

BOROUGH OF WHITE OAK
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-19

AN ORDINANCE OF THE BOROUGH OF WHITE OAK, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, RESTATING AND AMENDING PART 17 (“BUILDING AND HOUSING CODE”), ARTICLE 1721 (“OCCUPANCY PERMIT REQUIREMENTS”) OF THE BOROUGH OF WHITE OAK CODE TO REQUIRE OWNERS OF COMMERCIAL AND RESIDENTIAL PREMISES TO OBTAIN AN OCCUPANCY PERMIT UPON THE CONSTRUCTION, SALE, TRANSFER, ASSIGN, OR LEASE OF SUCH PREMISES; ESTABLISH AN APPLICATION PROCESS TO OBTAIN AN OCCUPANCY PERMIT; AND TO SET FINES FOR NONCOMPLIANCE WITH THIS ORDINANCE

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa. C.S.A. § 1202(5), authorizes the Council of the Borough of White Oak to make regulations that may be necessary for the health, safety, morals, and general welfare of the Borough; and

WHEREAS, the Council of the Borough of White Oak seeks to ensure that the residential and commercial premises located in the Borough of White Oak are in a safe, livable and habitable condition and that buildings and premises in the Borough of White Oak meet fire, safety, health and other regulations; and

WHEREAS, the Council of the Borough of White Oak seeks to ensure that owners and occupants of residential and commercial rental properties in the Borough of White Oak share responsibilities to obey the various codes of the Borough of White Oak to protect and promote public health, safety and welfare.

WHEREAS, the Council of the Borough of White Oak desires to address the above issues by requiring owners of residential and commercial premises to obtain an occupancy permit from the Borough upon the construction, sale, transfer, assign or lease of property in the Borough.

NOW THEREFORE, BE IT ORDAINED AND ENACTED and IT IS HEREBY ORDAINED AND ENACTED by the Council for the Borough of White Oak, Allegheny County, Pennsylvania, as follows:

SECTION 1

Part 17 ("Building and Housing Code"), Article 1721 ("Occupancy Permit Requirements") of the Code of the Borough of White Oak is hereby restated and amended as follows:

§ 1721.01 DEFINITIONS

For the purpose of this article, the following terms shall have the meanings hereinafter designated.

BOROUGH – The Borough of White Oak, Allegheny County, Pennsylvania.

CODE – Any Code or ordinance adopted, enacted and/or in effect in and for the Borough of White Oak concerning fitness for habitation or construction, maintenance, operation, occupancy, use or appearance of any structure. Included within, but not limited by this definition are the following: Borough of White Oak Planning and Zoning Ordinances as well as all other Borough ordinances pertaining to standards for dwellings within the Borough of White Oak, the Uniform Construction Code as adopted by the Borough of White Oak and the International Property Maintenance Code as adopted by the Borough of White Oak.

CODE ENFORCEMENT OFFICER – The duly appointed Code Enforcement Officer having charge of the Office of Code Enforcement of the Borough of White Oak and any assistants or deputies thereof. In appropriate circumstances, this definition shall include police.

COMMERCIAL PROPERTY – Any building or premises used for commercial purposes including, but not limited to, all uses classified as industrial or industrial property.

COMMON AREA – In multiple-unit establishments (either residential or commercial), space which is not part of a single unit but is shared with other occupants of the unit whether they reside in the units or not. Common areas shall be considered as part of the structure 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 dwelling unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior constitute a criminal offense, or that perpetrated, caused or permitted the commission of disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence.

DWELLING – A building with one or more dwelling units.

DWELLING UNIT – Any house, building, premises, apartment or portion of any building, including any apartment building, boarding home or condominium development that is designed or used as a place of residence for one person or family and which contains a facility for cooking.

INDUSTRIAL PROPERTY – Any building or premises used for industrial and or commercial purposes.

LANDLORD – A person or entity who rents property to a tenant.

LEASE – An agreement between an owner/landlord or occupant/tenant where one party allows the other party to occupy and use their property for a specified period of time.

MANAGER – An individual or company that is hired to oversee the day-to-day operations of a structure. The manager shall be the owner of a structure's agent for service of process and receiving notices or demands and to perform the obligation of the owner under this article and under leases with occupants.

OCCUPANCY PERMIT – The permit issued to the owner of a unit or structure under this article which is required for the lawful rental and/or occupancy of a unit or structure.

