

AN ORDINANCE OF THE TOWNSHIP OF SOUTHAMPTON, FRANKLIN COUNTY,
PENNSYLVANIA, REGULATING
RESIDENTIAL RENTAL UNIT OCCUPANCY
AND PROVIDING FOR INSPECTIONS AND
PENALTIES FOR NONCOMPLIANCE.

RESIDENTIAL RENTAL PROPERTY ORDINANCE

WHEREAS, the Township of Southampton, Franklin County, Pennsylvania has determined that dwelling units not occupied by the property owner are frequently maintained at a standard significantly less than owner-occupied dwelling units and that such failure to maintain those units can and frequently does result in dwelling units which are unsafe, unsanitary and, in many instances, not maintained to the minimum standards required by the various fire prevention, building, housing, property maintenance, electrical and plumbing codes in effect in the Township of Southampton, Franklin County, Pennsylvania; and

WHEREAS, the Township of Southampton Township, Franklin County, Pennsylvania,` makes the following findings;

1. In recent years, many formerly private homes have been turned into residential rental units. Those rental units have oftentimes been rented to individuals who, because they have no ownership interest in the property, have allowed the properties to deteriorate. In addition, problems have occurred because many tenants, because they have no ownership interest in the real estate, have not been concerned about following Codes of the Township, including Codes which govern maintenance and safety of the property.
2. In many cases, the owners of the properties live long distances from the Township of Southampton, Franklin County, Pennsylvania. As a result, property maintenance of many rental units in the Township has been substandard.
3. The aforementioned findings have caused problems for other home owners near the rental units.

WHEREAS, the Township of Southampton, Franklin County, finds that it is necessary to have a continuing procedure for the registration of rental properties and Landlords who engage in the business of rentals; and,

WHEREAS, the Township of Southampton, Franklin County, finds it to be desirable and in the public interest to enact the following ordinance providing for the regular and systematic inspection of these properties to insure their continued compliance with applicable Township of Southampton, Franklin County codes.

NOW THEREFORE, be it ordained as follows:

TITLE.

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

DEFINITIONS

CODES – any code or ordinance adopted, enacted and/or in effect in and for the Township of Southampton, Franklin County, Pennsylvania concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by, this definition are the following which are in effect as of the date of the enactment of this Ordinance: The Uniform Construction Code, the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical Code, Flood Plain Management Ordinance, the International Building Code and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER – the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Township and any assistants or agents.

COMMON AREA – any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms.

DWELLING UNIT – One (1) or more rooms used for living and sleeping and occupied by one (1) family.

EXTERIOR AREA – The outside façade of a building, including but not limited to any porch, yard, lawn, landscaping, sidewalks, setbacks, curbs, and all open area contiguous to a building owned by the same person or persons or part of the same real estate parcel.

FAMILY – An individual, or an individual with children, or a couple and their children, or a group of no more than three (3) **UNRELATED PERSONS** living together in a dwelling unit.

FULL TIME RESIDENT - any person who physically inhabits a bona fide residence within the boundaries of Southampton Township, Franklin County, Pennsylvania at the time of application to register a Residential Rental Unit and who continues to physically inhabit this residence at all times during the active registration of that Residential Rental Unit. Documentation to be considered in establishing proof of current residency in the Township is:

1. Possession of a valid Pennsylvania Issued Driver's License or Pennsylvania Issued Identification Card indicating an address located within the boundaries of the Township.
2. Possession of a valid Pennsylvania Voter Registration Card indicating an address located within the boundaries of the Township.
3. Possession of a valid Pennsylvania vehicle registration in the name of the Applicant and indicating an address located within the boundaries of the Township.
4. Other documentation may be taken into consideration to verify proof of Township residency.

LANDLORD – any person, agent, operator, firm, corporation, partnership, association, property management group, or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this

ordinance in a clause prohibiting any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers thereof. . (Same as “OWNER”).

LOCAL AGENT – an adult individual designated by the owner of a residential rental unit who shall be the agent of the owner for service of process and receiving of notices and demands for the owner under this Ordinance.

