

**OFFICIAL
BOROUGH OF PORT VUE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-672

AN ORDINANCE OF THE BOROUGH OF PORT VUE, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 239 OF SECTION II OF THE BOROUGH OF PORT VUE CODE OF ORDINANCES TO ESTABLISH RENTAL PROPERTY LICENSING REQUIREMENTS, NUISANCE REPORTING AND EVICTION REQUIREMENTS, TAX PAYMENT REQUIREMENTS FOR RENTAL PROPERTIES, AND PROVIDING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED AND ENACTED BY THE BOROUGH OF PORT VUE, ALLEGHENY COUNTY, PENNSYLVANIA, IN COUNCIL ASSEMBLED, AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME THAT CHAPTER 239 OF SECTION II OF THE BOROUGH OF PORT VUE CODE OF ORDINANCES IS HEREBY AMENDED, AS FOLLOWS:

1. Section 239-9 of Article II of Chapter 239 of Part II of the Borough of Port Vue's Code of Ordinances is amended by enacting an entirely new subsection (I)(6) as follows:

I. Enforcement.

...

- (6) Owner shall file a report with the Borough on a form to be provided by Borough specifically detailing the circumstances surrounding the eviction of any occupant for any reason. If an occupant is evicted for nonpayment of rent, owner must also furnish the Borough Proof that said occupant has been reported to a licensed credit reporting bureau.

2. An entirely new Article IV of Chapter 239 of Part II of the Borough of Port Vue's Code of Ordinances is enacted as follows:

Article IV Regulated Rental Unit License

§ 239-25. License Requirement

- (1) As a prerequisite to entering into a rental agreement or permitting the occupancy of any regulated rental unit the owner of every such regulated rental unit shall be required to apply for and obtain a license for each regulated rental unit.
- (2) A license shall be required for all regulated rental units.
- (3) The application for the license shall be in a form as determined by the Borough.
- (4) The owner shall maintain a current list of occupants in each regulated dwelling unit, which shall include their name, permanent address, and permanent telephone number. The owner shall furnish the list to the Borough upon request and shall notify the Borough's Code Enforcement Officer within 10 days of any changes in the occupancy, vacancy or number of occupants, and/or of any changes in the identities of the tenants occupying the regulated dwelling unit, so that revisions can be made to the license.
- (5) The owner shall furnish with his or her application for license a signed certification that he has provided the occupant of each licensed dwelling unit the disclosures and information required by this Chapter as an attachment to the copy of the written lease which the owner intends to have the occupants sign.

§ 239-26. Annual license term fee and occupancy limit

- (1) Each license shall have an annual term running from January 1 through December 31 each year.
- (2) Upon application for a license and prior to the issuance or renewal thereof, each applicant shall pay to the Borough an annual license and inspection fee which shall be due no later than February 28 of each year, in an amount to be established, from time to time, by resolution of the Borough Council. Such Resolution may provide for more than one fee scale for different categories of premises, to be more specifically set forth in the Resolution.

- (3) Owners/Landlords who fail to pay their annual license and inspection fee by the last day of February of each year shall be assessed a late payment fee of \$50 per regulated rental unit which shall be payable directly to the Borough. Owners/Landlords who fail to pay their annual license fee and inspection fee and applicable late payment fee by March 31 of each year shall be assessed an additional late payment fee of \$350 per regulated rental unit which shall be payable directly to the Borough. No rental unit license shall be issued unless all applicable fees and penalties have been paid. In addition to the late payment fees established by this Section, if the owners/landlords fail to pay the annual license and inspection fee and all applicable late payment fees by March 31 of each year, the owners/landlords may also be cited and fined under §239-35 of this Chapter for a violation of this Chapter, and each day that the annual license and inspection fee is not paid after March 31 shall constitute a separate and distinct violation. The late payment fee set forth in this Section may be modified from time to time by subsequent Borough Resolution.
- (4) The license shall indicate thereon the maximum number of occupants in each regulated rental unit.
- (5) No license shall be issued if the owner has not paid any late payment fees, fines and/or costs arising from enforcement of this Chapter or any of the ordinances of the Borough of Port Vue relating to land use and/or code enforcement, if any licensing fees under this Article are due and owing to the Borough, or if any taxes of any nature are due which are imposed on the real estate involved.

§ 239-27. Inspection.

- (1) All premises shall be subject to periodic inspection by the Code Enforcement Officer or another duly authorized agent of the Borough. Such inspection may take place when an application is submitted for a license, or at any time during the year.
- (2) The Code Enforcement Officer, as defined herein, is hereby designated as the official authorized to enforce this Part and to take appropriate measures to abate violations herein, for and on behalf of the Borough of Port Vue. The Police and Fire Departments will also have authority to enforce this Part and take appropriate action to abate violations as indicated in the definition of Code Enforcement Officer herein.

