

ORDINANCE NO. 692

AN ORDINANCE OF PENN TOWNSHIP PROVIDING FOR RENTAL UNIT REGULATIONS; REQUIRMENTS FOR LICENSING AND INSPECTION OF RESIDENTIAL RENTAL UNITS, SETTING PENALTIES FOR NONCOMPLIANCE, AND AMENDING THE PENN TOWNSHIP ORDINANCE OF DEFINITIONS.

BE IT ENACTED AND ORDAINED by the Penn Township Board of Commissioners, York County, Pennsylvania as follows:

SECTION 1. Purpose Of Ordinance

The purpose of this Ordinance is to protect and promote the public health, safety, and welfare of its citizens by establishing regulations relating to residential rental units in the Township of Penn. The Ordinance provides for licensing and inspection of residential rental units, and penalties for noncompliance.

Section 2. Definitions. The following definitions are hereby incorporated into the Penn Township Ordinance of Definitions.

Fire Code Enforcement Officer (FCEO): The Fire Chief of the Township of Penn or his designated representative.

Rental Agreement: A legal agreement between the owner and tenant embodying the terms and conditions concerning the use and occupancy of a residential rental unit. A Rental Agreement under this ordinance may be oral or written.

Residential Rental License: A document issued by the FCEO to the owner of a residential rental unit, which is required for the lawful rental and occupancy of any residential rental dwelling, buildings or structures.

Residential Rental Unit: A rooming or dwelling unit let for rent under an individual rental agreement with a tenant. Residential Rental Units include, but are not limited to, apartments, single family, duplex, and multi-family units, boarding homes, hotels, motels, and bed and breakfast establishments.

Section 3. Application for Residential Rental License.

1. The owner of each rental property shall apply for and obtain an annual Residential Rental License for each residential rental unit. A residential unit license shall be valid for a period of one calendar year from the date

of issuance. It shall be the responsibility of the owner to renew the application prior to the expiration date of the Residential Rental License.

2. Application forms shall be made available online or at the Penn Township office. The application forms shall require that the applicant disclose the following information, and such other information as the FCEO shall reasonably require:
 - a. The name, address and telephone number of the owner of the Residential Rental Unit;
 - b. The name, address and telephone number of a local agent or manager of the Residential Rental Unit;
 - c. The address of the Residential Rental Unit;
 - d. The number of Residential Rental Units in the building in which the Residential Rental Unit is located.
 - e. If any part of the building in which the Residential Rental Unit is located is not a Residential Rental Unit, then the name of the occupant of that part of the building and a description of the use shall be provided.
 - f. Certification that the Residential Rental Unit and the building in which the Residential Rental Unit is located comply with all applicable building and safety codes, property maintenance codes, and the International Fire Code.
3. The application shall not be deemed complete until all required information is supplied, all fees, if applicable, are paid, and the application is signed by the owner, local agent or manager, and the application is submitted to the FCEO.

Section 4. Inspection of Residential Rental Units

1. Within thirty (30) days of receipt of a complete initial application for a Residential Rental License, the FCEO or his or her designee shall conduct an inspection of the Residential Rental Unit for compliance with applicable building and safety codes, the Property Maintenance Code, the International Fire Code and any other applicable codes, laws or regulations that may be required by law or regulation.

2. Upon completion of a satisfactory inspection, the FCEO shall issue a Residential Rental License to the owner, or at the request of the owner, to the owner's local agent or manager, and the Residential Rental Unit may thereafter be occupied as a Residential Rental Unit.

3. Following the initial inspection, the FCEO may inspect residential rental units in accordance with a systematic program, upon a change of

occupancy of the residential rental unit, at the request of the owner, agent or tenant, upon receipt of a complaint, or for any other reasonable cause.

Section 5. Sale or Transfer of Residential Rental Units

A Residential Rental License shall not be transferred. In the case of licensed Residential Rental Units that are sold or transferred, the new owner shall seek a Residential Rental License for each Residential Rental Unit and have each Residential Rental Unit inspected. Failure to secure a Residential Rental License for each Residential Rental Unit within sixty (60) days of the date of sale or transfer of ownership shall result in the revocation of the existing Residential Rental License applicable to each unit.

