

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF SPRING CITY, CHESTER COUNTY,
PENNSYLVANIA, ENTITLED THE "RENTAL PROPERTY MAINTENANCE ORDINANCE"
TO PROVIDE FOR THE LICENSING, INSPECTIONS, AND ENFORCEMENT OF RENTAL
PROPERTIES WITHIN THE
BOROUGH OF SPRING CITY (the "Borough")**

WHEREAS, Borough Council of the Borough of Spring City ("Borough Council") may adopt ordinances for the health and welfare of the Borough and its citizens; and

WHEREAS, it is the intent of Borough Council to provide for licensing, inspections, and enforcement of Rental Properties within the Borough through the enactment of a rental inspection program ordinance that is intended to include residential rental properties for the purpose of protecting the health, safety and welfare of Borough residents who occupy rental properties.

NOW, THEREFORE, BE IT ENACTED and ORDAINED by Borough Council as follows:

SECTION 1. LICENSING OF RENTAL UNITS

No person shall occupy, allow to be occupied or lease to another person for occupancy any property within the Borough unless a rental unit license application has been properly completed and filed with the Borough, all fees paid therefor, and a rental unit license ("License") has been issued pursuant to this Ordinance.

SECTION 2. MANNER OF LICENSING

A. Application for the License shall be made upon forms furnished by the Borough for this purpose and shall include such information as set forth below and such additional information as Borough Council, by resolution, shall from time to time direct:

- (1) The name, address and telephone number of the property owner(s).
- (2) The name, address and telephone number of designated property manager, if any.
- (3) The street address of the rental property.
- (4) The number and type of units within the rental property.

(5) Statement to be signed by the property owner authorizing the Borough Code Enforcement Officer to inspect any Rental Property with prior written notice to the Property Owner or his designated agent, if any, and the tenant, except in an emergency situation where an inspection may occur without notice. A copy of this statement shall be signed by the tenant(s) and provided to Borough with the application.

B. The fee for the inspections and the License of each Rental Property shall be set by resolution of Borough Council from time to time.

C. Every Owner of a Rental Property must submit an application along with the fees required by Subsection B to the Borough by December 1, 2015 for the initial License required hereunder.. If approved, the License shall be valid for two (2) years from the date of issuance unless sooner revoked. An application for a renewal of the License accompanied by the required fees must be submitted to the Borough bi-annually at least thirty (30) days prior to the date of expiration of the then current License. Prior to the issuance of the initial License required hereunder, no Owner shall be in violation of this ordinance for not having a License provided said owner has submitted a completed application and paid all required fees on or before December 1, 2015 and further timely corrects all violations noted by the Code Enforcement Officer after inspection.

D. Every new Owner of a Rental Property within the Borough shall be required to furnish to the Borough the information required by Subsection A within thirty (30) days of the date of purchase and thereafter as required by Subsection C . Upon submission of this information, the then current License shall be assigned to the Owner and shall remain valid from the date of issuance to the standard renewal date in Subsection C unless sooner revoked. The fees required by this Ordinance shall not be collected from a new Owner for the time remaining on the License in effect at the time of purchase of the Rental Property, provided the prior Owner has paid all required fees for licensing and has complied with all requirements of this Ordinance

SECTION 3. INFORMATION TO BE PROVIDED BY OWNERS.

A. Every owner, landlord, manager or agent for an owner who rents or leases or offers for occupancy any property or portion thereof in the Borough to any tenant or occupant for any period of time shall supply and thereafter update the following information to the Borough Code Enforcement Officer so that the Borough has current information at all times:

- (1) The rental street address and unit, dwelling, unit or room number if applicable.
- (2) The name or names of all tenants and occupants to occupy such property.

- (3) Contact information for the tenants and occupants of the property.
- (4) The mailing address of the dwelling or rooming unit.

B. The above information shall be provided to the Borough Code Enforcement Officer at the time of application for licensing and as needed due to any changes of the renting, leasing, subleasing or occupancy of any Rental Property in the Borough for any period of time.

SECTION 4. INSPECTION OF RENTAL UNITS

All Rental Properties shall be inspected by the Borough Code Enforcement Officer for compliance with this Ordinance and other Borough ordinances at least once every two (2) years prior to issuance or renewal of the License. Nothing in this section shall prohibit additional inspections in response to a complaint or if the Rental Property is suspected of being in violation of any Borough ordinance.

