

## Upper Bern Township Ordinance Number 132 - 2015

**An Ordinance of Upper Bern Township, Berks County, Pennsylvania, requiring the landowners of all residential rental units to register such units, providing for all such units to be inspected as provided herein, setting fees for the cost thereof, and for providing a procedure for inspections and penalties for violations of the Ordinance. This Ordinance may also be referred to as the "Residential Rental Unit Registration and Inspection Ordinance".**

Whereas, the Upper Bern Township Board of Supervisors recognize a need for a comprehensive and organized license and inspection program of residential rental units within Upper Bern Township on order to assure compliance with local safety, health, fire and zoning regulations; and

Whereas, the Upper Bern Township Board of Supervisors recognize a need for an efficient system for compelling the habitability and the continued maintenance of the residential rental units within Upper Bern Township; and

Whereas, the Upper Bern Township Board of Supervisors recognize that lessees have a reasonable expectation that their residential rental units will be maintained in accordance with the International Property Maintenance Code (IPMC); and

Whereas, the Upper Bern Township Board of Supervisors recognize that requiring registration, licensing and inspection of residential rental units within Upper Bern Township will allow for orderly administration of the Ordinance.

Now therefore, be it enacted and ordained by Upper Bern Township, Berks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same:

**Section 1: Registration of Residential Rental Units.** No person shall hereafter occupy, allow to be occupied or lease to another person for occupancy any residential rental unit within Upper Bern Township unless a registration application has been properly completed, filed with Upper Bern Township and all fees paid therefore.

**Section 2: Manner of Registration.**

- (A) Application for the residential rental unit license shall be made upon forms furnished by Upper Bern Township for this purpose and shall include such information that has been specified by resolution.
- (B) The registration or license fee for residential rental units shall be as set forth by resolution adopted by Upper Bern Township.
- (C) Every new landowner of a residential rental unit within Upper Bern Township shall be required to furnish the registration information and license fees specified by this Ordinance within thirty (30) days of the date of purchase of the property occupying a residential rental unit.

**Section 3: Duties of Landowners of Residential Rental Units.**

- (A) Every landowner, landlord, manager or agent for a landowner who rents, leases, offers for occupancy for remuneration any residential property, or any portion thereof within Upper Bern Township, to any tenant for a period of time in excess of thirty (30) days, shall supply the following information to the Upper Bern Township Secretary or Building Code Official:
- (1) The residential rental unit's street address and/or the residential rental unit's room unit number;
  - (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 residential rental unit, or room unit;
  - (5) The name, address, and telephone number of the property owner(s); and
  - (6) Name, address and telephone number of a designated landlord, agent or property manager.
- (B) The landowner shall be responsible for providing the Upper Bern Township Secretary with an updated list of tenants on a semi-annual basis in accordance with the provisions further specified by Upper Bern Township Ordinance 39-1994, as may be revised or amended from time to time.

**Section 4: Occupancy Limitations.**

- (A) All new residential rental units that have been created, converted or established after the enactment of this Ordinance shall not be occupied by more occupants or tenants than permitted by the following minimum area requirements as applicable, as are set forth in the 2003 International Property Maintenance Code. The following provisions shall apply:
- (1) Where there are less than two (2) occupants occupying a dwelling, there shall be no minimum area requirements.
  - (2) Where there are three (3) to five (5) occupants occupying a dwelling, the living room area shall be a minimum of one hundred twenty (120) square feet, and the dining room area shall be a minimum of eighty (80) square feet.
  - (3) Where there are six (6) or more occupants occupying a dwelling, the living room area shall be a minimum of one hundred-fifty (150) square feet and the dining room area shall be a minimum of one hundred (100) square feet.

- (B) All new residential rental units that have been created or established after the enactment of this Ordinance shall comply with the following minimum area requirements for bedrooms for any number of occupants or tenants occupying a dwelling, as are set forth in the 2003 International Property Maintenance Code:
  - (1) Every bedroom occupied by one person shall contain at least seventy (70) square feet of floor area.
  - (2) Every bedroom occupied by more than one person shall contain at least fifty (50) square feet of floor area for each occupant thereof.

