

*Borough of Stroudsburg, PA
Wednesday, May 8, 2024*

Chapter 11. Housing

Part 2. LICENSING AND INSPECTION OF RESIDENTIAL RENTAL PROPERTY

§ 11-201. Purposes and Findings.

[Ord. No. 1153, 9/5/2023]

1. Purposes. This Part is intended to serve the following purposes:

- A. To protect and promote the public health, safety, and general welfare of the citizens of the Borough;
- B. To establish rights and obligations of owners and occupants relating to the rental of certain residential units in the Borough of Stroudsburg and to see that rental housing within the Borough is properly maintained;
- C. To ensure that owners, managers, and occupants share responsibilities to comply with codes, to prevent overcrowding, and to avoid nuisances for neighboring residents;
- D. To provide for a system of inspections and for issuance and renewal of licenses and to establish penalties for violations.

§ 11-202. Definitions.

[Ord. No. 1153, 9/5/2023]

As used in this Part, the following terms shall have the following meanings. If a term is not defined in this Part but is defined in the adopted ordinances or codes of the Borough, then that definition shall apply to this Part.

CODE

Any code or ordinance enacted by or in effect within the Borough of Stroudsburg as may be amended from time to time, including, but not limited to, fitness for habitation, the construction, maintenance, operation, occupancy, use, vermin and rodent control, or public health matters of any premises or dwelling unit.

CODE ENFORCEMENT OFFICER (CEO)

The Borough-appointed Code Enforcement Officer(s) having the duty to enforce this Part and the Code and any assistants or deputies appointed by the Borough. At the discretion of Borough Council, an independent entity or contractor may be appointed to enforce part or all of this function under this Part.

COMMON AREA

The space contained in buildings having multiple regulated rental units, which is not part of an individual regulated rental unit and can be shared among occupants of the dwellings. Common areas shall be considered as part of the premises for purposes of this Part.

DWELLING

A building including one or more dwelling units.

DWELLING UNIT

A residential living area for one family (as defined in the Code) that includes living and sleeping purposes and that has its own cooking facilities and a bathroom with a toilet and a bathtub and/or shower.

GUEST

A person who is present on the premises of a regulated rental unit with the actual or implied consent of an occupant.

LANDLORD

This term shall have the same meaning as "owner."

MANAGER

An adult individual designated by the owner of a regulated rental unit under this Part. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this Part and under rental agreements with occupants.

OCCUPANT

See "tenant."

OWNER

One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises and who has a right to transfer use and/or possession of the property to a third party or has exercised that right through lease or license. The term "owner" shall also include, but not be limited to, a mortgage holder who is in possession of a regulated rental unit.

OWNER-OCCUPIED DWELLING UNIT

A dwelling unit where at least one owner of record resides as his/her primary residence.

PERSON

A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other legally existing recognized entity that is capable of ownership.

POLICE

Sworn law enforcement officers who have the legal ability to effectuate arrest, including, but not limited to, the Stroud Area Regional Police Department authorized to serve the Borough of Stroudsburg, the Pennsylvania State Police, and/or the Stroudsburg University Police.

PREMISES

Any parcel of real property located in the Borough, including dwelling(s), common areas, and land and appurtenant structures, on which one or more regulated rental units is located.

REGULATED RENTAL UNIT or UNIT

A dwelling unit that is occupied for residential purposes and that is not:

- A. Owner-occupied dwelling units.
- B. Hotels and motels used for short-term (less than two weeks) transient visitors to the area.
- C. Hospitals and state-licensed nursing homes and personal-care homes.
- D. Bed-and-breakfast homes as defined in the Borough's Zoning Ordinance.^[1]
- E. Dwelling units that are owned by the Monroe County Housing Authority, or its successor entity, shall be exempt from the requirements of this Part for a regularly scheduled Borough inspection if the CEO annually certifies that the Housing Authority's inspection program is

sufficient for serving the purposes of this Part. Units that are subsidized but not owned by the Housing Authority (such as Section 8 Program Housing) are regulated rental units for the purposes of this Part and are not exempt from this Part.