SECTION 5. INSPECTION CERTIFICATES

No person shall rent, lease or allow to be occupied any property or portion thereof subject to this Ordinance without having a valid License.

SECTION 6. PROCEDURE FOR INSPECTIONS

A. The criteria for inspection shall be whether the Rental Property is in compliance with the Borough ordinances, including but not limited to the Property Maintenance Code, as updated and amended either automatically as a function of law or by the Borough from time to time.

B. If a Rental Property is found to be in compliance with Borough ordinances and if the inspection fee has been paid, the Code Enforcement Officer shall issue License for the Rental Property pursuant to this Ordinance.

C. VIOLATIONS.

(1) If a Rental Property is found to be in violation of any Borough ordinance, the Code Enforcement Officer shall provide written notice of such violation to the Owner, the local property manager designated by the Owner, and to the tenant(s); and shall set a re-inspection date before which such violations shall be corrected. The re-inspection date shall be as stated by the Code Enforcement Officer in the written notice but shall be no more than thirty (30) calendar days after the date of the initial inspection unless the Code Enforcement

Officer determines additional time is needed to correct the violation(s) in which case the re-inspection may be scheduled by the Code Enforcement Officer more than thirty (30) days after the initial inspection.

(2) If the violation(s) cited by the Code Enforcement Officer are corrected upon re-inspection and the annual license fees have been paid, the Code Enforcement Officer shall issue a License for the Rental Property.

(3) If the violation(s) cited by the Code Enforcement Officer are not corrected upon re-inspection, Code Enforcement Officer may revoke the License as set forth in Section 7 of this Ordinance.

D. An Owner of a Rental Property may request inspection of a unit at any time. Any such request shall be made in writing and shall be accompanied by the inspection fee as set by Borough Council from time to time by resolution.

E. The tenant of a Rental Property may request from the Borough a copy of an inspection report and/or License for the Rental Property in which he/she resides. The Borough shall furnish such copies upon the payment of the fee therefore to be set by resolution of Borough Council from time to time.

SECTION 7. REVOCATION OF LICENSES

A. If the violations found during the inspection of a Rental Property are not corrected within the time frame set forth by the Borough Code Enforcement Officer in accordance with this Ordinance, the license may be revoked by the Code Enforcement Officer. Written notice shall be provided to the Owner or Owner's representative and tenant(s) by first class mail and posting on the property.

B. If the License is revoked pursuant to this Ordinance, the tenant(s) shall be notified to vacate the unit within forty-five (45) calendar days of the receipt of the notice. Thereafter, occupancy of the Rental Property shall not be permitted until the violations have been corrected; the unit passes an inspection by the Code Enforcement Officer and all fees required by this Ordinance have been paid to the Borough in full.

C. The failure of any tenant to vacate the Rental Property after having been given the forty-five (45) days' notice to vacate shall constitute an additional violation of this Ordinance.

SECTION 8. APPEAL FROM THE DECISION OF THE CODE ENFORCEMENT OFFICER

A. If the Code Enforcement Officer denies the issuance of a License for the property or revokes the Owner's license, the Owner or the Owner's representative or an affected tenant shall have the right to appeal the decision to Borough Council by filing a notice of appeal with the Borough Code Enforcement Officer no later than ten (10) days after the decision is served. An application for appeal shall be based on a claim that the true intent of this Ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Ordinance do not fully apply, or the requirements of this Ordinance are adequately satisfied by other means. A notice of appeal form may be obtained from the Borough Code Enforcement Officer. The notice of appeal shall be accompanied by a filing fee in an amount established from time to time by Borough Council by resolution.

B. Borough Council shall conduct a hearing and make a determination of whether the denial or revocation should be upheld. The hearing shall be scheduled within forty-five (45) days from notice of appeal filed with the Borough Code Enforcement Officer. Borough Council shall have the power to administer oaths and require the attendance of any Borough employees. Borough Council shall make written findings of fact and issue a written decision, which shall be promptly mailed to the individual who filed the appeal.

SECTION 9. ACCESS TO RENTAL PROPERTY

A. Failure of the Owner to provide access to the Rental Property shall constitute a violation of this Ordinance, provided that at least ten (10) days prior written notice of an upcoming inspection has been provided to the Owner and Tenant. Prior notice is not required if the Code Enforcement Officer has evidence of a clear and present danger in the rental unit, which shall constitute an emergency.

