

**ASHLEY BOROUGH  
ORDINANCE NO. 2 OF 2018**

**AN ORDINANCE ESTABLISHING RENTAL  
REGULATIONS FOR ASHLEY BOROUGH**

Enacted On: \_\_\_\_\_

Effective On: \_\_\_\_\_

WHEREAS, it is the desire of Ashley Borough Council to confirm requirements for the regulation of rental property within the Borough;

WHEREAS, the said Ordinance shall remain in full force and effect, but there shall be an addition to the Ashley Borough Code of Ordinances as follows:

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, and it is hereby enacted and ordained as follows:

**SECTION 1.** - Inspection of dwellings for lease or rent.

(a) Purpose/scope/declaration of policy and findings. It is the purpose of this article and the policy of the Borough of Ashley, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners, landlords, managers, tenants and occupants relating to the rental of certain regulated rental units in the Borough of Ashley and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As means to those ends, this article provides for a system of inspections; issuance and renewal of occupancy license; and sets penalties for violations. This article shall be liberally construed and applied to promote its purposes and policies.

Additionally, the Ashley Borough Council and the Borough Zoning Officer have determined that some owners, landlords and/or agents of regulated rental unit(s) and occupants and/or tenants of the same in the Borough of Ashley are maintaining said regulated rental unit(s) in violation of the Ashley Borough Code of Ordinances and/or maintain use(s) which are in violation of the zoning ordinance and/or nonconforming uses as defined within the zoning ordinance.

Many occupants and tenants are unaware that certain regulated rental unit(s) are in violation of the housing code ordinance and/or zoning ordinance or maintain nonconforming uses as defined by zone classification of the zoning ordinance.

**SECTION 2.** - Definitions.

The following words shall have their corresponding meanings for purposes of this article, in addition to those which have already been defined in Borough of Ashley Code of Ordinances. In the event that any definition herein conflicts with a prior definition, the following definitions shall govern:

**Borough.** The Borough of Ashley, Luzerne County, Pennsylvania.

**Code.** Any code or ordinance adopted, enacted, and/or in effect in and for the Borough of Ashley concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or regulated rental unit.

**Code enforcement officer.** The duly appointed code enforcement officer(s) having charge of code enforcement for the Borough of Ashley, and any assistants or deputies thereof.

**Common area.** In multiple unit dwellings, space which is not part of a regulated rental unit and which is shared with other occupants of the dwelling whether they reside in regulated rental units or not. Common areas shall be considered as part of the premises for purposes of this article.

**Disruptive conduct.** Any form of conduct, action, incident or behavior perpetrated, caused or permitted, by any occupant or visitor of a regulated rental unit that is a violation of existing ordinances of the Borough of Ashley or statutes of the Commonwealth of Pennsylvania. In order for such disruptive conduct to constitute an offense under this article, a citation or criminal complaint must be issued by the police and successfully prosecuted or a guilty plea entered before a district justice. If an appeal is filed from a decision of a district justice, the matter shall not be deemed to constitute disruptive conduct, unless a finding of guilty is affirmed by a final decision on appeal.

**Guest.** A person on the premises with the actual or implied consent of an occupant but who not a landlord, tenant or owner is as listed herein.

**Landlord.** One (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit, and/or the person(s) who is in control of leasing the premises to tenants, including the collection of rent, interviewing prospective tenants, responding to complaints and concerns and/or maintenance of the premises.

**Multiple-unit regulated rental unit.** A building containing two (2) or more independent regulated rental units, including, but not limited to, double houses, row houses, town houses, condominiums, apartment houses, and conversion apartments.

**Nonconforming** use means a use, whether of land or a structure which does not comply with the applicable use provisions of the zoning ordinance, or in an amendment to such, where such use was lawfully in existence prior to the enactment of the zoning ordinance or such amendment.

**Occupancy license.** The license issued to the owner of regulated rental units under this article, which is required for the lawful rental and occupancy of regulated rental units indicating that the owner or landlord has sufficiently complied with the provisions and regulations of the Code of Ordinances and zoning ordinance of the Borough of Ashley.

**Occupant.** An individual who resides in a regulated rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a written lease or [by] other legally enforceable agreement under the laws of the Commonwealth of Pennsylvania.

**Owner.** One (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

**Owner-occupied regulated rental unit.** A regulated rental unit in which the owner [resides on a regular, permanent basis] is domiciled. Said owner-occupied regulated rental unit shall not be considered the entire building when there is more than one (1) apartment or unit, but shall be considered only the apartment or unit occupied by the owner as his or her residence.

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

**Police.** The Police Department of the Borough of Ashley, or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of Ashley.

**Premises.** Any parcel of real property in the borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one (1) or more regulated rental units is located.

**Property manager.** An adult individual designated by the owner and/or landlord of a regulated rental unit. The property manager shall be the agent of the owner or landlord for service of process and receiving notices or demands and to perform the obligation of the owner under this article and under rental agreements with occupants. Any and all property managers must be properly licensed as a real estate broker, and hold the appropriate credentials as required by the laws of the Commonwealth of Pennsylvania. It shall be the burden of the owner/property manager to provide evidence that any exception to the state law applies.

**Regulated rental unit.** An apartment, specific unit, or an entire property within or as part of a building or structure occupied by not more than four (4) unrelated persons under a rental agreement within the Borough of Ashley, which is not occupied by the owner, and which is used as a residence. If the regulated rental unit is an entire property or structure, it is presumed for purposes of this article that there is only one (1) regulated rental unit which constitutes the entire premises. In multi-unit properties, each unit constitutes either a regulated rental unit or an owner-occupied regulated rental unit (see definition of Owner-occupied regulated rental unit).