**Section 5: Inspection of Residential Rental Units.**

- (A) All residential rental units shall be required to be inspected by the Upper Bern Township Building Code Official as follows:
  - (1) An inspection shall be conducted on all residential rental units once every three (3) year.
  - (2) An inspection shall be conducted on all residential rental units that have been sold or conveyed to another landowner or landlord.
  - (3) An inspection may be conducted by Upper Bern Township for a complaint that has been received or notice of code violations or unlawful activities as a residential rental unit.
  - (4) An inspection shall be conducted within thirty (30) days of written notice from the Upper Bern Township Building Code Official, for compliance with all pertinent provisions adopted by Upper Bern Township as well as other state or federal laws applicable thereto.
  - (5) Nothing in this section shall prohibit additional inspections if the property is found to be in violation of any local, state or federal laws or if Upper Bern Township receives complaints regarding unlawful activities at the property. The landowner shall be responsible for any additional inspection costs if any violations are identified as a result of an inspection conducted as a result of a complaint.
- (B) An inspection fee shall be assessed to the landowner or landlord for each inspection conducted by the Upper Bern Township Building Code Official. The fee for the inspection of residential rental units shall be as noted on the fee schedule adopted by the Upper Bern Township Board of Supervisors.

**Section 6: Procedure for Inspections:**

- (A) Upon inspection by Upper Bern Township, if a property or residential rental unit is found to be in compliance with municipal ordinances and the inspection fee has

been paid, the Upper Bern Township Building Code Official shall issue a Certificate of Inspection for the property or residential rental unit.

- (B) If a property is found to be in violation of any ordinance, including, but not limited to, the IPMC, Ordinances adopted by Upper Bern Township, or any other state or federal laws, the Upper Bern Township Building Code Official shall:
  - (1) Provide written notice of such violation(s) to the landowner, landlord or to the local property manager, which shall include the nature of the violation(s), remedies, fees and a re-inspection date before which such violation(s) must be corrected.
  - (2) The re-inspection date shall be established by the Upper Bern Township Building Code Official, which shall be within sixty (60) calendar days after the date of inspection unless the Upper Bern Township Board of Supervisors otherwise approve a time extension.
  - (3) A fee for each inspection of the violation(s) shall be charged to the landowner or landlord in accordance with the fee schedule established by Upper Bern Township.
- (C) If the violation(s) cited by the Upper Bern Township Building Code Official is corrected upon re-inspection, the Upper Bern Township Building Code Official shall issue a Certificate of Inspection for the property.
- (D) If the violation(s) cited by the Upper Bern Township Building Code Official is not corrected upon re-inspection, the Upper Bern Township Building Code Official shall not issue the Certificate of Inspection and shall inform the Upper Bern Township Board of Supervisors within ten (10) days for further action as the Upper Bern Township Board of Supervisors shall deem appropriate. The licenses and certificates of inspection shall also be suspended as noted in this Ordinance.

**Section 7: Certificate of Inspection.**

- (A) No person shall rent, lease or allow to be occupied any residential rental unit subject to this Ordinance without having a valid and current Certificate of Inspection for the residential rental unit.
- (B) The landowner of a residential rental unit may request inspection of a residential rental unit at any time. Any such request shall be made in writing to the Upper Bern Township Building Code Official and shall be accompanied by the inspection fee required by Upper Bern Township.
- (C) The Certification of Inspection issued by the Upper Bern Township Building Code Official shall expire three (3) years from the date of issuance, unless suspended or revoked due to a violation of this Ordinance.

- (D) The tenant of a residential rental unit may request a copy of a Certificate of Inspection for the property in which he resides.

**Section 8: Suspension or Revocation of Licenses.**

- (A) Failure of an inspection of a residential rental unit will result in the suspension of the residential rental unit's license, if the violation(s) found during the inspection is not corrected within the designated time frame.
- (B) If the violation(s) found during the inspection is not corrected within the designated time frame, the residential rental unit license shall be suspended and the tenants shall be notified to vacate the residential rental unit within the time period as established by the Upper Bern Township Building Code Official, but in no case shall this period exceed thirty (30) calendar days of the receipt of this Notice. Occupancy of the residential rental unit shall not be allowed until the violation(s) has been corrected and the residential rental unit passes an inspection by the Upper Bern Township Building Code Official.

