

Independence Township Washington County, Pennsylvania

Ordinance No. 19-01

AN ORDINANCE OF THE INDEPENDENCE TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA PROVIDING FOR PROCEDURES FOR THE REGISTRATION AND INSPECTION OF RESIDENTIAL RENTAL PROPERTIES IN THE TOWNSHIP OF INDEPENDENCE.

This ordinance shall be hereafter known and cited as the "Independence Township" Rental Property and Inspection Ordinance.

§ 1. Definitions.

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

OFFICER - Independence Township Police Officer, Independence Township Code Officer or agent or agency designated by the Board of Supervisors.

OWNER - Any person who, either alone, jointly, or severally with others, has legal title to any residential rental property or residential rental unit, with or without accompanying actual possession thereof, or who has charge, care, or control of any residential rental property or residential rental unit as an owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and to the rules and regulations adopted pursuant thereto, to the same extent as if he/she was the owner.

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

RESIDENTIAL RENTAL PROPERTY - Real property of any form which offers rooms or groups of rooms for one or more persons as an independent living facilities, to provide for living, sleeping, cooking and/or disposal of human waste, that are not occupied by the owner of the property. Residential rental properties include but are not limited to single-family dwellings, two-family dwellings or duplexes, multifamily dwellings, apartments, boardinghouses, guest houses, rooming houses, lodging houses, hotels, and tourist houses, including properties where the tenant has an option or other contractual right to purchase the property.

RESIDENTIAL RENTAL UNIT - A room or group of rooms for one or more persons with independent living facilities, providing for living, sleeping, cooking and/or disposal of human waste, that are not occupied by the owner of the property. Residential rental units include but are not limited to single-family dwellings, two-family dwellings or duplexes, multifamily dwellings, apartments, boardinghouses, guest houses, rooming houses, lodging houses, hotels, and tourist houses.

Independence Township Washington County, Pennsylvania

§ 2. License required.

- A. No person hereafter shall occupy, allow to be occupied, or lease to another person for occupancy any residential rental unit within a residential rental property within the Township of Independence unless a license application has been properly completed and filed with the Township of Independence and all fees paid therefor.
- B. No person shall allow another to occupy or to lease to another person for occupancy a residential rental unit within a residential rental property within the Township of Independence unless the property owner lives within 50 miles of the residential rental property or a designated property manager resides within 50 miles of the residential rental property. The property owner shall provide contact information to the Township. Such contact information shall be such that will permit the Township, in the event of an emergency, to contact the property owner or the designated property manager 24 hours a day, seven days a week, 365 days a year. In the event the Township alerts the property owner, or the designated property manager of an emergency, the property owner or the designated property manager shall be present at the property in question to address the emergency. It shall be the property owner or designated property manager's absolute duty to update the contact information in the event the same is changed at any time.

§ 3. Manner of licensing.

- A. Every owner, landlord, manager or agent for an owner who rents or leases or offers for occupancy any real property or portion thereof in the Township of Independence to any tenant or occupant for a period of time in excess of seven days shall submit an application to the Township of Independence Code for a residential rental property license for that residential rental property, and the same shall be made upon forms furnished by the Township of Independence for this purpose and shall include, but not be limited to, the following:
 - 1. The name, address, telephone number, and email address(es) of the property owner(s).
 - 2. The name, address, and telephone number of a designated property manager who resides or has a residence within **25 miles** of the residential rental property if the property owner lives outside the fifty-mile radius of the residential rental property.
 - 3. The street address of the residential rental property.
 - 4. The number and type of units within the residential rental property.
 - a. The dwelling unit or room unit number or street address.
 - b. The name or names of all tenants and occupants to occupy such residential rental property or unit.