**Rent.** Any payment, compensation and/or other consideration, regardless of the nature of the same, which acts as a consideration, whether actual or implied, for the right to rent or lease a property, dwelling, residence or regulated rental unit. This payment, compensation and/or other consideration need not necessarily be made by the one actually living in the regulated rental unit or regulated rental unit and/or on the property.

**Rental agreement.** A written or oral agreement or other legally enforceable agreement between owner/landlord and occupant/tenant supplemented by the addendum required under this article, embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit or premises.

**Renter acknowledgement opportunity.** The code enforcement officer shall offer the occupant or tenant the right to review the rental inspection report of the regulated rental unit offered for lease or rent, and the renter shall be permitted to sign the said form.

**Renter's report.** This is a form which will be submitted to the Ashley Borough Tax Office within thirty (30) days of the execution of any rental agreement of the date which the possession of the regulated rental unit is transferred to the occupant or tenant. This document shall contain the property location, the contact information of the owner, manager (if applicable), occupant and tenant and the start date for the term of the rental agreement.

**Tenant.** An individual who resides in a regulated rental unit, whether or not he or she is the owner thereof with whom a legal relationship with the owner/landlord is established by a [written] lease or by the laws of the Commonwealth of Pennsylvania (same as occupant).

**Unrelated.** Of or pertaining to two (2) or more persons not related to one another through blood, adoption or marriage.

**Zoning Ordinance.** "The Borough of Ashley Zoning Ordinance."

**SECTION 3.** - Inspection of dwellings for lease or rent.

It shall be the obligation of every owner, landlord and manager of a regulated rental unit as defined herein, to notify the code enforcement officer of the Borough, upon listing, advertising or offering said regulated rental unit(s) for lease or rent. The code enforcement officer shall provide a "rental inspection report" for said regulated rental unit(s) based upon physical inspection of said regulated rental unit(s). Said rental inspection report shall only be valid for six (6) months from the date of issuance.

**SECTION 4.** - Utilization of rental inspection report.

The code enforcement officer shall review the information contained within the rental inspection report to determine the issuance or denial of an occupancy license, as provided in this article.

**SECTION 5.** - Contents of rental inspection report.

The rental inspection report furnished by the code enforcement officer to the owner, landlord and/or manager will contain the following:

(1) The street address or other appropriate description of subject regulated rental unit(s). (2) A statement of zoning and flood insurance rate map classification applicable to the subject regulated rental unit(s). (3) A statement concerning the conformity or nonconformity of existing uses maintained within the regulated rental unit(s) and violations of the zoning ordinance, if any, existing at the time of inspection. (4) A statement concerning variances and/or use permits issued to date which affect said regulated rental unit(s). (5) A statement of housing code violations, if any, existing at the time of inspection in conformance with this article.

**SECTION 5.** - Inspection standards used in rental inspection report.

The code enforcement officer shall use the standards set forth herein in the inspection of the properties. The code enforcement officer shall inspect each rental unit located within the Borough of Ashley, consistent with this article, and shall follow the requirements contained and set forth as the "inspection standards" outlined below. These inspection standards shall be integrated into the rental inspection report which shall be kept on file in the Ashley Borough Code Office for public inspection. In the event the regulated rental unit does not meet all inspection standards, the inspection shall fail, and the owner shall be required to make changes, consistent with the Code of Ordinances, prior to having the regulated rental unit reinspected in accordance with this article. The relevant inspection standards are:

(a) Smoke detectors. All regulated rental units and rental properties shall be required to have working smoke detectors installed where required by this Code of Ordinances and any applicable laws. Smoke detectors may be battery operated so long as the battery is a ten-year lithium type and approved by the code enforcement officer. Smoke detectors shall be located: (1) In every bedroom; (2) In common area outside all bedrooms; (3) At least one (1) on each floor; (4) One (1) in basement, where applicable; (5) One (1) in attic, where applicable.

In the event there is construction and/or a complete renovation of the regulated rental unit(s) which is subject to the rules and regulations of the Ashley Borough Building Code and/or the International Building Code (or Residential Code), the owner(s) and occupant(s) shall be subject to the requirements of the said codes. In the event there is a conflict between this section and the above-referenced codes, the code which is stricter shall apply.

(b) Requirements. Each regulated rental unit shall have at least one (1) of each of the following: (1) Kitchen. A kitchen shall have a stove with at least two (2) working burners and an oven; it shall have a sink with both hot and cold water; it shall have at least one (1) GFI receptacle; it shall have one (1) window which shall operate by opening to the outside; and it shall have at least one (1) light fixture. (2) Bathroom. A bathroom shall have one (1) commode; it shall have one (1) lavatory; it shall have one (1) tub and/or shower; it shall have hot and cold water; it shall have at least one (1) GFI receptacle; it shall have one (1) window and/or an approved exhaust fan exhausting to the outside; and it will have at least one (1) light fixture. (3) Living room. A living room must have at

least two (2) double receptacles or one (1) double receptacle with a ceiling or wall mounted light fixture; it shall also have at least one (1) operating window which opens to the outside. Screens shall be provided for all windows and storm doors. Windows must be able to remain open without the aid of props. (4) Bedroom. Each bedroom must have at least two (2) double receptacles or one (1) double receptacle with a ceiling or wall mounted light fixture; it shall also have at least one (1) operating window which opens to the outside. Screens shall be provided for all windows and storm doors. Windows must be able to remain open without the aid of props.

(c) Stairways. Each regulated rental unit that has stairways within the said unit or in common areas shall have continuous hand rails.

