

**BOROUGH OF PARKESBURG
CHESTER COUNTY PENNSYLVANIA**

ORDINANCE NO. 2026-572

**AN ORDINANCE OF BOROUGH OF PARKESBURG, CHESTER COUNTY,
PENNSYLVANIA, ESTABLISHING THE BOROUGH QUIET ENJOYMENT
RESIDENTIAL RENTAL HOUSING PROGRAM**

WHEREAS, the Borough Council of Borough of Parkesburg, Chester County, Pennsylvania (“Borough”), has in conjunction with and prior to this Ordinance enacted a Rental License Operating Ordinance requiring any owner of residential and commercial property to obtain a Rental Operating License (a “Rental License”) as a precondition to allowing occupancy of such property by anyone other than the owner; and

WHEREAS, notwithstanding the use of terms such as rental, lease, landlord, tenant and other like terms, the Rental Operating License Ordinance may be applicable to owners of property occupied by others, even where there is not a lease and even where no rent or other consideration is paid, it being the intent of the Rental Operating License Ordinance and this Ordinance to enhance the health, safety, and welfare of all persons occupying properties owned by others in the Borough regardless of the nature of the legal arrangement under which such occupancy prevails; and

WHEREAS, the Rental Operating License Ordinance currently requires inspections of all Residential Rental Units (as defined in the Rental Operating License Ordinance) every two years or upon change of occupancy and annual licensing; and

WHEREAS, the Borough desires to require persons who rent (whether or not for consideration) any Residential Rental Unit within the Borough (“Landlords”), to participate in the Borough’s Quiet Enjoyment Residential Rental Housing Program (the “Program”); and

WHEREAS, the Borough desires to provide incentives to Landlords to participate in the Program and to provide penalties for Landlords who do not participate in the Program; and

WHEREAS, the Borough Code of Pennsylvania authorizes the Borough of Parkesburg to enact Ordinances to protect and ensure the health, safety, cleanliness, and public welfare of its residents; and

WHEREAS, the Borough Council for Borough of Parkesburg is of the opinion that it needs remedies for disruptive behavior of tenants of a rental property; and

WHEREAS, Borough Council for Borough of Parkesburg desires to enact an Ordinance providing for regulation of disruptive behavior of tenant of a rental property.

NOW THEREFORE BE IT ENACTED and ORDAINED by the Borough Council of Borough of Parkesburg, Chester County, Pennsylvania, by the authority of the same enacts the Borough Quiet Enjoyment Residential Rental Housing Program Ordinance as follows:

SECTION 1: Delivery of Disclosures to Tenants

- A. All disclosures and information related to this 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 the occupant with copies of any rental agreement and addendum upon execution.
- B. 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.
- C. 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.
- D. 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.
- E. The owner shall secure a signed acknowledgement from occupants that the occupants have received the disclosures and information required by this Ordinance.

The owner within ten (10) days of the execution of any lease shall furnish to Borough of Parkesburg copies of the signed acknowledgement that the occupants have received the disclosures and information required by this Ordinance.

SECTION 2 : Quiet Enjoyment Residential Rental Housing

Program: The Borough hereby establishes the Quiet Enjoyment Residential Rental Housing Program, as follows:

A. Purpose and Findings

As Borough records establish 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 Ordinance is to protect and promote the public health, safety and welfare of the citizens of the Borough of Parkesburg and to ensure owners and occupants share responsibility to prevent and avoid nuisances in the Borough.

B. Definitions

AGENT – an adult individual designated by the Owner of a rental unit to act on behalf of the Owner and is also referred herein as a “responsible local agent.”

CODES APPEALS COMMITTEE – the appeals formed hereunder to hear appeals under this Ordinance. The Code Appeals Committee shall be a three-person subcommittee of the Borough Council, serving as the Codes Appeals Committee or as otherwise named, constituted and organized as determined by Borough Council Resolution.

CODE ENFORCEMENT OFFICER – the duly appointed Code Enforcement Official(s) having the duty to enforce this and other codes and ordinances of the Borough.

CODE OFFICIAL – Borough of Parkesburg Code Enforcement Officer.

COMMITTEE – Borough of Parkesburg Borough Sub-Committee serving as the Code Appeals Committee.

