

UPPER TULPEHOCKEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024 - ____

AN ORDINANCE OF UPPER TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA AMENDING IN PART CHAPTER 343, "RENTAL PROPERTY," OF THE CODE OF THE TOWNSHIP OF UPPER TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, TO MAKE CLEAR THAT A RENTAL OPERATING LICENSE IS REQUIRED BEFORE RENTING OR LEASING A DWELLING UNIT, AND TO REPEAL AND REPLACE ANY AND ALL RENTAL INSPECTION REGULATIONS AND STANDARDS SET FORTH OR REFERENCED THEREIN, INCLUDING BUT NOT LIMITED TO THE PENNSYLVANIA CONSTRUCTION CODE, THE TOWNSHIP BUILDING CODE, AND THEIR ASSOCIATED RULES AND REGULATIONS, WITH LANGUAGE ALLOWING THE BOARD OF SUPERVISORS TO ESTABLISH RENTAL INSPECTION REGULATIONS AND STANDARDS BY RESOLUTION.

WHEREAS, Upper Tulpehocken Township, Berks County, Pennsylvania ("Township") is a municipal corporation and township of the second class operating pursuant to the Second Class Township Code, 53 P.S. § 65101, *et seq.*;

WHEREAS, Chapter 343, "Rental Property," of the Code of the Township of Upper Tulpehocken, Berks County, Pennsylvania ("Code") regulates all rental properties in the Township by mandating that a landlord obtain a permit for a rental property after it passes an inspection before renting or leasing the same to a tenant;

WHEREAS, the Township's rental inspection regulations and standards are set forth in Chapter 343 and include the then applicable building and construction codes, such as the Pennsylvania Construction Code, the Township Building Code, and their regulations, with the more stringent law, rule, or regulation always applicable;

WHEREAS, the Township adopted and amended the International Property Maintenance Code, 2018 Edition, in Chapter 326, "Property Maintenance," of the Code ("Property Maintenance Code"); and

WHEREAS, the Township now desires to amend Chapter 343 of the Code to establish rental inspection regulations and standards via resolution, which may incorporate specific provisions from the Property Maintenance Code to be enforced against rental properties for the health, safety, and welfare of the tenants or lessees therein and residents of the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Tulpehocken Township, Berks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

SECTION 1. First Amendment. Subsection 7(A), "Application for license; agreement to comply; exemption for family members," of Chapter 343, "Rental Property," within the Code is hereby amended to read as follows:

Every owner, landlord, manager or agent for an owner who rents or leases any dwelling unit in any multifamily dwelling or any rooming unit in any rooming house, including a boarding, lodging or tourist home, or in any single-family home in the Township of Upper Tulpehocken to any tenant for a period of time in excess of 30 days shall apply for a rental operating license at least 60 days before so renting or leasing and pass an inspection as required by Section 343-8 herein. The application form for a rental operating license shall be accompanied by a check or money order payable to the Township for each dwelling unit in such amount that the Township Board of Supervisors may establish from time to time by Resolution.

SECTION 2. Second Amendment. Subsection 8, "Inspections; compliance with other codes; notice of violation," of Chapter 343, "Rental Property," within the Code is hereby amended to read as follows:

Upon application for a rental operating license under this article, the dwelling unit shall pass an inspection by the Code Official pursuant to the rental inspection regulations and standards adopted by Resolution pursuant to Section 343-10(A) herein. When a dwelling unit does not pass an inspection, the Code Official shall issue a notice of violation specifying the rental inspection regulation(s) and/or standard(s) that were not satisfied but must be addressed before another inspection. The Code Official shall leave a copy of the notice of violation with the owner, landlord, or manager or agent for an owner, and forward any notice of violation to the Township Manager for the Township's file.

SECTION 3. Third Amendment. Subsection 10(A), "Regulations," of Chapter 343, "Rental Property," within the Code is hereby amended to read as follows:

The following regulations are hereby adopted for the issuance of rental operating licenses:

- A. Rental Inspection Regulations and Standards. The Code Official shall inspect and evaluate any dwelling unit under the rental inspection regulations and standards established by Resolution of the Board of Supervisors as adopted and amended from time to time. Pursuant to the laws of this Commonwealth, any and all such rental inspection regulations and standards adopted under the

authority herein shall already have been enacted or adopted by the Township through separate ordinance or resolution, as applicable.

SECTION 4. Repealer. Any and all ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

SECTION 5. Severability. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared, as the intent of the Board of Supervisors of Upper Tulpehocken Township, Berks County, Pennsylvania that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 9. Effective Date. This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this _____ day of _____, 2024.

**BOARD OF SUPERVISORS
UPPER TULPEHOCKEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

By: _____
Chairman

[SEAL]

By: _____
Vice Chairman

By: _____
Supervisor

Attest: _____
Susan Ehrets, Secretary

MUNICIPAL CERTIFICATION

I, Susan Ehrets, Secretary of Upper Tulpehocken Township, Berks County, Pennsylvania, hereby certify that the foregoing Ordinance No. 2024-____ was advertised in the *Reading Eagle* on _____, and was duly enacted and approved at a regular meeting of the Upper Tulpehocken Township Board of Supervisors held Tuesday, June 11, 2024.

[SEAL]

Susan Ehrets, Secretary

GENERAL GUIDELINES FOR RENTAL PROPERTY INSPECTIONS

The basic intent of the rental inspection is to ensure that the property is being maintained. In general, all existing items in or on the property must be operable and in good/safe condition. The following is intended to serve as general guidelines for the maintenance of residential rental property within the Township of Upper Tulpehocken:

Properties having fossil fuel-burning heaters, appliances, fireplaces, and/or attached garages.

