

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 539

(Duly Adopted July 12, 2017)

AN ORDINANCE REVISING THE RECENTLY-ADOPTED RULES FOR THE REGULATION OF RESIDENTIAL RENTAL UNITS BY REMOVING THE REQUIREMENTS RELATING TO MAIL FACILITIES AND ELIMINATING THE ANNUAL REGISTRATION FEE FOR 2018 IF A RENTAL UNIT WAS REGISTERED IN 2017; CHANGING THE REQUIREMENT FOR ALL OWNERS OF RESIDENTIAL PROPERTIES TO PROVIDE LISTS OF THE RESIDENTS AND OCCUPANTS OF THEIR PROPERTIES FROM TWICE EACH YEAR TO ONLY ONCE EACH YEAR; AND ESTABLISHING A NEW PART-TIME ADMINISTRATIVE ASSISTANT POSITION OF EMPLOYMENT WITH THE BOROUGH, INCLUDING DUTIES, COMPENSATION, AND OTHER MATTERS RELATING TO THAT POSITION.

WHEREAS, on May 10, 2017, Council adopted Ordinance No. 538 which, among other things, provided new regulations for residential rental units; and

WHEREAS, Ordinance No. 538 required landlords to provide a mailbox or other mail receptacle or post office box for mail delivery for the occupants of the landlord's residential rental units, at landlord's expense; and

WHEREAS, Council desires to defer this requirement until such time as it adopts more comprehensive rules relating to mailboxes in the Borough; and

WHEREAS, Council also desires to eliminate the annual registration fee for residential rental units for the year 2018 if they were initially registered in 2017; and

WHEREAS, Council has created a new part-time administrative assistant position of employment with the Borough, and would like to establish the duties, compensation, and other matters related to that position; and

WHEREAS, on July 5, 2017, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Alburdis, of its intention to consider the adoption of this Ordinance on July 12, 2017 at 7:00 P.M. in the Borough Hall, 260 Franklin Street, Alburdis, Pennsylvania. The notice stated the particular nature of the matter to be considered at the hearing, as provided in the title of this Ordinance;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Chapter 36 of the Codified Ordinances (relating to Residential Rental Properties) is hereby amended by amending §§ 36-201(b)(1), 36-203(b), 36-302, and 36-401(b) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

Chapter 36 — Residential Rental Properties

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Article II — Reports, Registration, Inspections, Certificates

§ 36-201 Report Required.

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(b) **Reporting Events.** A report under this Section shall be filed—

(1) By August 1, 2017, in the case of a Landlord of a Residential Rental Unit as of the date this Chapter is adopted. The Landlord shall be deemed to have filed this report if he/she/it filed the ~~semi~~-annual list of residents required under § 89-201 by June 30, 2017 and there has been no change in the tenancy or occupancy of any Residential Rental Unit between the date of the § 89-201 report and August 1, 2017;

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§ 36-203 Inspections.

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(b) **Exception.** Notwithstanding subsection (a), in the case of new construction, a Residential Rental Unit shall be deemed to have passed any inspection which would have been conducted under this Section after the issuance of a certificate of occupancy for the premises and before its initial occupancy, ~~provided that the Borough Manager confirms the mailbox facilities requirements of § 36-302 have been satisfied.~~

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Article III — Additional Standards and Requirements

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§ 36-302 Mail Facilities. [RESERVED]

~~The Landlord must provide a mailbox or other mail receptacle or post office box meeting the standards and requirements of the United States Postal Service for mail delivery to the Residential Rental Unit or the occupants thereof, at the Landlord's expense.~~

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Article IV — Miscellaneous

§ 36-401 Fees.

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(b) **Annual Renewal.** The fee for the renewal of a registration for a new calendar year shall be Sixty Dollars (\$60.00). However, there shall be no fee for the renewal of a registration for calendar year 2018 if the initial registration of the Residential Rental Unit occurred during 2017.

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SECTION 2. Codified Ordinances Section 89-201 (relating to Moving Permits and Resident Registration—Resident Registration—Duty to File List of Residents) is amended as follows (with deletions indicated by ~~strike outs~~ and insertions indicated by double underlining):

§ 89-201 Duty to File List of Residents.

