

BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 479 - 2022

ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TENANT REGISTRATION ORDINANCE OF THE BOROUGH OF LEESPORT, ORDINANCE NUMBER 422, SECTION 4 ENTITLED "DEFINITIONS" TO ADD NEW DEFINITIONS, TO AMEND SECTION 5 ENTITLED "INFORMATION TO BE PROVIDED BY OWNERS OR LANDLORDS" TO SET FORTH THE DUTIES OF ANY PERSON WHO RENTS OR LEASES ANY DWELLING UNIT OR ANY ROOMING UNIT IN THE BOROUGH TO ANY TENANT BEFORE THE COMMENCEMENT OF THE LANDLORD TENANT RELATIONSHIP, TO AMEND SECTION 10 ENTITLED "REGULATIONS" TO ALLOW FOR EXTENSION OF TIME OF RENTAL OPERATING LICENSE FOR COMPLAINT PROPERTIES AND PROVIDE FOR REINSPECTION OF PROPERTY AT WHICH CODE VIOLATIONS WERE NOTED DURING AN INSPECTION, TO ADD A NEW SECTION 11A. TO BE ENTITLED "RE-INSPECTION FEES" TO PROVIDE A REINSPECTION FEE FOR LIFE AND SAFETY ISSUES AND A FEE FOR FAILURE TO APPEAR FOR INSPECTION, TO ADD A NEW SECTION 10A. TO BE ENTITLED "DISRUPTIVE CONDUCT", TO PROVIDE FOR THE REGULATION OF DISRUPTIVE BEHAVIOR OF TENANTS OF A RENTAL PROPERTY AND TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO AMEND SECTION 13 ENTITLED "APPEALS" TO PROVIDE FOR APPEALS OF A DETERMINATION OF DISRUPTIVE CONDUCT AND THE ENFORCEMENT PROCEDURES THEREOF

WHEREAS, the Council of the Borough of Leesport, Berks County, Pennsylvania ("Borough"), enacted a Tenant Registration Ordinance, Ordinance No. 422 on November 15, 2006; and

WHEREAS, Section 1202(4) of the Borough Code of Pennsylvania, 8 Pa.C.S. §1202(4), authorizes the Borough of Leesport to prohibit nuisances; and

WHEREAS, Section 1202(5) of the Borough Code of Pennsylvania, 8 Pa.C.S. §1202(5), authorizes the Borough of Leesport to enact Ordinances to protect and ensure the health, safety, cleanliness and public welfare of its residents; and

WHEREAS, Section 1202(20) of the Borough Code of Pennsylvania, 8 Pa.C.S. §1202(20), authorizes the Borough of Leesport to prohibit, regulate and license businesses; and

WHEREAS, Section 1203 of the Borough Code of Pennsylvania, 8 Pa.C.S. §1203, authorizes the Borough of Leesport to enact ordinances not inconsistent with the Constitution and laws of the Commonwealth of Pennsylvania; and

WHEREAS, Council for the Borough of Leesport opines that extending the time period of a rental operating license for rental property owners with a history of compliant inspections encourages compliant rental properties and prohibits nuisance properties; and

WHEREAS, Council for the Borough of Leesport opines that the Building Code Official for the Borough shall have the authority to conduct reinspections for rental properties at which code violations were found during the course of a rental inspection; and

WHEREAS, when the Building Code Official is required to conduct reinspection of non-compliant rental properties or to appear at a property for a scheduled rental inspection at which an owner or their agent fails to appear, the Borough incurs expenses; and

WHEREAS, Council for the Borough of Leesport opines that providing for fees for reinspection of non-compliant rental properties and rental property owners that fail to appear for an inspection will encourage rental properties compliance with Borough of Leesport ordinances and regulations; and

WHEREAS, Council for the Borough of Leesport opines that it is in need of remedies for the disruptive behavior of tenants of a rental property; and

WHEREAS, Council for the Borough of Leesport desires to enact an Ordinance providing for the regulation of disruptive behavior of tenants of a rental property.

