

OFFICIAL

**BOROUGH OF CRAFTON  
ORDINANCE NO. \_\_\_\_**

AN ORDINANCE OF THE BOROUGH OF CRAFTON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 90 OF THE CRAFTON BOROUGH CODE OF ORDINANCES, CODE ENFORCEMENT, AS AMENDED, TO REQUIRE BUSINESS AND MULTIFAMILY RESIDENCE PREMISES REGISTRATION AND INSPECTION.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. § 1202(5), authorizes the Borough of Crafton (the “Borough”) to make regulations as may be necessary for, among other things, the health, safety, morals and general welfare of the Borough; and

WHEREAS, Chapter 90 of the Borough of Crafton Code of Ordinances, Code Enforcement as amended, regulates code enforcement within the Borough; and

WHEREAS, the Borough wishes to ensure the health and safety of its residents within business properties and multifamily residences; and

WHEREAS, the Borough wishes to implement methods to track business properties and multifamily residences within the Borough and ensure all premises comply with the International Fire Code; and

WHEREAS, the Council of the Borough desires to amend Chapter 90 of the Crafton Borough Code of Ordinances, Code Enforcement, to add an Article III entitled “Business and Multifamily Residence Premises Registration and Inspection” to: (1) establish a definition for business property, family, multifamily residence, occupant, and official; (2) establish registration requirements for business properties and multifamily residences, including changes in occupancy notifications, fees associated with registration; registration placard posting requirements, and registration expiration and renewal requirements; (3) establish fire code inspection requirements for business properties and multifamily residences; (4) establish an appeal process and penalties related to violations of the article; (5) establish a severability clause; (6) repeal all prior inconsistent ordinances; and (7) establish the ordinance effective date.

NOW, THEREFORE, the Council of the Borough of Crafton hereby ordains and enacts as follows, incorporating the above recitals by reference:

**SECTION 1.** Chapter 90 of the Crafton Borough Code of Ordinances, Code Enforcement, is amended by inserting an Article III as follows:

**Article III: Business and Multifamily Residence Premises Registration and Inspection**

**§ 90-30 Definitions.**

## **BUSINESS PROPERTY**

Any property with a building or structure thereon that falls within the classifications set forth in the International Building Code as Assembly, Business, Educational, Factory, High Hazard, Institutional, Mercantile, Storage, and Utility and Miscellaneous, and located within the Borough of Crafton.

## **FAMILY**

Either an individual, or two or more persons related by blood or marriage or adoption, or a group of not more than four persons not so related (not counting servants) living together as a single household, or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et seq., as now or hereafter amended) living together in a group living arrangement with supervision.

## **MULTIFAMILY RESIDENCE**

Any building designed or used as permanent living quarters for two or more families, including conversion apartments, garden apartments, mid-rise apartments, high-rise apartments and townhouses, as defined in Chapter 225, Zoning, of the Borough's Code of Ordinances.

## **OCCUPANT**

A tenant or other occupant in possession of the property.

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The duly appointed Crafton Borough Building Code Official, the Crafton Borough Fire Code Official, or such substitute designated by the Borough Manager or Borough Council to administer and enforce this Article.

### **§ 90-31 Registration Required.**

All owners of a business property or multifamily residence shall annually register with the Borough on a registration form supplied by the Borough Manager or his or her designee. The registration shall be accompanied by the registration fee set by the Borough Council. Registration may be carried out by a tenant or other occupant of the property if authorized by the property owner. Vacant properties, as defined in Chapter 167 of the Borough Code of Ordinances, Property, Vacant, are not subject to the provisions of this Article and shall comply with the requirements of that Chapter.

### **§ 90-32 Change in Occupancy.**

It shall be the duty of each business property or multifamily residence owner and/or occupant to report any change in the use or occupancy of a business property or multifamily residence or the establishment of a new business property or multifamily residence, to the Official within 10 calendar days of the change, or the commencement of the new business property or multifamily residence. A change in use or occupancy, or the establishment of a new business property or multifamily residence, requires a new registration under § 90-31.

