

ORDINANCE No. 2006-239

**AN ORDINANCE OF THE TOWNSHIP OF LONGSWAMP,
COUNTY OF BERKS AND COMMONWEALTH OF
PENNSYLVANIA RE-ADOPTING THE INTERNATIONAL
PROPERTY MAINTENANCE CODE, RELATING TO THE
CONDITIONS AND MAINTENANCE OF ALL PROPERTIES
WITHIN THE TOWNSHIP OF LONGSWAMP, AND
REPEALING ORDINANCE NO. 226 RELATED TO
PROPERTY MAINTENANCE CODE ISSUES AND ESTABLISHING
STANDARDS FOR RENTAL PROPERTY PERMITS
AND INSPECTION CRITERIA**

WHEREAS, it is the intention of the Board of Supervisors of Longswamp Township to re-adopt a property maintenance code, as amended from time to time, in order to promote the health, safety and welfare of all citizens within the Township of Longswamp; and

WHEREAS, in order to meet the goals for the health, safety and welfare of all citizens the Board of Supervisors of Longswamp Township has adopted the Uniform Construction Code, Act 45 of 1999, as amended from time to time, as enacted by the Commonwealth of Pennsylvania; and

WHEREAS, the Commonwealth of Pennsylvania has adopted all the International Codes for construction and property maintenance to promote uniformity in code enforcement; and

WHEREAS, the Township previously adopted the International Property Maintenance Code of 2003, as amended from time to time, but now seeks to repeal and modify such code in order to address existing conditions within the Township; and

WHEREAS, in keeping with the Commonwealth's standards, the Township seeks to re-adopt the International Property Maintenance Code of 2006 and any subsequent amendments to said code as adopted by the International Code Council or its successors and assigns;

WHEREAS, the Township intends to utilize the Code for all property maintenance issues within the Township; and

WHEREAS, the Township also seeks to employ the same standards for maintenance relative to rental properties within the Township and therefore seeks to adopt permit and inspection standards; and

WHEREAS, the Township further seeks to regulate and require permits for rental units within the Township to ensure that an appropriate level of maintenance of rental properties is maintained and to ensure the safety of tenants of rental properties within the Township; and

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Longswamp Township, Berks County, Pennsylvania, by the authority of the same as follows:

SECTION 1. The International Property Maintenance Code 2006 published by the International Code Council, as amended from time to time by the International Code Council or its successors and assigns, is hereby re-adopted and amended, and shall be cited as the "Property Maintenance Code of the Township of Longswamp" and therefore, repeals Ordinance No. 226 which was previously know as the Property Maintenance Code of Longswamp Township.

SECTION 2. The Township seeks to amend the Property Maintenance Code as follows:

§ 101.1. Insert "Township of Longswamp".

§ 102.3. Shall be amended to read as follows:

Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Longswamp Township's Building Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Longswamp Township Zoning Ordinance then and there in effect.

§ 103.5. Shall be amended to read as follows:

Fees. The fees for activities and services performed by the Township in carrying out its responsibilities under this Code and relative to appeals from this Code shall be set by Township Resolution from time to time.

§ 106.6. Shall be added to read as follows:

Nothing in this section shall be construed as preventing the Township from seeking an injunction, by filing an Action in Equity or by pursuing other equitable relief in the Court of Common Pleas of Berks County. A violation of this Code shall constitute irreparable harm for purposes of an action in equity.

§ 107.3. Shall be amended to read as follows:

1. Delivered personally to the owner of record of the property or parcel on which the violation has occurred, to any person who has filed a written request to receive civil enforcement notices regarding the property or parcel, or to any other person requested in writing by the owner of record.
2. Shall be sent by certified mail and first class mail, prepaid, to the owner of record of the property or parcel on which the violation has occurred, to any person who has filed a written request to receive civil enforcement notices regarding the property or parcel, or to any other

person requested in writing by the owner of record.

§ 111.1. Shall be amended to include the following language:

Appeals shall not be accepted as valid until such time as the appropriate appeal documents and fees are provided by the appellant to the Township Code Officer.

§ 111.2. Shall be amended to read as follows:

Membership of Board. The Board of Appeals shall consist of those persons who have been designated as the "Joint Board of Appeals of Longswamp Township and Hereford Township". Such Board of Appeals make-up and organization shall be governed by the criteria set forth in Township Ordinance 235.

§ 111.2.1 through § 111.2.5 shall be stricken.

§ 111.3. Shall be amended to read as follows:

Notice of Meeting. The Board shall meet upon notice from the Code Officer, within 30 days of the filing of an appeal, or at stated periodic meetings.

§ 111.6. Shall be amended to add the following language:

Board Decision. A decision shall be issued by the Board of Appeals within Forty-Five (45) days from the close of the record. Thereafter, the Board of Appeals shall have Ten (10) days to transmit their written decision to the Appellant in the same manner as described in § 107.3, unless otherwise agreed upon by the Appellant.

§ 202. Shall be amended to include the following definition:

Rental Unit. The premises that is "let for occupancy or let" as defined by this Code. This definition shall include, but shall not be limited to rooming houses, boarding houses, apartments, homes, residential dwellings or any other premises for which the person who lets space does not own the premises. This definition shall also apply to multiple dwelling units or single dwelling units owned by any person for use for living or sleeping by human

occupants, who are not the owner, regardless of duration of occupancy.

Residential Groups. Shall be defined pursuant to the International Building Code, as adopted by the Township, Section 310.

§ 301.2. Shall be amended to add the following language:

The owner of the premises shall ultimately be responsible for ensuring the occupants of any dwelling unit comply with this provisions of this Code.

