

MUNICIPALITY OF NORRISTOWN  
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_ - \_\_\_\_\_ OF 20 \_\_\_\_

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 245, "RENTAL PROPERTY" OF THE GENERAL LAWS OF NORRISTOWN TO ADD PROVISIONS TO SECTION 245-3, "PROCEDURES FOR REVOCATION OF LICENSE" TO CLARIFY THE PROCEDURE FOR REVOKING OR SUSPENDING A RENTAL LICENSE, TO PROVIDE THAT NOTICE OF A PROPOSED REVOCATION OR SUSPENSION BE GIVEN TO THE LICENSEE, TO PROVIDE FOR THE PLACING OF A PLACARD OR SIMILAR SIGN ON A RENTAL PROPERTY FOR WHICH THE LICENSE HAS BEEN REVOKED OR SUSPENDED, AND TO PROVIDE THAT IF A PROPERTY IS CONDEMNED, A RENTAL LICENSE IS AUTOMATICALLY REVOKED; PROVIDING FOR THE REPEAL OF ALL INCONSISTENT ORDINANCES OR SECTIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Council of the Municipality of Norristown has enacted the General Laws of Norristown which contain, *inter alia*, provisions governing the issuance and revocation of rental licenses; and

WHEREAS, Council desires to clarify the procedure for revoking or suspending a rental license, including requiring notice of a pending revocation or suspension to be given to the licensee, providing for the Municipality to place a placard or similar sign on a rental unit that has had its license revoked or suspended and providing that upon condemnation of a property, any rental licenses for that property are automatically revoked; and

WHEREAS, Council has determined that the revisions to the rental license provisions set forth hereinbelow are in the best interests of the health, safety and welfare of the residents of the Municipality of Norristown;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Norristown Municipal Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Chapter 245, Section 245-3 of the General Laws of Norristown is amended as follows:

A. Section 245-3.B.(2) is amended to read as follows:

"(2) 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:

(a) Disorderly conduct;

- (b) Public nuisance;
- (c) Unlawful use, discharge or possession of a firearm or weapon;
- (d) Obstructing the administration of justice;
- (e) Domestic disturbances that do not require that a mandatory arrest be made;
- (f) Prostitution; and
- (g) Intimidation.

B. New subsections (3) and (4) are added to Section 245-3.B. as follows:

“(3) The issuance of at least three (3) citations by the Municipality of Norristown for a violation of the Property Maintenance Code, Norristown’s codification of the Uniform Construction Code, or any other General Law of Norristown.

“(4) Calls to which the Norristown Police Department respond will not be counted for purposes of determining whether a license shall be suspended or revoked 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 have occurred at the rental dwelling unit(s), as set forth in subsection B.(2), above.”

C. Existing Section 245-3.B.(3)(a) is deleted in its entirety. Existing Section 245-3.B.(3) is re-numbered as Section 245-3.B.(5), and existing Section 245-3.B.(3)(b) is re-lettered as Section 245-3.B.(5)(a).

D. Section 245-3.C. is amended to read as follows:

“C. Upon determination by a Municipal employee that a rental dwelling unit was the location of disorderly behavior, the Building Official shall notify the licensee of the violation by first-class mail, and direct the licensee to take steps to prevent further violations.”

E. Section 245-3.D. is amended to read as follows:

“D. If a second instance of disorderly behavior occurs at a rental dwelling unit within two (2) months of the date of the notice for a previous disorderly behavior at the same rental dwelling unit, the Building Official shall notify the licensee of the violation by first-class mail, and direct the licensee to submit, within ten (10) business days of the date of the notice, a written report to the Building Official of all actions 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 Building Official in a timely manner, the Municipal Administrator, on recommendation of the Building Official, may revoke or suspend a rental license without the need for a third instance of disorderly behavior.”

F. Section 245-3.E. is amended to read as follows:

“E. If a third instance of disorderly behavior occurs at a rental dwelling unit within two (2) months after the second instance of disorderly behavior at the same rental dwelling unit, the rental dwelling unit license may be revoked or suspended or not renewed by the Municipal Administrator, upon the recommendation of the Building Official. The Building Official shall make his/her decision to recommend revocation or suspension of the license and submit his/her recommendation to the Municipal Administrator within ten (10) days of the third instance of disorderly behavior.”

G. Section 245-3.F. is deleted in its entirety and shall read “Intentionally Left Blank.”

H. Section 245-3.H. is amended to read as follows:

“H. The Building Official shall notify the licensee in writing of the basis of the revocation or suspension of the license and the date upon which the Municipal Administrator will review the request to revoke or suspend the license. The notice required by this Section shall be served upon the licensee at least ten (10) business days before the Municipal Administrator reviews the recommendation. Service shall be deemed sufficient if the notice is sent to the licensee by first-class mail at the address provided in the license application.”

I. Section 245-3.I. is amended to read as follows:

“I. The licensee and the Building Official shall be given an opportunity to be heard. The Municipal Administrator shall hear all relevant evidence and arguments and shall review all testimony, documents, and other evidence submitted.”

J. Section 245-3.J. is amended to change the word “appellant” in the fifth line to read “licensee”, and to change the word “owner” in the ninth line to read “licensee”.

K. Section 245-3.K. is amended to read as follows:

“K. After the Municipal Administrator revokes or suspends a license, no license will be issued for the affected rental dwelling unit(s) until the Building Official determines that the licensee has remedied the conditions identified by the Municipal Administrator as the basis for his/her action. An application to obtain a license for a rental dwelling unit after the Municipal Administrator has revoked, suspended or declined to renew a license for the same rental dwelling unit(s) must be accompanied by all fees required by this Chapter.”

L. Section 245-3.L. is amended to change the word “owner” in the fifth line to read “licensee”.

M. Section 245-3 is amended to add a new Subsection M. as follows:

“M. When a rental license is revoked or suspended, the Municipality may place a placard or similar sign on the property stating that it is unlawful to occupy the property as a rental unit. Removal of such placard or sign by any person other than a representative of the Municipality shall preclude a rental license from ever being issued for the applicable rental dwelling unit.”

N. Section 245-3 is amended to add a new Subsection N. as follows:

“N. When a property is condemned under the authority of the International Property Maintenance Code as adopted by the Municipality, any rental license issued for the property shall be automatically revoked on the effective date of the condemnation.”

O. Section 245-3 is amended to add a new Subsection O. as follows:

“O. A licensee’s failure to remain current on the payment of all fees, taxes and other charges or assessments owed to the Municipality, the Norristown School District or the Norristown Municipal Waste Authority for the rental property at issue or for any other property owned by the licensee in the Municipality, shall be cause to immediately revoke a rental license permit.”

II. Chapter 245, Section 245-4 of the General Laws of Norristown is amended to read as follows:

“Any owner who does not possess a valid permit/license on or after January 1, 2009 shall be in violation of this Chapter and shall be issued a citation, and upon conviction of a summary offense by a court of competent jurisdiction shall be subject to a penalty of not less than \$300 nor greater than \$1,000 per non-licensed dwelling unit, plus any and all court costs and reasonable attorneys’ fees expended by the Municipality to enforce this Chapter. Each day that the owner is in violation of any provision of this Chapter shall constitute a separate offense.”

III. The provisions of any ordinance or part thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the General Laws of Norristown.

V. This Ordinance shall become effective five (5) days following its legal enactment.

ENACTED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

NORRISTOWN MUNICIPAL COUNCIL