B. For the purpose of enforcing this Ordinance, when the Owner or tenant(s) refuse to allow access to the Code Enforcement Officer, the Code Enforcement Officer or his designee must obtain an administrative search warrant from any competent authority, in accordance with applicable legal standards, for the purpose of compelling access and inspection of a residential rental unit.

SECTION 10. PENALTIES AND REMEDIES

A. Unless the Owner or the Owner's representative or the affected tenant has timely filed a notice of appeal and the appeal is pending, failure to correct the violations by the time of the re-inspection shall result in the Code Enforcement Officer issuing a non-traffic citation to the Owner or Owners.

B. If, in the opinion of the Code Enforcement Officer, there is evidence that a

tenant or tenants are responsible for part or all of the violations which resulted in the revocation of the rental unit's License, the Code Enforcement Officer shall have the ability to cite either the Owner or the tenant(s) or both. All parties cited shall be required to appear before the local Magisterial District Judge.

C. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be guilty of a summary offense and subject to a sentence of a fine of not less than One Hundred and 00/100 Dollars (\$100.00) but not more than One Thousand and 00/100 Dollars (\$1,000.00) for each such violation.

D. A separate offense shall be deemed to have been committed for each and every day during or on which a violation occurs.

E. The Code Enforcement Officer shall request the Magisterial District Judge to impose a total amount of fines for violations under this Ordinance involving a single property in an amount not less than the total expense incurred by the Borough in enforcing this Ordinance, including court costs and attorney's fees incurred.

F. In addition, if the Code Enforcement Officer has issued a notice to vacate the unit and if any tenant still remains after expiration of the forty-five (45) day time limit under Section 8 above, the Borough has the right to seek the following from the local Magisterial District Judge or from a Court of Common Pleas Judge: a break and enter order; an order giving the Borough the authority to forcibly remove any remaining tenant from the premises; and an order giving the Borough the authority to padlock the residential unit or rental property until the violations have been corrected and the unit passes an inspection by the Code Enforcement Officer. After the unit has been padlocked, only the owner, the owner's designee, and the Code Enforcement Officer shall have access to the rental unit. The Borough is prohibited from seeking such a judicial order if and only if the Owner or the Owner's representative or the affected tenant has timely filed a notice of appeal and the appeal is pending.

SECTION 11. DEFINITIONS

As used in this Article the following terms shall have the meanings set forth below:

BOROUGH: The Borough of Spring City, Chester County, Pennsylvania.

OFFICER: Borough Code Enforcement Officer or its designated agent.

OWNER: Any person who, either alone or jointly or severally with others, has legal

title to any rental property or rental unit located within the Borough, with or without accompanying actual possession thereof, or who has charge, care, or control of any rental property or residential rental unit as an owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance to the same extent as if he/she was the owner.

PERSON: Any natural individual, partnership, association, corporation, joint venture, receiver, executor, trustee or personal representative or guardian appointed by order of any court.

RENTAL PROPERTY: Properties within the Borough where a Person who is not an Owner has the right to occupy all or a part of the property as a residence. This term includes a room or group of rooms for one (1) or more persons with independent living facilities, providing for living, sleeping, cooking and disposal of human waste, where all or any portion of the property is not occupied by the owner of the property and for which the owner receives compensation, either in-kind or monetary. Such rental properties include but are not limited to single-family dwellings, two-family dwellings or duplexes, multifamily dwellings, apartments, boardinghouses, guest houses, rooming houses, lodging houses, hotels, and tourist houses.

TENANT: A Person who leases a Rental Property.

SECTION 12. ADDITIONAL RELIEF: NUISANCES

No provision of this ordinance shall prevent the Borough from instituting proceedings and seeking relief in any court of the Commonwealth of Pennsylvania if the Borough shall deem such action necessary to abate any violation of this ordinance which constitutes a nuisance or safety/health hazard.

SECTION 13. REPEALER

Any ordinance or part of an ordinance conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

SECTION 14. SEVERABILITY

In the event that any provision, section, clause or part of this Ordinance shall be held

to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Borough that such remainder shall be and remain in force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED this _____ day of _____, 2015.

BOROUGH OF SPRING CITY

BY: _____

Louis S. DiGuiseppe
PRESIDENT, BOROUGH COUNCIL

Attest:

Dennis Rittenhouse
BOROUGH ADMINISTRATOR

EXAMINED AND APPROVED THIS _____ DAY OF _____, A.D. 2015.

Michael A. Weiss
MAYOR

DRAFT