



# MOUNT JOY BOROUGH

## RENTAL TENANT DISCLOSURE

PER ORDINANCE 195, SECTION 905.1.6 DUTIES OF OWNERS AND MANAGERS: THIS DOCUMENT IS REQUIRED TO BE GIVEN TO ANY TENANT/OCCUPANT OF A RENTAL UNIT IN MOUNT JOY BOROUGH

THIS DOCUMENT CONTAINS INFORMATION FOR TENANTS ON THE DUTIES OF OCCUPANTS OF RENTAL UNITS AS LISTED IN CHAPTER 195, SECTION 906 AND DISRUPTIVE CONDUCT CHAPTER 195 SECTION 907 OF THE MOUNT JOY BOROUGH CODE

---

### DUTIES OF OCCUPANTS

PER MOUNT JOY BOROUGH ORDINANCE CHAPTER 195, SECTION 906 DUTIES OF OCCUPANTS OF RENTAL UNITS ARE AS FOLLOWS

- 1 COMPLY WITH ALL OBLIGATION OF THIS CHAPTER AND ALL APPLICABLE CODES AND BOROUGH ORDINANCES, AS WELL AS ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS
  - 2 CONDUCT THEMSELVES AND REQUIRE OTHER PERSONS, INCLUDING BUT NOT LIMITED TO, GUESTS ON THE PREMISES AND WITHIN THEIR RENTAL UNIT WITH THEIR CONSENT, TO CONDUCT THEMSELVES IN A MANNER THAT WILL NOT DISTURB THE PEACEFUL ENJOYMENT OF ADJACENT OR NEARBY DWELLINGS BY PEOPLE OCCUPYING THE SAME
  - 3 NOT ENGAGE IN, NOR TOLERATE, NOR PERMIT OTHERS ON THE PREMISES TO CAUSE DAMAGE TO THE RENTAL UNIT OR ENGAGE IN DISRUPTIVE CONDUCT, OR OTHER VIOLATIONS OF THIS CHAPTER, CODES, OR APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS
  - 4 USE TRASH AND RECYCLABLE COLLECTION SERVICES PROVIDED BY THE OWNER
  - 5 USE THE RENTAL UNIT FOR PURPOSE OTHER THAN AS A RESIDENCE
  - 6 MAINTAIN THE RENTAL UNIT IN A MANNER MEETING ALL THE REQUIREMENTS FOR OCCUPANTS OF STRUCTURES SET FORTH IN CHAPTER 195, PROPERTY MAINTENANCE OF THE MOUNT JOY BOROUGH CODE
  - 7 ALLOW THE CODE OFFICIAL TO INSPECT THE RENTAL UNIT IN ACCORDANCE WITH THIS CHAPTER AT REASONABLE TIMES
  - 8 NOT ALLOW PERSONS OTHER THEN THOSE IDENTIFIED ON THE LEASE TO RESIDE IN THE RENTAL UNIT
  - 9 NOT ALLOW THE RENTAL UNIT TO BE OCCUPIED BY MORE THAN ONE FAMILY AS DEFINED IN CHAPTER 270, ZONING OF THE MOUNT JOY BOROUGH CODE
  - 10 NOT PERMIT THE POSSESSION OF, SERVING TO, OR CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS
- 

### DISRUPTIVE CONDUCT

PER MOUNT JOY BOROUGH ORDINANCE CHAPTER 195, SECTION 907 DISRUPTIVE CONDUCT, THE FOLLOWING APPLIES

DISRUPTIVE CONDUCT IS DEFINED AS FOLLOWS:

*"An act by an occupant of a rental unit or by a person present at a rental unit involving public drunkenness, consumption of alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, use of profane or obscene language or gestures, indecent exposure, fighting or quarrelling, or any other act defined as "disorderly conduct" in the Pennsylvania Crimes Code or any act prohibited in Chapter 116 Curfew, Chapter 130 Firearms, Chapter 170 Noise, or Chapter 200 Public Property of the Borough Code of Ordinances, or which otherwise injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the gathering..."*

*...It is not necessary that such conduct, action, incident or behavior constitute a criminal offense nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences."*