OCCUPANT – an individual who resides in a rental unit, whether or not he or she is the owner thereof (same as “TENANT”)

OWNER – any person, agent, operator, firm, corporation, partnership, association, property management group, or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person’s estate. When used in this ordinance in a clause prohibiting any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers thereof. (Same as “LANDLORD”)

OWNER-OCCUPIED RENTAL UNIT – a rental unit in which the owner resides on a regular, permanent basis.

PERSON – a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

PREMISES – any parcel of real property in the Township, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more rental units are located.

QUALIFIED RESIDENTIAL RENTAL UNIT – A residential rental unit which has met the inspection requirements of this article and for which the annual fee has been paid.

RELATED PERSONS - The term "related" shall be restricted to the following relationships: spouse, parent, child, sister, brother, grand-child, grand-parent, or any of these same relationships in a "step-" or "in-law" situation.

RENTAL OCCUPANCY LICENSE – the license issued to the owner of residential rental units under this Ordinance, which is required for the lawful rental and occupancy of residential rental units.

RESIDENTIAL RENTAL UNIT – Any structure within the Township that is occupied by someone other than the owner of the real estate as determined by the most current deed for the property. Each apartment within a building is a separate dwelling unit requiring inspection and a license.

ROOMING UNIT – includes each and every bedroom within a structure such as a boarding house, a fraternity, a sorority, a motel, a hotel, a hospital, a nursing home, a dormitory, a tourist house, seasonal labor housing, or other similar buildings.

STRUCTURE – any human-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land. Each apartment within a building is a separate structure.

TENANT – an individual who resides in a rental unit, whether or not he or she is the owner thereof. (Same as “OCCUPANT”).

TOWNSHIP – The Township of Southampton, Franklin County, Pennsylvania.

UNRELATED PERSONS - Two or more persons who reside in a dwelling unit and who are not related to each other through blood, adoption, marriage or formal foster relationship and who do not meet the requirements of the definition of “RELATED PERSONS” as defined by this Ordinance..

Section 1 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 units 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 that owners of residential rental properties 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 provides for a system of inspections, issuance and renewal of Rental Occupancy Licenses and sets penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

Section 2 Standard to resolve inconsistent provisions of other ordinances.

In the event any provision of this article is inconsistent with the provisions of any other Code or Ordinance in effect in the Township of Southampton, Franklin County, Pennsylvania, the code or ordinance provision applying the more strict standard shall apply.

Section 3 Owner’s Duties.

It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable State laws and regulations and local ordinances and to keep such property in good and safe condition. The owner/landlord shall be responsible for regularly performing all maintenance and for making any and all needed repairs in and around the premises. As provided for in this Ordinance, every owner/landlord shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns.

Section 4 Registration.

A. Every owner of a residential rental unit must register the unit, on a registration application form issued by the Township, with the Code Enforcement Officer in accordance with the following schedule:

1. All owners of residential units must register the units with the Code Enforcement Officer within thirty (30) days after the effective date of this Ordinance.
2. The registration and licensing of all rental residential properties and the designation of a local agent shall occur on or before February 1 of each year.
3. Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of the Township within thirty (30) days of the completion of the conversion of the unit or units or within five (5) days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.
4. In the event of a transfer of ownership, legal or equitable, of a property covered by this ordinance it shall be the responsibility of both the transferring owner(s) and the new owner(s) to notify the Township of said transfer not more than five (5) days from the date of said transfer of ownership. If the property continues as a Rental Unit following the transfer, the new owner(s) shall register and license the property and comply with all the requirements of this ordinance within ten (10) days of the date of transfer of ownership, either legal or equitable. In the event that notification and the required registration update is not given within the times set forth above, any Rental Occupancy License previously issued shall become null and void immediately upon the expiration of the allowed time period and the new owner(s) shall be subject to the requirement for inspections as set forth in this ordinance.
5. The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten (10) days of any change to the information set forth in paragraph 6 below.
6. Registration information shall be provided by all owners and shall include the following:
 - a. The names, addresses, and telephone numbers of all the owner(s) of the rental unit.
 - b. The name of the Local Agent. If the local agent is a business, both the name of the business and the name of the designated individual responsible for the rental unit shall be provided.
 - c. The property address and number of units.
 - d. The type of rental unit.
 - e. The number of Dwelling Units in each Rental Unit.
 - f. Maximum occupancy per unit.
 - g. Actual number of occupants.
 - h. Names and addresses of current adult tenants and the number of minor children who reside in the Dwelling Unit.

