

ORDINANCE NO. 2009- _____

AN ORDINANCE OF THE TOWNSHIP OF SOUTHAMPTON, FRANKLIN COUNTY,
PENNSYLVANIA, FOR ADOPTION OF
THE INTERNATIONAL PROPERTY INSPECTION CODE
ESTABLISHING STANDARDS FOR THE INSPECTION OF RESIDENTIAL RENTAL
PROPERTIES AND PENALTIES FOR NONCOMPLIANCE.

Title.

This chapter shall be known as the Township of Southampton, Franklin County, Pennsylvania
“Residential Rental Property Inspection Ordinance.”

Purpose

It is the purpose of this Ordinance and the policy of the Township of Southampton, Franklin County, Pennsylvania, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners relating to the rental of certain residential rental property in the Township of Southampton, Franklin County, Pennsylvania and to encourage owners to maintain and improve the quality of rental housing within the community. It is also the policy of the Township of Southampton, Franklin County, Pennsylvania that owners and their agents are responsible to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Ordinance establishes minimum standards governing the conditions and maintenance of all property, buildings, and structures that are offered for use as residential rental property in the Township of Southampton, Franklin County, Pennsylvania.

Adoption of Standards.

In an effort to establish a minimum standard to ensure that residential rental properties located within the Township of Southampton, Franklin County, are safe, sanitary and fit for human occupation and use, the Township of Southampton, Franklin County, finds it to be in the public interest to adopt the International Property Maintenance Code to provide a property maintenance standard for residential rental property for the Township of Southampton, Franklin County, Pennsylvania.

The current edition of the International Property Maintenance Code, as the same is revised from time to time by the International Code Council, Inc., copies of which are on file in the office of the Township of Southampton Township, Franklin County, Pennsylvania, is hereby adopted as the Residential Rental Property Inspection Code of the Township of Southampton, Franklin County, Pennsylvania, for the regulation of all matters concerning buildings and structures as provided for in the Residential Rental Property Ordinance adopted on _____, 2009. It is also intended that the applicable Residential Rental Property Inspection Code shall be at all times the most recent revision of the International Property Maintenance Code without the necessity of a special ordinance adopting each new revision as published.

Conflicting Regulations.

In the event that any provision of the International Property Maintenance Code is inconsistent with the provisions of any other code in effect in the Township of Southampton, Franklin County, Pennsylvania, the ordinance provision applying the more strict standard shall apply.

Modification of standards.

The International property Maintenance Code and all subsequent revisions correspondingly is hereby amended and revised in the following respects:

- A. Any reference in this Code to “municipality”, “Chief appointing authority and/or “jurisdiction” shall be a reference to the Township of Southampton, Franklin County, Pennsylvania.
- B. Reference to the “chief administrative officer” shall be reference to the Code Enforcement Officer of the Township of Southampton, Franklin County, Pennsylvania.
- C. Reference to the “code official” shall be reference to the Township of Southampton, Franklin County, Pennsylvania, Code Enforcement Officer or other designee of the Township of Southampton, Franklin County, Pennsylvania.
- D. Section 101.1 Delete “[NAME OF JURISDICTION]” and insert “Township of Southampton, Franklin County, Pennsylvania”.
- E. Section 103.5 This sub-section titled “Fees” shall be deleted.
- F. Section 104.6 This sub-section titled “Department Records” shall be amended to read as follows:

Department records. An official record shall be kept of all business and activities relating to the administration of this code, and all such records shall be open to inspection by the owner of the property subject to the administrative action as well as any occupant of the premises. The availability of such records to others shall be in accord with the Pennsylvania Right To Know Law, Act 3 of 2008, as from time to time amended. Until such time as a decision of the Code Enforcement Officer is appealed, said officer shall keep confidential all evidence which he may discover or obtain in the course of an inspection made pursuant to the administration of this code, and such evidence shall be considered privileged. Evidence so obtained shall not be disclosed except as may be necessary in the judgment of the Code Enforcement Officer for the proper and effective administration and enforcement of the provisions of this chapter and the rules and regulations issued pursuant thereto and shall not otherwise be admissible in any judicial proceeding without the consent of the owner, occupant or other person in charge of the premises subject to the administrative action. All records shall be retained in the official records for the period required for the retention of public records.

G. Section 106.4 This sub-section titled “Violation Penalties” shall be amended to read as follows:

1. The failure of any owner to effect corrections as provided in this article shall be considered a violation of the Township Residential Rental Property Inspection Code Ordinance and by incorporation, the Township Residential Rental Property Ordinance, and the procedures and penalties prescribed therein shall be applicable.
2. The failure of any owner to schedule an inspection or re-inspection as provided in this article shall result in the issuance of a notice to the owner that the property is not a qualified residential rental unit, as defined in the Township Residential Rental Property Ordinance, in which event it shall be unlawful for any person to occupy or to let to others for occupancy the premises in question until the unit becomes a qualified residential rental unit after inspection and compliance with violation notices.
3. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon being found to have committed the violations in a civil enforcement action before a District Justice, pay a civil penalty not to exceed Six Hundred Dollars (\$600.00) per violation. Each day that the violation continues shall be deemed a separate offense and punishable as such. The Township may enforce this ordinance in equity or through injunctive relief in addition to or in lieu of such civil action before the District Justice. If the penalty for the violation of this ordinance is not timely paid and the person, firm or corporation upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violators shall be liable for the penalty imposed including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. Fines as imposed through this ordinance shall be collected as allowable by law.
4. In the instance of repeated violations of this ordinance, whether for the same or similar offenses or for various offenses, and upon being found to have committed the violations in a civil enforcement action before a District Justice, the Township may revoke the Certificate of Compliance, in addition to any other remedies provided in this ordinance or the Township Residential Rental Property Ordinance. An owner shall be considered as a repeat violator when two or more violations have occurred within a two (2) year period measured from the date of the first violation, whether for the same or similar offenses or for various offenses. Said revocation shall be effective for a period of up to one year, at which time a new application for registration may be submitted and shall be reviewed in accordance with the provisions of this ordinance. Three license revocations, regardless of the time frame in which they occur, attributed to an owner shall result in a permanent revocation.

