

## Chapter 245. RENTAL PROPERTY

**[HISTORY: Adopted by the Municipal Council of the Municipality of Norristown as indicated in article histories. Amendments noted where applicable.]**

### GENERAL REFERENCES

Change of use or occupancy — See Ch. **128**.

Housing discrimination — See Ch. **188**.

Noise — See Ch. **215**.

Overcrowding of dwelling units — See Ch. **222**.

Peace and good order — See Ch. **229**.

Property maintenance — See Ch. **239**.

Real Estate Registry — See Ch. **242**.

Rodent control — See Ch. **247**.

## Article I. Rental License Permits

**[Adopted 6-3-2008 by Ord. No. 08-12 Editor's Note: This ordinance also repealed former Ch. 245, Rental Property, consisting of Art. I, Rental License Permits, adopted 1-4-2005 by Ord. No. 05-02, as amended. This ordinance further provided that it shall become effective October 1, 2008. ]**

### § 245-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

#### FAMILY

Any number of individuals living together on a nontransient basis as a single housekeeping unit and doing their cooking on the premises. The definition shall not apply to the occupants of a club, fraternity house, lodge or residential club. Notwithstanding the aforesaid definition, a family shall include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined previously.

#### MULTIFAMILY DWELLING

A detached residential building containing three or more dwelling units. Units may be arranged entirely in vertical rows (like townhouses) and are generally located entirely above or below one another. Units may share outside access and/or internal hallways, lobbies and similar facilities. The dwelling units cannot be individually lotted, but instead share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as a rental or condominium development. This dwelling type includes but is not limited to low-rise, mid-rise and high-rise apartments and multifamily conversions as defined below.

A. **LOW-RISE APARTMENT** — An apartment building not exceeding three stories and 36 feet in height, also known as a “garden apartment.”

B. **MID-RISE APARTMENT**—An apartment building exceeding three stories and 36 feet in height but not exceeding six stories and 72 feet in height.

C. **HIGH-RISE APARTMENT**—An apartment building exceeding six stories and 72 feet in height but not exceeding 10 stories and 120 feet in height.

D. **MULTIFAMILY CONVERSION** — A multifamily dwelling, containing not more than four units, that results from the conversion of a single-family or two-family dwelling, also known as a “converted apartment building.”

#### **SINGLE-FAMILY ATTACHED DWELLING UNIT**

A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one but not more than three adjacent similar dwelling units and located in a building comprised of at least three dwelling units. Each dwelling unit may be individually lotted or owned as a condominium. This dwelling type shall include but not be limited to dwelling units commonly known as “townhouses,” “row houses,” “triplexes,” “quadruplexes,” and “multiplexes.”

#### **SINGLE-FAMILY DETACHED DWELLING**

A dwelling designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.

#### **SINGLE-FAMILY SEMIDETACHED DWELLING (TWIN)**

A two-family building with dwelling units placed side-by-side and joined to each other by a vertical, common party wall but otherwise surrounded by yard areas. When lotted, each dwelling unit may be on a separate lot, with the common boundary between the two lots running along the common party wall. Separate ingress and egress is provided to each unit.

#### **TOWNHOUSE (ROW HOUSE)**

A single-family attached dwelling in a row of at least three units, with one dwelling unit from ground to roof, with individual outside access. Although these units are in rows, their design should de-emphasize a lined-up appearance.

#### **TWO-FAMILY BUILDING**

A residential building containing two dwelling units and which is not attached to any other building. A two-family building counts as two dwelling units for density purposes.

#### **TWO-FAMILY DETACHED (DUPLEX)**

A two-family building with one dwelling unit placed above the other so that they share a common horizontal partition. When lotted, a duplex shall be entirely on one lot. Separate ingress and egress is provided to each unit.

## **§ 245-2. Establishment of annual rental license permit.**

A. All owners of single-family detached dwellings, two-family buildings, single-family semidetached dwellings, two-family detached dwellings, single-family attached dwellings, townhouses, multifamily dwellings, and apartments houses (hereinafter “rental dwellings”) intending to rent their rental dwelling or a portion of their rental dwelling in the Municipality of Norristown to nonfamily members shall make application to Code Enforcement of the Municipality of Norristown for licensing on an annual basis. Forms shall be available for inspection at the Municipality of Norristown Code Department.