(d) Heat sources. All regulated rental units shall have either electric heat or a central heating source. Space heaters are not permitted as a sole source of heat. Kerosene heaters are prohibited.

(e) Hot water heaters. All heating units and domestic hot water heaters shall be installed according to the manufacturer's specifications by a licensed contractor, and shall be maintained and in good, working order at all times.

(f) Electrical requirements. No regulated rental unit is permitted to have exposed electrical wiring which does not meet the appropriate code and/or which can be a safety and/or health hazard.

(g) Other standards. All sockets, switches, outlet boxes and receptacles must have the appropriate covers/cover plates; plumbing fixtures and pipes cannot leak or be obstructed; roofs must be weathertight. The code enforcement officer shall also be required to inspect for other violations of this article which may or will have an impact on the health, safety and/or welfare of the owner, occupants or residents of the Borough of Ashley.

**SECTION 6. - Infestation and vermin inspection.**

As part of the regulated rental unit inspection process, and as part of the rental inspection report, the code enforcement officer shall also conduct an infestation and vermin inspection in each regulated rental unit offered for lease or rent. This shall be an inspection of the entire regulated rental unit and the surrounding property for possible health hazards resulting from any type of infestation, including, but not limited to, bugs, termites, roaches, ants, etc., and any type of vermin, including, but not limited to rats or mice. The code enforcement officer shall have the right to deny or revoke an occupancy license, as defined in this Ordinance if, upon the code enforcement officer's opinion, there is an infestation or vermin hazard. If such a hazard is discovered in the course of inspecting the regulated rental unit(s), the owner/landlord/agent shall be responsible for

abating the hazard within forty-five (45) days of notice of the same from the code enforcement officer regardless of whether the regulated rental unit is actually rented or leased.

The revocation of a certificate of occupancy shall mean that the owner/occupant shall be required to immediately vacate the property until the regulated rental unit is reinspected and cleared by the code enforcement officer.

**SECTION 7.** - Issuance or denial of occupancy license.

(a) The code enforcement officer shall review the information contained within the "rental inspection report". Based upon said review the code enforcement officer may issue an occupancy license, and deliver said occupancy license to the owner/landlord and/or agent who lists, advertises, or offers a regulated rental unit(s) for lease or rent.

(b) The code enforcement officer shall deliver the occupancy license to the owner/landlord and/or agent of said regulated rental unit(s). The occupancy license shall be transferred and delivered by the owner/landlord and/or manager to the occupant and tenant(s) of said regulated rental unit(s) upon execution of the rental agreement and/or at the time the occupant and/or tenant(s) may take possession, whichever is earlier.

(c) The code enforcement officer shall provide and deliver to the owner/landlord and/or manager written notice and explanation for the denial of an occupancy license for any regulated rental unit listed, advertised or offered for lease or rent.

**SECTION 8.** - Certificate review prior to tenant occupancy.

It shall be the obligation of every owner, landlord and manager to allow the occupant(s) and tenant(s) to review the occupancy license or written notice denying the occupancy license as provided in section 7-225 to the occupant(s) and tenant(s) prior to the execution of any rental agreement for the dwelling(s), prior to the transfer of possession of the dwelling(s), and prior to the exchange of any monetary sum relative to the lease of the regulated rental unit(s).

**SECTION 9.** - Option of review by occupant/tenant.

(a) The occupant(s) and tenant(s) shall have the right to review the information contained within the rental inspection report or to waive the right to review the rental inspection report prior to entering into a rental agreement.

(b) The code enforcement officer shall deliver to the owner, landlord and manager a copy of the "rental inspection report" as defined in this Ordinance. Said form shall be delivered to the owner, landlord and manager at the time when the code enforcement officer delivers the occupancy license or written notice denying the occupancy license. It shall be the obligation of every owner, landlord

and manager to deliver the "renter acknowledgment form" to the occupant(s) and/or tenant(s) prior to execution of the rental agreement for the dwelling(s), prior to the transfer of possession of the regulated rental unit(s) and prior to the exchange of any monetary sum relative to the lease of the dwelling(s), should a rental agreement not be utilized.

(c) The occupant(s) and tenant(s) of the regulated rental unit(s) shall complete the "rental inspection report" and deliver it to the code enforcement officer. Should the occupant(s) and tenant(s) wish to review the rental inspection report, the code enforcement officer will make arrangements for such.

**SECTION 10.** - Period of notice.

(a) Six (6) months from date of inspection, if a regulated rental unit(s) has not been rented or leased, the conclusiveness of the rental inspection report must be either endorsed, as described in this Ordinance, or altered, by a new inspection to indicate appropriate changes. The rental inspection report will only indicate violations and conditions as of the date of inspection. Said rental inspection report does not indicate violations and/or corrections of such occurring between the date of inspection and the date of a rental agreement for a dwelling(s), or transfer of possession of the regulated rental unit(s) when a rental agreement is not utilized, and of exchange of a monetary sum relative to the lease of a regulated rental unit(s).

(b) However, upon the request of owner/landlord and/or manager, prior to the expiration of the six-month period referred to in subsection (a).

**SECTION 11.** - Notice to Ashley Borough Tax Office.

After the occupancy license has been issued, and within thirty (30) days of the execution of any rental agreement, or upon transfer of possession of the regulated rental unit(s) to any occupant(s) and/or tenant(s), whichever is earlier, the owner/landlord and/or manager must file a renter's report with the Ashley Borough Tax Office, which shall list the following:

(1) Name, address and contact number of owner/landlord and/or manager; (2) Name of the occupants and tenants; (3) Location, including street address and apartment number, of regulated rental unit(s); (4) Term of rental agreement; and (5) Date term shall commence.

