

ORDINANCE NO. 207, 2003

AN ORDINANCE OF THE TOWNSHIP OF BERN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF BERN TO INCLUDE THEREIN A NEW CHAPTER 162, ENTITLED "TENANT REGISTRATION"; ESTABLISHING REGULATIONS FOR OBTAINING A RENTAL OPERATING LICENSE, AND OCCUPANCY PERMITS; AND SETTING PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER.

WHEREAS, The Board of Supervisors of the Township of Bern, Berks County, Pennsylvania, has determined that, for the benefit of the public health, safety, and welfare, it is necessary to establish a tenant registration ordinance, and

WHEREAS, The Board of Supervisors desires to enact such legislation regulating properties for let within Bern Township, Berks County, Pennsylvania.

NOW THEREFORE, be it ENACTED and ORDAINED by the Board of Supervisors of the Township of Bern, Berks County, Pennsylvania and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. The Code of the Township of Bern enacted by Ordinance No. 195-2002, which was enacted on March 5, 2002, is hereby amended by adding thereto a new Chapter, enumerated as Chapter 162 and entitled "Tenant Registration", to read as follows:

TENANT REGISTRATION

- §162-1. Title.
- §162-2. Purpose and Intent.
- §162-3. Rules of Construction.
- §162-4. Definitions.
- §162-5. Information to be provided by owners or landlords.
- §162-6. Rental operating license required.
- §162-7. Application for license; agreement to comply.
- §162-8. Inspections; compliance with other codes; notice of violation.
- §162-9. Correction of violations prior to issuance of license; term of license.
- §162-10. Regulations.
- §162-11. License fees.
- §162-12. Violations and penalties; additional remedies.
- §162-13. Appeals.
- §162-14. Additional relief; nuisances.
- §162-15. Repealer.
- §162-16. Effective Date.

§162-1. Title.

This chapter shall be known as the "Tenant Registration Ordinance".

§162-2. Purpose and Intent.

This chapter is adopted to protect the health, safety and welfare of Township residents and to prevent the loss of life, limb and property from failure of rental dwelling units to comply with applicable building and safety codes.

§162-3. Rules of Construction.

In the construction of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the singular shall include the plural, and the plural the singular.
- B. Words used in the present tense shall include the future tense.
- C. Words used in the masculine gender shall include the feminine and neuter.
- D. The word "person" includes corporations, associations and partnerships and other similar entities.
- E. The word "shall" is always mandatory and not discretionary.
- F. The word "may" is permissive.
- G. This article shall be liberally construed to accomplish its purpose to protect the public's health, safety and welfare.

§162-4. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

AGENT FOR AN OWNER - Any person who provides written proof that he is authorized to act on behalf of a property owner.

BUILDING INSPECTOR - The Building Inspector of the Township of Bern. For purposes of this article, this term shall include the Code Enforcement Officer, Fire Marshal and any assistant or designee thereof.

DWELLING, MULTIFAMILY, INCLUDING GARDEN APARTMENTS - A building or portion thereof containing or designed to contain two or more separate dwelling units with or without common access facilities.

DWELLING UNIT - A building or structure, or any portion of either of them, which is wholly or partially used or intended to be used as living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking or sanitation. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

FAMILY - One or more persons related by blood, marriage, adoption or other decree of legal custody living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

LANDLORD - A person who receives rent and leases a dwelling unit or a rooming unit in a boarding, lodging or tourist home to a tenant for a period of time.

MANAGER - A person who has charge of a dwelling unit or a rooming unit in a boarding, lodging or tourist home.

OWNER - Every person who has a property right in a multifamily dwelling, and every person who owns, has, keeps or maintains a multifamily dwelling or rooming house, including a boarding, lodging or tourist home.

PERSON - An individual, proprietorship, partnership, corporation, association, or trust or other legal entity.

RENT OR LEASE (or variations thereof) - The act of permitting the use or occupancy of any dwelling unit by a person or persons other than the owner, whether or not the same is done in consideration of any monetary or other compensation. Use or occupancy by the family of the owner, together with the owner, shall not be deemed to constitute a rental or lease of a dwelling unit.