- One (1) carbon monoxide detector must be installed in the vicinity of the sleeping quarters.
- One (1) carbon monoxide detector must be installed in the vicinity of any/all fossil fuel burning appliances.

Smoke Detectors

- One (1) smoke detector must be installed on every level of a dwelling, including basements and finished attics.
- One (1) smoke detector must be installed in each bedroom or sleeping area.
- One (1) smoke detector must be installed in every hallway outside of sleeping area(s).

Fire Extinguishers

- Fire extinguishers existing at the time of inspection must be up to date.

Doors

- Every interior and exterior door, door assembly and hardware shall be maintained free of cracks, holes, peeling or flaking material and shall fit reasonably well within its frame and shall be capable of being opened and closed easily.
- Locks at entrances to dwellings are required.
- Locks, which require keys, special knowledge or effort to open from the inside, are prohibited.

Windows

- Every window shall be kept in sound condition; good repair and weather-tight.
- All glazing materials shall be maintained free from cracks, breaks and holes.
- Every window shall be easily openable and capable of being held in position by the window hardware (no broken sash cords).

Lighting

- Common hallways and stairways shall be lighted at all times.
- Every toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one (1) electric light fixture.
- All other spaces shall be provided light sufficient to permit sanitary conditions and safe occupancy.

Exhaust and Ventilation

- Clothes dryer and bathroom exhausts must be vented to the outside of the structure.
- An operable window and/or ventilation fan are required in each bathroom.

Interior surfaces, Walking Surfaces and Stairs

- All interior surfaces including floors, floor coverings, walls and ceilings shall be maintained in good repair.
- Every interior and exterior stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained sound, in good repair and be capable of supporting normally imposed loads.
- Every stairwell containing four or more risers shall contain a handrail of proper height and length.
- Every handrail and guard must be firmly fastened and capable of supporting normally imposed loads.
- All stairwells must be provided with a continuous railing.

Plumbing

- Every dwelling unit shall contain its own bathtub or shower, toilet, bathroom sink and kitchen sink which shall be maintained in a sanitary condition and shall be capable of safely and effectively performing the function for which such plumbing fixtures are designed.
- Every plumbing fixture and pipe must be free of any breaks, leaks or damage.
- Every plumbing fixture must be connected to an approved public or private water system.
- Water heater must have temperature/pressure relief valve with a relief pipe of proper size routed down to within 6" of the floor.

Heating

- All dwellings shall be provided with safe and approved heating facilities capable of maintaining a minimum room temperature of 65 degrees in all habitable rooms, bathrooms and toilet rooms.

- Appliances requiring combustible air must be provided with necessary clearances from combustible materials and be provided proper ventilation.

Electrical

- A three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes, shall serve all dwelling units.
- Electrical systems and equipment and wiring shall be properly installed, wired and maintained in a safe and approved manner.
- All receptacles and switches must have proper covers.
- Every habitable space in a dwelling must contain at least two (2) separate and remote receptacles.
- Every laundry area shall contain at least one (1) grounded type receptacle or a receptacle with a ground fault circuit interrupter.
- Every bathroom shall contain at least one receptacle.
- Open slots in electric panel must be sealed or capped.

Occupancy Limitations

- All habitable rooms, other than a kitchen, shall not be less than seven (7) feet in any plan dimension.
- Every living room shall contain not less than 120 sq. ft.
- Every bedroom shall contain not less than 70 sq. ft. for one occupant and an additional 50 sq. ft. for each additional occupant.
- Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- No attic or basement may be used for sleeping purposes unless; light, ventilation and egress standards are met.

Sanitation, Rubbish & Junk Vehicles

- All interior surfaces shall be maintained in a clean and sanitary condition.
- All rubbish shall be disposed of by placing such rubbish in approved, covered containers.
- The owner of every occupied premises shall supply approved covered containers for rubbish.
- The owner of the premises shall be responsible for ensuring the removal of rubbish.
- The exterior premises shall remain free of junk, trash, rubbish and garbage.
- Vehicles, which are not currently licensed or legally operable for roadway use, are prohibited from being stored in the exterior premises.

Exterior Structure

- All exterior surfaces shall be maintained in good condition and be kept free of cracks, breaks, holes or loose or rotting materials.
- Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
- The roof and flashing shall be sound and not have defects, which admit rain, dampness or deterioration.
- Roofs must be provided with proper gutters and downspouts to allow for proper roof drainage away from the foundation wall.
- All accessory structures including garages, fences and sheds shall be maintained structurally sound and in good repair.

Miscellaneous

- All buildings shall contain address numbers plainly legible and visible from the roadway.
- Each separate unit shall be clearly identified.
- All structural members shall be found in good repair and capable of supporting all imposed loads.
- Guarding must be provided for all interior and exterior for stairs as well as decks and porches over thirty inches (30") above grade. Guarding must have four inch (4") maximum spacing and cannot have a "ladder" effect.

To avoid possible re-inspections and associated fees, we suggest the following:

1. If there are any questions concerning any items that may or may not appear on this list, please call Kraft Municipal Group at 610.590.1471 prior to the inspection.
2. The landlord and/or tenant should perform a pre-inspection walk-through of the property.
3. Call for cancellations at least 24 hours prior to scheduled inspections.
4. Spare batteries, smoke detectors, carbon monoxide detectors, light bulbs and appropriate tools for basic repairs or installs should be readily available to be used during the inspection as needed.