- B. At the time of application, the owner making application shall provide to Code Enforcement a list of current or proposed tenants for the calendar year. That tenant list shall include the tenant's full legal name and any known aliases, address, employment title and address of employer. If a tenant vacates the owner's property and is replaced by a new tenant, the owner is obligated to notify Norristown Code Enforcement in writing within 60 days and provide the information required in the aforesaid tenant list about the new tenant(s) to Norristown Code Enforcement.
- C. At the time of application, the owner making application must have satisfied all permit fees owed to the Municipality of Norristown, with the exception of any taxes and or fees regulated by the statutory authority of the General Assembly of the Commonwealth of Pennsylvania. This satisfaction of the aforesaid permit fees applies not only to the property(s) that the owner is applying for currently but to all properties that the owner possesses title to within the Municipality of Norristown. The term "appropriate and applicable fees" is meant to extend to those property(ies) which may not be in the name of the owner but which the owner has partnership, shareholder, or equivalent status therein. The satisfaction of appropriate and applicable fees is meant to be liberally construed. Any and all disputes arising out of its interpretation shall be determined first by the Codes Manager and if that is not satisfactory to the owner by the Municipal Administrator of Norristown.
- D. At the time of application if the owner has had his license suspended or revoked in the previous 365 days, the Municipal Administrator reserves the right to deny issuance of the rental license for the following year.
- E. At the time of application, each owner for a license to operate a rental dwelling shall pay a license fee on an annual basis set by a resolution of Municipal Council.
- F. At the time of application, the owner shall complete a certification subject to the provisions of 18 Pa. C.S.A. § 4904 which states that the owner is aware of and intends to comply with the Norristown Property Maintenance Code, the Uniform Construction Code, the Municipality's Recycling Ordinance, and the Municipality's stand-alone ordinances regulating weeds, litter, and snow removal.
- G. Beginning in 2008, applications for housing licenses for 2009 and thereafter shall be made on or prior to November 15 of the preceding year. At the time of the application, the license fee shall be paid. Applications for housing licenses made after November 15 shall be subject to a penalty which shall be set by resolution of Municipal Council. **[Amended 10-7-2008 by Ord. No. 08-22]**
- H. Upon the application of the owner for a rental license or renewal thereof, the Code Department may conduct an inspection of the property to determine and ensure that the residential rental property and each unit contained therein is not a public nuisance or substandard and meets all the zoning, health and safety requirements of the Municipality as well as general applicable law. All inspections shall conform to the protections guaranteed property owner(s) and/or individuals in the Constitution(s) of the United States and the Commonwealth of Pennsylvania.

## **§ 245-3. Landlords responsible for certain behavior of tenants.**

**[Added 12-4-2012 by Ord. No. 12-15** *Editor's Note: Former § 245-3, Procedures for revocation of license, as amended, was repealed 11-7-2012 by Ord. No. 12-11.* **]**

- A. It shall be the licensee's responsibility to assure that the tenants, the tenants' family members, and guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this chapter, "rental dwelling unit" shall include common areas in the building where the rental dwelling unit is located.
- B. Disorderly behavior.

(1) For purposes of this § **245-3** only, “disorderly behavior” may include, but is not limited to, the following:

(a) Drug-related illegal activity in the rental dwelling unit. “Drug-related illegal activity” means the illegal possession, manufacture, sale, distribution, purchase, use, or possession with intent to manufacture, sell or distribute a controlled substance [as defined in the Controlled Substance Act (21 U.S.C. § 802)] or possession of drug paraphernalia as defined by Pennsylvania statute. A tenant shall be deemed to be in possession of a controlled substance if any amount of a controlled substance is located in the tenant’s rental dwelling unit even if the tenant claims not to know the controlled substance was present, unless the tenant provides a sworn statement by a person, other than another tenant or tenant’s family member, that the controlled substance was his or hers and that the tenant had no knowledge of the existence of the controlled substance.

(b) Any call to a rental dwelling unit or units to which the Norristown Police Department responds and which, in the sole discretion of the Chief of Police, involves activity that can be characterized as disorderly in nature, including, but not limited to, the following types of activity:

[1] Disorderly conduct;

[2] Public nuisance;

[3] Unlawful use, discharge or possession of a firearm or weapon;

[4] Obstructing the administration of justice;

[5] Domestic disturbances that do not require that a mandatory arrest be made;

[6] Prostitution; and

[7] Intimidation.