Independence Township Washington County, Pennsylvania

- c. Contact information for the tenants and occupants of the residential rental property or unit.
 - d. The mailing address of the residential rental unit.
 - e. A copy of an executed lease agreement between the landlord(s) and tenant(s).
 5. Statement to be signed by the property owner authorizing the Township of Independence to inspect any residential rental unit within the residential rental property with 24 hours' notice to the property owner or his designated agent, if any, except in emergency situation where an inspection may occur without notice. A copy of this statement shall be provided to the tenant(s).
 6. The information required in this Subsection A shall be provided to the Township of Independence at the time of application for licensing and as needed due to any changes of the renting, leasing, subleasing or occupancy of any residential rental property in the Township of Independence for a period of time in excess of seven days. In the event of any change in the renting, leasing, subleasing, or occupancy of any residential rental property, the new, revised or additional information shall be provided to the Township of Independence within seven days of such change.
- B. The fee for the annual license of each residential rental unit shall be set by resolution of the Township Supervisors from time to time.
- C. Inspection fee.
 1. The fee for the inspection(s) of each residential rental units shall be set by resolution of the Township Supervisors from time to time.
 2. Except as otherwise stated herein, the inspection(s) for the residential rental properties shall be at every tenant change, or a minimum of once per calendar year.
- D. Except as provided in Subsection E, application for the initial annual license accompanied by the fees required by Subsections B and C shall be made on or before December 1 of the calendar year with respect to the following calendar year. If approved, the annual license shall be valid for the applicable calendar year. An application for a renewal of the license must be made each year 30 days prior to the date of expiration of the current license.
- E. Every new owner of residential rental property within the Township of Independence shall be required to furnish to the Township of Independence the information required by Subsection A within 30 days of the date of purchase of the residential rental property and thereafter as required by Subsection D. If approved, the annual

Independence Township Washington County, Pennsylvania

license shall be valid from the date of issue to the standard renewal date in Subsection D. The fees required by Subsections B and C shall not be collected from a new owner during the year in which he acquires ownership of the residential rental property if the prior owner has paid all license fees and all inspection fees and has complied with all requirements of this article.

- F. In cases where a residential rental property has been acquired by a new owner and where such property has undergone and successfully passed a use and occupancy inspection, the residential rental units in such property shall not be subject to an inspection hereunder for a period of three years after the acquisition by the new owner.

§ 4. Inspection of residential rental units.

All residential rental units shall be inspected by the Officer for compliance with this article and other Township ordinances, including but not limited to the Property Maintenance Code, as more fully set forth herein.[1] Nothing in this section shall prohibit additional inspections in response to a tenant complaint or a change in renting, leasing, subleasing or occupancy of any part of the residential rental property or if the residential rental property of which the residential rental unit is a part is suspected of being in violation of any Township ordinance or any state or federal law(s).

§ 5. Inspection certificate required.

No person shall rent, lease or allow to be occupied any residential rental property or residential rental unit as defined in this article within Township of Independence without having a valid and current certificate of inspection for said real property.

§ 6. Procedure for inspections.

- A. The Officer shall inspect every residential rental unit within the Township of Independence at the intervals specified in this article. An inspection may also be conducted if the Township receives a complaint. The criteria for inspection shall be whether the residential rental property is in compliance with the Township of Independence ordinances and shall also include the following checklist items, which may be amended at any time by a Township Supervisors' resolution:

1. Exterior and interior property:
 - a. Gutters and downspouts.
 - b. Sidewalk condition.
 - c. Broken windows.
 - d. Interior and exterior guardrails for stairs and porches over 30 inches above the ground; four-inch maximum spacing; cannot cause a "ladder" effect, unsafe steps as per building code.
 - e. Tall grass and weeds to be maintained within 10 inches.

Independence Township Washington County, Pennsylvania

- f. No accumulation of rubbish or garbage.
 - g. House numbers to be displayed in front of property (minimum size four inches by 1/2 inch).
 - h. Condition of roof.
 - i. Facade, siding, brick or veneers, rotting wood and/or peeling paint.
2. Interior and exterior electrical:
- a. Ground fault circuit interrupter (GFCI) receptacles required in bathroom, kitchen
with countertops, unfinished basements, garages, outside receptacles and swimming pool receptacles.
 - b. Exposed or dangerous electrical wiring.
 - c. Missing covers on receptacles, switches and junction boxes.
 - d. Labeling of all breakers or fuses at panel.
 - e. Open slots at panel box (sealed or capped).
3. Fire protection and safety
- a. Smoke detectors:
 1. Battery-operated detectors shall **NOT** be permitted.
 2. Hardwired detectors with interconnected battery backup shall be required for any residential rental license for a residential rental property.
 2. Shall be required in the basement.
 3. One shall be required on every level.
 4. Shall be required in every bedroom and/or room where a person sleeps, if it is not a bedroom.
 - b. Egress from all bedrooms (windows must be operational and maintain an open position). Any bedroom above first-floor grade shall be equipped with approved emergency ladders or apparatus otherwise approved by the Officer or local Fire Chief.
 - c. Thumb-latch deadbolts at doors (double-key type not permitted)
 - d. Continuous railing at stairways
 - e. Two and one half-pound to five-pound ABC fire extinguishers required in all kitchens
 - f. Carbon monoxide detectors shall be required in all residential rental properties that contain attached garages, fuel fired appliances, or basements or every level of the building as well as adjacent to each sleeping area.
4. Plumbing and heating:
- a. Water heater relief valve (maximum six inches from floor with minimum one-inch air gap from floor, rigid pipe only).
 - b. Gas-operated appliances shall be properly ventilated to the outside of the building.
 - c. No leaks in plumbing.
 - d. Properly functioning toilets, tub/shower units and lavatories. This includes the floor surrounding toilets and tub/shower units (cannot be rooted or compromised from a leak).
 - e. Proper ventilation for dryers (must vent directly outside).

