

Exhibit J

MUNICIPALITY OF NORRISTOWN
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 12-15 of 2012

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE GENERAL LAWS OF NORRISTOWN TO PROVIDE FOR FINES TO BE LEVIED AGAINST LANDLORDS FOR THE DISORDERLY CONDUCT OF THEIR TENANTS; PROVIDING SPECIFICALLY THAT NO PROPERTY SHALL BE CONDEMNED AS UNLAWFUL UNDER THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; ESTABLISHING SPECIFIC FINES FOR VIOLATION OF THE DISORDERLY CONDUCT PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A ONE YEAR BAN ON OBTAINING A RENTAL LICENSE UPON CONVICTION FOR RENTING WITHOUT A RENTAL LICENSE; REPEALING INCONSISTENT ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Norristown Municipal Council has enacted the General Laws of Norristown which include, inter alia, provisions requiring landlords to obtain rental licenses in order to rent property to others in Norristown; and

WHEREAS, the Norristown Police Department has advised the Norristown Municipal Council that the majority of the calls to which it responds involve disorderly behavior by tenants; and

WHEREAS, the incidents of disorderly behavior occurring in tenant-occupied dwellings far outweigh the incidents of disorderly behavior in owner-occupied dwellings; and

WHEREAS, Municipal Council has determined that it is in the best interests of the health, safety and welfare of the residents of Norristown to hold landlords responsible for the disorderly behavior of their tenants by providing for stricter fines for landlords whose tenants commit actions that constitute disorderly behavior; and

WHEREAS, Municipal Council desires to specifically provide that no property shall be condemned as unlawful under the International Property Maintenance Code for violation of this Ordinance, nor shall any landlord be criminally responsible for the acts of their tenants;

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

I. The General Laws of Norristown are amended to add a new Section 245-3 as follows:

“§245-3. Landlords Responsible for Certain Behavior of Tenants.

A. It shall be the licensee's responsibility to assure that the tenants, the tenants' family members, and guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this chapter, "rental dwelling unit" shall include common areas in the building where the rental dwelling unit is located.

B. For purposes of this Section 245-3 only, "disorderly behavior" may include, but is not limited to, the following:

(1) Drug-related illegal activity in the rental dwelling unit. "Drug-related illegal activity" means the illegal possession, manufacture, sale, distribution, purchase, use, or possession with intent to manufacture, sell or distribute a controlled substance (as defined in the Controlled Substance Act [21 U.S.C. §802]) or possession of drug paraphernalia as defined by Pennsylvania statute. A tenant shall be deemed to be in possession of a controlled substance if any amount of a controlled substance is located in the tenant's rental dwelling unit even if the tenant claims not to know the controlled substance was present, unless the tenant provides a sworn statement by a person, other than another tenant or tenant's family member, that the controlled substance was his or hers, and that the tenant had no knowledge of the existence of the controlled substance.

(2) Any call to a rental dwelling unit or units to which the Norristown Police Department responds, and which, in the sole discretion of the Chief of Police, involves activity that can be characterized as disorderly in nature, including, but not limited to, the following types of activity:

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

(3) The issuance of at least three (3) citations by the Municipality of Norristown for a violation of the International Property Maintenance Code, Norristown's codification of the Uniform Construction Code, or any other general law of Norristown.

(4) Calls to which the Norristown Police Department responds will not be counted for purposes of determining whether a licensee shall be subject to the fines set forth in this Section 245-3 where those calls are made by a tenant, a member of a tenant's family or a tenant's guest taking action to seek emergency assistance unless it is discovered by the Norristown Police Department, upon investigation, that one or more of the acts constituting disorderly behavior set forth in subsection B.(2), above, have occurred at the rental dwelling unit(s).

C. Upon determination by the Chief of Police that a rental dwelling unit was the location of disorderly behavior, the Chief of Police shall notify the Director of Code

Enforcement who shall notify the applicable licensee of the violation by first-class mail at the licensee's last-known address, and direct the licensee to take steps to prevent further violations.

D. If a second instance of disorderly behavior occurs at a rental dwelling unit within two (2) months after the date of the notice for a previous disorderly behavior at the same rental dwelling unit, the Director of Code Enforcement shall notify the licensee of the violation by first-class mail at the licensee's last-known address, and direct the licensee to submit, within ten (10) business days of the date of the notice, a written report to the Director of Code Enforcement of all action taken by the licensee since the first violation notice, and actions the licensee intends to take to prevent further disorderly behavior. If the report is not received by the Director of Code Enforcement in a timely manner, the licensee shall be cited for violation of this Ordinance and, if found guilty by a court of competent jurisdiction, shall be required to pay the applicable fines as stated in §245-3.K., below.

E. If the licensee submits the report required in Section 245-3.D. above in a timely manner, and a third instance of disorderly behavior occurs at a rental dwelling unit within two (2) months after the date of the notice for the second instance of disorderly behavior at the same rental dwelling unit, the licensee shall be cited for violation of this Ordinance and, if found guilty by a court of competent jurisdiction, shall be required to pay the applicable fines as stated in §245-3.K., below.

F. No adverse action shall be taken against any licensee where the instance of disorderly behavior occurred during pending eviction proceedings or within 30 days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse action may be taken when the licensee fails to diligently pursue the eviction process.

G. No property shall be condemned for any reason under the International Property Maintenance Code for violation of the provisions of this Ordinance.

H. No tenant shall be evicted or forced to vacate a rental dwelling unit by the Municipality of Norristown for violation of the provisions of this Ordinance.

I. It is strongly encouraged that all licensees include in their leases language that provides that it is a breach of the lease for a tenant to be convicted for disorderly behavior.

J. It is strongly encouraged that all licensees conduct criminal background checks on prospective tenants prior to entering into a lease.

K. Penalties for violation of Section 245-3.

(1) If a licensee is convicted of violating this Section 245-3, the first conviction shall carry a mandatory fine of a minimum of \$300 and a maximum of \$500.

(2) If a licensee is convicted of violating this Section 245-3 for a second time, such conviction shall carry a mandatory fine of a minimum of \$500 and a maximum of \$750.

(3) If a licensee is convicted of violating this Section 245-3 for a third time, such conviction shall carry a mandatory fine of a minimum of \$750 and a maximum of \$1,000.

(4) If a licensee is convicted of violating this Section 245-3 for a fourth or subsequent time, such conviction(s) shall carry a mandatory fine of \$1,000.

(5) All fines levied pursuant to this Section 245-3.K. shall have added to them all court costs and reasonable attorneys' fees incurred by the Municipality of Norristown to enforce this Section. Each day that a violation continues shall constitute a separate offense."

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

"§245-4. Violations and penalties.

A. Any person who violates any provision of this Chapter other than Section 245-3 shall be issued a citation, and upon conviction by a court of competent jurisdiction shall be subject to a fine of not less than \$300 nor more than \$1,000 per nonlicensed dwelling unit, plus any and all court costs and reasonable attorneys' fees incurred by the Municipality of Norristown to enforce this Chapter. Each day that a person is in violation of any provision of this Chapter shall constitute a separate offense.

III. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

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

V. This Ordinance shall take effect five (5) days following its legal enactment.


ENACTED and **ORDAINED** this 4th day of December, 2012.

ATTEST:

NORRISTOWN MUNICIPAL COUNCIL



David Forrest, Municipal Administrator



By: Gary Simpson, President