NOW THEREFORE, BE IT ENACTED and ORDAINED, by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania by the authority of the same as follows:

SECTION 1. Ordinance Number 422, Section 4 entitled "Definitions" is hereby amended to alphabetically add the following terms:

CODE OFFICIAL – Borough of Leesport Building Code Official.

DISRUPTIVE CONDUCT – any form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or guest of a Dwelling Unit or Rooming Unit that is so loud, untimely (as to hour of day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, including but not limited to activity which involves music or noise that is disruptive to persons occupying a different Dwelling Unit or Rooming Unit or which is audible from a street, sidewalk or dwelling from a minimum distance of 50 feet away from the premises where the sound is originating, is the subject of criminal citation for Disorderly Conduct or any other offense under the Pennsylvania Crimes Code or Liquor Code, or causes damage to said premises such that a report is made to a police officer and/or a code official complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitutes a criminal offense or 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 code official or a police officer shall investigate and make a determination that such activity did occur, and keep written records including a disruptive conduct report of such occurrences.

DISRUPTIVE CONDUCT REPORT – a written report of disruptive conduct on a form to be prescribed therefor to be completed by a police officer or a code official, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Borough.

GUEST – a person on the premises with the actual or implied consent of an occupant.

OCCUPANT – an individual who resides in a Dwelling Unit or Rooming Unit whom has a legal relationship with the owner/landlord established by lease or the laws of the Commonwealth of Pennsylvania.

POLICE – sworn law enforcement officer of the Northern Berks Regional Police Department or any other law enforcement agency having jurisdiction within the Borough.

PREMISES – any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or elements, on which one or more Dwelling Units or Rooming Units are located.

TWELVE MONTH PERIOD – for purposes of Section 10A., 12 month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

SECTION 2. Ordinance Number 422, Section 5 entitled “Information to be Provided by Owners or Landlords” is amended to add a Letter C. and a Letter D. which shall read in their entirety as follows:

- C. Every Person who rents or leases any Dwelling Unit or any Rooming Unit in the Borough to any Tenant for a period of time in excess of 30 days must comply with the following:
 - 1) All disclosures and information related to the Disruptive Conduct Ordinance and Borough rental regulations required to be given to occupants by the owner shall be furnished at or before the commencement of the landlord tenant relationship. The owner shall provide occupant with copies of any rental agreement and addendum upon execution.
 - 2) Terms and Conditions. Owner and occupant may include in a rental agreement terms and conditions not prohibited by this Ordinance or other applicable ordinances, regulations and laws, including rent, term of the agreement and other provisions governing the rights and obligations of the parties.
 - 3) Prohibited Provisions. Except as otherwise provided by this Ordinance, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Ordinance. Any provision prohibited by this subsection which is included in a rental agreement is unenforceable.

- 4) Provisions of Summary of Ordinance to Occupant. Following the effective date of this Ordinance, a summary hereof in substantially the form set forth in Appendix A shall be provided to the occupant at or before the commencement of the landlord tenant relationship. If a summary has been provided at or before the commencement of the landlord tenant relationship, a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this Ordinance, the owner shall provide the occupants with a copy of the summary within sixty (60) days after enactment of this Ordinance.
- 5) The owner shall secure a signed acknowledgement from occupants that the occupants have received the disclosures and information required by this Ordinance. This signed acknowledgment shall be provided to the Borough Secretary within ten (10) days of the renting, leasing, subleasing, or occupancy of any property in the Borough for a period of time in excess of 30 days. Where a rental agreement has been entered into prior to the effective date of this Ordinance, the owner shall provide this signed acknowledgement to the Borough within ten (10) days of the date of the signed acknowledgment.

D. Enforcement, Violations and Penalties, and Remedies. This Section shall be enforced by the Building Code Official and the Northern Berks Regional Police Department. Any owner that violates the provisions of this Section shall have the Rental Operating License for the subject premises suspended or revoked as determined by Borough Council. Nothing in this Section shall prohibit the Borough from taking requisite legal and/or equitable action to prohibit violations or enforce provisions of this Section or as otherwise provided for in Borough Ordinances and laws of the Commonwealth of Pennsylvania.