DISRUPTIVE CONDUCT REPORT- a written report of disruptive conduct on a form to be prescribed therefore 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. A

Police Incident Report, in addition to any form that may be prescribed by the Borough, shall constitute a Disruptive Conduct Report. Disruptive Conduct Reports shall be maintained by the Borough for a period of at least two (2) years. However, no Disruptive Conduct Report shall be issued which affects the lease of or implicates a victim of abuse as defined in 23 Pa. C.S. §6102 (relating to definitions), a victim of crime pursuant to 18 Pa. C.S. (relating to crimes and offenses) or to an individual in an emergency pursuant to 35 Pa. C.S. §8103 (relating to definitions), if the contact was made based upon the reasonable belief of the person making the contact that intervention or emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or emergency or if the intervention or emergency assistance was actually needed in response to the abuse, crime or emergency.

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

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 premise, including a mortgage holder in possession of a rental unit. Also see Owner.

LANDLORD and TENANT ACT – the Landlord and Tenant Act of 1951, as amended, 68 P.S. § 250.101 et seq.

LEASE-RENTAL AGREEMENT – a written agreement between owner/landlord and occupant/tenant supplemented by the addendum required herein embodying the terms and conditions concerning the use and occupancy of a specified residential rental unit or premises. Also see Rental Agreement.

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

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 rental unit. Also see Landlord.

PERSON – a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

POLICE – sworn law enforcement officer of the Parkesburg 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 rental units is located.

RENT – compensation for providing shelter or lodging for habitation by humans to reside, monetary, or non-monetary.

RENTAL AGREEMENT – a written agreement between owner/landlord and occupant/tenant supplemented by the addendum required herein embodying the terms and conditions concerning the use and occupancy of a specified residential rental unit or premises. Also see Lease.

RENTAL UNIT – any structure or portion of a structure within the Borough which is either

- i. Not owner-occupied, but is occupied by another person, whether or not for value, or
- ii. Occupied by the Owner and occupied by someone other than the owner of the real estate, and for which the owner receives any value, including but not limited to money, or the exchange of goods or services.

RENTAL OPERATING LICENSE – the license to the Owner of a rental unit under the Rental Operating License Ordinance for lawful rental and occupancy of a rental unit.

TENANT – an individual who resides in a rental unit who has a legal relationship with the owner/landlord established by lease or the laws of the Commonwealth of Pennsylvania. Also see Occupant.

TWELVE MONTH PERIOD – for purposes of this Ordinance, 12-month period shall be calculated by counting twelve (12) months back from the most recent Disruptive Conduct Report.

C. Owner and Occupant Duties

1. Owner's Duties:

A. Owner shall assure that the conduct and activities of the occupants of every rental unit owned by such owner is in compliance with this Ordinance, the Lease Agreement and Appendix thereto and applicable provisions of the laws of the Commonwealth of Pennsylvania and all other Ordinances of the Borough by providing similar language in their lease with the current tenant 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, the owner shall be directly

responsible for the behavior of occupants and guests in such common areas of the premises.

B. Designation of responsible local agent. Any Owner who rents, leases or lets a residential rental dwelling unit or a rooming unit shall designate and appoint an adult individual to serve as the responsible local agent for such dwelling unit or rooming unit. The responsible local agent shall be responsible for providing the Code Official with access to the dwelling unit or the rooming unit for the purpose of making inspections necessary to ensure compliance with the Borough Code and relevant regulations. A responsible local agent is required to either reside on the premises in which the dwelling unit or rooming unit is located or reside within a radius of fifteen miles of the Borough of Parkesburg. An Owner may designate himself or herself as a responsible local agent if he or she either resides on the premises in which the dwelling unit or rooming unit is located or resides within a radius of fifteen miles of the Borough of Parkesburg. The local responsible agent shall be the agent of the Owner for service of process and receiving of notices and demands, as well as for performing the obligations of the Owner under this Ordinance and under rental agreements with the occupants. The identity, address and telephone number(s) of a person who is designated as local responsible agent hereunder shall be provided by the Owner to the Borough and such information shall be kept current and updated as it changes.

2. Occupant Duties : Occupant shall comply with all obligations imposed upon occupants by this Ordinance and all applicable provisions of the laws of the Commonwealth of Pennsylvania, the Lease Agreement and Appendix thereto and all applicable Ordinances of the Borough 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. Disruptive Conduct

1. Investigation and Report of Disruptive Conduct: One or more police officers or code officials shall investigate alleged incidents of disruptive conduct - **which must be initiated by a 911 call or direct involvement of the police department.** 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. Disruptive Conduct Reports shall only be issued which fall within the definition set forth above and the police officers or code officials shall comply with and exercise their discretion in issuing Disruptive Conduct Reports after assuring themselves that they are acting to protect the victims of abuse or crime as set forth in 53 Pa. C.S.A. §304.