It shall be the duty of every person or entity owning residential property within the Borough of Alburtis to certify to the Borough Manager, on a form provided by the Borough Manager, a list of the names and mailing addresses of all the residents and occupants of each property so owned who are eighteen (18) years of age or older, and the number of persons under the age of eighteen (18) years also residing in or occupying any such property, on or before June 30 ~~and December 31~~ of every calendar year. In addition, the owner shall provide a person's physical residence location if it is different from his/her mailing address or if it is needed to identify the precise dwelling unit or abode occupied by the person. The form shall provide that the persons signing the form verify that the information presented in the form is true, correct, and complete, subject to the penalties of 18 PA. CONS. STAT. § 4904 (relating to unsworn falsification to authorities).

SECTION 3. Codified Ordinances Section 12-201(a) (relating to Personnel Policies—General Working Time & Pay Rules—Working Hours—Office Employees) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

(a) **Office Employees.** ~~Office~~ Full-time office employees (including the Borough Manager and the Borough Treasurer) shall work from 8:00 AM to 4:30 PM from Monday through Friday (except Borough holidays), except for one-half hour time off for lunch which must be taken between 12:00 noon and 1:00 PM. Lunch times must be so coordinated that at least one office employee is on duty at all times whenever possible. The working hours of the part-time Administrative Assistant shall be scheduled by the Borough Manager as needed, and need not be the same

from day-to-day or week-to-week, but shall not exceed twenty (20) hours in any calendar week (except in the event of an emergency).

SECTION 4. Codified Ordinances Section 12-203 (relating to Personnel Policies—General Working Time & Pay Rules—Overtime and Compensatory Time Off) is amended by correcting all references to “§ 12-204” and “§ 12-204(a)” in subsections (a), (b), and (d) to be references to “§ 12-205” and “§ 12-205(a)”, and by adding the following new subsection (f) at the end thereof:

(f) **Part-time Employees.** Notwithstanding anything to the contrary in this Section, part-time employees shall be paid overtime pay (at the rate of 1.5 times base hourly compensation) for all hours worked over forty (40) hours in a calendar week, and at their straight-time base hourly rate of compensation for the first forty (40) hours worked in a calendar week, without regard to whether any particular time worked was during the employee’s regularly scheduled hours, was call-out time under § 12-205, was during a holiday, or otherwise.

SECTION 5. Codified Ordinances Section 12-206(b) (relating to Personnel Policies—General Working Time & Pay Rules—Pay Periods) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

(b) ~~{RESERVED}~~ **Part-time Employees.** All part-time office, maintenance, or police employees of the Borough shall be paid every two weeks.

SECTION 6. Codified Ordinances Chapter 12, Article VI (relating to Personnel Policies—Employment Duties) is amended by adding the following new Section 12-604.1 after existing Section 12-604:

§ 12-604.1 Administrative Assistant.

In addition to all other required duties, the Administrative Assistant shall:

(a) Bill and collect per capita taxes; track and provide the Borough Treasurer with a monthly report of any delinquencies.

(b) Perform general clerical duties as assigned, including, but not limited to:

(1) retrieving, checking, opening, and distributing mail;

(2) typing and data entry;

(3) filing;

(4) photocopying, scanning, and faxing;

(5) taking telephone calls and forwarding information to the appropriate person(s).

(c) Assist residents and others who present themselves at the counter at Borough Hall.

(d) Maintain and keep up-to-date all records relating to residential rental units.

(e) Perform such other duties as are assigned by Council or the Borough Manager.

SECTION 7. The beginning of Codified Ordinances Section 12-702 (relating to Personnel Policies—Essential Job Functions—Office Staff) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 12-702 Office Staff.

Each of the following are essential job functions for an office staff position of employment with the Borough, including the Borough Manager, ~~and~~ Borough Treasurer, and Administrative Assistant:

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SECTION 8. Codified Ordinances Section 11-104 (relating to Salaries and Compensation—In General—Administration) is amended by adding the following new subsection (d) at the end thereof:

(d) Administrative Assistant.

(1) 2017. The rate of compensation of the Administrative Assistant for the year 2017 shall be \$11.00 per hour.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Albur-tis, this 12th day of July, 2017, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Ronald J. DeIaco, President

Attest:

Sharon Trexler, Borough Manager

AND NOW, this 12th day of July, 2017, the above Ordinance is hereby APPROVED.

Kathleen Palmer, Mayor