

ARTICLE 716
Real Estate Used For Illicit Drug Sales

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CROSS REFERENCES
Controlled substance sales - see 35 P.S. §780-113

716.01 PURPOSE.

Council finds it to be in the interest of the residents of the City and the general public to provide for the regulation of conduct it deems to be offensive; to prevent vice, disorder and immorality; and to promote public peace, health and safety, and to this end Council enacts this article. (Ord. 25-1988 § 1. Passed 12-6-88.)

716.02 PERMITTING USE OF REAL ESTATE FOR ILLICIT DRUG SALES.

No person who has legal or equitable ownership of real estate (property) located in the City shall knowingly allow that real estate to be used as the site for the sale of illicit narcotics or controlled dangerous substances, after having received written notice from the City that a present occupant or tenant of that property has been convicted of selling illicit narcotics or controlled dangerous substances at that property. (Ord. 25-1988 § 1. Passed 12-6-88.)

716.03 DISCRIMINATION FORBIDDEN.

Nothing in this article shall be construed to encourage or authorize the discrimination by lessors against any person(s) based upon race, creed, religion, sex, age or national origin. Rather, it is the intent of this article to hold persons accountable for acquiescing in the continued use of their property as the location of illegal drug sales, after having received notice as set forth in Section 716.02, (Ord. 25-1988 §1. Passed 12-6-88.)

716.04 CRITERIA FOR ESTABLISHING VIOLATIONS.

The conviction for violation of this article shall be determined by the appropriate judicial authority based upon the totality of the circumstances present, including but not limited to:

- (a) Owner having received notice as set forth in Section 716.02;
- (b) Conduct of tenants and their visitors as observed by lessor; and
- (c) Information regarding suspected illegal activities received by owner from third parties, such as other tenants of the property or persons residing or working in the vicinity of the property. (Ord. 25-1988 § 1. Passed 12-6-88.)

716.05 EVICTION PROCEEDINGS AS DEFENSE.

No person shall be charged with the violation of this article if such person has instituted eviction proceedings against the tenant(s) whose suspected criminal activities would otherwise give rise to potential liability under this article. The owner (lessor) is required, however, to move forward expeditiously with any such eviction proceedings. (Ord. 25-1988 §1. Passed 12-6-88.)

716.99 PENALTY.

Whoever violates any provision of this article shall upon conviction thereof be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000) and costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than ninety days (90 days). (Ord. 1-2009. Passed 1-6-09.)