OCCUPANT – An individual who resides in a unit or structure whether or not the individual is the owner of the unit or structure thereof, with whom a legal relationship with the owner or landlord of the unit or structure is established by a written lease or other agreement pursuant to which such person may reside in or use the premises.

OWNER – The legal owner of real estate, including the person reflected in the deed or document recorded in the Office of the Recorder of Deeds of Allegheny County or any other County office.

OWNER-OCCUPIED DWELLING UNIT – A dwelling unit in which the owner resides on a regular, permanent basis.

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

PREMISES – Any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more units or structures is located.

RENTAL UNIT – A residential, commercial, or industrial structure occupied by any person under a lease.

STRUCTURE – A building with walls and a roof that contains a dwelling, dwelling units, commercial or industrial space, or both.

TENANT – An individual who resides in or is the owner of a business within a unit or structure, 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 (see Occupant).

§ 1721.02 DUTIES OF OWNER.

(a) General.

(1) It shall be the duty of every owner to keep and maintain all units, structures, and premises in compliance with the latest codes adopted by the Borough 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) It shall be the duty of every owner to apply for an occupancy permit upon the construction, sale, transfer, assign or lease of every residential or commercial structure or dwelling unit(s) within a structure in the Borough of White Oak.

(b) Designation of Manager for residential rental units.

(1) Every owner of residential rental units who is not a full-time resident of the Borough of White Oak, or a resident elsewhere within fifteen miles from the Borough of White Oak, shall designate a manager who shall reside within fifteen miles of the Borough of White Oak.

(2) If the owner of rental property is a corporation, a manager shall be required if any officer of the corporation does not reside in the Borough of White Oak or reside within fifteen miles from the Borough of White Oak. If the officer resides in the Borough of White Oak or within fifteen miles from the Borough of White Oak, then the officer shall perform the same function as a manager.

(3) If the owner of rental property is a partnership, a manager shall be required if a partner does not reside in the Borough of White Oak or reside within fifteen miles from the Borough of White Oak. If the partner resides in the Borough of White Oak or within fifteen miles from the Borough of White Oak, then said partner shall perform the same function as a manager.

(4) The manager shall be the agent of the owner for service of process and receiving notices and demands, as well as for performing the obligations of the owner under this article and under rental or lease agreements with occupants.

(5) The identity, address and telephone number(s) of a person who is designated as Manager hereunder shall be provided by the owner or manager to the Borough, and such information shall be kept current and updated as it changes.

(c) Maintenance of Premises.

(1) The owner(s) of residential, and commercial properties shall maintain the premises in compliance with the latest codes adopted by the Borough of White Oak and shall regularly perform all routine maintenance, including lawn mowing, ice and snow removal, and shall promptly make all repairs necessary to fulfill its obligation.

(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 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 any owner of any responsibility under this ordinance or other ordinances or codes for maintenance of premises.

§ 1721.03 INSPECTION REQUIREMENTS.

(a) All single-family dwellings, multi-family dwellings, rental housing units, commercial properties within the Borough shall be required to be inspected and issued an occupancy permit, which will certify that the dwelling, housing unit, or commercial premises comply with the latest codes adopted by the Borough. The issuance of a valid occupancy permit must be completed by the settlement date on the sale of all single-family residence, multi-family dwelling, and commercial premises. The issuance of a valid occupancy permit must be completed prior to a new tenant moving into the said rental housing unit or a commercial rental unit.

All structures, whether owner-occupied or rental units, single-family, two family or multi-family dwellings and commercial structures and units, shall be bound by these requirements. Each unit in a two-family dwelling or multi-family dwelling shall be treated separately by this ordinance and each shall require its own occupancy permit. Each unit in a commercial structure shall be treated separately by this ordinance and each shall require its own occupancy permit.

(b) The property owner or agent for the property shall make application to the Borough of White Oak on a Borough supplied form and return it to the Borough along with the required application fee.

(c) The Borough shall conduct an inspection of the premises and shall make note of all deficiencies from the applicable codes pertaining to all structures within the Borough of White Oak. If the structure or unit is found to be in compliance with the aforementioned codes, then the property owner or agent shall be issued an Occupancy Permit for the structure or unit.

(d) If deficiencies are found, the Borough shall re-inspect the property after notification that all deficiencies are corrected by the owner or agent. If all deficiencies are found to be corrected, the owner or agent shall be issued an Occupancy Permit for the structure.