Forms for obtaining this information shall be made available at the Ashley Borough Tax Office during regular business hours.

It shall be the intent of this section to maintain the proper information on record for such needs of the borough, including, but not limited to tax collection, census counting and head-counting used in obtaining state and/or federal aid or grants.

**SECTION 12. - Fees.**

A fee of seventy-five dollars (\$75.00) shall be required for each unit inspected regardless of the number of units in the building or on the premises. A reinspection fee shall be seventy-five dollars (\$75.00) as well.

All subsequent changes in fees shall be adopted by Ashley Borough Council by Resolution and posted in the Ashley Borough Municipal Building.

**SECTION 13. - Exceptions.**

The rental inspection report shall not be required for regulated rental unit(s) should any of the following conditions be applicable:

(1) Where such regulated rental unit(s) is intended to be demolished and a valid demolition permit pursuant to the building code of the Borough of Ashley has been obtained. (2) Where such regulated rental unit(s) is given as a gift inter-family, i.e., husband and wife, parents and children and spouses of children.

**SECTION 14. - Disclaimer; waiver.**

Notwithstanding any other law or ordinance, the provisions of this article may not be waived or disclaimed by an oral or written agreement executed by any owner/landlord and/or manager or occupant or tenant.

**SECTION 15. - Liability of the Borough.**

The rental inspection report shall be compiled from the records of the Borough of Ashley and from an inspection of the regulated rental unit(s). Neither the enactment of this article nor the preparation and delivery of any rental inspection report required hereunder shall impose any liability upon the Borough of Ashley, or officers or employees thereof, for any errors or omissions contained in such rental inspection report nor shall the Borough of Ashley bear any liability not otherwise imposed by law.

**SECTION 16 - Filing of appeal.**

Appeals from the findings set forth in the rental inspection report must be filed in writing with the director of the department of code enforcement for the Borough of Ashley within ten (10) business days after issuance of said rental inspection report, who will refer the appeal to the board or boards as follows:

(1) Building board of appeals, where the conditions reported constitute violations of the applicable codes of the Borough of Ashley or deal with the suitability of any regulated rental unit or structure, with regard to the health, safety and welfare of our citizens for continued occupancy; or

(2) The zoning hearing board, where the findings set forth in the rental inspection report relate to matters concerning the classification and the use of property under the zoning ordinance of the Borough of Ashley.

Any party(s) may appeal decisions of the building board of appeals or the zoning hearing board to any court of competent jurisdiction.

**SECTION 17. - Owner's duties.**

(a) General.

(1) It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with all applicable codes and provisions of all other applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition.

(2) As provided for in this article, every owner shall be responsible for regulating the proper and lawful use and maintenance of every regulated rental unit which he, she or it owns. As provided for in this article, every owner shall also be responsible for regulating the conduct and activities of the occupants of every regulated rental unit which he, she or it owns in the borough, which conduct or activity takes place at such regulated rental unit or its premises.

(3) In order to achieve those ends, every owner of a regulated rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below.

(4) This section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.

(5) This article is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough against an owner, occupant, or guest thereof.

(b) Designation of manager.

(1) Every owner who is not a full-time resident of the Borough of Ashley, or elsewhere in an area that is not within a twenty-mile radius of the Borough of Ashley, shall designate a manager who shall reside in an area that is within a twenty-mile radius of the Borough of Ashley. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside within the aforesaid area. If an officer does reside in the area, the officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if all partners do not reside within the aforesaid area. Any partner that does reside in the area shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this article and under rental agreements with occupants. The identity, address and telephone number(s) of a person who is designated as manager hereunder shall be provided by owner or manager to the borough, and such information shall be kept current and updated as it changes. The owner of the property shall be responsible for designating a legal, and certified property manager. The property manager must have the credentials approved by and in accordance with the Commonwealth of Pennsylvania.

(c) Disclosure.

(1) The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy: a. The name, address and telephone number of the manager; if applicable; and b. The name, address and telephone number of the owner of the premises.

(2) Before an occupant initially enters into or renews a rental agreement for a regulated rental unit, the owner or manager shall furnish the occupant with the most recent building inspection report relating to the regulated rental unit.

(d) Maintenance of premises.

(1) The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation. Failure to abide by this provision shall subject the owner and/or the occupant to fines as set forth herein.

(2) The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if: a. The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant; and b. The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

(3) In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this article or other ordinances or codes for maintenance of premises.

(e) Written rental agreement.

(1) All rental agreements for regulated rental units shall be in writing. All disclosures and information required to be given to occupants by the owner shall be furnished before the signing or other finalization of the rental agreement. The owner shall provide occupant with copies of the rental agreement and addendum before commencement of the lease.

(2) Terms and conditions. Owner and occupant may include in a rental agreement terms and conditions not prohibited by this article or other applicable ordinances, regulations, and laws, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties.

(3) Prohibited provisions. Except as otherwise provided by this article, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this article. A provision prohibited by this subsection included in rental agreement is unenforceable.

(4) The owner shall secure a written acknowledgment from occupants that the occupants have received the disclosures and information required by this article.

(5) Upon oral or written request by the Borough of Ashley, the owner, within ten (10) days of the request, shall furnish to the borough, copies of the acknowledgment that the occupants received the disclosures and information required by this article.

(6) Upon oral or written request by the Borough of Ashley, the owner, within ten (10) days of the request, shall furnish to the Borough for inspection purposes only, copies of the leases the owner has entered into for regulated rental unit.