RENTAL AGREEMENT

A legally enforceable agreement between owner and tenant/occupant embodying the terms and conditions concerning the use and occupancy of a regulated rental unit and executed by all parties subject to the agreement.

RESIDENTIAL RENTAL LICENSE

The license issued to the owner of regulated rental units under this Part, which is required in order to lawfully rent and occupy regulated rental units. Until a rental unit has been inspected and a license issued, the residential rental license shall be considered a residential rental registration.

ROOMING HOUSE/BOARDINGHOUSE

A residential use that includes two or more rooming house/boardinghouse units.

ROOMING HOUSE/BOARDINGHOUSE UNIT

A unit of space assigned or leased to one or more persons for residential purposes, which does not otherwise meet the definition of "dwelling unit" and that is not within a Borough-permitted hotel or bed-and-breakfast inn.

TENANT

An occupant of a regulated rental unit with whom a legal relationship with the owner is established by written or oral lease, sublease or other enforceable possessory right under the laws of the Commonwealth of Pennsylvania.

UNRELATED PERSONS

Persons who are not related to each other, as provided in the definition of "family" in this Part.

[1] *Editor's Note: See Ch. 27, Zoning.*

§ 11-203. Registrations, Licenses, and Inspections.

[Ord. No. 1153, 9/5/2023]

1. License Requirement.

A. A residential rental license shall be required for all regulated rental units. By September 1 of each year, the owner or his duly authorized agent shall be required to apply for a residential rental unit license for each regulated rental unit. A rooming house only requires a single license for all units within the rooming house building.

(1) A residential rental license shall not be issued or renewed until:

- (a) All overdue real estate taxes, water, sewage and garbage/rubbish collection fees that are owed to the Borough of Stroudsburg or its authorities or assignees or lessees have been paid in full for all properties owned, in whole or in part, by the applicant in the Borough; and
- (b) The owner has designated and provided information concerning a manager or designated agent, when applicable; and
- (c) The owner or manager has provided a written list containing the information required in § 11-203, Subsection 1C, to the CEO, updated as required by this Part.
- (d) A residential rental license shall not be issued or renewed if the owner has not paid any fines and costs arising from enforcement of this Part or any codes of the Borough

of Stroudsburg relating to zoning and/or code enforcement related to the regulated rental unit, or if any licensing fees under this Part are past due to the Borough.

- (2) The CEO shall delay or deny the renewal of a residential rental license if there are outstanding violations of the Code for that regulated rental unit at the time of renewal which are not corrected and/or for violations of § 11-203, Subsection 1A(1).
- B. The application for a license of each regulated rental unit shall be executed on a form provided by the Borough. The filing of a complete application shall satisfy tenant registration requirements subject to § 11-203, Subsections 1A(1)(c) and 1C.
 - C. The owner or manager shall:
 - (1) Maintain a current list of all occupants age 18 or older in each regulated rental unit, which shall include their name, email address, address and telephone number;
 - (2) Furnish such list to the Borough annually, in writing, with the housing license/registration renewal each year;
 - (3) Notify the Borough, in writing, of all changes in the number, names, or occupant contact information of all occupants age 18 or older within 10 days after a change; and
 - (4) Provide the executed addendum to lease.
2. Registrations, Licenses, and Fees.
- A. Each regulated rental unit shall be licensed for a term of one calendar year. Each licensed regulated rental unit shall be subject to inspection every three years, based upon a schedule established by the CEO, except as provided below.
 - (1) The Borough is not obligated to complete all inspections within the time frame set forth herein. The Borough may instead inspect the unit at any time, as set forth herein.
 - (2) This Part shall not prevent the Borough from requiring additional inspections of a dwelling where the Borough has a reasonable suspicion that violations may be present, which may be based upon written complaints of tenants, fire personnel, police, and/or neighbors.
 - (3) A resale inspection or certificate of occupancy does not relieve the obligation of obtaining a regulated rental unit inspection.
 - (4) At any time an occupant may request an inspection by the CEO.
 - B. For each regulated rental unit, an applicant shall pay to the Borough an annual license fee.
 - (1) The annual fee for a regulated rental unit license shall be set by resolution of Borough Council. The fee for a calendar year shall be paid by September 1 of the calendar year for which the license is requested. If the annual fee is not paid by September 1, a penalty with an additional cost as provided for by resolution of Borough Council shall apply. An application for a residential rental unit license must be received by the Borough no later than September 1 of each year. The license fee is intended to cover the Borough's actual costs for administering the program and for inspections as set forth below and related expenses. An application shall not be considered complete and a license issued until the required fee(s) have been paid in full.
 - (2) The annual fee is intended to cover the costs of up to two inspections of the premises in any three-year period, such as an initial inspection and then a follow-up inspection to ensure that the violations have been corrected.
 - (3) If three or more inspections are needed in any three-year period for the premises, such as when the follow-up inspection finds that violations have not been corrected, then an additional fee as established by resolution of Borough Council shall apply for each inspection after the first two.

