2. Licensure:

The fee for a Residential Rental License or License shall be Seventy-five (\$75.00) Dollars per residential rental unit per year due and payable on or before April 30<sup>th</sup> of each year. (14047 §1 12/10/02 14219 §1 10/21/04; 14436 §1 11/7/06)

For all payments received after April 30<sup>th</sup> of any year, a late fee shall be assessed, such that the total fee shall be One Hundred (\$100) Dollars per residential rental unit. (14219 §1 10/21/04; 14436 §1 11/7/06; 14744 §1 10/20/09)

3. Re-inspections:

The fee for the second re-inspection shall be Seventy-five (\$75) Dollars per residential unit. The fee for the third and all subsequent re-inspections shall be One Hundred Fifty (\$150) Dollars per residential rental unit per re-inspection. (14436 §1 11/7/06)

4. Reinstatement:

The fee to reinstate a revoked Residential Rental Registration or a Residential Rental License shall be One Hundred (\$100) Dollars per residential rental unit. (14047 §1 12/10/02; 14436 §1 11/7/06; 14737 §1 8/24/2009)

B. PENALTIES

1. Revocation of Residential Rental Registration or Residential Rental License:

A fine of not less than Five Hundred (\$500) Dollars per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine shall not be sought for any period during which the residential rental unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations. (14436 §1 11/7/06)

2. Failure to Register, or Failure to Seek a Residential Rental License (for newly constructed, newly created or substantially rehabilitated residential rental units):

The owner, responsible agent or manager shall be sent a Thirty (30) Day Notice of Violation, warning them of their failure to comply with the terms of this Article. If they do not comply at the end of thirty (30) days, there shall be a fine of not less than Five Hundred (\$500) Dollars per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

3. There shall be a penalty fee of Five Hundred (\$500.00) dollars for the unauthorized removal of any official notice or placard placed on a property by an official from the City of Allentown, including but not limited to a notice posting a property as uninhabitable or being an illegal unit. Any unpaid charges relative to this penalty may be subject to a lien being placed upon the property.

4. There shall be a penalty fee of One Thousand (\$1,000.00) dollars for occupying, or allowing to be occupied any unit that has been identified by the City as "unfit for human habitation" or "occupancy unlawful". Any unpaid charges relative to this penalty shall be subject to a lien being placed upon the property. (14820 §1 9/17/2010)

5. There shall be a penalty fee of One Thousand (\$1000.00) dollars for each unit identified by the City as an illegal unit. Any unpaid charges relative to this penalty shall be subject to a lien being placed upon the property. (14820 §1 9/17/2010)

C. FINES/LEGAL ACTIONS (15022 §1 10/23/12)

1. Whoever violates any provision of this Code or any Section of this Code shall upon a first offense be fined not more than One Thousand (\$1,000) Dollars or imprisoned not more than ninety (90) days, or both. (15022 §1 10/23/12)

2. If, after any conviction for violation of this Code or any lawful order issued pursuant thereto, such person continues violation, then such person shall be liable for further prosecution, conviction, and punishment without any necessity of the Public Officer to issue a new notice of violation or order, and until such violation has been corrected. 15022 §1 10/23/12)

3. In addition to prosecution of persons violating this Code, the Public Officer, or the Bureau of Law or any duly authorized agent of the City may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to effect the provisions of this Code. (14737 §1 8/24/2009; 15022 §1 10/23/12)

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

**AMENDMENT:**

Add unauthorized to paragraph: Amending the Property Rehabilitation and Maintenance Code, Article 1579.99, by providing a penalty of Five Hundred (\$500.00) dollars for the unauthorized removal of any official notice or placard placed on a property by an official from the City of Allentown, including but not limited to a notice posting a property as uninhabitable or being an illegal unit. Any unpaid charges relative to this penalty may be subject to a lien being placed upon the property, passed 7 – 0.

	Yea	Nay
Joe Davis	X	
Jeanette Eichenwald	X	
Daryl Hendricks	X	
Cynthia Y. Mota		
Ray O'Connell, VP	X	
Peter G. Schweyer	X	
Julio A. Guridy, Pres.	X	
TOTAL	6	0

I hereby certify that the foregoing Ordinance was passed by City Council on March 19, 2014 and signed by the Mayor on March 21, 2014.



CITY CLERK