SECTION 3. Ordinance Number 422, Section 10 entitled “Regulations”, Letter D. is hereby amended to read in its entirety as follows:

D. Expiration of License. Each Rental Operating License shall expire three (3) years after the date of issuance.

SECTION 4. Ordinance Number 422, Section 10 entitled “Regulations” is hereby amended to add Letters F. and G., that shall read in their entirety as follows:

F. Re-Inspection. The Building Code Official may re-inspect any property for which a Rental Operating License has been issued upon receiving complaints from the tenants thereof or from third parties.

G. Inspection Following Violation. Upon finding code violations in the course of an inspection, the Building Code Official must re-inspect the property within thirty (30) days to ensure correction of the violations pursuant to the time stated in a Notice of Violation to correct the violations.

SECTION 5. Ordinance Number 422 is amended to add a new Section 11A., to be entitled "Re-Inspection Fees" which shall read in its entirety as follows:

- A. A fee for the performance of a re-inspection of a property found to have code violations may be charged as set forth by Resolution of Borough Council, which shall include the actual cost of the Building Code Official's inspection fee calculated at an hourly rate charged by the Building Code Official at a rate set forth from time to time by Resolution of Borough Council.
- B. If the Borough Code Official is required to conduct a re-inspection for life and safety issues including but not limited to lack of appropriate means of egress or lack of a single working smoke detector in a Dwelling Unit or Rooming Unit, the Borough may charge a fee for the performance of a re-inspection for correction of the life and safety issue in the amount of \$50.00 which amount may be amended from time to time by Resolution of Council for the Borough of Leesport.
- C. Unless twenty-four (24) hours prior to a scheduled rental inspection written notice is received by the Building Code Official advising of the owner's or their designee's inability to attend a scheduled rental inspection, the Borough may charge a fee for failure of a property owner or their designee to appear for a scheduled rental inspection in the amount of \$50.00 which amount may be amended from time to time by Resolution of Council for the Borough of Leesport

SECTION 6. Ordinance Number 422 is amended to add a new Section 10A., to be entitled "Disruptive Conduct" which shall be known as the Disruptive Conduct Ordinance for the Borough of Leesport.

SECTION 7. Ordinance Number 422, new Section 10A. entitled "Disruptive Conduct" known as the Disruptive Conduct Ordinance for the Borough of Leesport shall read in its entirety as follows:

- A. Purpose and Findings. As there is a greater incidence of disturbance which adversely affects the peace and quiet of the neighborhoods at rental residential properties than owner-occupied residential properties, the purpose of this Section is to protect and promote the public health, safety and welfare of the citizens of the Borough of Leesport and to ensure owners and occupants share responsibility to prevent and avoid nuisances for neighboring residents.
- B. Owner's Duties. Owner shall assure that the conduct and activities of the occupants of every Dwelling Unit or Rooming Unit owned by such owner is in compliance with this Ordinance, the regulations of the Borough of Leesport, the Lease Agreement and Appendix thereto and applicable provisions of the laws of the Commonwealth of Pennsylvania, and in so doing minimizing disruptive conduct by taking appropriate contractual and enforcement action to cause the conduct and activities of the occupants to comply with their duties set forth herein. And when any common areas

are being used by any occupants, owner shall be directly responsible for the behavior of occupants and guests in such common areas of the premises.