(e) Interior corridors of all multi-family dwelling whose units share common interior corridors are subject to inspection and code compliance at the same time as the inspection of the first unit in the structure requested for inspection.

(f) Interior corridors of commercial structures whose units share common interior corridors are subject to inspection and code compliance at the same time as the inspection of the first unit in the structure requested for inspection.

§ 1721.04 ADDITIONAL REQUIREMENTS PERTAINING TO RESIDENTIAL RENTAL UNITS.

(a) Within ten (10) days after receipt of written notice from the Code Enforcement Officer that an occupant of a "regulated rental unit" has violated a provision of this article, including and engaging in disruptive conduct, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

(b) Within twenty (20) days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report on a form provided by the Borough, setting forth what action the owner has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

(c) The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner then shall, on his or her own initiative, enforce the plan and failure to do shall be a violation of this article.

(d) In the event that a second violation occurs within a year involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to evict the occupants who violated this Ordinance and not to permit the occupant to occupy the premises during the subsequent licensing period.

§ 1721.05 FEES.

(a) Each application for an occupancy permit shall be accompanied by check, cash or money order in the amount described hereinafter:

- a. An occupancy permit requested in conjunction with the sale or transfer of ownership of a residential dwelling unit shall require a fee in the amount of seventy-five (\$75.00) and shall include one (1) re-inspection.
- b. An occupancy permit requested in conjunction with the change of occupancy of a residential rental unit within the Borough of White Oak shall require a fee in the amount of seventy-five dollars (\$75.00) and shall include one (1) re-inspection.
- c. An occupancy permit requested in conjunction with the sale or transfer of ownership of a commercial or industrial unit shall require a fee in the amount of one hundred twenty-five dollars (\$125.00) per unit and or buildings and shall include one (1) re-inspection per unit and or building.
- d. An occupancy permit requested in conjunction with the change of occupancy of a commercial or industrial unit shall require a fee in the amount of one hundred twenty-five dollars (\$125.00) per unit and or buildings and shall include one (1) re-inspection per unit and or building.

(b) In the event deficiencies are found during an inspection and said deficiencies are found not to have been corrected during the re-inspection referred to in Section 1721.03(e) above, a re-inspection fee shall be charged in the amount described hereinafter:

- a. For each additional re-inspection of a residential dwelling unit a fee in the amount of fifty dollars (\$50.00) shall be charged.
- b. For each additional re-inspection of a residential rental unit a fee in the amount of fifty dollars (\$50.00) shall be charged.
- c. For each additional re-inspection of a commercial or industrial unit and or building a fee in the amount of seventy-five dollars (\$75.00) shall be charged per unit or building.

(c) The Council of the Borough of White Oak may amend the fees stated in this part as need by Resolution.

§ 1721.06 PENALTY.

Any individual, person, officer or agent of any firm, partnership, corporation or other entity who violates or causes to be violated any of the provisions of this article, shall, upon conviction, pay a fine of three hundred dollars (\$300.00). Each day that a violation continues after service of notice of a violation shall be deemed a separate expense.

SECTION 2 - REPEALER

As of the effective date of this Ordinance, all ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

SECTION 3 - SEVERABILITY

The provisions of this Ordinance are severable. If any section, sentence or clause of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, sentences or clauses of this Ordinance.

SECTION 4 - EFFECTIVE DATE

This Ordinance shall become effective upon enactment by the Council of the Borough of White Oak.

ORDAINED AND ENACTED this 19th day of June, 2023.

ATTEST:

BOROUGH OF WHITE OAK



John Palyo
Borough Manager



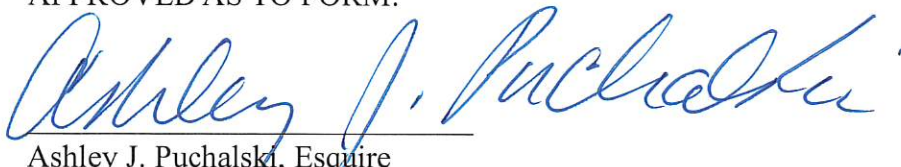
Charles C. Davis
President of Council

EXAMINED AND APPROVED by me this 19th day of June, 2023.



Ina Marton
Mayor

APPROVED AS TO FORM:



Ashley J. Puchalski, Esquire
Solicitor