Section 6. Fees and Costs

Should the Township require inspection fees and/or Residential License application fees at some future time, said inspection fees and Residential Rental License application fees shall be set, from time to time, by Resolution of the Board of Commissioners. The application fee shall be charged for each initial application and for all renewal applications for a Residential Rental License. The inspection fee shall be charged for the initial inspection and for each reinspection and for all inspections associated with enforcement of this ordinance.

Section 7. Violations and Penalties.

1. The following shall be violations of this Ordinance:
 - a. Occupancy of any Residential Rental Unit without first obtaining a Residential Rental License in accordance with this Ordinance.
 - b. Permitting the continued occupancy of a Residential Rental Unit in the absence of a Residential Rental License, whether due to the expiration of a Residential Rental License, or to the failure to renew the License, or to the revocation of a License, or for any other reason whatsoever.
 - c. Any violation of any applicable Property Maintenance Code, Building Code, health or safety code, or the International Fire Code, or the violation of any other code adopted by ordinance, law or regulation, shall be a violation of this ordinance where such code violation occurs in a Residential Rental Unit, or in any building or on any premises on which a Residential Rental Unit is located.
 - d. Failure to permit the FCEO or his or her designee to inspect a Residential Rental Unit in accordance with this Ordinance, or in accordance with any health or safety code, building code, Property Maintenance Code, the International Fire Code, or any other code, law or regulation applicable to the

Residential Rental Unit or the building or property on which it is located. As a standard procedure the FCEO or his/her designee shall notify the owner prior to the conducting of any routine, non-emergency or non-scheduled inspection.

e. Failure to submit a complete application in a timely manner for an initial Residential Rental License or for a renewal Residential Rental License.

2 The FCEO shall issue notices and, if appropriate, commence enforcement actions for violations of this Ordinance. A Ten (10) Day Notice shall be issued to the owner of the residential rental unit or the manager or local agent specifying each violation. Notice provided to a manager or local agent shall be deemed to be notice to the owner.

3. If after ten (10) days from the date of the Ten (10) Day Notice of Violation, a re-inspection reveals that the violations are not corrected and arrangements satisfactory to the FCEO have not been made, the Residential Rental License shall be revoked. If the Residential Rental Unit is vacant, it shall remain vacant. If the Residential Rental Unit is occupied, the owner shall make arrangements to relocate the tenant within ten (10) days and the property shall remain vacant until a new Residential Rental License is issued.

4. The FCEO shall maintain a list of all residential rental units and their ownership that have been the subject of prosecution during the preceding five (5) years.

5. Whoever violates or fails to comply with any of the provision of this Rental License Ordinance, or any provision of any rule or regulation adopted by the Board or the Township pursuant to authority granted by this Rental License Ordinance, or fails to correct, within the time set by the Township, the defects for which a dwelling has been cited, shall be subject to the provisions of Chapter 101 of the Penn Township Code. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

6. The FCEO shall deny an application for a Residential Rental License and may revoke an existing Residential Rental License for failure to abate any violation of the International Fire Code, Property Maintenance Code or any other applicable regulation within the time specified in the notice of violation.

7. In addition to any other penalties provided at law or by ordinance, statute, regulation or otherwise, the FCEO or his or her designee shall have the right to bring suit in the name of the Township for injunctive or other special or emergency relief to enjoin any violation of this ordinance, and to receive, as part of such relief, attorney fees and costs associated with such action and with the enforcement of this ordinance.

SECTION 8. Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. Ordinance No. 688, providing for rental unit regulations, is repealed in its entirety.

SECTION 9. Severability

If any provision of this ordinance is held invalid, said invalidity shall not affect any other provision or application of this ordinance.

SECTION 10. Amendment to Township Code

The Articles adopted shall be deemed to be incorporated into the Penn Township Code so that reference shall be understood and intended to include such changes.

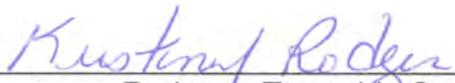
ENACTED AND ORDAINED this 21st day of July 2008.

Township

Board of Commissioners of Penn

By: 
Michael L. Johnson, Jr., President

Attest:


Rodgers, Township Secretary