- C. **Occupant Duties.** Occupant shall comply with all obligations imposed upon occupants by this Ordinance, the regulations of the Borough of Leesport, the Lease Agreement and Appendix thereto and all applicable provisions of the laws of the Commonwealth of Pennsylvania, and shall conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises or adjacent or nearby dwellings or premises and shall not permit others on the premises to act in such a manner as to violate any occupant duties.
- D. **Investigation and Report of Disruptive Conduct.** Police officers or code officials shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner within ten (10) business days of the occurrence of the alleged disruptive conduct.
- E. **Report Against All Occupants.** The content of the Disruptive Conduct Report shall count against all occupants of the Dwelling Unit or Rooming Unit. The content of the Disruptive Conduct Report shall not count against an occupant if the complaint is initiated by that occupant of the Dwelling Unit or Rooming Unit. More than one Disruptive Conduct Report filed against the occupants of Dwelling Unit or Rooming Unit in a 24-hour period shall count as a single Disruptive Conduct Report for the purpose of this Section. Any disruptive conduct occurring as a result of a person being present on the property in violation of a court order including, but not limited to, a protection from abuse order, or in violation of the Crimes Codes of Pennsylvania, or whose presence results in issuance of a court order, including, but not limited to, a protection from abuse order being obtained, and upon submission of documentary proof thereof, such activity shall not count as Disruptive Conduct against the property.
- F. **Additional Inspection.** After two (2) disruptive conduct incidents involving the same Dwelling Unit or Rooming Unit in any 36 month period, the owner of the Dwelling or Rooming Unit shall permit the Building Code Official to perform an additional inspection each year for a period of two (2) years.
- G. **Eviction.** After three (3) disruptive conduct incidents in any 12 month period by an occupant documented by Disruptive Conduct Reports, the owner shall have ten (10) working days from the date of service of a written notice to the owner to begin eviction proceedings against the occupant(s) and pursue the same through any appeal to the Berks County Court of Common Pleas. This subsection is not intended to limit or inhibit the owner's right to initiate an eviction action. Moving of tenants from one

property or dwelling owned by landlord to another property or dwelling owned by the same landlord shall not be considered eviction.

- H. Maintenance of List of Disruptive Conduct Report for Tenants and Occupants and Evicted Occupants. The Building Code Official shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued and the outcome thereof. The Building Code Official shall also maintain a list of all occupants and tenants evicted as a result hereof. The names shall remain on the list for a period of five (5) years.
- I. Suspension or Revocation of Rental Operating License. Failure of an owner to take action required herein will result in commencement of the process to suspend a Rental Operating License as set forth herein.
- J. Reinstatement of Rental Operating License. The Dwelling Unit or Rooming Unit involved shall not have its Rental Operating License reinstated until a new Rental Operating License fee is paid as provided by this ordinance and the disruptive occupants have been evicted, or Borough Council has ruled in the occupant's favor, or Borough Council has ruled in the owner's favor but not ordered eviction of the occupants, or the occupants have filed an appeal to a higher court preventing their eviction.
- K. Share Information. The Borough's Departments and Divisions are authorized to share information obtained under this Section.
- L. Regulations. The Borough shall have the authority to create regulations determined to be necessary or appropriate for the implementation and administration of this Section, provided they are consistent with the intent of this Ordinance, subject to review and approval of Borough Council.
- M. Enforcement, Violations and Penalties, and Remedies. This Section shall be enforced by the Building Code Official and the Northern Berks Regional Police Department. Any owner that violates the provisions of this Section shall have the Rental Operating License for the subject premises suspended or revoked as determined by Borough Council. Nothing in this Section shall prohibit the Borough from taking requisite legal and/or equitable action to prohibit violations or enforce provisions of this Section or as otherwise provided for in Borough Ordinances and laws of the Commonwealth of Pennsylvania.

SECTION 8. Ordinance Number 422, Section 13 entitled "Appeals" is hereby amended to read in its entirety as follows:

- A. Any person aggrieved by the action of the Building Code Official pursuant to this Ordinance, except in regards to the contents of a Disruptive Conduct Report, shall have the right to appeal said action within ten (10) days to the Council of the Borough of Leesport, which shall promptly hear and determine said appeal. Additionally, any

person aggrieved by the suspension, nonrenewal, denial or revocation of a Rental Operating License as a result of a Disruptive Conduct Report may appeal within ten (10) days to the Council of the Borough of Leesport. All appeals shall be filed in writing with the Building Code Official with the appropriate filing fee per the Borough fee schedule.