7. Any owner of a residential rental unit shall notify the Township within ten (10) days of a new tenant occupying, renting or residing in the owner's residential rental unit.
8. Notwithstanding any other provisions of this chapter, the names and addresses of a tenant shall not be disclosed by any Township personnel except in the event that the tenant is the subject of a court order requiring that this information be revealed as directed by the court order.

Section 5. Designation of Local Agent.

Every owner who is not a Full Time Resident of the Township, and/or who does not live within forty (40) miles of the location of the Residential Rental Unit, measured in a straight line from the rental unit to the bona fide residence of the applicant, shall designate a local agent who shall reside in an area that is within forty (40) miles of the location of the Residential Rental Unit, distance measured as above. If the owner is a corporation, a local agent shall be required if an officer of the corporation does not reside within the above reference area. The officer shall perform the same function as a local agent. If the owner is a partnership, a local agent shall be required if a partner does not reside within the above referenced area. Said partner shall perform the same function as a local agent. The local agent shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Ordinance. The identity, address and telephone number(s) of a person who is designated as local agent hereunder shall be provided by the owner to the Township and the owner shall keep all such information current and updated as it changes.

Section 6 Maintenance and Inspections.

A. The owner shall maintain the premises in compliance with the applicable codes of the Township and shall regularly perform all routine maintenance and shall promptly make any and all repairs necessary to fulfill this obligation.

B. Except as provided following in this section, it shall be unlawful to occupy or let to others for occupancy any residential rental unit which has not been currently inspected as provided by this article. The foregoing notwithstanding, during the initial registration process for a residential rental unit no property shall be considered out of compliance with the inspection requirements of this article until after the initial property inspection hereunder. This notwithstanding, payment of the annual inspection fee shall be required if the property is to be rented for residential purposes. The requirements for periodic inspections shall be as follows:

C. Each residential unit shall be inspected by the Code Enforcement Officer or other designee of the Township at least one time in every thirty-six (36) month period. This inspection shall include the exterior and interior of the premises being inspected and shall be conducted in compliance with the Township "Residential Rental Property Inspection Ordinance". The owner shall permit inspections of any rental dwelling unit by the Code Enforcement Officer. Inspections shall be scheduled at least seven (7) days in advance and shall occur during normal business hours of 9:00 AM through 4:00 PM local time Monday through Friday, township holidays excepted, unless other inspection times are agreed to by the Owner and the Codes Officer. For such purpose, and for any re-inspection required hereunder, the owner shall provide access to the property to Township representatives. A unit where inspection access is denied will not be issued a Rental Occupancy

License until inspection access is provided. No fee will be charged for the initial inspection or subsequent routine inspections, but appropriate fees may be charged for re-inspections if violations are found. In the event that a dwelling unit fails to pass the initial inspection a follow up inspection will be scheduled within sixty (60) calendar days at no additional charge.

1. If the inspection of a residential rental unit discloses code deficiencies, the Residential Rental Property Ordinance Officer or other Township designee shall issue a notice of violation. The notice of code violation shall set forth the following:
 - a. The street address or appropriate description of the subject property;
 - b. The date of the inspection;
 - c. The identity of the inspector;
 - d. A list of the code deficiencies;
 - e. The date by which the owner is to accomplish repairs and/or otherwise eliminate the code deficiencies; and
 - f. Notice that, if the conditions are not repaired or the premises are not otherwise brought into compliance with the applicable code within the time specified the owner may be prosecuted and/or the residential rental unit may be placarded as unfit for human occupancy in accordance with the Township Residential Rental Property Inspection Code. Only the Township shall have authority to institute prosecution proceedings under the terms of this article.
2. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

D. Upon the expiration of the time specified to accomplish repairs or otherwise bring the premises into code compliance, or upon notice to the Township from the owner that the repairs have been accomplished or code deficiencies otherwise eliminated, whichever occurs first, the Code Enforcement Officer or other Township designee shall re-inspect the subject residential rental unit.