- (4) The fee to reinstate a revoked and/or suspended residential rental license shall be as provided for by resolution of Borough Council per dwelling unit or per rooming house building. A fee shall also be established by resolution of Borough Council for the appeal of an action pursuant to this Part.
 - (5) The fees provided in this Part may be revised from time to time by resolution of Borough Council.
 - (6) If any inspection is needed for the premises because the CEO was not able to enter the unit at the time the inspection had been scheduled with the owner or manager, then an additional fee will be charged as provided for by resolution of Borough Council.
- C. The issuance of a residential rental license is not a warranty that the premises is lawful, safe, habitable, or in compliance with the Code. Rather, the license indicates that the premises are either set to be inspected on a routine basis or, if inspected, the premises met the Code requirements subject to the inspection on the day and at the time of the inspection.
3. Inspection.
- A. Each premises shall be subject to inspection by the CEO.
 - B. CEOs are the officials authorized to enforce this Part and to take appropriate measures to abate violations hereof for and on behalf of the Borough of Stroudsburg.
 - C. This Part shall not limit the CEO's authority to conduct inspections or enforcement actions under other Code provisions or to require that a property be made available for inspection whenever there is reasonable suspicion that a violation of the Code may exist.
 - D. The CEO or his designate shall inspect the premises to determine compliance with the full provisions of the Property Maintenance Code of the Borough of Stroudsburg (see § 5-201).
4. Administrative Search Warrants. Within the limitations of federal and state law, a CEO may apply to a Magisterial District Judge or any legal authority having jurisdiction for an administrative search warrant to enter and inspect a regulated rental unit and the premises. Such warrant is only required where access to a regulated rental unit or common areas is denied to the CEO after a request to a person with a possessory interest in the regulated rental unit.

§ 11-204. Owner's Duties.

[Ord. No. 1153, 9/5/2023]

1. General.
 - A. It shall be the duty of every owner to keep and maintain all owned regulated rental units in compliance with the Code and to ensure the premises is maintained in good and safe condition. The owner shall cooperate with the CEO in the performance of inspections.
 - B. As provided for in this Part, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling and each regulated rental unit which he/she or it owns. Every owner shall include provisions in a rental agreement which require occupants to comply with this Part.
 - C. A residential rental license is required by this Part for each regulated rental unit. If a valid license has not been issued or the license has been revoked, then the regulated rental unit shall not be rented for residential use. If a regulated rental unit is rented for residential use without a valid residential rental license, such action shall be a violation of this Part.
 - D. This section shall not be construed to diminish or relieve in any way the responsibility of occupants, tenants, or their guests for their conduct or activity. This Part shall not be construed as an assignment, transfer or projection onto any owner of any liability in addition to that which

exists independent of this Part under civil or criminal law for tenants' or guests' conduct or activity.