- B. In hearing appeals of Disruptive Conduct Reports, Council of the Borough of Leesport shall have the following powers:
- 1) To hear and decide appeals where it is alleged that there is an error in a decision or determination by a police officer or code official in the enforcement of this Ordinance. The hearing shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. Section 101 et. seq.
 - 2) To modify any order and to authorize a variance from the terms of this Ordinance when, because of special circumstances, undue hardship would result from literal enforcement and where such a variance substantially complies with the spirit and intent of this Ordinance.
 - 3) To grant a reasonable extension of time for the compliance of any Order issued by the code official where there is a demonstrated case of hardship and evidence of a bona fide intent to comply within a reasonable time period.

In exercising the above mentioned powers, Borough Council shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that Borough Council shall file its decision within fifteen (15) business days after the appeal hearing.

Borough Council shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.

Borough Council may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and to that end, however, the Committee in its determination, shall be bound by this Ordinance and shall not ignore the clear provisions and intent of this Ordinance.

- C. If the appeal of a disruptive conduct report and the decision of the police officer or code official is affirmed, within ten (10) business days or time for compliance as required by a decision of Borough Council, the code official shall inspect to determine compliance including whether the occupant(s) has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when required, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and the time for compliance as required by the decision of Borough

Council has expired, the Borough shall institute revocation of the Rental Permit pursuant to the provisions herein.

- D. Any decision or order issued under, per and in accord with this Ordinance shall be held in abeyance upon the timely filing of an appeal thereof with Borough Council. Said abeyance shall include, but not be limited to, revocation, suspension, denial or non-renewal of a Building Rental License until the appeal is resolved. An appeal of a Disruptive Conduct Report that would result in eviction as required herein shall stay the requirement for commencement of eviction proceedings against the occupants until the appeal is resolved, if the eviction proceedings were a direct result of a Disruptive Conduct Report.

- E. Any owner or occupant aggrieved by any decision of Borough Council regarding the contents of a Disruptive Conduct Report may appeal to the Court of Common Pleas of Berks County. Such appeal shall be in accord with Local Agency Law, 2 Pa. C.S. Section 101 et. seq. An appeal shall be filed with the Berks County Court of Common Pleas within thirty (30) days after the date of the Decision of Borough Council. Notice of appeal shall be filed upon all parties to the appeal before the Council, including the Borough. An appeal of a decision of Borough Council shall not automatically stay enforcement of Borough Council's Decision.

SECTION 9. Repealer.

All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 10. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11. Effective Date.

The effective date of this Ordinance shall be immediately upon its enactment and approval by the Mayor.

ENACTED AND ORDAINED this 18th day of may, 2022.

COUNCIL FOR THE
BOROUGH OF LEESPORT,
BERKS COUNTY, PENNSYLVANIA

ATTEST:

Sandra Weiser-Pascavage

Sandra Weiser-Pascavage, Borough Manager / Secretary

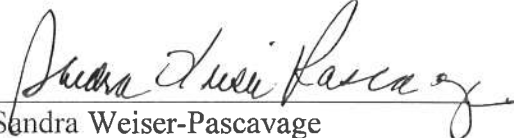
Ronald Strause
Ronald Strause, President

APPROVED this 19th day of May, 2022.

Charles Berger
Charles Berger, Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 479 adopted by the Council of the Borough of Leesport, Berks County, Pennsylvania at a public hearing following a regular meeting held on May 19, 2022, 2022, pursuant to notice as required by law.


Sandra Weiser-Pascavage
Borough Manager / Secretary

**APPENDIX A
ADDENDUM TO RENTAL AGREEMENT**

This Addendum to Rental Agreement is made this day of _____, _____, 20____, and is incorporated into and shall be deemed to amend and supplement the Rental Agreement made by the undersigned Tenant and Landlord, their heirs, successors and assigns, dated _____. The Rental Agreement and this Addendum pertain to the premises described in said agreement and located at _____.