Independence Township Washington County, Pennsylvania

- f. Properly functioning sewer system; sump pump installed properly.
 - g. Property owner shall supply adequate heat supply: capable of maintaining 68° room temperature in all habitable rooms, bathrooms and toilet rooms. Liquid space heaters may not be utilized as the source of heat for a residential rental property
 - h. No cooking appliance (stove, oven) shall be used to provide space heating.
- B. If a residential rental property, and all residential rental units within said residential rental property, are found to be in compliance with Township of Independence ordinances and the checklist items set forth herein and the inspection fee has been paid, the Officer shall issue a certificate of inspection for the residential rental property. All new residential rental properties, and the creation or expansion of the same, must comply with this article as well as all existing and current local ordinances, state and federal laws, as well as building codes and standards.
1. If a residential rental property, or any residential rental unit within said residential rental property, is found to be in violation of any Township ordinance or this article, the Officer shall provide written notice of such violation to the residential rental property owner or the local property manager designated by the residential rental property owner, and to the tenant(s), and shall set a reinspection date before which such violations shall be corrected. The reinspection date shall be as stated by the Officer in the written notice but shall be no more than 30 calendar days after the date of the inspection.
 2. If the violation(s) cited by the Officer are corrected upon reinspection and the annual license fees have been paid, the Officer shall issue a certificate of inspection for the residential rental property.
 3. If the violation(s) cited by the Officer are in the process of being completed but the duration of repairs exceeds the allotted 30 calendar days, the Officer may extend one time for a period not to exceed an additional 30 days to schedule a final inspection. The property owner or his assigned manager shall pay the necessary fee for said additional inspection(s).
 4. If the violation(s) cited by the Officer are not corrected upon reinspection, the Officer shall not issue the certificate of inspection, and the residential rental property license shall also be suspended as noted in § 12-8 of this article.
 5. Violation(s) records will remain in effect for three consecutive years. In the event any violation occurs more than once within the assigned three-year period, such violations will be labeled as a reoccurring violation(s) and will result in a nontraffic citation being issued as more fully set forth in §1.
 6. Failure by the owner to be present for any scheduled inspection or reinspection shall result in a fee being assessed to the owner. The fee shall increase for each such failure to show. The fee for the failure to show for each residential rental property inspection or reinspection shall be set by resolution of the Township Supervisors from time to time.

Independence Township Washington County, Pennsylvania

7. Property owners shall be responsible to reimburse the Township for all fees incurred by the Township in enforcing this Code and correcting violations of the same, including but not limited to reasonable attorney fees.

§ 7. Certificate of inspection.

The owner of a residential rental property may request inspection of a residential rental unit within the residential rental property at any time. Any such request shall be made in writing and shall be accompanied by the inspection fee as set by the Township Supervisors.

The certificate of inspection issued by the Officer shall be valid until the next inspection.

A certificate of inspection shall be transferable to new owners.

§ 8. Suspension or revocation of licenses.