- E. This Part is not intended, nor shall its effect be, to limit any other enforcement remedies at law or equity, including injunctive relief which may be available to the Borough against an owner, occupant, tenant, or guest thereof.
- F. The owner may designate an agent or a manager to assist the owner in meeting the owner's duties and obligations as set forth in this Part. It shall not be a defense for failure to comply with this Part based on the owner's designation of a manager or agent.
- G. The owner, owner's designated agent or manager may be required to accompany the CEO in scheduled inspections at the property conducted under this Part.
- H. A regulated rental unit shall be occupied to a density that is in conformance with the Borough Zoning Ordinance.^[1] A regulated rental unit shall also comply with the occupancy limits of other Borough codes.

[1] *Editor's Note: See Ch. 27, Zoning.*

2. Designation of Manager.

- A. If the owner is not a full-time resident of the Borough of Stroudsburg or does not live or have a primary physical work address (beyond a post office box) within a twenty-mile radius of the Borough of Stroudsburg and within the Commonwealth of Pennsylvania, then the owner shall designate a person to serve as manager who does reside or have a primary physical work headquarters (beyond a post office box) within a twenty-mile radius of the Borough of Stroudsburg. If the owner is a corporation, partnership or similar entity, a manager shall be appointed meeting the above requirements.
- B. The legal name, mailing address, email address, daytime physical address (not a post office box), and daytime and evening telephone number(s) of a person who is designated as the manager shall be provided in writing by the owner to the Borough, and such information shall be kept current and updated within five business days after it changes. Such information shall also be provided and updated to each tenant within the same time frame.
- C. The manager shall be authorized to accept service of process of legal notices and complaints on behalf of the owner for matters relating to the regulated rental unit, in addition to any other person the owner designates, to accept service of process.
- D. If an owner designates a manager, then the Borough may, as a convenience but not as a requirement, provide copies of notices of service of process to owner via first-class mail at the last address provided to the Borough in writing by the owner.
- E. The manager shall have authority to act on behalf of the owner to correct Code violations, maintain the premises, respond to tenants' complaints and emergency situations and evict tenants when necessary.

3. Disclosure. The owner or manager shall provide to each prospective tenant, in writing, on or before the commencement of the tenancy, the name, address and telephone number of the manager or the name, address and telephone number of the owner of the premises if a manager is not required to be designated. The residential rental unit license shall also be readily available on the premises.

4. Maintenance of Premises.

- A. The owner shall maintain the premises in compliance with code and shall regularly perform or cause to be performed all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
- B. The existence of an agreement between the owner and the tenant to make repairs to a dwelling or regulated rental unit in lieu of rent shall not relieve an owner of any responsibility under the Code for proper repair and maintenance of the premises.

5. Rental Agreement.

- A. All occupants of a regulated rental unit shall be provided with and execute a written rental agreement establishing the terms of their tenancy. Each rental agreement shall contain an addendum to residential rental agreement in a form approved by the Borough, which shall be executed by the parties and provided to the Borough prior to the commencement of tenancy. The addendum to residential rental agreement may be revised by resolution of Borough Council.
- B. The owner and occupant shall not include text in a rental agreement that is contrary to the provisions of this Part and shall insert such provisions as necessary to facilitate enforcement of the provisions herein. Nothing herein, however, is to be construed as to limit the owner's ability to insert more stringent provisions in establishing the contract with the tenant.
- C. Rental agreements for regulated rental units shall be consistent with the provisions of the Pennsylvania Landlord and Tenant Act^[2] and shall incorporate § 250.505-A of such Act which addresses illegal sale, manufacture or distribution of controlled substances by tenants.
 [2] *Editor's Note: See 68 P.S. § 250.101 et seq.*