ROOMING HOUSE, INCLUDING A BOARDING, LODGING OR TOURIST HOME and a SINGLE-FAMILY HOUSE - A building other than a multifamily dwelling, containing not more

than one dwelling unit occupied by a family and providing, for compensation or other consideration, rooming units for the lodging in addition to the owner.

ROOMING UNIT - A room or rooms constituting a separate, independent housekeeping unit that is physically separated from any other room, dwelling unit or rooming unit in the same structure. The rooming unit shall contain living and sleeping facilities, but no cooking or eating facilities, and shall be occupied by no more than one family.

TENANT - A person who rents or leases a dwelling unit or a person who occupies or inhabits a dwelling unit located in the Township, for living, sleeping, cooking, eating or sanitation purposes.

TOWNHOUSE or ROW HOUSE - Dwelling units attached to each other by party or common walls, with each unit having individual access and rear common or private garden orientation.

TOWNSHIP - The Township of Bern, Berks County, Pennsylvania.

TOWNSHIP SECRETARY - The Secretary of the Township of Bern.

§162-5. Information to be provided by owners or landlords.

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 Township of Bern to any tenant or occupant for a period of time in excess of 30 days shall supply the following information to the Township Secretary:

- (1) The dwelling unit or room unit number or street address.
- (2) The name or names and ages of all tenants and occupants to occupy such property.
- (3) The mailing address of the dwelling unit or rooming unit.
- (4) The period of time for which the rental is made, and the actual move-in date and/or move-out date.

B. The above information shall be provided to the Township Secretary within 10 days of the renting, leasing, subleasing or occupancy of any property in the Township of Bern for a period of time in excess of 30 days.

§162-6. Rental operating license required.

No Person shall rent or lease a Rooming House, a Single-Family House, a Multiple Dwelling Unit, an Apartment Building or, a Townhouse or other Dwelling Unit in the Township of Bern to any Tenant unless he holds a current, unrevoked Rental Operating License issued by the Township Secretary in his name, for the specified Dwelling Unit or Rooming Unit.

§162-7. Application for license; agreement to comply.

Every Owner, Landlord, Manager or Agent for an Owner who rents or leases any Dwelling Unit in any Multifamily Dwelling or any Rooming Unit in any rooming house, including a boarding, lodging or tourist home, or in any single-family home in the Township of Bern to any Tenant for a period of time in excess of 30 days shall apply for a Rental Operating License and shall agree to comply with all provisions of the then applicable building and construction codes adopted by the Board of Supervisors and enforced by the Building Inspector. The application form shall be accompanied by a check or money order payable to the Township of Bern in the amount of the Rental Operating License.

§162-8. Inspections; compliance with other codes; notice of violation.

Upon application for a Rental Operating License under this chapter, the Dwelling Unit shall be inspected by the Building Inspector for compliance with the provisions of the Building Codes and/or its constituent codes (including but not limited to the Fire Prevention Code, the Property Maintenance Code, the Plumbing Code, and the Electrical Code) then enacted in the Township. The Building Inspector shall note all violations and shall leave with the Owner, Landlord, Manager or Agent, for an Owner, a copy of any notice of violation. The Building Inspector shall forward any notice of violation to the Township Secretary for the Township's file.

§162-9. Correction of violations prior to issuance of license; term of license.

Prior to the issuance of a Rental Operating License, all violations noted on a notice of violation shall be corrected, as required. Every Rental Operating License shall be issued for a period of three years, unless sooner revoked.

§162-10. Regulations.

The following regulations are hereby adopted for the issuance of Rental Operating Licenses:

A. Pennsylvania statutes govern. All matters regulated by the Pennsylvania Construction Code Act or by any other laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, as the case may be, shall control all inspections where the requirements thereof are the same as, or in excess of, the provisions of the Township Building Code and its constituent codes. However, when the requirements of the Township Building Code and its constituent codes exceed the requirements of the Commonwealth's Regulations, the Township Building Code and its constituent codes shall apply.

