

CHAPTER XV

HOUSING

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Part 1

Rental Housing Registration

Section 101. Background. The Township of Spring desires to ensure the fair and impartial collection of the Earned Income Tax and the Per Capita Tax imposed by the Township and Per Capita Tax imposed by the Wilson School District. In order to ensure such fair and impartial imposition of taxes, the Township requires a listing of all residents of the Township. (Ordinance No. 305, February 23, 2004, Section 1; Amended by Ordinance No. 371, June 22, 2009, Section 1)

Section 102. Definitions.

(A) Board of Supervisors. The Board of Supervisors of the Township of Spring, Berks County, Commonwealth of Pennsylvania.

(B) Dwelling. Any building or structure, except temporary housing, which is wholly or partly used or intended to be used or available for use or available to be used for living or sleeping by human occupants.

(C) Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used or available for use or available to be used for living or sleeping.

(D) Lineal Descendant. A person who is in the direct line of descent from the ancestor who is the legal owner of the dwelling unit. The descent includes husband and wife, parent and child, brother and sister, and grandparent and grandchild. It does not include a collateral line of descent such as cousins, aunts, uncles, nephews, or nieces.

(E) Multiple Dwellings. Any dwelling containing two (2) or more dwelling units.

(F) Owner. Any person who alone, jointly or severally with others shall have:

(1) Legal or equitable title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Charge, care or control of any dwelling or dwelling unit as owner or agent of owner, or as executor, administrator, trustee or guardian of the estate of the owner.

(G) Person. Any individual, firm, corporation, association, partnership or other entity.

(H) Rooming House. Any dwelling, or part thereof, containing one or more rooming units, in which space is let by the owner or operator to three (3) or more persons, who are not the husband, wife, son, daughter, mother, father, sister or brother of the owner or operator.

(I) Township. The Township of Spring, Berks County, Commonwealth of Pennsylvania.

(Ordinance No. 305, February 23, 2004, Section 1; Amended by Ordinance No. 371, June 22, 2009, Section 1)

Section 103. Renting.

(A) Whoever, as owner or agent, rents or holds out to let any dwelling unit, rooming unit or other living unit subject to the provisions of this Part for a period in excess of fourteen (14) days shall supply the Secretary of the Township with the following information:

(1) The street address and mailing address (if different from the street address) of any such dwelling, rooming house or boarding house.

(2) The number of dwelling units, rooming units or other living units located within said dwelling, rooming house or boarding house, which number shall in no event exceed the number of such units provided for on the housing permit issued to the owner or agent on behalf of the owner.

(3) The name of each person occupying each dwelling unit, rooming unit or other living unit.

(4) The period of time for which the rental is made.

(B) Such information shall be supplied to the Secretary of the Township annually and, in addition, such information pertaining to any dwelling unit, rooming unit or other living unit shall also be supplied to the Secretary of the Township within ten (10) days after the occupancy of such dwelling unit, rooming unit or other living unit shall change.

(Ordinance No. 305, February 23, 2004, Section 1; Amended by Ordinance No. 371, June 22, 2009, Section 1)

Section 104. Designation of Local Contact. Any Owner who does not reside within fifty (50) miles of the Township of Spring, Berks County, Pennsylvania, shall notify the Secretary of the Township in writing of a designated responsible agent for the Owner. The designated responsible agent for Owner shall reside within fifty (50) miles of the Township of Spring, Berks County, Pennsylvania, and shall have the authority to fully act on behalf of the Owner and respond to inquiries of the Township. (Ordinance No. 305, February 23, 2004, Section 1; Amended by Ordinance No. 371, June 22, 2009, Section 1)

Section 105. Enforcement. Any Codes Enforcement Officer or Assistant Codes Enforcement Officer of the Township of Spring, or other officer, employee or staff of the Township of Spring as designated from time to time by the Board of Supervisors, is hereby designated and authorized to enforce this Part. (Ordinance No. 305, February 23, 2004, Section 1; Amended by Ordinance No. 371, June 22, 2009, Section 1)

Section 106. Penalty.

(A) Any person who violates or fails to comply with the provisions of this Part or any order, notice, rule or regulation made in connection herewith shall, upon conviction thereof, pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and, in default of the payment thereof, shall undergo imprisonment in the Berks County Prison for a period not exceeding thirty (30) days.