(7) The amount of compensation being received by the landlord and/or owner being defined as "rent" herein may be redacted from submission of any rental agreement.

(f) Complaints.

(1) The owner or manager shall reply promptly to reasonable complaints and inquiries from occupants.

(g) Landlord-Tenant Act.

(1) The owner shall comply with all provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.

(h) Common areas.

(1) Where an owner does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common area as if the owner were an occupant.

(i) Enforcement.

(1) In the event that the same occupant is convicted of a third disruptive conduct violation within a license year, the code enforcement officer shall direct the owner to evict the occupant who violated the ordinance and not to permit the occupant to occupy the premises during the subsequent licensing.

(j) Code violations.

(1) Upon receiving notice of any code violations from the code enforcement officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

(k) Borough can make repairs.

(1) In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its code enforcement officer to correct a violation relating to maintenance and repair of the premises under any code within the period of time stated in such notice, the Borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus ten (10) percent of said costs for each time the Borough shall cause a violation to be corrected; and the owner of the premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the Borough and its code enforcement officer may invoke such other remedies available under this article or other applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation, or nonrenewal of the license issued hereunder.

(i) Inspections.

(1) The owner shall permit inspections of any premises by the code enforcement officer at reasonable times upon reasonable notice.

**SECTION 18.** - Occupant duties.

(a) General. (1) The occupant shall comply with all obligations imposed upon occupants by this article, all applicable codes and ordinances of the Borough and all applicable provisions of state law.

(b) Health and safety regulations. (1) The occupant shall dispose from his or her regulated rental unit all rubbish, garbage, and other waste in a clean and safe manner, and separate and place for collection all recyclable materials, in compliance with the recycling plan submitted by the owner to the Borough under Ashley's Solid Waste and Recycling Ordinance; or, if there is no recycling plan for the premises, then in compliance with Ashley's Solid Waste and Recycling Ordinance and all other applicable ordinances, laws and regulations.

(c) Peaceful enjoyment. (1) The occupant shall conduct himself or herself and require other persons, including, but not limited to, guests on the premises and within his or her regulated rental unit with his or her consent, to conduct themselves in a manner compliant with the ordinances and regulations of the Borough of Ashley that will not disturb the peaceful enjoyment of the premises by others, and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.

(d) Residential use. (1) The occupant shall, unless otherwise permitted by applicable law or ordinance; occupy or use his or her regulated rental unit for no other purpose than as a residence.

(e) Illegal activities. (1) The occupant shall not engage in, nor tolerate nor permit others on the premises to engage in, any conduct declared illegal under any federal criminal statute, and/or under the Pennsylvania Crimes Code (18 Pa.C.S.A. § 101 et seq.) or Liquor Code (47 P.S. § 1-101 et seq.), or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.). Any misdemeanor or felony arrests shall be considered the basis for immediate occupant eviction proceedings.

(f) Disruptive conduct. (1) The occupant shall not engage in, nor tolerate nor permit others on the premises to engage in, disruptive conduct, or other violations of the article.

(g) Compliance with rental agreement. (1) The occupant shall comply with all lawful provisions of the rental agreement entered into between owner and occupant. Failure to comply may result in the eviction of the occupant by the owner.

(h) Damage to premises. (1) The occupant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the premises. Conduct which results in damages in excess of five hundred dollars (\$500.00) shall be considered a violation of this article.

(i) Inspection of premises. (1) The occupant shall permit inspections by the code enforcement officer of the premises at reasonable times (during business hours of the bureau of inspections), upon reasonable notice (twenty-four (24) hours' notice, either written or oral, by the office of code enforcement).

## **SECTION 19. - Licenses and inspection.**

(a) License requirement.

(1) As a prerequisite to entering into a rental agreement or permitting the occupancy of any regulated rental unit (except as provided in subsection (3), below), the owner of every such regulated rental unit shall be required to apply for and obtain an occupancy license for each regulated rental unit.

(2) A license shall be required for each building and an inspection of each regulated rental unit.

(3) The following categories of rental properties shall not require licenses, and shall not, therefore, be subject to the permitting provision of this article: a. Owner-occupied regulated rental units provided that not more than four (4) unrelated individuals, in addition to the immediate members of the owner's family, occupy the regulated rental unit at any given time. b. Hotels and motels. c. Hospitals and nursing homes. d. Bed and breakfast homes as defined in the borough's zoning ordinance.

(4) An occupancy license shall not be required for multiple-unit dwellings, although an occupancy license shall be required for each regulated rental unit within the structure. The foregoing notwithstanding, all other provisions of this article shall apply to the common areas of the structure.

(5) The application for the occupancy license shall be in a form as determined by the borough.

(6) The owner shall maintain a current list of occupants in each regulated rental unit which shall include their name, permanent address and permanent telephone number. The owner shall furnish the list to the Borough upon request and shall notify the Borough of any changes in the number of occupants so that revisions can be made to the license.

(7) The owner shall furnish with his or her application for an occupancy license a copy of the written lease form or detailed written summary of the terms and conditions of any rental agreement the owner intends to have the occupants of each licensed regulated rental unit execute or otherwise agree to. If the owner uses more than one (1) form of a rental agreement, the owner shall furnish a copy of each form. The occupancy license will not be issued if the rental agreement form does not meet the requirements of this article.

(8) The owner shall furnish with his or her application, for inspection purposes only, the rental agreements that have been entered into that will cover all or part of the occupancy license term. The occupancy license will not be issued if such leases are not furnished for inspection. Leases shall be furnished for all persons who have paid a down payment at the time that the owner applies for an occupancy license or who have committed to residing in the premises.