2. Report Against All Occupants: The content of the Disruptive Conduct Report shall count against all occupants of the rental unit except for the victims of crime or abuse as identified previously. The content of the Disruptive Conduct Report shall not count against an occupant if the complaint is initiated by that occupant of the rental unit. More than one Disruptive Conduct Report filed against the occupants of a rental unit in a 24-hour period shall count as a single Disruptive Conduct Report for the purpose of this Ordinance. 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.
3. 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 Chester 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.

E. Suspension, Revocation and Reinstatement of Rental Permit

1. 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 or revoke a Rental Operating License as set forth herein.
2. Reinstatement of Suspended Rental Operating License: The rental unit with respect to which the Rental Operating License has been suspended shall not have its Rental

Operating License reinstated until the applicable reinstatement fee is paid, the disruptive occupants have been evicted and any life safety Property Maintenance Code violations on the Premises have been remediated, or the appeals board has ruled in the occupant's favor, or the appeals board has ruled in the owner's favor but not ordered eviction of the occupant(s), or the occupants have filed an appeal to a higher court preventing their eviction.

3. The owner of a rental unit with respect to which the Rental Operating License has been revoked, or any person or entity owned or controlled by, or affiliated with, such owner, may not reapply for a Rental Operating License for such rental for a period of twelve (12) months.

F. Appeals

1. Right to Appeal: The occupant(s) and/or owner may appeal the contents of a Disruptive Conduct Report to the Code Appeals Committee. Additionally, any person aggrieved by the suspension, nonrenewal, denial, or revocation of a Rental Operating License as a result of a Disruptive Conduct Report or alleged failure to take actions required by this Ordinance may appeal. All appeals shall be filed in writing with the Code Enforcement Official with the appropriate filing fee per the Borough fee schedule within twenty (20) days of service of the Disruptive Conduct Report or notice of suspension, nonrenewal, denial, or revocation of a Rental Permit.
2. Powers of Code Appeals Committee on Appeal of Disruptive Conduct Reports: In hearing appeals of Disruptive Conduct Reports, the Code Appeals Committee shall have the following powers:
 - a. 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.
 - b. To modify any order and to authorize a variance from the terms of this Ordinance and the scope of any enforcement order 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.

- c. 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, the Code Appeals Committee shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Code Appeals Committee shall file its decision within fifteen (15) business days after the appeal hearing.

The Code Appeals Committee 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.

The Code Appeals Committee 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 Code Appeals Committee in its determination, shall be bound by this Ordinance and shall not ignore the clear provisions and intent of this Ordinance.

3. Effect of Appeals: 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 the Code Appeals Committee. Said abeyance shall include, but not be limited to, revocation, suspension, denial, or non-renewal of a Rental Operating License until the appeal is resolved. An appeal of 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.
4. Enforcement upon Resolution of Appeal to Code Appeals Committee: 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 the Code Appeals Committee, the Borough shall inspect to determine compliance including whether the occupant(s) has/have 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 the Committee has expired, the Borough shall institute revocation of the Rental Operating License pursuant to the provisions herein.

5. Appeal to the Court of Common Pleas: Any owner or occupant aggrieved by any decision of the Code Appeals Committee may appeal to the Court of Common Pleas of Chester County. Such an appeal shall be in accord with Local Agency Law, 2 Pa. C.S. Section 101 et. Seq. An appeal shall be filed with the Court of Common Pleas within thirty (30) days after the date of the Decision of the Committee. Notice of appeal shall be filed upon all parties to the appeal before the Committee, including the Committee, and the Borough. An appeal of a decision of the Committee shall not automatically stay enforcement of the Committee's Decision.

G. Share Information

The Borough's Departments and Divisions are authorized to share information obtained under this Ordinance.

H. Regulations

The Borough shall have the authority to create Regulations determined to be necessary or appropriate for implementation and administration of this Ordinance (including adjustment of the amounts of Penalties and fees et cetera), provided they are consistent with the intent of this Ordinance, subject to review and approval of Borough Council by Resolution of Borough Council.

