

Chapter 11

Housing

Part 1

Registration of Residential Rental Units

- §11-101. Licensing of Residential Rental Units
- §11-102. Manner of Licensing
- §11-103. Duties of Owners of Residential Units
- §11-104. Inspection of Residential Rental Units
- §11-105. Inspection Certificate
- §11-106. Procedure for Inspections
- §11-107. Certificate of Inspection
- §11-108. Suspension or Revocation of Licenses
- §11-109. Penalties
- §11-110. Exemptions
- §11-111. Definitions

Part 1**Registration of Residential Rental Units****§11-101. Licensing of Residential Rental Units.**

No person hereafter shall occupy, allow to be occupied or lease to another person for occupancy any residential rental property within the Borough unless a license application has been properly completed and filed with the Borough and all fees paid therefor.

(*Ord. 1083, 6/12/2008, §1*)

§11-102. Manner of Licensing.

1. Application for the rental unit license shall be made upon forms furnished by the Borough for this purpose and shall include such information as Borough Council by resolution shall from time to time direct.

2. The fee for the annual license of residential rental units shall be as set forth in the Fee Schedule as adopted by the Borough, or as Borough Council may hereafter by resolution direct.

3. Except as provided in subsection .4, application for the annual license shall be made on or before November 15 of each calendar year for the period commencing January 1 and ending December 31.

4. Every new owner of a residential rental property within the Borough shall be required to furnish to the Borough the information required by subsection .1 within 30 days of the date of purchase and thereafter as required by subsection .3.

(*Ord. 1083, 6/12/2008, §2*)

§11-103. Duties of Owners of Residential Units.

1. Every owner, landlord, manager or agent for an owner who rents or leases or offers for occupancy for remuneration any property or portion thereof in the Borough of Shillington to any tenant for a period of time in excess of 25 days shall supply the following information to the Borough Secretary:

A. The dwelling unit or room unit number or street address.

B. The name or names of all tenants and occupants to occupy such property.

C. Contact information for the tenants and occupants of the property.

D. The mailing address of the dwelling unit or rooming unit.

E. Name, address and telephone number of a designated property manager who resides within the Berks County limits if the property owner lives beyond the limits of Berks County, Pennsylvania.

2. The above information shall be provided to the Borough Secretary within 60 days of the renting, leasing, subleasing or occupancy of any property in the Borough of Shillington for a period of time in excess of 25 days.

3. Additionally, every owner, landlord, manager, or agent of owner shall take action to ensure that each residential unit is occupied by only one family. For the

purpose of this subsection, a “family” shall be considered a group of people related by blood, name, marriage, adoption or other legal relationship and, in addition thereto, a group of no more than three persons unrelated to the others by blood, marriage, adoption or legal accepted relationship residing collectively within one residential unit.

(*Ord. 1083, 6/12/2008, §3*)

§11-104. Inspection of Residential Rental Units.

1. All residential rental units shall be inspected by the Borough Codes Enforcement Officer bi-annually for compliance with this and other Borough ordinances or State or Federal laws applicable thereto. Nothing in this Section shall prohibit additional inspections if the property is found to be in violation of any Borough ordinance or Commonwealth laws or if Borough Council receives complaints regarding unlawful activities at the property.

2. The fee for the bi-annual inspection of residential rental units shall be as noted in the Fee Schedule adopted by the Borough or as Borough Council may hereinafter by resolution direct.

(*Ord. 1083, 6/12/2008, §4*)

§11-105. Inspection Certificate.

No person shall rent, lease or allow to be occupied any dwelling subject to this Part without having a valid and current certificate of inspection for the dwelling.

(*Ord. 1083, 6/12/2008, §5*)

§11-106. Procedure for Inspections.

1. The Borough Codes Enforcement Officer shall inspect every residential rental unit within the Borough as set forth in §11-104. If a property is found to be in compliance with Borough ordinances and the inspection fee has been paid, the Borough Codes Enforcement Officer shall issue a certificate of inspection for the property. An inspection may also be conducted if the Borough receives a complaint or notice of code violations or unlawful activities at a rental unit.