- 6. Common Areas. The owner of a regulated rental unit shall ensure that any common areas are maintained in compliance with the Code.
- 7. Code Violations. Upon receiving notice of any Code violations from the CEO, the owner shall take necessary action, or cause such action to be taken, to eliminate the violation within the time limit provided on the notice or citation. In case the owner of the premises shall neglect, fail, or refuse to comply with any Code notice from the Borough to correct a violation, the Borough may cause the violation to be corrected by invoking such remedies available under the Code. A Code violation may be the basis for a suspension of the regulated rental license.
- 8. Inspections. The owner or manager shall allow and schedule inspections by a CEO of the premises during Borough business hours, after a minimum of five calendar days' notice have been provided to the owner or manager. The owner or manager shall provide a minimum of three calendar days' advance notice to at least one adult occupant of each regulated rental unit of the time and date of the inspection. These advance notice requirements shall not apply under the following circumstances:
 - A. When the CEO has reason to believe that an imminent threat to public health and safety may exist;
 - B. If the CEO is invited on the premises by an occupant; and/or
 - C. Where the CEO has obtained an administrative search warrant.

§ 11-205. Occupant's Duties.

[Ord. No. 1153, 9/5/2023]

1. General.

- A. The occupant shall comply with all obligations imposed upon occupants and guests by this Part, the Code, and federal and state laws.
- B. A regulated rental unit shall be occupied to a density that is in conformance with the Borough Zoning Ordinance.^[1] The occupancy of a regulated residential unit shall always comply with the occupancy limits of the Code. All occupants of a regulated residential unit shall be subject to violation of this provision if they are found to be in violation of density or occupancy requirements found elsewhere in the Code.

[1] *Editor's Note: See Ch. 27, Zoning.*

- C. The occupant shall allow regularly scheduled inspections of a regulated rental unit pursuant to this Part.
- D. The occupant shall maintain correct occupant contact information with the owner or manager.
2. Health Regulations. Occupants shall maintain the premises in a neat and sanitary condition so as to not adversely affect the health, safety and welfare of Borough residents.
3. Illegal Activities. Occupants shall not engage in, tolerate, or permit guests on the premises to engage in any conduct declared illegal under any federal, state, or local criminal statute or ordinance, including the Pennsylvania Crimes Code (18 Pa. C.S.A. § 101 et seq.) or the Liquor Code (47 P.S. § 1-101 et seq.), or the illegal sale or distribution of controlled substances under the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.), or their successor laws.
4. Inspection of Premises. Occupants shall permit inspections by a CEO of the premises pursuant to this Part, after receiving notice from the owner, manager or the Borough. An occupant may also invite the CEO into his/her unit at any time. Failure of an occupant to allow and coordinate required inspections shall be a violation of this Part.

§ 11-206. Failure to Register or Obtain License; Nonrenewal, Suspension of, or Revocation of License; Appeals; Property Maintenance Board of Appeals.

[Ord. No. 1153, 9/5/2023]

1. General. The CEO may initiate enforcement actions against an owner and/or manager for violating any provision of this Part or the Code as set forth herein.
2. Responses to Violations of this Part and Other Borough Codes.
 - A. Notice of Code Violations. The CEO shall provide to the owner and/or manager written notification of violations of the Code. The notice of Code violations shall require that violations be corrected within a reasonable time period, not to exceed 40 days, as established by the CEO and the enforcement provisions of such Code. Violations which do not render a property uninhabitable or a threat to public safety shall be corrected within the time frame established by the CEO in the notice of violation.
 - B. In the event a CEO determines that the regulated rental unit is unfit for human habitation or a threat to public safety, the CEO may order that the regulated rental unit, dwelling, or premises be vacated, depending upon the circumstances, and shall remain vacated until such time as the violations rendering the unit uninhabitable are corrected.
 - C. Nonrenewal. If, at the time of renewal, violations exist which do not render the premises uninhabitable, unsafe, or a threat to public safety, the CEO may permit the current occupants to remain in the premises for the time frame set to correct such violation. No new occupants may be allowed to inhabit a premises which has uncorrected Code violations.
 - D. Suspension by CEO.
 - (1) The immediate suspension of the license to rent a regulated rental unit shall occur if the CEO determines that the violation(s) or any combination thereof of the Code renders the regulated rental unit unfit for habitability, unsafe, or a threat to public safety. Such suspension shall be immediately effective and remain in force until all violations of the Code are corrected, the premises reinspected, and a new license issued.
 - (2) The CEO may suspend the license to rent a regulated rental unit if the owner and/or the manager demonstrate a course of conduct wherein they are not available or do not

respond to contacts by the CEO.