(9) Failure to abide by this section shall be a summary offense with a fine of not more than three hundred dollars (\$300.00) per violation.

(b) Bi-annual license term, fee and occupancy limit.

(1) Each occupancy license shall have a two-year term and each regulated rental unit shall be subject to a minimum of one (1) inspection every other year, provided that there is no transfer of

title to the premises and there is no change in any tenant of a regulated rental unit. The occupancy license shall be valid for two (2) years from the initial date of issuance and shall expire on the last day. Any renewal inspection shall be required to be performed prior to the expiration of the occupancy license. All properties in the borough shall be required to have an inspection in even-numbered years, or in accordance with this ordinance upon change of tenant and/or sale or transfer of the Property.

(2) Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay to the Borough an annual license and inspection fee.

a. Registration. The fee for a residential rental registration shall be one hundred dollars (\$100.00) per residential rental unit payable at the time of the scheduling of the original inspection.

b. Licensure (occupancy license). The fee for a license for occupancy shall be one hundred dollars (\$100.00).

c. Reinstatement. The fee to reinstate a revoked residential rental registration or a residential rental license shall be one hundred dollars (\$100.00) per residential rental unit and ten dollars (\$10.00) per occupant with a maximum of four (4) occupants.

(3) The license shall indicate thereon the maximum number of occupants in each regulated rental unit.

(4) No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this article or any of the ordinances of the Borough of Ashley relating to land use and/or code enforcement or if any licensing fees under this article are due and owing the borough.

(c) Inspection.

(1) All premises shall be subject to periodic inspection by the code enforcement officer or another duly authorized agent of the Borough as outlined in this Ordinance. Such inspection may take place when an application is submitted for a license or at any time during the year when a property becomes subject to this article. The fees for inspections are contained in this article.

(2) The code enforcement officer is hereby designated as the official authorized to enforce this article and to take appropriate measures to abate violations hereof, for and on behalf of the Borough of Ashley.

(3) This section shall not be construed so as to limit or restrict the code enforcement officer's authority to conduct inspections of premises, whether or not subject to the permitting and inspection requirements of this article, pursuant to any other ordinance or code.

(d) Search warrant.

(1) Upon a showing of probable cause that a violation of this article or any other ordinance of the Borough of Ashley has occurred, the code enforcement officer may apply to the district justice having jurisdiction in the Borough of Ashley for a search warrant to enter and inspect the premises.

(e) Posting of contact information.

(1) Any multi-unit regulated rental unit shall be required to conspicuously post the contact name and address of the owner, landlord and manager for the benefit of all tenants and residents. Said information shall be posted in the common area of the multi-unit regulated rental unit.

**SECTION 20.** - Grounds for nonrenewal, suspension or revocation of license.

(a) General.

(1) The code enforcement officer may initiate disciplinary action against an owner that may result in a formal warning, nonrenewal, suspension or revocation of the owner's license, for violating any provision of this article that imposes a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided for herein.

(b) Definitions of options to the code enforcement officer.

(1) Formal warning. Formal written notification of at least one (1) violation of this article. Upon satisfactory compliance with this article and any conditions imposed by the code enforcement officer and/or the Borough of Ashley, the formal warning shall be removed when the owner applies for license renewal at a time set by the code enforcement officer or by Borough of Ashley.

(2) Nonrenewal. The denial of the privilege to apply for license renewal after expiration of the license term. The Borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the code enforcement officer or by Borough of Ashley such time not to exceed one (1) year from the renewal date.

(3) Suspension. The immediate loss of the privilege to rent regulated rental units for a period of time set by the code enforcement officer or Borough of Ashley such time not to exceed one (1) year from the date of suspension. The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

(4) Revocation. The immediate loss of the privilege to rent regulated rental units for a period of time set by the code enforcement officer or the Borough of Ashley and the loss of the privilege to apply for renewal of the license at the expiration of the time period such time not to exceed one (1) year from the date of revocation. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.

(5) Reinstatement. A residential rental registration shall be reinstated if the owner or operator of a regulated rental unit corrects the reason for the revocation of the residential rental registration and has paid the residential rental registration reinstatement fee.

(c) Criteria for applying sanctions.

(1) The code enforcement officer, when recommending sanctions, and the Borough of Ashley, when applying sanctions, shall consider the following: a. The effect of the violation on the health, safety and welfare of the occupants of the regulated rental unit and other residents of the premises. b. The effect of the violation on the neighborhood. c. Whether the owner has prior violations of this article and other ordinances of the Borough or has received notices of violations as provided for in this article. d. Whether the owner has been subject to sanctions under this article. e. The effect of sanctions against the owner on the occupants. f. The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner. g. The policies and lease language employed by the owner to manage the regulated rental unit to enable the owner to comply with the provisions of this article. h. In addition to enforcing sanctions as set forth above, the code enforcement officer may recommend and Borough of Ashley may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this article.

(d) Grounds for imposing sanctions.