I. Enforcement, Violations and Penalties, and Remedies

Notwithstanding anything to the contrary in this Ordinance, this Ordinance may be enforced by any of the following: a Borough Code Enforcement Officer, the Parkesburg Police Department or any other Borough Official designated by the Borough Council by Resolution.

Any owner that violates the provisions of this Ordinance as determined by a final and unappealed and adverse ruling shall have the Rental Operating License for the subject premises suspended or revoked as determined by the Code Appeals Committee. Any person who has a Rental Operating License suspended may not conduct rentals at the Premises to which such Rental Operating License relates until such Rental Operating License is reinstalled and any person who has a Rental

Operating License revoked may not reapply for a Rental Operating License for the Premises to which such Rental Operating License relates for a period of twelve (12) months.

Nothing in this Ordinance shall prohibit the Borough from taking requisite legal and/or equitable action to prohibit violations or enforce provisions of this Ordinance or as otherwise provided for in Borough Ordinances and laws of the Commonwealth of Pennsylvania.

In addition to suspension or revocation of a Rental Operating License for violation of this Ordinance, as set forth above, any person who shall violate any provision hereof shall be subject to enforcement of this Ordinance against such person and shall be subject to the institution of fines against such person as set forth herein.

Enforcement of this Ordinance shall be by action brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and may be prosecuted by the Borough Solicitor without the consent of the District Attorney as required under Pennsylvania Rules of Criminal Procedure number 83 (c).

The Borough Council hereby determines to set and prescribe a criminal fine for violation of this Ordinance of not-to-exceed six hundred dollars (\$600) for a first offense and not-to-exceed one thousand dollars (\$1,000) for any subsequent offense. The fines set forth herein may be amended from time-to-time by Resolution of the Borough. In addition, the Board hereby determines that the Magisterial District Justice may prescribe imprisonment to the fullest extent allowed by law for the punishment of summary offenses.

Imposition of police service costs. In addition to the other penalties identified herein, the Borough shall also have authority to impose police services costs as follows:

Definition. For purposes of the penalty of "imposition of police service costs" "police service costs" shall be the costs incurred by the Borough of Parkesburg Police Department for police services which are rendered in response to calls of disruptive

conduct. Such costs include, but are not limited to, the salaries and other compensation of police officers, appropriate administrative expenses allocable thereto and prorated costs of equipment necessary for the police to respond. The police services fees shall be established from time to time by Council in a resolution and shall be based on the average cost for a typical police response to a call of disruptive conduct.

An owner and/or occupant is required to pay police service costs which are incurred by the Borough of West Chester Police Department in responding to incidents of disruptive conduct in excess of one response during any consecutive thirty-day period of time.

Whenever the police are called to respond to an incident of disruptive conduct, the Code Official shall notify the owner and/or occupant of the property where the disruptive conduct took place and also the local responsible agent of such property, by regular mail at the last known address of such owner and agent, that the police were called to respond to disruptive conduct at the owner's property and that if the police are again called to respond to disruptive conduct at such property within 30 days after their initial response, such owner and/or occupant shall be required to pay police service costs to the Borough for such responses.

After the second response to disruptive conduct within 30 days as referenced preciously, the Chief of Police or the Code Official shall notify the Borough Treasurer, in writing, of the name and address of the owner and/or occupant of the property where the disruptive conduct took place, the dates of the initial and subsequent response(s) and the total amount of police service costs incurred for or during such responses. The Borough Treasurer or his/her duly authorized designee shall then bill the owner and/or occupant for the said amount, which shall be due and payable to the Borough within 30 days of such billing.

Any police service costs which have not been paid within 30 days of the billing therefore may be collected, together with a penalty of 10% thereof and interest at the rate of 10% per annum added thereto, by civil action against the owner and/or may be imposed or assessed against the owner's property as a municipal claim as provided by law.

Section 3 : Repeal of Ordinances

Any ordinance or part of ordinances conflicting with the provisions of this Ordinance is hereby repealed insofar as they are inconsistent with this Ordinance's provision.

Section 4 : Severability

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough Council of the Borough of Parkesburg, Pennsylvania hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional, or invalid.

Section 5 : Effective Date

This Ordinance shall be effective immediately after the enactment hereof.


DULY ORDAINED and ENACTED as an Ordinance this 15th day of January 2026.

PARKESBURG BOROUGH COUNCIL




Nicholas Ohar, Borough Council President

ATTEST:



Wanda Harner, Secretary

APPROVED this 15th day of January 2026.



John P. Hagan II, Mayor