**Section 9: Penalties**

- (A) Any person who violates any provision of this Ordinance shall, upon conviction hereof before a court of competent jurisdiction, be sentenced to pay a fine of one thousand dollars (\$1,000.00) plus court costs and all other associated costs incurred by Upper Bern Township, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.
- (B) If in the opinion of the Upper Bern Township Building Code Official, there is evidence that a tenant or tenants are responsible for part or all the violation(s) which resulted in the suspension of the Residential Rental Unit's license, the Upper Bern Township Building Code Official shall, after due notice to all parties involved, have the ability to cite both the property owner and the tenant or tenants. All parties shall be required to appear before the local magistrate as so notified.
- (C) Unless otherwise authorized by the Upper Bern Township Board of Supervisors, a separate offense shall be deemed to have been committed for each and every day during or on which a violation(s) occurs.

**Section 10: Exemptions.** This Ordinance shall not apply to hospital units, nursing units or retirement home units located within the Township that are otherwise inspected by a County, State or Federal government agency for the purposes set forth in this Ordinance, but shall apply to residential rental units in an age-qualified housing development approved pursuant to the Upper Bern Township Zoning Ordinance.

**Section 11: Definitions.** For the purposes of this Ordinance, the following terms are hereby defined:

**Board of Supervisors:** The governing body of Upper Bern Township, Berks County, Pennsylvania.

**Building Code Official:** A qualified person or company appointed by Upper Bern Township to administer and enforce the provisions of this Ordinance. A qualified person shall, at minimum, possess a Residential Building Inspection Certification from the Commonwealth of Pennsylvania

**IPMC:** The International Property Maintenance Code, as may be amended from time to time, and as adopted by Upper Bern Township.

**Landowner:** The legal owner or owners of land. A lessor under a written lease who has written authorization of the legal owner shall be deemed to be a landowner for the purpose of this Ordinance. In the case of a contract to purchase, “rent to own” agreement, installment sales agreement or other contractual relationship whereby a person is an equitable owner, the legal title owner shall remain the landowner for purposes of this Ordinance, until such time as legal title to the land passes to the equitable owner. For the purposes of this Ordinance, the term “landowner” shall also be synonymous with the terms “owner” and “landlord”.

**Ordinance:** The Residential Rental Unit Registration and Inspection Ordinance, as adopted by the Upper Bern Township Board of Supervisors.

**Person:** Any natural individual, partnership, association, corporation, joint venture, receiver, executor, trustee, business entity, personal representative or guardian appointed by any order of any court of competent jurisdiction

**Residential Rental Unit:** A room or rooms for one (1) or more persons, with independent living facilities providing for living, sleeping, cooking and disposal of human waste, which is rented by the owner thereof to a tenant, for consideration, for a period in excess of thirty (30) days per calendar year. Residential rental units include, but are not limited to, single-family dwellings used as residential rental units, two-family residential rental units or duplexes, multi-family residential units (apartments), boarding houses, rooming houses, lodging houses, motels, hotels, and tourist houses, as such terms are used and/or defined within the Upper Bern Township Zoning Ordinance. Residential rental units include units occupied by family members of the landowner, regardless of whether or not the occupant pays rent to the landowner.

**Township:** Upper Bern Township, Berks County Pennsylvania

**Section 12: Repealer.** All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

**Section 13: Validity.** If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

**Section 14: Effective Date.** This Ordinance shall become effective within five (5) days after adoption.

**Section 15: Municipal Enactment.** Ordained and enacted this 12 day of May, 2015, by a vote of: 3 Yes; 0 No; 0 Abstained; 0 Absent.

**Upper Bern Township Board of Supervisors**

By: Eric Kempf

Nancy A. Hartman

Rodney Toel

Attest:

Imyaz Schaner  
Upper Bern Township Secretary