

ORDINANCE NO. 04-2022-649

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 6, OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES WITH THE ADDITION OF PART 8 ENTITLED “DISRUPTIVE CONDUCT” TO PROVIDE FOR GREATER CONTROL AND MORE EFFECTIVE REGULATIONS REGARDING DISRUPTIVE CONDUCT WITHIN RESIDENTIAL RENTAL UNITS WITHIN SALISBURY TOWNSHIP; AND PROVIDING FOR ENFORCEMENT, FINES AND PENALTIES

WHEREAS, the Township of Salisbury (“Township”) is a political subdivision, municipal corporation, and First-Class Township of the Commonwealth of Pennsylvania, being a body corporate and politic, situated in Lehigh County, duly established and lawfully existing under and pursuant to the First-Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §§ 55101 et seq., as amended; and

WHEREAS, the Salisbury Township Board of Commissioners finds that disruptive conduct within a residential rental unit is detrimental to the physical, mental, and social well-being of the people, as well as to their comfort, living conditions, general welfare, and safety, and presents a public health and welfare hazard. The Board of Commissioners hereby declares it necessary to provide for the greater control and more effective regulation of residential rental unit disruptive conduct in the Township of Salisbury; and

WHEREAS, the Board of Commissioners finds this Ordinance regulates residential rental unit disruptive conduct through an objective, reasonable standard of annoyance, through per se prohibitions on certain types of disruptive conduct known to cause annoyance and noncompliance, and, with any of these methods, constitutes a violation of this Ordinance subject to the penalties provided herein; and

WHEREAS, a public hearing was held on April 14, 2022 for input from the public on the proposed Ordinance; and

WHEREAS, the Board of Commissioners has carefully reviewed and considered the proposed regulations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that the Disruptive Conduct Ordinance is hereby adopted and shall be codified as Part 8 of Chapter 6 of the Salisbury Township Code of Ordinances as follows:

ARTICLE I: Chapter 6, Part 8 shall read as follows:

Part 8

DISRUPTIVE CONDUCT

§ 801. NAME. This ordinance shall be commonly known as the “Disruptive Conduct Ordinance”.

§ 802. PURPOSE AND INTENT. Disruptive conduct can be a serious threat to the comfort, convenience, health, safety, welfare, and overall quality of life of the citizens of Salisbury Township. It is the intent of this chapter to set forth requirements and criteria in order to establish the rights and obligations of owners and occupants of rental properties, to maintain and improve the quality of rental housing within the community, and to preserve, protect, and promote health, safety, welfare and the peace, quiet and comfort of the citizens of Salisbury Township.

§ 803. DEFINITIONS. A. The following words, terms and phrases when used in this Chapter shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. Disruptive Conduct: Engaging in actions with reckless disregard that otherwise disturbs others in the peaceful enjoyment of their premises, causing an annoyance, damage, or public inconvenience, fighting, threatening, tumultuous or violent behavior, making harassing or menacing gestures or language, or creating a physically offensive condition or hazard for no legitimate reason.

2. Disruptive Conduct Report: A written report of disruptive conduct on a form to be prescribed therefor, to be completed by the police, who actually investigate an alleged incident of disruptive conduct. The Community Development Director shall be responsible to maintain a record of reports.

3. Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

4. Guest: A person on the premises with the actual or implied consent of an occupant.

5. Landlord: One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit. (Same as “Owner”)

6. Manager: An adult individual designated by the owner of a residential rental unit.

7. Occupant: An individual who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania. (Same as “Tenant”)

8. Owner: One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit. (Same as "Landlord")

9. Person: Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality of a State or any political subdivision of a State. "Person" shall include the owner or operator, tenant, guest or manager of real property from which the disruptive conduct emanates.

10. Premises: Any parcel of real property in the Township of Salisbury, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more rental units are located.

11. Rental Property Registration Certificate: A certificate of operation issued by the Township that must be obtained prior to a rental property being operable and occupied.

12. Residential Rental Unit: Any structure within the Township of Salisbury which is occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel or real estate received any value, including but not limited to money, or the exchange of services. Each apartment within a structure is a separate unit requiring inspection and certification.

13. Tenant: An individual who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania. (Same as "Occupant").

§ 804: ENFORCEMENT

1. A complaint of Disruptive Conduct may be made against any occupant, tenant, guest, owner, or manager of residential rental unit.

2. 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. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent or manager within thirty (30) days of the occurrence.

3. Any instance resulting in a Disruptive Conduct Report shall count against all occupants of the residential unit. More than one (1) Disruptive Conduct Report filed against the occupants of a residential rental unit in a twenty-four (24) hour period shall count as a single Disruptive Conduct Report.

4. After three (3) disruptive conduct incidents in any twelve (12) month period by an occupant documented by Disruptive Conduct Reports, the owner or manager shall have ten (10) working days from the date of receiving the notice to begin eviction proceedings against the

disruptive occupant(s). This paragraph is not intended to inhibit the owner or manager's right to initiate eviction actions prior to the third disruptive conduct incident.

5. Failure to take such action will result in a citation and the immediate revocation of the Rental Property Registration Certificate.

6. The disruptive occupants, upon conviction, shall not re-occupy any residential rental unit on the same premises involved for a period of at least one (1) year from date of eviction.

7. The Department of Community Development shall maintain a list of the names of all occupants evicted as a result of the preceding paragraph. The information filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described. The names shall remain on the list for a period of five (5) years.

§ 805. FINES AND PENALTIES

1. Each violation of the sections of this Chapter constitutes a separate offense and fine.

2. **Citations.** Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Chapter, or of any regulation or requirement pursuant hereto, shall, upon conviction, be ordered to pay a fine of not less than One Hundred (\$100) dollars and not more than One Thousand (\$1,000) dollars for each offense.

3. **Restitution.** The Magisterial District Judge may order the violator to reimburse the Township's costs of collection/citation proceedings and to pay the Township reasonable attorneys' fees associated with the prosecution of the same.

§ 806. SEVERABILITY

If any sentence, clause, section, term, phrase 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, terms, provisions, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners of Salisbury Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

§ 807. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this 14th day of April, 2022, by a majority of the Board of Commissioners of the Township of Salisbury Township, Lehigh County, Pennsylvania, in lawful session duly assembled

Attested:


Township Secretary

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: 
President, Board of Commissioners