- (3) The CEO may suspend the license to rent a regulated rental unit if the owner and/or the manager fail to provide updated contact information or if the owner fails to designate a new manager if the manager listed with the Borough no longer represents the owner.
 - (4) A license to rent a regulated rental unit may be suspended if the CEO determines that incomplete or inaccurate information was submitted in the application.
 - (5) Each notice of suspension issued by a CEO shall be effective 30 days after the notice of suspension is served in accordance with this Part. Any suspension which is appealed herein within the applicable time frame for such appeals shall be stayed pending the outcome of the appeal.
- E. Notification of suspension or nonrenewal of license. If the CEO determines that there are grounds for not granting a license, nonrenewal or suspension of a license, the CEO shall notify the owner or manager of the action to be taken and the reason therefor.
- (1) Service of Notice; Content.
 - (a) Such notification shall be in writing, addressed to the owner or manager in question. The serving of notice or legal process upon the person designated manager of a premises shall constitute service of process on the owner. The owner is responsible to notify the Borough of any change in the manager's contact information. The manager or agent shall have responsibility to inform the owner of any enforcement or compliance matters. Notices shall be served by one or more of the following methods:
 - 1) Sent by certified or registered mail, return receipt requested.
 - 2) Hand delivered.
 - 3) Posting the dwelling unit.
 - (b) Each notice shall contain the following information:
 - 1) The address of the premises in question and identification of the affected regulated rental unit(s).
 - 2) A description of the violation(s) which have been found to exist.
 - 3) A statement that the regulated rental unit has not been registered, or that the license for said residential rental unit(s) will not be granted, suspended, shall be revoked, or will not be renewed for the next license period.
 - 4) Time deadlines for compliance, if any, shall be provided in the notice.
 - 5) Information regarding the appeal process.
 - (2) The Borough may post the premises and the Borough shall not be responsible for failing to provide notice where the owner has not provided an up-to-date name and address for the owner or the manager for the rental unit. Posting of the premises, in all cases, shall be sufficient notice.
 - (3) There shall be a presumption that any notice required to be given to the owner under this Part shall have been received by such owner if the notice was given to the owner in the manner provided by this Part.
 - (4) A claimed lack of knowledge by the owner of any violation hereunder cited shall not be a defense to rental license nonrenewal, suspension, or revocation as long as all required notices involving such proceedings have been sent to the last address of record with the Borough as provided by the owner.

- (5) In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the CEO shall post the notice at a conspicuous place on the premises.
 - (6) In the event a manager is designated, the Borough will provide copies of notices of service of process to the owner via first-class mail at the last address provided to the Borough in writing by the owner.
- F. Reinstatement. A residential rental unit license shall be reinstated if the owner of a regulated rental unit corrects the reason for the suspension or revocation of the residential rental license and the owner has:
- (1) Paid any penalties in connection with the license suspension or revocation; and
 - (2) Paid the residential rental license reinstatement fee.
3. Appeals.
- A. Any person aggrieved by a decision, notice, or order of the CEO under this Part shall have the right to appeal to Borough Council. The right of appeal includes:
- (1) A residential rental unit license suspension;
 - (2) Nonrenewal of residential rental unit license;
 - (3) Nonissuance of residential rental unit license.
- B. A notice of violation of Code, other than in this Part, shall be appealed to the appropriate board designated to handle appeals for the specific Code violations.
- C. A written application for appeal is required to be filed within 30 days after the day the decision, report, notice, or order was served.
- (1) A fee, as provided for by resolution of Borough Council, shall be paid in advance by the person requesting the hearing for each appeal to Borough Council. If the appeal is found in favor of the applicant, then such fee shall be returned.
 - (2) Failure to file a timely appeal shall deem any determination appearing in a decision, report, notice, or order of the CEO conclusive for the purposes of future actions under this Part.
 - (3) Borough Council shall also hear all appeals of enforcement matters under Stroudsburg's Property Maintenance Code.^[1] The appeal provisions contained therein are incorporated herein by reference as applicable to Property Maintenance Code appeals.
 [1] *Editor's Note: See Ch. 5, Code Enforcement.*
- D. Other Boards. The Stroudsburg Zoning Hearing Board shall continue to decide upon appeals concerning the Zoning Ordinance.^[2] The Stroudsburg Building Code Board of Appeals or the Borough's designee shall continue to decide upon appeals as provided under the uniform construction codes.
 [2] *Editor's Note: See Ch. 27, Zoning.*