- (3) This Section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspection of premises, whether or not subject to the permitting and inspection requirements of this article or pursuant to any other ordinance or code.

§ 239-28. Search Warrant.

Upon showing of probable cause that a violation of this Chapter or any other ordinance of the Borough of Port Vue has occurred, the Code Enforcement Officer or Police may apply to the magisterial district judge having jurisdiction in the Borough of Port Vue for a search warrant to enter and inspect the premises.

§ 239-29. General grounds for nonrenewal, suspension, or revocation of license.

The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, non-renewal, suspension, or revocation of the owner's license, for violating any provision of this Chapter that imposes a duty upon the owner, and/or for failing to regulate the breach of duties by occupants as provided for herein.

§ 239-30. Definition of options.

- (1) **Formal Warning.** Formal written notification of at least one violation of this Chapter. Upon satisfactory compliance with this Article and any conditions imposed by the Code Enforcement Officer and/or Borough Council, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer or by the Borough Council.
- (2) **Nonrenewal.** The denial of the privilege to apply for license renewal after expiration of the license term. The Borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept application for renewal of the license until a time set by the Code Enforcement Officer or by the Borough Council.
- (3) **Suspension.** The immediate loss of the privilege to rent regulated rental units for a period of time set by the Code Enforcement Officer or by Borough Council. The owner, after expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

- (4) Revocation. The immediate loss of the privilege to rent regulated rental units for a period of time set by the Code Enforcement Officer or the Borough Council and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.

§ 239-31. Criteria for applying for discipline.

- (1) The Code Enforcement Officer, when recommending discipline, and the Borough Council, when applying discipline, shall consider the following:
 - (A) The effect of the violation on the health, safety, and welfare of the occupants of the regulated rental unit and other residents of the premises.
 - (B) The effect of the violation on the neighborhood.
 - (C) Whether the owner has prior violations of this Chapter and other ordinances of the Borough or has received notices of violations as provided for in this Chapter.
 - (D) Whether the owner has been subject to disciplinary proceedings under this Chapter.
 - (E) The effect of disciplinary action on the occupants.
 - (F) The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.
 - (G) The policies and lease language employed by the owner to manage the regulated dwelling unit to enable the owner to comply with the provisions of this Chapter.
- (2) In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend and Borough Council may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Chapter.

§ 239-32. Grounds for imposing discipline.

Any of the following may subject an owner to discipline as provided for in this Article.

- (A) Failure to abate a violation of the Borough Code and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
- (B) Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by §239-27.
- (C) Failure to take steps to remedy and prevent violations of Article II of Chapter 239 by occupants of a regulated rental unit as required by §239-9(I)(1).
- (D) Failure to file and implement an approved plan to remedy and prevent violations of Article II of Chapter 239 by occupants of a regulated rental unit as required by §§239-9(I)(2)-(3).
- (E) Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the Borough as provided for in §239-9(I)(4).
- (F) Three violations of this Chapter or other ordinances of the Borough that apply to the premises within a license term. For purposes of this Article, there need be no conviction before a violation can be found to exist. Before a prior violation can be considered under this Section, the owner must have received notice in writing of this violation within 30 days after the Code Enforcement Officer received notice of the violation.

§ 239-33. Procedure for non-renewal, suspension, or revocation of license.

- (1) Notification. Following a determination that grounds for non-renewal, suspension, or revocation of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information:
 - (A) The address of the premises in question and the identification of the particular regulated rental unit(s) affected.
 - (B) A description of the violation, which has been found to exist.
 - (C) A notice that the regulated rental unit(s) is in violation of this Article with a specification of the grounds of the

violation. Such violations must be cured within 30 days from the date of this notice.

- (D) Notice that each day the violation remains shall be a separate violation and punishable under §239-34. The Borough shall further have the right to enjoin the obligations and duties created under this article.
- (E) A statement informing the owner that he, she or it has a right to appeal the decision that the owner is in violation of this Article by submitting in writing to the Borough Secretary, within 30 days from the date printed on the notice, a detailed statement of the appeal including the grounds therefore and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned, and a statement of the relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefore by Borough Council, to be signed by the appellant. There is hereby imposed a fee for filing such appeals, the amount of which shall be determined and established from time to time by Resolution of the Borough Council.
- (F) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Secretary shall schedule a hearing to be held at the time and date of the next regularly scheduled Borough Council meeting not less than 10 days from the date on which the appeal is filed.
- (G) The appellant and the Code Enforcement Officer shall receive written notice of the hearing on appeal.
- (H) Borough Council shall hold a hearing on the appeal which shall be conducted in accordance with Local Agency Law, 2 Pa.C.S.A. §§551-555. The appellant and all other parties having interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any Police or other public officials involved, and any relevant factual presentations of other parties, the Borough Council shall make a decision either affirming, reversing, or modifying the action of the Code Enforcement Officer from which the

appeal was taken. Such decisions shall be rendered at a public meeting either immediately following the hearing or within 30 days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision within 45 days after the hearing. If the Borough Council deems it necessary or desirable, it may continue the hearing to a subsequent time or date not later than 30 days from the initial hearing which time and date shall be openly announced at the initial hearing and in such case, that time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which substance of the decision is orally announced).