**§ 90-33 Fees.**

A registration fee shall be imposed to defray administrative, clerical and periodic inspection costs, shall be collected by the Borough Manager, and shall be set by resolution of the Borough Council, as may be amended from time to time. The resolution establishing the fee may provide for the fee to be decreased or waived for nonprofit, educational or religious organizations and for the fee to be waived or decreased for any property owner or occupants who voluntarily register within 90 days after passage of this Article or within 60 days after a new business property or multifamily residence is created requiring registration herein.

**§ 90-34 Posting of Registration Placard.**

A registration placard shall be conspicuously posted in the place of business or multifamily residence for which the registration is issued. In cases where more than one location exists, a separate registration placard or copy thereof shall be issued for posting.

**§ 90-35 Expiration of Registration; Renewals.**

- A. For the year beginning January 1, 2019, a business property registration under the provisions of this Article shall be submitted by August 31, 2019 and shall be valid for the remainder of the calendar year and the following calendar year and shall expire on December 31, 2020. For and after the year beginning January 1, 2021, a business property registration shall be valid for a period of two years, expiring on December 31<sup>st</sup> of the second year.
- B. For the year beginning January 1, 2019, a multifamily residence registration under the provisions of this Article shall be submitted by February 28, 2020 and shall be valid for the remainder of the calendar year and the following calendar year and shall expire on December 31, 2021. For and after the year beginning January 1, 2022, a multifamily registration shall be at valid for a period of two years, expiring on December 31<sup>st</sup> of the second year.
- C. A renewal registration form shall be filed with the Borough Manager at least 30 days prior to the expiration of the registration.

**§ 90-36 Inspections; Appeals.**

- A. The Borough, through the Official, shall conduct an inspection within one calendar year of receipt of a registration application.
- B. Inspections shall be for the purpose of determining compliance with applicable the Fire Code, Construction Code, Property Maintenance Code and Zoning Code and other health and safety code requirements and for the purpose of obtaining information for tax and other Borough purposes regarding the ownership, use and occupancy of the business or multifamily property.
- C. The Official is authorized to enter for the purpose of inspection upon all business properties and all common areas and individual residences of multifamily residences.
- D. For the purpose of enforcing this Article, the Official may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection under this Article.
- E. The Official shall issue a report of each inspection and supply a copy thereof to the owner and/or occupant of the property inspected. The report shall note compliance violations and any corrective actions required. The official is authorized and directed to carry out follow-up inspections as needed to determine compliance. Follow-up inspections shall result in assessment of fees as set by resolution of the Borough Council.
- F. Any person aggrieved by a determination of the official may appeal such determination by filing a written request for a Local Agency Law appeal with the Borough Manager within 30 days after the date of issuance of the determination appealed from. Such appeal shall be accompanied by an appeal fee of \$50, or such other amount as is set by resolution of the Borough Council, and shall state the grounds for the appeal. The appellant shall also be responsible to reimburse the Borough for any costs of a court report or advertising relating to such hearing.
- G. The Borough Council may, upon recommendation of the official, establish rules and regulations to govern such inspections and appeals by aggrieved parties.

**§ 90-37 Penalties.**

Any person who owns or occupies a business property or multifamily residence within the Borough without a valid registration or otherwise fails to comply with the requirements of this Article, including, without limitation, failing to provide access to the official, shall, upon summary conviction before the District Justice, be fined not more than \$500 for any one offense, recoverable with costs and restitution, or imprisoned for not more than 30 days, if the amount of such fine and costs is not paid. Each day of a continuing violation shall be considered a separate offense.

**SECTION 2.** Should any sentence, section, clause, part or provision of this Ordinance be

declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

**SECTION 3.** All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

**SECTION 4.** This Ordinance shall take effect in accordance with applicable law.

**ORDAINED** and **ENACTED** this \_\_\_ day of \_\_\_\_\_, 2019, by the Council of the Borough of Crafton in lawful session duly assembled.

ATTEST:

BOROUGH OF CRAFTON

\_\_\_\_\_  
Carissima Kerns  
Borough Secretary

By: \_\_\_\_\_  
Phillip G. Levasseur  
President, Borough Council

**EXAMINED** and **APPROVED** this \_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
James G. Bloom  
Mayor