**The definition of disruptive conduct shall be interpreted in accordance with Section 304 of the General Local Government Code as added by Act 200 of 2014.**

## THE FOLLOWING WILL OCCUR IN A CASE OF DISRUPTIVE CONDUCT

- 1 Police officers shall investigate alleged incidents of disruptive conduct
- 2 The police officer conducting the investigation shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct.
- 3 A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner and, if applicable, the manager, within 10 working days of the occurrence of the alleged disruptive conduct.
- 4 The occupant or the owner and, if applicable, the manager shall have 10 working days from the date of a disruptive conduct to appeal the disruptive conduct report.
- 5 Any appeal shall be in writing and shall comply with Chapter 195, Section 111 which states:

*"An appeal from any decision of the Code Official or from the issuance of any Disruptive Conduct Report may be taken to Borough Council. Such appeal shall be made in writing within 10 working days after such decision has been made or Disruptive Conduct Report issued. The appeal shall be verified by an affidavit, shall state the grounds therefor and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee which shall be established by ordinance or resolution of Borough Council. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council shall make a prompt decision on such appeal. Borough Council shall render a written decision, copies of which shall be provided to the Code Official and the appellant".*

- 6 After three documented disruptive conduct incidents by an occupant in any twelve-month period, the owner and, if applicable, the manager shall have 10 working days from the date of the third disruptive conduct report to begin eviction proceedings against the occupant(s) under the Pennsylvania Landlord and Tenant Act of 1951.
- 7 Owner/manager must submit a copy of the document to the Code Official commencing the eviction proceedings against the occupant(s) of a residential rental unit. Failure to take such action will result in the immediate revocation of the rental license issued by the Borough.

The residential rental unit involved shall not have its rental license reinstated until the disruptive occupants have been evicted, the Magisterial District Judge has ruled in the occupant's favor, the Magisterial District Judge has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupant(s) have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction.

- 8 The disruptive occupant(s), upon eviction, shall not reoccupy any residential rental unit on the same premises involved for a period of at least one year from the date of eviction.
- 9 The disruptive conduct report shall count against all occupants of the residential rental unit
- 10 This is not intended to limit or inhibit the owner, and if applicable, the manager's rights to initiate eviction actions prior to the issuance of a third disruptive conduct report in a twelve-month period.

---

## DUTIES OF OWNERS & MANAGERS

THE FOLLOWING IS A LIST OF ITEMS THAT OWNERS AND/OR MANAGERS ARE REQUIRED BY ORDINANCE TO PREFORM UNDER CHAPTER 195, SECTION 905 OF THE MOUNT JOY BOROUGH CODE. THIS IS NOT A COMPLETE LIST OF ALL REQUIREMENTS

- 1 Keep and maintain all rental units in compliance with all applicable codes, ordinances and provisions of all applicable federal, state and local laws and regulations.
- 2 Keep and maintain all premises in good and safe condition
- 3 Be aware of, and to act to eliminate disruptive conduct in all residential rental units.
- 4 Employ policies to and actually manage the rental units under their control in compliance borough ordinances and applicable federal, state and local laws and regulations.
- 5 Pay or ensure payment of all real estate taxes, sewer rates, and trash collection fees to insure that such vital utilities are provided.
- 6 Provide each tenant with a disclosure statement containing the requirements of this chapter, including the provisions relating to disruptive conduct.
- 7 Take all actions necessary to ensure that each residential rental unit is occupied by only one family.
- 8 Require a written rental agreement for each residential rental unit which shall include the names of all permitted occupants.
- 9 Provide at least one ABC type fire extinguisher, with a minimum UL listing of 2A-10B:C in the kitchen or close proximity, mounted under the sink or on a wall bracket
- 10 Install ten-year lithium battery smoke detectors at such locations as are required by this chapter, unless the rental unit is provided with an operational hardwired smoke detection system
- 11 Post a notice which includes at minimum the following
  - a The name, mailing address, phone number, and email of the owner and/or manager
  - b The evenings on which refuse and recycling are to be placed curbside for collection if the rental unit is provided with refuse and recycling collection by the Borough's contractor
  - c The telephone number to call to register complaints regarding the physical condition of the rental unit
  - d The telephone number for emergency services with the rental unit address