(2) Delivery of Notification.

(A) All notices shall be sent to the owner or manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Code Enforcement Officer shall attempt to deliver by personal service on the owner or manager, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.

(B) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at the address stated on the most current license application for the premises in question, by regular first-class mail, postage prepaid. If such notice is not returned by the postal authorities within 5 days of its deposit in the U.S. Mail, then it shall be deemed to have been delivered to and received by the address on the 5th day following its deposit in the U.S. Mail and all time periods set forth under §239-33 above, shall thereupon be calculated from said 5th day.

§ 239-34. Basis for violation.

It shall be unlawful for any person, as either owner or manager of a regulated rental unit for which a license is required, to operate without a valid, current license issued by the Borough authorizing such operation. It shall also be unlawful for any person, either owner or manager to exceed the maximum limit as set forth on the license, or to violate any other provision of this Article. It shall be unlawful for any occupant to violate this Article.

§ 239-35. Penalties.

Any other violation of this Article shall constitute a civil offense punishable upon conviction thereof by a district justice, by a fine not to exceed \$600 or the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction plus costs of prosecution. Each day of violation shall constitute a separate and distinct offense.

§ 239-36. Nonexclusive remedies.

The penalty provisions of this Article and license nonrenewal, suspension and revocation procedures provided in this Article shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Article. The remedies and procedures provided in this Article for violation thereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance referenced in this Article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Article.

§ 239-37. Notices.

- (1) For purposes of this Article, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.
- (2) There shall be a rebuttable presumption that any notice required to be given to the owner under this Article shall have been received by such owner if the notice was given to the owner in the manner provided in this Article.
- (3) A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension, or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Article.

§ 239-38. Change in Ownership Occupancy.

The owner shall maintain a current list of occupants in each regulated dwelling unit, which shall include their name, permanent address, and permanent telephone number. The owner shall furnish the list to the Borough upon request and

shall notify the Borough's Code Enforcement Officer within 10 days of any changes in the occupancy, vacancy or number of occupants, and/or of any changes in the identities of the tenants occupying the regulated dwelling unit, so that revisions can be made to the license.

§ 239-39. Owners severally 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 Article, and shall be severally subject to prosecution for the violation of this Article.

3. Section 239-10 of Article II of Chapter 239 of Part II of the Borough of Port Vue's Code of Ordinances is amended to establish subsection (F)(3) as follows:

F. Disruptive conduct.

...

(3) Where two disruptive conduct reports are made in relation to the same occupant(s) and premises, the Code Enforcement Officer or police shall immediately direct the owner to evict the occupant(s) and to not permit the occupant(s) to occupy the premises during the subsequent licensing period.

4. This Ordinance shall become effective immediately upon its adoption.

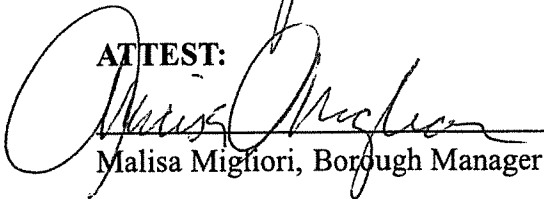
ORDAINED AND ENACTED by the Council of the Borough of Port Vue, County of

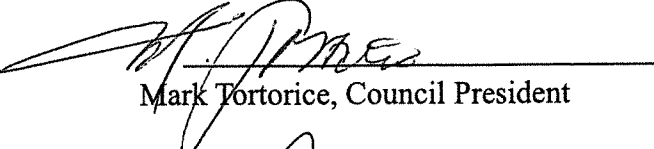
Allegheny and Commonwealth of Pennsylvania, meeting in regular and public session, this

5th day of Jan, 2026.

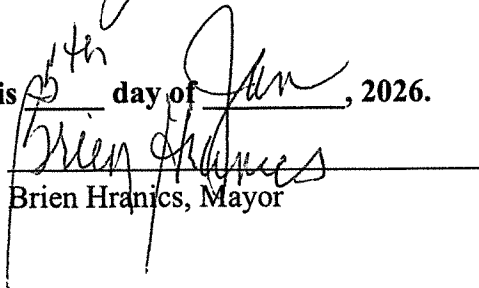
ATTEST:

BOROUGH OF PORT VUE


Malisa Migliori, Borough Manager


Mark Tortorice, Council President

EXAMINED AND APPROVED by me this 5th day of Jan, 2026.


Brien Hranics, Mayor