(c) The issuance of at least three citations by the Municipality of Norristown for a violation of the International Property Maintenance Code, Norristown’s codification of the Uniform Construction Code, or any other general law of Norristown.

(2) Calls to which the Norristown Police Department responds will not be counted for purposes of determining whether a licensee shall be subject to the fines set forth in this § **245-3** where those calls are made by a tenant, a member of a tenant’s family or a tenant’s guest taking action to seek emergency assistance, unless it is discovered by the Norristown Police Department, upon investigation, that one or more of the acts constituting disorderly behavior set forth in Subsection **B(1)(b)** above have occurred at the rental dwelling unit(s).

C. Upon determination by the Chief of Police that a rental dwelling unit was the location of disorderly behavior, the Chief of Police shall notify the Director of Code Enforcement, who shall notify the applicable licensee of the violation by first-class mail at the licensee’s last-known address and direct the licensee to take steps to prevent further violations.

D. If a second instance of disorderly behavior occurs at a rental dwelling unit within two months after the date of the notice for a previous disorderly behavior at the same rental dwelling unit, the Director of Code Enforcement shall notify the licensee of the violation by first-class mail at the licensee’s last-known address and direct the licensee to submit, within 10 business days of the date of the notice, a written report to the Director of Code Enforcement of all action taken by the licensee since the first violation notice and actions the licensee intends to take to prevent further disorderly behavior. If the report is not received by the Director of Code Enforcement in a timely manner, the licensee shall be cited for violation

of this section and, if found guilty by a court of competent jurisdiction, shall be required to pay the applicable fines as stated in § **245-3K** below.

- E. If the licensee submits the report required in § **245-3D** above in a timely manner, and a third instance of disorderly behavior occurs at a rental dwelling unit within two months after the date of the notice for the second instance of disorderly behavior at the same rental dwelling unit, the licensee shall be cited for violation of this section and, if found guilty by a court of competent jurisdiction, shall be required to pay the applicable fines as stated in § **245-3K** below.
- F. No adverse action shall be taken against any licensee where the instance of disorderly behavior occurred during pending eviction proceedings or within 30 days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse action may be taken when the licensee fails to diligently pursue the eviction process.
- G. No property shall be condemned for any reason under the International Property Maintenance Code for violation of the provisions of this section.
- H. No tenant shall be evicted or forced to vacate a rental dwelling unit by the Municipality of Norristown for violation of the provisions of this section.
- I. It is strongly encouraged that all licensees include in their leases language that provides that it is a breach of the lease for a tenant to be convicted for disorderly behavior.
- J. It is strongly encouraged that all licensees conduct criminal background checks on prospective tenants prior to entering into a lease.
- K. Penalties for violation of § **245-3**.
  - (1) If a licensee is convicted of violating this § **245-3**, the first conviction shall carry a mandatory fine of a minimum of \$300 and a maximum of \$500.
  - (2) If a licensee is convicted of violating this § **245-3** for a second time, such conviction shall carry a mandatory fine of a minimum of \$500 and a maximum of \$750.
  - (3) If a licensee is convicted of violating this § **245-3** for a third time, such conviction shall carry a mandatory fine of a minimum of \$750 and a maximum of \$1,000.
  - (4) If a licensee is convicted of violating this § **245-3** for a fourth or subsequent time, such conviction(s) shall carry a mandatory fine of \$1,000.
  - (5) All fines levied pursuant to this § **245-3K** shall have added to them all court costs and reasonable attorneys' fees incurred by the Municipality of Norristown to enforce this section. Each day that a violation continues shall constitute a separate offense.

## § 245-4. Violations and penalties.

**[Amended 10-7-2008 by Ord. No. 08-22; 2-7-2012 by Ord. No. 12-03; 12-4-2012 by Ord. No. 12-15]**

- A. Any person who violates any provision of this chapter other than § **245-3** shall be issued a citation and, upon conviction by a court of competent jurisdiction, shall be subject to a fine of not less than \$300 nor more than \$1,000 per nonlicensed dwelling unit, plus any and all court costs and reasonable attorneys' fees incurred by the Municipality of Norristown to enforce this chapter. Each day that a person is in violation of any provision of this chapter shall constitute a separate offense.