2. If a property is found to be in violation of any Borough ordinance including, but not limited to, the International Property Maintenance Code [Chapter 5, Part 2], or any other law of the Commonwealth of Pennsylvania, the Borough Codes Enforcement Officer shall provide written notice of such violation(s) to the property owner or to the local property manager designated by the property owner and shall set a reinspection date before which such violation shall be corrected. The reinspection date shall be as stated by the Borough Codes Enforcement Officer in the written notice, but shall be no more than 30 calendar days after the date of inspection. A fee for each reinspection of violation(s) shall be charged in accordance with the Fee Schedule established by the Borough.

3. If the violation(s) cited by the Borough Codes Enforcement Officer is corrected upon reinspection and the annual license fees have been paid, the Borough Codes Enforcement Officer shall issue a certificate of inspection for the property.

4. If the violation(s) cited by the Borough Codes Enforcement Officer is not corrected upon reinspection, the Borough Codes Enforcement Officer shall not issue the

certificate of inspection and shall inform the Borough Manager in writing within 5 days for further action as the Borough Manager shall deem appropriate. The rental unit license shall also be suspended as noted in §11-108 of this Part.

(Ord. 1083, 6/12/2008, §6)

§11-107. Certificate of Inspection.

1. The owner of a residential rental unit may request inspection of a dwelling at any time. Any such request shall be made in writing and shall be accompanied by the inspection fee required by the Borough.

2. The certificate of inspection issued by the Borough Codes Enforcement Officer shall expire 2 years from the date of issuance.

3. A certificate of inspection shall be transferable to new owners.

4. The tenant of a residential rental unit may request a copy of a certificate of inspection for the property in which he resides.

(Ord. 1083, 6/12/2008, §7)

§11-108. Suspension or Revocation of Licenses.

1. Failure of an inspection of a rental unit will result in the suspension of the rental unit's license.

2. If the violation(s) found during the inspection is corrected within the designated time frame, the license shall be reinstated.

3. If the violation(s) found during the inspection is not corrected within the designated time frame, the rental unit license shall be suspended and the tenants shall be notified to vacate the unit within the time period as established by the Borough Codes Enforcement Officer, but in no case shall this period exceed 30 calendar days of the receipt of the notice. Occupancy of the rental unit shall not be allowed until the violation(s) has been corrected and the unit passes an inspection by the Borough Codes Enforcement Officer.

(Ord. 1083, 6/12/2008, §8)

§11-109. Penalties.

1. Failure to correct the violation(s) by the time of the reinspection may result in the Borough Codes Enforcement Officer issuing a non-traffic citation to the property owner or owners.

2. If, in the opinion of the Borough Codes Enforcement Officer, there is evidence that a tenant or tenants are responsible for part or all of the violation(s) which resulted in the suspension of the rental unit's license, the Borough Codes Enforcement Officer shall, after due notice to all parties involved, have the ability to cite both the property owner and the tenant or tenants. All parties cited shall be required to appear before the local magistrate as so notified.

3. Any person who violates any provision of this Part shall, upon conviction thereof before a court of competent jurisdiction, be sentenced to pay a fine of not less than \$50 plus court costs and costs incurred by the Borough, but not more than \$1,000 plus court costs and costs incurred by the Borough, and in default of payment, to

imprisonment for a term not to exceed 30 days.

4. A separate offense shall be deemed to have been committed for each and every day during or on which a violation occurs.

(*Ord. 1083, 6/12/2008, §9*)

§11-110. Exemptions.

This Part shall not apply to hospital units, nursing units or retirement home units located within the Borough.

(*Ord. 1083, 6/12/2008, §10*)

§11-111. Definitions.

As used in this Part the following terms shall have these meanings:

Borough Codes Enforcement Official - any qualified person appointed by Shillington Borough Council.

Borough Code - the International Property Maintenance Code [Chapter 5, Part 2] adopted July 12, 2001.

Family - a group of people related by blood, name, marriage, adoption or other legal relationship, and in addition thereto, a group of no more than three persons unrelated to the others by blood, marriage, adoption or legal accepted relationship residing collectively within one residential unit.

Person - any natural individual, partnership, association, corporation, joint venture, receiver, executor, trustee or personal representative or guardian appointed by order of any court.

Residential rental unit - a room or rooms for one or more persons with independent living facilities providing for living, sleeping, cooking and disposal of human waste. Residential rental units include, but are not limited to, single-family dwellings, two-family dwellings or duplexes, multi-family dwellings (apartments), boarding houses, rooming houses, lodging houses, hotels, and tourist houses.

(*Ord. 1083, 6/12/2008, §11*)