- A. If violations are found during an inspection of a residential rental property or a residential rental unit, the property owner or his/her designated representative shall be notified of the violations, and the license of the residential property unit shall be suspended after an opportunity for compliance.
- B. If the violations found during the inspection are not corrected within the designated time frame, the license shall be revoked immediately.
- C. Residential rental property licenses shall be suspended when tenants or their guests violate an ordinance regarding property maintenance or zoning, or violate any section of the Crimes Code of Pennsylvania, more than two times in any six-month period.
- D. If the violations found during the inspection are not corrected within the designated time frame, the tenant(s) shall be notified to vacate the unit within 45 calendar days of the receipt of the notice. Occupancy of the residential rental property or any residential rental unit within said residential rental property shall not be allowed until the violations have been corrected and the residential rental property passes an inspection by the Officer.
- E. The failure of any tenant to move after having been given the forty-five-day notice to vacate shall constitute a violation of this article, and the Township shall have all rights and remedies available to it pursuant to §1 herein.
- F. Property owners shall be responsible to reimburse the Township for all fees incurred by the Township in enforcing this Code, including but not limited to reasonable attorney fees.

§9. Appeal from decision of Officer.

If the Officer denies the issuance of a certificate of inspection for a residential rental property or suspends or evokes a residential rental property license, the property owner or the property owner's representative or an affected tenant shall have the right to appeal the decision by filing a notice of appeal with the Township Manager or their designee no later than 10 days after the decision is served. An application for appeal shall be based on a claim that the true intent of this article or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this article do not fully apply, or the requirements of this article are adequately satisfied by other means. A notice of appeal form may be obtained from the Township Code. A hearing will be scheduled within 45 days from the date the appeal is filed with the Township.

Independence Township Washington County, Pennsylvania

§10. Access to rental property.

- A. Failure to provide access to a residential rental property or any residential rental unit within said residential rental property shall constitute a violation of this article, provided that 24 hours' notice of an upcoming inspection has been provided to either the residential rental property owner or its designated property manager or tenant. The 24 hours' notice is not needed if the Officer has evidence of a clear and present danger in the residential rental property.
- B. For the purpose of enforcing this article, the Officer or his designee must obtain an administrative search warrant from any competent authority, in accordance with applicable legal standards, for the purpose of compelling safety and inspection of a residential rental property or a residential rental unit within such residential rental property.

§11. Violations and penalties; remedies.

- A. Unless the property owner or the property owner's representative or the affected tenant has timely filed a notice of appeal and the appeal is pending, failure to correct the violations by the time of the reinspection will result in the Officer issuing a nontraffic citation to the property owner or owners.
- B. If, in the opinion of the Officer, there is evidence that a tenant or tenants are responsible for part or all of the violations which resulted in the suspension of the residential rental property license, the Officer shall have the ability to cite either the property owner or the tenant(s), or both. All parties cited shall be required to appear before the local Magisterial District Judge.
- C. Any person who violates any provision of this article shall, upon conviction thereof, be guilty of a summary offense and subject to a sentence of a fine of not less than \$1,000 but not more than \$5,000 per offense, as well as reasonable attorney fees incurred by the Township in enforcing the Code and issuing the nontraffic citation, and, in default of payment, to imprisonment for a term not to exceed 30 days.
- D. A separate offense shall be deemed to have been committed for each and every day during or on which a violation occurs.
- E. In addition, if the Officer has issued a notice to vacate the unit and if any tenant still remains after the 45 days from the date of the notice to vacate, the Township has the right to seek the following from the local Magisterial District Judge or from a Court of Common Pleas Judge: i) a break and enter order; ii) an order giving the Township the authority to forcibly remove any remaining tenant from the residential rental property; and iii) an order giving the Township the authority to padlock the residential rental unit or residential rental property until the violations have been corrected and the residential rental property and/or residential rental unit passes an inspection by the Officer. After the residential rental property or residential rental unit has been padlocked, only the owner, the owner's designee, and the Officer shall have

Independence Township Washington County, Pennsylvania

access to the residential rental property or residential rental unit. The Township is prohibited from seeking such a judicial order if and only if the residential rental property owner or the said owner's representative or the affected tenant has timely filed a notice of appeal and the appeal is pending.

§12. Exemptions.

This article shall not apply to hospitals, nursing or retirement homes located within the Township of Independence.

§13. Repealer.

Any ordinance or part of an ordinance conflicting with this article is hereby repealed insofar as the same affects this article.

§14. Severability.

In the event that any provision, section, clause or part of this article shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this article, it being the intent of the Township of Independence that such remainder shall be and remain in force and effect.