H. Section 106.0 shall be amended by adding at the end thereof a new Sub-Section 106.6 titled “Automatic Stay” to read as follows:

106.6 Automatic Stay. An appeal from a decision of the Code Enforcement Officer, or from a citation, notice or order issued under this code, shall act as an automatic stay of the decision, citation, notice or order appealed. The stay provided in this section shall remain in effect during the pendency of the appeal before the Board of Appeals and during the pendency of any subsequent appeals from the Board of Appeals’ decision to the courts of this commonwealth. Each day any appeal to the Board of Appeals or the courts of this

Commonwealth remains pending shall not count as a separate offense for purposes of determining the amount of penalty due for a violation of this code under Section 106 subsection titled “Violation Penalties”.

Once all appeals have been finally determined and a person has then been given a reasonable opportunity, as shall be set forth in the appeals decision, to comply with the decision, citation, notice or order appealed, then each day subsequent to that time that a violation continues shall be considered a separate offense for purposes of Section 106 subsection titled “Violation Penalties”.

- I. Section 107.0 shall be amended by addition at the end thereof a new Sub-Section 107.7 titled “Designation of Local Agent” to read as follows:

107.7 Designation of local agent. The owner or owners having a legal or equitable interest in any residential rental property situate in the Township shall register for each such property a person or firm who or which shall serve as the local agent. Said local agent shall be responsible for providing legal access to the premises for the purposes of conducting inspections necessary to ensure compliance with this code and other ordinances of the Township of Southampton, Franklin County, Pennsylvania. In addition, said individual or firm shall be designated and authorized by the owner/owners to accept legal process on behalf of said owner/owners as it relates to said premises or property.

- J. Section 111.2 titled “Membership on the Board” shall be reworded as follows:

111.2 Membership of the Board. The Board of appeals shall consist of the three members of the Township of Southampton, Franklin County, Pennsylvania, Board of Supervisors. The Township of Southampton, Franklin County, Pennsylvania Board of Appeals shall hear appeals under this chapter.

- K. Section 111.7 titled “Court Review” shall be revised to read as follows:

111.7 Court review. Any person aggrieved by the final decision of the Board of Appeals may obtain judicial review by filing with the Court of Common Pleas of the 39th Judicial District, Franklin County Branch, within 30 days of the announcement of such decision, a petition praying the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the Board of Appeals which shall file in court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify or vacate the decision complained of in whole or in part. The findings of the Board of Appeals with respect to questions of fact shall be sustained if supported by substantial evidence on the record, considered as a whole.

- L. In Section 304.14 Titled “Insect Screens” delete “[DATE] to [DATE]” and insert in its place “April 1 to October 1.”
- M. In Section 602.3 Titled “Heat Supply” delete “[DATE] to [DATE]” and insert in its place “January 1 to December 31.”

N. In Section 602.4 Titled “Occupiable work spaces” delete “[DATE] to [DATE]” and insert in its place “January 1 to December 31.”

Construal of provisions.

Nothing in this chapter or in the Residential Rental Property Inspection Code hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby revised or affected by this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

ENACTED AND ORDAINED This _____ day of _____, 2009.

ATTEST:

**BOARD OF SUPERVISORS
OF SOUTHAMPTON TOWNSHIP**

I, Sam Cressler, Secretary of the Board of Supervisors of Southampton Township, Franklin County, Pennsylvania, DO HEREBY CERTIFY that attached hereto is a true, correct, complete and conformed copy of Ordinance No. 2009- _____.

AN ORDINANCE OF THE TOWNSHIP OF SOUTHAMPTON, FRANKLIN COUNTY, PENNSYLVANIA, FOR ADOPTION OF THE INTERNATIONAL PROPERTY INSPECTION CODE ESTABLISHING STANDARDS FOR THE INSPECTION OF RESIDENTIAL RENTAL PROPERTIES AND PENALTIES FOR NONCOMPLIANCE.

which was unanimously adopted by the Board of Supervisors at a public meeting of such Board, held on _____, 2009, at which meeting three (3) members of a total of three (3) members of the Board were present and voted; and that said Ordinance is now in full force and effect as of the date of this certification.

IN WITNESS WHEREOF, I have hereunto set my signature as such official and affixed the seal of said Board, this ____ day of _____, 2009.

Secretary

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA :
: **SS**
COUNTY OF FRANKLIN :

On this _____ day of _____, 2009, before, a Notary Public, the undersigned officer, personally appeared the Board of Southampton Township, known to be (or satisfactorily proven), to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing instrument to be their act and deed, and desired the same to be recorded as such.

Witness my hand and official seal, the day and year aforesaid.

Notary Public