1. In the event such re-inspection discloses that the owner accomplished the repairs or the code deficiencies have otherwise been eliminated, the Code Enforcement Officer or other Township designee shall issue a Rental Occupancy License to the owner or local agent in accordance with this article.
2. In the event such re-inspection discloses that the owner failed to accomplish the repairs or otherwise eliminate the code deficiencies, the Code Enforcement Officer may schedule additional re-inspections or may pursue prosecution as otherwise provided in the Township Residential Rental Property Inspection Ordinance.

E. For the purpose of enforcing this ordinance, the Code Enforcement Officer or designee of the Township may seek to obtain a search warrant issued by a competent authority in accordance with applicable legal standards for the purpose of compelling an inspection of a residential rental unit. The refusal to provide inspection access does not limit the Township to the remedy that the unit is

determined not to be a qualified residential unit, but the Township may also seek a search warrant. Refusal to allow entry of the residential rental unit by the Code Enforcement Officer of the Township to inspect the said unit shall be a violation of this Ordinance.

F. The owner, tenant, or any other person with the approval the owner or owner's designated agent may request an inspection of the dwelling unit at any time. Application for a requested inspection must be made on the appropriate form issued by the Township and the fee for this inspection must be paid in full at the time of the request. The inspection will be conducted within fifteen (15) days of the receipt of the inspection fee. A written inspection report of the requested inspection will be delivered to the person making the request and to the owner within ten (10) days of completion of the inspection. Any defects or violations uncovered during a requested inspection will be subject to the correction process outlined above.

Section 7 Rental Occupancy License.

A. The Township will issue a Rental Occupancy License upon the occurrence of all of the following:

1. Upon receipt of the fully completed registration form and the payment of the appropriate license fee to the Township.
2. After verification of all information submitted in the application process.
3. Upon inspection of the residential rental unit during which the inspecting officer does not note any violations of the codes referenced in the definition of "codes" above, or;
4. Upon re-inspection of the residential rental unit, confirming that violations noted in previous inspections have been satisfactorily resolved.

B. Issuance of a Rental Occupancy License shall represent compliance with the registration and inspection requirements of this article but shall not denote compliance with any other applicable code nor any standard of safety.

C. If, after a license has been issued, it is determined that false information was supplied on an application for registration of a rental unit the license shall immediately become null and void and the owner shall be considered in violation of this Ordinance.

Section 10 Fees.

The fees for registration, inspection, re-inspection, follow up inspection, inspections requested by owners or tenants, missed inspection appointment fees, and any other fee required in the administration of this Ordinance shall be established by resolution contemporaneously with the adoption of this ordinance and may be reviewed and changed from time to time by resolution of the Board of Supervisors of the Township.

Section 11 Non-liability of Township.

The issuance of a Rental Occupancy License is not a representation by the Township that the residential rental unit inspected and/or the building in which it is located does not contain any violation of any of the codes referenced in the definition of “codes” above. Rather, the issuance of a Rental Occupancy License represents that on the date of inspection, no material violation of any of said codes was noted by the inspector. Neither the enactment of this article nor the issuance of a Rental Occupancy License is a guarantee to any person that no code violations exist in the premises inspected, nor shall there be imposed any liability upon the Township for any errors or omissions which resulted in the issuance of such certificate, nor shall the Township bear any liability not otherwise imposed by law.

Section 12 Appeals.

The owner of a residential rental unit, who has been cited or who is aggrieved by a decision of the Code Enforcement Officer or other Township designee may, within 30 days of the date of receipt of the notice of violation or the time fixed for repairs, whichever is shorter, appeal the decision in accordance with applicable provisions of the Township Residential Rental Property Inspection Ordinance.