(1) Any of the following may subject an owner to sanctions as provided for in this article: a. Failure to abate a violation of Borough codes and ordinances that apply to the premises within the time directed by the code enforcement officer. b. Refusal to permit the inspection of the premises by the code enforcement officer based on just cause or a referral from a law enforcement agency, or by complaint based on circumstantial evidence. c. Failure to take steps to remedy and prevent violations of this article by occupants of regulated rental units as required by this Code of Ordinances. d. Failure to evict occupants after having been directed to do so by the code enforcement officer of the Borough as provided for in this Code of Ordinances. e. Three (3) violations of this article or other ordinances of the Borough that apply to the premises within a license term, with the exception of subsections (d)(1)f.vii. and viii., which shall only require one (1) incident as set forth in the said provisions. For purposes of this article, there need be no criminal conviction before a violation can be found to exist. f. The code enforcement officer, or any authorized agent thereof, may close a rental unit (or an entire property or structure or building containing more than one (1) rental unit) pursuant to this subsection when one (1) or more of the following events occurs at the property: i. A riot as defined in Title 18 of the Pennsylvania Statutes occurs on the premises where the rental unit(s) is located; ii. Three (3) or more of the following occur in any combination within any six-month period: violations of this section under chapter 7 have occurred; iii. The rental unit, common areas, or the premises is condemned by the code enforcement officer, the Ashley Borough Fire Department, or any other appropriate Borough official, as unsafe for human occupancy, or structurally unsafe; iv. The owner has failed to appoint a property manager as required by this section, or if the property manager is not properly licensed as required by the Commonwealth of Pennsylvania; v. The owner has failed to comply with any applicable building codes, zoning codes, housing codes or any provision of this chapter; and/or,

the owner has failed to pay the fine or rectify the underlying problem which generated a citation and/or fine from the code enforcement office regarding the condition of the premises; or an owner, after written notice of violation(s), has failed to come into compliance with the Ashley Code of Ordinances, within such time as the code enforcement officer may designate. vi. Three (3) or more nuisance violations, under chapter 18 of the Ashley Code of Ordinances, have occurred on the premises within any six-month period. vii. An occupant or owner has implied or actual knowledge of drug activity, if the owner and/or occupant is charged or convicted in a court of competent jurisdiction of selling or distributing narcotics or controlled substances, as these terms are defined in the Pennsylvania Statutes, in the rental unit, common areas or on the premises or property. Said knowledge may be imputed to the occupant or owner based on police knowledge and experience of drug activity on the premises or property. viii. An occupant or owner has implied or actual knowledge of any illegal or criminal action with a firearm, in any instance where the owner and/or occupant(s) are charged or convicted in a court of competent jurisdiction of murder or attempted murder, in any degree, manslaughter, assault with a deadly weapon, possession of an illegal firearm, gun manufacturing, gun or firearm trafficking, illegal possession of a firearm, or any crime where a firearm is used as an accessory and/or part of the commission of the said crime, as these terms are or may be defined in the Pennsylvania Statutes, in the rental unit, common areas or on the premises or property. Said knowledge may be imputed to the occupant or owner based on police knowledge and experience of such criminal activity(ies) on the premises or property.

In the event there is a violation of any provision of section 7-239(d)(1)f.i., iv. and v., the rental unit or rental unit(s) of a multi-unit building, when necessary, may be closed by the Borough of Ashley for a period of up to six (6) months, at the direction of the building code official. Evidence that the violation has been cured must be presented to the building code official and verified before any license could be re-issued and/or a property re-opened. The violation of Section (d)(1)f.ii., iii., vii. or viii. shall require the closure of the rental unit(s) for a period of six (6) months at the direction of the Borough of Ashley by way of the revocation of the rental license. Each re-opening without having cured the violation or prior to obtaining a new certificate of occupancy shall be considered a new violation subject to any applicable fines, penalties or additional, consecutive closure orders.

Any person aggrieved by an order of the Borough for closure of a rental unit by way of a suspension or termination of a rental license or closure for issues related to other issues under the Borough's Code and issued under this article relating to housing, building, health or disruptive conduct may appeal such order, within twenty (20) days from the date of the order to the housing appeals board by filing an appeal in the office of code enforcement at Ashley Borough Hall, and paying a non-refundable appeal fee of one hundred dollars (\$100.00). This appeal fee may be waived for those claiming in forma pauperis status.

For purposes of this section and article, any notice required hereunder which is given to the agent, property manager or occupant shall be deemed as notice given to the owner. A claimed lack of

knowledge by the owner, property manager or agent, if applicable, of any violation hereunder cited shall be no defense to closure of rental units/revocation of license, as long as all notice prerequisite to such proceedings has been given in accordance with this section or article.

Nothing contained in this article or this section is intended to dissuade, discourage or prohibit any person whose safety is in jeopardy, or who is a victim of domestic violence from contacting the appropriate authorities, including, but not limited to the Ashley Borough Police Department. Communication and cooperation with law enforcement agencies prior to any event by the owner and/or tenant shall be considered a mitigating factor in the closure of any rental unit and revocation of any license.

Once a rental unit is closed by the Borough of Ashley through the revocation of the license, it shall be closed for the period of time specified in this chapter and by the borough, where applicable, and shall remain closed notwithstanding a sale and/or transfer of real estate subsequent thereto. It shall be the duty of any property owner to notify any subsequent purchaser of the fact that a rental unit is closed by the Borough of Ashley and that a license cannot be obtained until the expiration of the closure period and after a reinspection occurs by the Borough of Ashley. Further, no rental license shall be re-issued unless all real estate taxes are current.

No person shall remove any placard placed by any Borough official placing the public on notice of any closure or any violation. Any placards posted may only be removed by the appropriate Borough officials. Removal of the placard shall subject the offending individual(s) to a fine of three hundred dollars (\$300.00) for each violation. Removal of a placard by the same individual more than two (2) times, in addition to the fines imposed, shall subject the offending individual(s) to a term of incarceration at the direction of the presiding court.

(e) Procedure for nonrenewal, suspension or revocation of license and appeal.