§ 302.4. Insert "Ten Inches (10)".

§ 304.14. Insert "April 1 to October 31".

§ 308.4. Shall be amended to add the following language:

The owner of the premises shall ultimately be responsible for ensuring the occupants of any dwelling unit comply with this provisions of this Code, including but not limited to, all issues with regard to infestation both the inside and outside of the subject premises.

§ 506.1 and § 506.2. Shall be amended to read as follows:

All general issues related to sewage disposal and maintenance shall be governed by separate ordinance in addition to any statutory authority related to Act 537 and the Pennsylvania Sewage Facilities Act.

§ 602.3. Insert "October 1 to May 31".

§ 602.4. Insert "October 1 to May 31".

§ 604. 2. The words "60 amperes" shall be replaced by the words "100 amperes".

SECTION 3. All relevant Ordinances, regulations and policies of Longswamp

Township not governed by the Code shall remain in full force and effect.

SECTION 4. Longswamp hereby also adopts this ordinance to regulate rental properties as follows:

(A) In addition to utilizing this Code for general property maintenance issues, all inspections or Rental Units shall be governed by the criteria set forth in this Code, as updated and amended from time to time by the International Code Council or its successors and assigns.

(B) **Enforcement.** The manner of enforcing any violation of this Ordinance or the Code as it applies to Rental Units shall be in accordance with Section 106 of the Code and this Ordinance as more fully set forth above.

(C) **Appeals.** The manner for appealing any notice of enforcement or other decision rendered by the Township or the Code Official regarding Rental Units shall be in accordance with Section 107 of the Code and this Ordinance as more fully set forth above. As with all other appeals available under the Code, all applicable fees must be paid in order for an Appeal to be deemed timely. Further, nothing in this provision or Section 5 (B) above prohibits the Township from pursuing an equitable remedy as it relates to Rental Units, as more fully discussed in the amendment to § 106.6.

SECTION 5. **Rental Unit Permits.** No person shall let to another for occupancy any Rental Unit unless he shall first apply for and obtain annually a permit issued by the Code Official.

(A) Annual application/permit fees shall be set by resolution from time

to time by the Board of Supervisors.

- (B) No fee shall be required of an owner or operator of a Rental Unit who is one of the following:
1. The United States government, the Commonwealth of Pennsylvania, the Township of Longswamp or any agency thereof.
 2. A corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, provided that no part of the net earnings or profits of which inure to the benefit of any private shareholder, individual, corporation or partnership.
- (C) The exemptions contained in Section 6 (B) above shall, nevertheless, not exempt such owners or operators from compliance with this Ordinance and all other applicable rules and regulations issued in connection with it, unless specifically exempted herein.
- (D) Permits shall be issued to be effective as of the first day of January each year and shall continue to be in effect for the calender year. Upon expiration of any permit, a new permit shall be required for each subsequent year. Failure to renew Rental Unit Permits shall be considered a violation of this Ordinance and subject to the violation provisions contained above.

- (E) Every permit issued under this ordinance shall be maintained upon the premises and every permit issued under this Ordinance pertaining to multiple dwelling units and rooming houses shall be posted in a conspicuous place where it may be seen at all times, and the same shall not be transferable in the event of a change in ownership of the licensed premises.
- (F) The Code Official may permit owners or operators who are required to obtain permits under this Ordinance to obtain such new permits for one half of the prescribed fee when the permit period shall be less than six (6) months.

SECTION 6. **Rental Unit Permit Criteria.** For purposes of determining the number of units or rooms to be included in a permit the following definitions shall apply:

- (A) Efficiency apartments and rented rooms in a rooming house used for purposes other than sleeping shall be considered a dwelling unit.
- (B) Any apartment unit or room occupied by the owner-operator of the multiple rental dwelling unit or rooming house shall be excluded from the total number of units or rooms.
- (C) All buildings which are owned by the same individual, partnership, association or corporation and are under the same roof or connected by breezeways, passageways, or similar connecting facilities, or which are

constructed upon contiguous sites and operated and managed as one complex of rental dwelling units may be combined to determine the total number of rental dwelling units or rooms.

(D) When rental dwelling units and sleeping rooms are combined within one structure, a fee schedule shall be based on the scale established for dwelling units.

SECTION 7. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

SECTION 8. This Ordinance shall take effect five (5) days after the date set forth below.

SECTION 9. Should any part of this Ordinance be held unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify, or otherwise affect or impair any of the remaining provisions of this Ordinance.

ATTORNEYS AT LAW

ORWIG LAW OFFICES

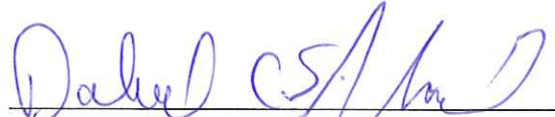
A PROFESSIONAL CORPORATION

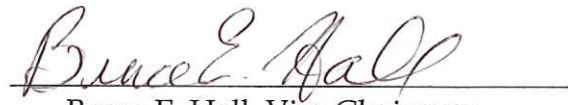
1940 N. 13th Street
Suite 215
Reading, PA 19604

(610) 939-9866

DULY ENACTED and ORDAINED as an Ordinance by the
Board of Supervisors of the Township of Longswamp, Berks County, Pennsylvania, in
lawful session duly assembled this 12th day of DECEMBER, 2006.

BOARD OF SUPERVISORS OF LONGSWAMP
TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA


Donald C. Siegfried, Chairman


Bruce E. Hall, Vice Chairman


Steven C. Wyka, Supervisor

Attest:


Township Secretary

ATTORNEYS AT LAW

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