B. Inspection mandatory. Any Person who applies as an Owner or as an Agent for an Owner for a Rental Operating License in the Township shall permit the Building Inspector to inspect the Dwelling Unit or Rooming Unit for the purpose of ensuring compliance with the law.

C. Refusal to permit lawful inspection. A Person applying for a Rental Operating License in the Township violates this chapter if, after application, such Person refuses to permit

such lawful inspection of the Dwelling Unit or Rooming Unit, unless such Person withdraws such application in writing.

D. Expiration of licenses. Each Rental Operating License shall expire three (3) years after the date of issuance.

E. Nonresident applicants. No Rental Operating License shall be issued or renewed for a nonresident applicant unless such applicant designates in writing to the Building Inspector the name of his Agent located in the Commonwealth for receipt of service of any notice of violation and for service of process.

§162-11. License fees.

A. The cost of a Rental Operating License shall be Fifty Dollars (\$50.00) plus the actual cost of the Building Inspectors' Inspection Fee calculated at an hourly rate charged by the Building Inspector at a rate set from time to time by Resolution of the Board of Supervisors.

B. If the condition of any property requires more than one inspection, the applicant will be required to reapply for a Rental Operating License, including payment of all appropriate fees.

C. All applicants shall pay the full cost of the License fee before any Rental Operating License shall be issued.

§162-12. Violations and penalties; additional remedies.

Any Person who violates any of the provisions of this article shall, upon conviction in a summary proceeding, be fined not more than \$1,000 and, in default of the payment of the fine and costs, shall be committed to the Berks County Prison for a period not to exceed 30 days. Nothing contained herein shall be deemed to preclude the Township from seeking other relief or from availing itself of any remedy that maybe at law or in equity to prevent continuing violations of the terms of this chapter. Each day that a violation occurs or exists under this chapter shall be deemed a separate offense.

§162-13. Appeals.

A. Any Person aggrieved by the action of the Building Inspector pursuant to this article shall have the right to appeal said action within 10 days to the Bern Township Code Appeals Board, which shall hear and determine said appeal at its next regularly scheduled meeting.

B. No appeal proceedings under this section shall operate as a stay or supersedeas of the enforcement of this article.

§162-14. Additional relief; nuisances.

No provision of this article shall prevent the Township from instituting proceedings and seeking relief in any court of the Commonwealth if the Township shall deem such action necessary to abate any violation of this Chapter 162 which constitutes a nuisance or safety/health hazard.

§162-15. Repealer.

All Ordinances and Resolutions or parts of Ordinances and Resolutions conflicting herewith are hereby repealed.

§162-16. Effective Date.

This Ordinance shall become effective on the earliest date permitted by law after enactment.

ENACTED and ORDAINED as an Ordinance of the Township of Bern, Berks County, Pennsylvania, this 7th day of October, 2003.

TOWNSHIP OF BERN

By: Brian Potts
Brian Potts, Chairman

By: Lucille Brady
Lucille Brady, Supervisor

By: George Cush
George Cush, Supervisor

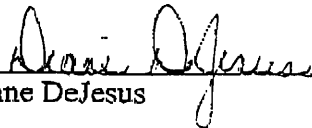
By: Irene Reed
Irene Reed, Supervisor

By: Walter Scheipe
Walter Scheipe, Supervisor

Attest: Diane DeJesus
Diane DeJesus, Township Secretary

CERTIFICATION
TOWNSHIP OF BERN

I, Diane DeJesus, hereby certify that I am the Secretary of the Township of Bern, Berks County, Pennsylvania, that in such capacity I am custodian of the records and documents of the Township of Bern, and therefore certify that the attached Ordinance No. _____-2003, being a Ordinance of the Township of Bern, Berks County, Pennsylvania, amending the Code of the Township of Bern, was duly adopted by the Board of Supervisors of the Township of Bern in lawful session duly assembled on October 7, 2003, and is a true and correct copy of same.



Diane DeJesus

Date: Oct. 7, 2003