This Addendum is required by the Tenant Registration Ordinance of the Borough of Leesport.

ADDITIONAL COVENANTS AND OBLIGATIONS

In addition to the covenants and obligations set forth in the aforementioned Rental Agreement, Tenant and Landlord hereby covenant and agree as follows:

A. Landlord's Covenants and Obligations:

1. Landlord shall keep and maintain the leased premises in compliance with all applicable Ordinances and Regulations of the Borough of Leesport and all applicable State laws and shall keep the leased premises in good and safe condition.

2. The Landlord shall be responsible for regularly performing all routine maintenance, including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific tasks which the parties hereby agree shall be delegated to the Tenant and which are identified as follows

3. The Landlord shall promptly respond to reasonable complaints and inquiries from the Tenant.

4. The Landlord shall comply with all applicable provisions of the Landlord/Tenant Act of the Commonwealth of Pennsylvania.

B. Tenant's Covenants and Obligations:

1. Tenant shall comply with all applicable Ordinances and Regulations of the Borough of Leesport and all applicable State laws.

2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time and the maximum number of persons permitted within the common areas of the leased premises at any time shall be in accordance with the habitability requirements and

occupancy limits provided for in the Building Code and/or its constituent codes, including but not limited to the Fire Prevention Code, the Property Maintenance Code, the Plumbing Code, and the Electric Code, as adopted by the Borough of Leesport, and the Leesport Borough Zoning Ordinance of 1972, as amended.

3. Tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean and safe manner and shall separate and place for collection all recyclable materials in compliance with the Borough of Leesport's Solid Waste and Recycling Ordinances.

4. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.

5. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.

6. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in "disruptive conduct," which is defined as "any form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or guest of a Dwelling Unit or Rooming Unit that is so loud, untimely (as to hour of day) offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises including but not limited to activity which involves music or noise that is disruptive to persons occupying a different Dwelling Unit or Rooming Unit or which is audible from a street, sidewalk or dwelling from a minimum distance of 50 feet away from the premises where the sound is originating, is the subject of criminal citation for Disorderly Conduct or any other offense under the Pennsylvania Crimes Code or Liquor Code, or causes damage to said premises such that a report is made to a police officer and/or a code official, complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitutes a criminal offense, or 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 code official or a police officer shall investigate and make a determination that such activity did occur, and keep written records including a disruptive conduct report, of such occurrences."

7. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Ordinances of the Borough of Leesport including, but not limited to, the Disruptive Conduct Ordinance, the Building Code, and the Solid Waste and Recycling Ordinances, and that the issuance by a Building Code Official or Police Officer of three disruptive conduct reports in any 12-month period relating to the leased premises shall constitute a breach of the rental agreement of which this addendum is a part. Upon such breach, Landlord shall have the right and option to pursue any and all of the following remedies:

- a. Termination of the rental agreement without prior notice; and
- b. Bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney's fees and costs; and

c. Bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney's fees and costs; and

d. Bring an action for damages caused by Tenant's breach, including reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Landlord

Tenant

Landlord

Tenant

Landlord

Tenant

NOTICE TO THE RESIDENTS OF THE BOROUGH OF LEESPORT

The Borough Council of Leesport, Berks County, Pennsylvania on Wednesday, May 18, 2022, beginning at 7:00 p.m. in the Leesport Fire Company Social Hall located at 27 South Canal Street in Leesport will consider enactment of the Ordinance summarized below. The complete title and summary of the proposed Ordinance are as follows:

ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TENANT REGISTRATION ORDINANCE OF THE BOROUGH OF LEESPORT, ORDINANCE NUMBER 422, SECTION 4 ENTITLED "DEFINITIONS" TO ADD NEW DEFINITIONS, TO AMEND SECTION 5 ENTITLED "INFORMATION TO BE PROVIDED BY OWNERS OR LANDLORDS" TO SET FORTH THE DUTIES OF ANY PERSON WHO RENTS OR LEASES ANY DWELLING UNIT OR ANY ROOMING UNIT IN THE BOROUGH TO ANY TENANT BEFORE THE COMMENCEMENT OF THE LANDLORD TENANT RELATIONSHIP, TO AMEND SECTION 10 ENTITLED "REGULATIONS" TO ALLOW FOR EXTENSION OF TIME OF RENTAL OPERATING LICENSE FOR COMPLAINT PROPERTIES AND PROVIDE FOR REINSPECTION OF PROPERTY AT WHICH CODE VIOLATIONS WERE NOTED DURING AN INSPECTION, TO ADD A NEW SECTION 11A. TO BE ENTITLED "RE-INSPECTION FEES" TO PROVIDE A REINSPECTION FEE FOR LIFE AND SAFETY ISSUES AND A FEE FOR FAILURE TO APPEAR FOR INSPECTION, TO ADD A NEW SECTION 10A. TO BE ENTITLED "DISRUPTIVE CONDUCT", TO PROVIDE FOR THE REGULATION OF DISRUPTIVE BEHAVIOR OF TENANTS OF A RENTAL PROPERTY AND TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO AMEND SECTION 13 ENTITLED "APPEALS" TO PROVIDE FOR APPEALS OF A DETERMINATION OF DISRUPTIVE CONDUCT AND THE ENFORCEMENT PROCEDURES THEREOF

Section 1 amends Ordinance No. 422, Section 4 entitled "Definitions" to add additional definitions. Section 2 amends Ordinance No. 422, Section 5 entitled "Information to be Provided by Owners or Landlord" to add a new Letter C. and a Letter D, which in summary provides that each person who rents or leases a dwelling unit or rooming unit within the Borough of Leesport is required to disclose to the occupant certain information related to the disruptive conduct ordinance. Section 3 amends Ordinance No. 422, Section 10 entitled "Regulations" to amend Letter D. in its entirety, which provides that each rental operating license shall expire three (3) years after the date of issuance. Section 4 amends Ordinance No. 422, Section 10 entitled "Regulations" to add a new Letter F. and a Letter G, which in summary provides that the Building Code Officer may reinspect any property upon receiving complaints from tenants and must reinspect a property thirty (30) days after finding code violations in the course of an inspection. Section 5 amends Ordinance No. 422 to add a new Section 11A., entitled "Re-Inspection Fees", which establishes fees for the reinspection of a property found to have code violations. Section 6 amends Ordinance No. 422 to add a new

Section 10A., entitled “Disruptive Conduct”, which shall be known as the Disruptive Conduct Ordinance for the Borough of Leesport. Section 7 amends Ordinance No. 422 to set forth the new Section 10A. in its entirety, which in summary provides regulations regarding disruptive conduct at rental properties in order to protect and promote the public health, safety and welfare of the citizens of the Borough of Leesport and to ensure that owners and occupants share responsibility to prevent and avoid nuisances at residential properties. Section 8 amends Ordinance No. 422, Section 13 entitled “Appeals” in its entirety, which in summary sets forth the procedure for appealing actions by the Building Code Official pursuant to this Ordinance except in regards to the contents of a Disruptive Conduct Report, and the procedure for the Council of the Borough of Leesport to hear appeals of Disruptive Conduct Reports. Section 9 is the repealer. Section 10 provides that the provisions of the Ordinance are severable. Section 11 provides an effective date.

All interested residents are invited to attend and be heard. A complete copy of the proposed Ordinance is available for inspection without charge and for copying at a charge not greater than the cost thereof at the Borough Hall at 27 S. Canal Street, Leesport during regular office hours.

COUNCIL FOR THE BOROUGH OF LEESPORT,
BERKS COUNTY, PENNSYLVANIA
Sandra L. Weiser-Pascavage
Borough Manager

Christopher J. Hartman, Esquire, Solicitor
To be published in the Reading Eagle on May 9, 2022