Section 13 Codes Violations.

Nothing in this article shall preclude or prohibit the Code Enforcement Officer or other Township designee from identifying any code violations or inspecting any property according to the terms of any of the referenced codes at any time, whether or not the particular premises is scheduled for periodic inspection under the terms of his article.

Section 14 Violations and Penalties.

A. The failure of any owner to effect corrections as provided in this article shall be considered a violation of the Township Residential Rental Property Ordinance and the procedures and penalties prescribed therein shall be applicable.

B. 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, in which event it shall be unlawful for any person to occupy or to let to others for occupancy the subject premises until the unit becomes a qualified residential rental unit after inspection and compliance with violation notices.

C. 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. Any fine which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a

municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this subsection are not exclusive and the Township and its Code Enforcement Officer may invoke such other remedies available under this Ordinance or the applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or non-renewal of the license issued hereunder.

D. In the instance of repeated violations of this ordinance, whether for the same or similar offenses or for various offenses, the Township may, upon the owner being found to have committed the violations in a civil enforcement action before a District Justice, revoke the Occupancy License, in addition to any other remedies provided in this ordinance. 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 attributed to an owner shall result in a permanent revocation.

Section 15 Exceptions

- A. Notwithstanding any other provision to the contrary, a rental license shall not be required for, and this ordinance shall not apply to, any of the following:
1. Any property that is owned and offered for rent as a residential dwelling unit by an accredited college or university so long as the property is located on the campus of the college or university and that the occupants of the dwelling units are currently enrolled as full time students of the college or university.
 2. State Licensed Hotels and Motels used for transient visitors to the area, but without units that offer residency terms exceeding seven (7) consecutive days.
 3. One dwelling unit that is on the same lot as another dwelling unit, provided that:
 - a. All dwelling units are occupied by the owner and persons who are related to the owner.
 - b. The owner receives no payment whatsoever, either as rent payments or services or other valuable considerations, from the occupants of the property.
 4. Owner Occupied Dwelling Units, provided that:
 - a. Not more than two (2) unrelated individuals, in addition to the Owner and his/her relatives, occupy the Dwelling Unit at any given time.
 - b. The owner receives no payment whatsoever, either as rent payments or services or other valuable considerations, from the occupants of the property.

Section 16 Miscellaneous Provisions.

A. Delivery of Notification shall be as follows:

1. All notices shall be sent to the owner or designated local agent, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked “refused” then it shall be deemed to have been delivered to and received by the addressee.
2. In the event that the notice is returned by the postal authorities marked “unclaimed” then the notice shall be sent to the owner and/or local agent at the addresses stated on the most current license application for the subject premises, by regular first-class mail, postage prepaid. If such notice is not returned by the postal authorities within five (5) days of its deposit in the U.S. Mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. Mail, and all time periods set forth above shall thereupon be calculated from said fifth day.
3. In the event that the notice sent via first class mail is returned by the postal authorities then the Code Enforcement Officer shall post the notice on an entry door of the premises. The notice shall be deemed as delivered to and received by the owner forty-eight (48) hours following the posting.
4. There shall be an un rebuttable presumption that any notice required to be given to the owner under this Ordinance shall have been received by such owner if the notice was given to the owner in the manner provided by this Ordinance.
5. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

B. Owners Severally Responsible. If any rental unit is owned by more than one person, in any form of joint tenancy, as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Ordinance and shall be severally subject to prosecution for the violation of this Ordinance.

C. If any section or provision of this Ordinance is adjudged by a court of competent jurisdiction to be unlawful, void, or unenforceable, all the remaining sections and provisions of this Ordinance shall remain in full force and effect.

Effective Date: This ordinance shall be effective on the FIRST day of JANUARY 2010.

ENACTED AND ORDAINED This _____ day of _____, 2009.

ATTEST:

**BOARD OF SUPERVISORS
OF SOUTHAMPTON TOWNSHIP**