§ 11-207. Violations and Penalties.

[Ord. No. 1153, 9/5/2023]

1. Basis for Violation. It shall be unlawful for any owner or manager of a regulated rental unit to operate and lease without a valid current residential rental unit license issued by the Borough. It shall be unlawful for any owner or manager to allow the number of occupants of a regulated rental unit to exceed the maximum number allowed by the Code. It shall be unlawful for any owner and/or manager to violate the section of this Part entitled "owner's duties" in § 11-204. It shall be unlawful

for any tenant to violate the section of this Part entitled "occupant's duties" in § 11-205. It shall be unlawful for any owner, manager, tenant, or other occupant to violate any provisions of this Part. In the event that an owner or manager fails to make application for a license for a regulated rental unit, the owner shall be provided by the CEO a thirty-day notice of violation, warning them of their failure to comply with the terms of this Part. If the owner does not comply within the thirty-day notice period, the owner is then subject to the penalties herein set forth.

2. Penalties.

- A. The penalties and remedies for a violation of the Borough's Property Maintenance Code shall be as established in such code.
- B. Any person who violates a provision of this Part shall, upon conviction thereof before a Magisterial District Judge, be guilty of a summary offense and shall be liable to pay the following penalties:
 - (1) First violation on a lot with no prior violations in the previous 12 months: a fine of \$200 or imprisonment for not more than 30 days.
 - (2) Second and each subsequent violation on a lot within a twelve-month period: a fine of \$500 or imprisonment for not more than 30 days.
 - (3) Each thirty-day period that a violation continues to exist after the time limit established by the CEO for correction of the violation shall constitute a separate violation for each thirty-day period it continues to occur and shall incur an additional fine.
 - (4) A violator of this Part shall also be required to reimburse the Borough for the costs of prosecution, including legal fees, incurred by the Borough, as well as the costs of collecting any fines or costs.

3. Nonexclusive Remedies. The penalty provisions of this Part and the license nonrenewal, suspension, and revocation procedures provided in this Part shall not limit the ability of the Borough to enforce other Borough ordinances and to utilize the penalties, remedies, and procedures provided under such other Borough ordinances and state law.

§ 11-208. Changes in Ownership or Occupancy; Owners Separately Responsible.

[Ord. No. 1153, 9/5/2023]

1. Changes in Ownership/Occupancy.

- A. Each owner of a regulated rental unit shall notify the CEO in writing within five business days after any change in ownership of the premises or of the number of regulated rental units on the premises and to submit new contact information.
- B. The owner shall notify the CEO in writing within a maximum of five business days after the changing of a dwelling unit from owner-occupied to being a regulated rental unit for purposes of this Part. Failure to so notify the CEO shall be considered a violation of this Part.

2. Owner Separately Responsible. If any regulated rental unit is owned by more than one 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 Part and shall be separately subject to prosecution for the violation of this Part.

§ 11-209. Fee Schedule.

[Ord. No. 1153, 9/5/2023]

The fees set forth in this Part shall be established from time to time by resolution of the Stroudsburg Borough Council.