

ORDINANCE NO. 422

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA TO REQUIRE OWNERS AND RENTAL AGENTS OF RENTAL DWELLING UNITS TO REPORT CURRENT TENANTS AND TENANCY CHANGES, TO ESTABLISH REGULATIONS FOR OBTAINING A RENTAL OPERATING LICENSE AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, the Borough Council of the Borough of Leesport, 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 Borough Council desires to enact legislation regulating properties for let within the Borough of Leesport, Berks County, Pennsylvania.

NOW THEREFORE, be it ENACTED and ORDAINED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. TITLE. This ordinance shall be known as the "Tenant Registration Ordinance" of the Borough of Leesport.

SECTION 2. PURPOSE AND INTENT. This Ordinance is adopted to protect the health, safety and welfare of Borough residents and to prevent the loss of life, limb and property from failure of rental Dwelling and Rooming Units to comply with applicable building and safety codes.

SECTION 3. RULES OF INTERPRETATION. In the interpretation of this ordinance, 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 "shall" is always mandatory and not discretionary.
- E. The word "may" is permissive.

- F. This article shall be liberally construed to accomplish its purpose to
 - protect the public's health, safety and welfare.

SECTION 4. DEFINITIONS.

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

BOROUGH - The Borough of Leesport, Berks County, Pennsylvania.

BOROUGH SECRETARY - The Secretary of the Borough of Leesport.

BUILDING CODE OFFICIAL - The Building Code Official of the Borough of Leesport. For purposes of this Ordinance, this term shall include the Fire Marshal and any assistant or designee thereof.

DWELLING UNIT - A building, or any portion thereof, 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.

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 to a Tenant for a period of time.

- MANAGER - A person who has charge of a Dwelling Unit or a Rooming Unit.

OWNER - Any person who individually, jointly or severally with others, shall have legal or equitable title to or have any other legal or beneficial interest in any Dwelling Unit or Rooming Unit, whether or not such person occupies the unit or any part thereof.

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

RENT OR LEASE (or variations thereof) - The act of permitting the use or occupancy of any Dwelling Unit or Rooming 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 UNIT - A room or rooms constituting a separate, habitable 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 Rooming Unit or a person other than the owner who occupies or inhabits a Dwelling Unit or Rooming Unit located in the Borough, for living, sleeping, cooking, eating or sanitation purposes.

SECTION 5. INFORMATION TO BE PROVIDED BY OWNERS OR LANDLORDS.

A. Every Person who rents or leases or offers for occupancy any property or portion thereof in the Borough to any Tenant or occupant for a period of time in excess of 30 days shall supply the following information to the Borough:

- (1) The Dwelling Unit or Rooming 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 Borough Secretary within 10 days of the renting, leasing, subleasing or occupancy of any property in the Borough for a period of time in excess of 30 days.

SECTION 6. RENTAL OPERATING LICENCE REQUIRED. No person shall rent or lease a Dwelling Unit or Rooming Unit in the Borough to any Tenant unless he holds a current, unrevoked Rental Operating License issued by the Borough Secretary in his name, for the specified Dwelling Unit or Rooming Unit.

SECTION 7. APPLICATION FOR LICENSE; AGREEMENT TO COMPLY. Every Person who rents or leases any Dwelling Unit or any Rooming Unit in the Borough 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 Borough Council and enforced by the Building Code Official. The application form shall be accompanied by a check or money order payable to the Borough in the amount of the Rental Operating License fee.

SECTION 8. INSPECTIONS; COMPLIANCE WITH OTHER CODES; NOTICE OF VIOLATION. Upon application for a Rental Operating License under this Ordinance, the Dwelling Unit or Rooming Unit shall be inspected by the Building Code Official 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 Borough. The Building Code Official 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 Code Official shall forward any notice of violation to the Borough Secretary for the Borough's file.

SECTION 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 one year, unless sooner revoked.

SECTION 10. REGULATIONS. The following regulations are hereby adopted for the issuance of Rental Operating Licenses:

- A. Building Code governance. All matters regulated by the Building Code and the Property Maintenance Code of Leesport Borough shall control all inspections.
- B. Inspection mandatory. Any Person who applies for a Rental Operating License in the Borough shall permit the Building Code Official 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 Borough violates this Ordinance 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 one (1) year 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 Code Official the name of his Agent located in the Commonwealth for receipt of service of any notice of violation and for service of process.

SECTION 11. LICENSE FEES.

- A. The cost of a Rental Operating License shall be as determined by Resolution of Borough Council, which shall include the actual cost of the Building Code Official's Inspection Fee calculated at an hourly rate charged by the Building Code Official at a rate set from time to time by Resolution of Borough Council.
- 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.

SECTION 12. VIOLATIONS AND PENALTIES; ADDITIONAL REMEDIES. Any Person who violates any of the provisions of this Ordinance shall, upon conviction in a summary proceeding, be fined not more than \$600.00. Nothing contained herein shall be deemed to preclude the Borough from seeking other relief or from availing itself of any remedy that may be at law or in equity to prevent continuing violations of the terms of this Ordinance. Each day that a violation occurs or exists under this Ordinance shall be deemed a separate offense.

SECTION 13. APPEALS.

- A. Any Person aggrieved by the action of the Building Code Official pursuant to this Ordinance shall have the right to appeal said action within 10 days to the Borough Code Appeals Board, which shall promptly hear and determine said appeal.
- B. No appeal proceedings under this section shall operate as a stay or supersedeas of the enforcement of this Ordinance.

SECTION 14. ADDITIONAL RELIEF; NUISANCES. No provision of this article shall prevent the Borough from instituting proceedings and seeking relief in any court of the Commonwealth if the Borough shall deem such action necessary to abate any violation of this Ordinance which constitutes a nuisance or safety/health hazard.

SECTION 15. REPEALER. All Ordinances and Resolutions or parts of Ordinances and Resolutions conflicting herewith are hereby repealed.

SECTION 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 Borough of Leesport, Berks County, Pennsylvania, this 15th day of November, 2006.

BOROUGH OF LEESPORT

ATTEST:
Paula Heuer
Secretary

By: Joseph Anger
President
By: Charles Berger
Vice President
By: Richard B. ...
By: ...
By: ...
By: ...

Approved as an Ordinance of the Borough of Leesport this 15th day of November, 2006.

Robert E. Hoffmaster
Mayor