(1) Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a license exist, the code enforcement officer shall notify the owner of the action to be taken and the reason therefore. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information: a. The address of the premises in question and identification of the particular regulated rental unit(s) affected. b. A description of the violation which has been found to exist. c. A statement that the license for said regulated rental unit(s) shall be either suspended or revoked, or will not be renewed for the next license or that the owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence, and in the case of a suspension shall also state the duration of said suspension. d. A statement that, due to the nonrenewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is

prohibited from renting, letting, or permitting occupancy of the regulated rental unit(s) by more than two (2) unrelated individuals subject to said enforcement action, from and during the period said action is in effect. e. Any person affected by a decision of the code enforcement officer or a notice or order issued by the code enforcement officer shall have the right to appeal to the housing board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. f. Any person(s) filing an appeal hereunder shall be required to pay an appeal fee of one hundred dollars (\$100.00) at the time the appeal is filed consistent with subsection e. above. If the appeal is successful, the appeal fee shall be refunded.

(f) Delivery of notification.

(1) All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused", then the code enforcement officer or other agent of the Borough shall attempt delivery by personal service on the owner or manager, if applicable. The code enforcement officer or other agent of the Borough shall also post the notice at a conspicuous place on the premises.

(2) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at the address stated on the most current license 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 U.S. mail, and all time periods set forth under subsection (1) above, shall thereupon be calculated from said fifth day.

**SECTION 21. - Violations and penalties.**

(a) Basis for violation. It shall be unlawful for any person, as either owner or manager of a regulated rental unit for which a license is required, to operate without a valid, current license issued by the Borough authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a regulated rental unit to exceed the maximum limit as set forth on the license, or to violate any other provision of this article. It shall be unlawful for any occupant to violate this article.

(b) Penalties. Any person who shall violate a provision of this article or shall fail to comply with any of the requirements hereof, or the building code of the borough, or shall be in violation of an approved plan or directive of the code enforcement officer shall, upon conviction thereof before the district magistrate of the Borough of Ashley, Pennsylvania, be liable to pay the following penalties: (1) First violation: A fine of five hundred dollars (\$500.00), or thirty (30) days imprisonment, or both; (2) Second violation: A fine of seven hundred fifty dollars (\$750.00), or sixty (60) days imprisonment, or both; (3) Third and each subsequent violation: A fine of one thousand dollars (\$1,000.00), or ninety (90) days imprisonment, or both.

Upon conviction of a third offense, the owner of the property will be required to begin eviction of the tenants/occupants of the property.

(c) Nonexclusive remedies. The penalty provisions of this article and the license nonrenewal, suspension and revocation procedures provided in this article shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this article. The remedies and procedures provided in this article for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the borough, whether or not such other code or ordinance is referenced in this article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this article.

**SECTION 22. - Miscellaneous provisions.**

(a) Notices.

(1) For purposes of this article, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.

(2) There shall be a rebuttable presumption that any notice required to be given to the owner under this article shall have been received by such owner if the notice was given to the owner in the manner provided by this article.

(3) A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this article.

(b) Changes in ownership/occupancy. It shall be the duty of each owner of a regulated rental unit to notify the code enforcement officer in writing within five (5) days of any change in ownership of the premises or of the number of regulated rental units on the premises. It shall also be the duty of the owner to notify the code enforcement officer in writing within five (5) days of any increase in the number of occupants in any regulated rental unit or of the changing of a regulated rental unit from owner-occupied to non-owner-occupied, which thereby transforms the regulated rental unit into a regulated rental unit for purposes of this article. Failure to so notify the code enforcement officer shall be considered a violation of this article.

(c) Owners severally responsible. If any regulated rental unit is owned by more than one (1) person, in any form of joint tenancy, as a partnership, or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this article, and shall be severally subject to prosecution for the violation of this article.

(d) Severability. If any provision of this article or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end, the provisions of this article are declared severable.

**SECTION 23.** - Inspection before or after sale of premises.

(a) Generally. If a rental inspection has occurred within three (3) months before the sale of the premises (the date is defined as the date of settlement) the specific unit, but not the entire premises is exempt from the inspection prior to sale. Verification of the inspection must be shown to the code enforcement officer prior to the inspection for sale.

If an inspection was conducted for the sale of a property and the inspection for a sale has occurred three (3) months prior to the need for an inspection (i.e., a change in a tenant or a renewal of an occupancy license), the code enforcement officer may waive the need for an inspection provided there is not circumstances which would necessitate a reinspection (i.e., drug activity, criminal activity, probable cause to believe there is a nuisance or that the regulated rental unit(s) are not up to code). Such decision as to whether an inspection is necessary within three (3) months after the inspection for sale is at the sole discretion of the code enforcement officer.

(b) Sale of premises. It shall be unlawful for any owner of any premises within the Borough of Ashley which has one (1) or more regulated rental units unless the inspections herein are conducted or lawfully exempt, to sell the premises until the inspections have been completed as set forth herein.

(c) Additional penalties. In addition to the penalties set forth in this article, which shall remain applicable herein, no deed shall be registered or recorded in the Office of Recorder of Deeds of Luzerne County unless and until the inspections have been completed or determined to be exempt by the code enforcement officer.

**SECTION 24.** - Conflicts.

All ordinances or parts of ordinances of the Borough of Ashley in conflict with this article to the extent of such conflict, and no further, are hereby repealed. The provisions of this article are severable. If any part of this article is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby.

**SECTION 25.** - Application.

All regulated rental units in the Borough of Ashley must be inspected in accordance with the guidelines and requirements herein no later than December 31, 2018. Additionally, any information which may be necessary and/or must be provided by the owner, landlord or manager under this article must be provided to the office of code enforcement no later than December 31, 2018, regardless of whether an inspection is required.