(B) Every violation of this Part shall constitute a separate offense, and each day such violation exists shall constitute a separate offense.

(Ordinance No. 305, February 23, 2004, Section 1; Amended by Ordinance No. 371, June 22, 2009, Section 1)

Section 107. Severability. If any sentence, clause, or section of this Part 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 or sections of this Part. It is hereby declared as the intent of the Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, or section thereof not been included herein. (Ordinance No. 305, February 23, 2004, Section 1; Amended by Ordinance No. 371, June 22, 2009, Section 1)

Part 2

Pre-Settlement Inspection

Section 201. Background. The Township of Spring wants to ensure that all single family dwellings and multiple family dwellings meet certain zoning and certain property maintenance requirements prior to property transfer. In order to effectively and efficiently ensure that the dwelling units are in compliance, the Township Code Enforcement Officer or his/her agent must inspect such dwelling units before the transfer of title. (Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 202. Definitions.

Agent - Any person, partner or corporation who for monetary or other consideration aids a seller in the sale of property. Liability shall be limited to failure to notify the seller of the obligations imposed by this Part.

Board of Supervisors - The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

Code Enforcement Officer. Any person specifically designated as such by the Board of Supervisors to enforce this Part, and shall include the duly authorized representatives of said Code Enforcement Officer.

Dwelling Unit - A building or portion thereof, providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single house keeping unit, and having no cooking or sanitary facilities in common with any other unit.

Lineal Descendant - A person who is in the direct line of decent from the ancestor who is the legal owner of the dwelling unit. The term includes husband and wife, parent and child, brother and sister, and grandparent and grandchild. It does not include a collateral line of decent such as cousins, aunts, uncles, nephews, or nieces.

Multiple Family Dwelling - A building arranged, designed, and intended to provide two (2) or more dwelling units. Individual dwelling units may share party walls with other units and either have common outside access areas or have individual outside access areas. Types of such buildings shall include: townhouses, apartments, and/or condominiums.

Notice of Violation - A written notice issued by the Code Enforcement Officer directing any repair or remediation, corrective or other action relating to

any deficiencies as set forth in a report which may include a time frame within which any such action must be taken.

Owner - Any person who alone, jointly or severally with others shall have:

(1) Legal or equitable title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Charge, care or control of any dwelling or dwelling unit as owner or agent of owner, or as executor, administrator, trustee or guardian of the estate of the owner.

Person - Any individual, firm, corporation, association, partnership or other entity.

Single Family Dwelling - A building arranged, intended, or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building. Types of such buildings shall include mobile homes and modular units.

Township - The Township of Spring, Berks County, Pennsylvania.

(Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1).

Section 203. Adoption of Rules, Regulations and Inspection Fees. The Code Enforcement Officer shall administer and enforce the provisions of this Part and may make rules and regulations necessary for its administration. Such rules and regulations shall not be in conflict with this Part and shall be submitted to the Board of Supervisors for approval. If the rules and regulations so submitted to the Board of Supervisors are approved by the Board of Supervisors, the same shall be filed in the office of the Code Enforcement Officer and in the office of the Secretary of the Township as an addendum to this Part. Such rules and regulations as may be adopted shall then be deemed to be a part of this Part and to have the same effect as this Part. (Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 204. Property Transfer Certificate.

(A) No existing multiple family dwelling or single family dwelling shall be transferred by conveyance, lease or other means, occupied by a tenant or new owner after the transfer of title by deed or other means, until an inspection has been completed by the Code Enforcement Officer and a Property Transfer Certificate issued.

(B) Application. Applications for issuance of a Property Transfer Certificate shall be filed with the Code Enforcement Officer by the seller, buyer, or agent for the seller or buyer of the property, no later than thirty (30) business days prior to settlement and/or transfer of ownership. Applications shall contain such information as the Code Enforcement Officer may require. Any application filed within thirty (30) days before settlement will be processed in due course and may cause the issuance of a Property Transfer Certificate to be delayed beyond scheduled settlement date.

(C) Fees. An inspection fee shall be charged for each property inspected and said fee must accompany the application form when it is submitted in accordance with the Township Fee Schedule, as revised from time to time by Resolution.

(Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 205. Inspections.

(A) Upon receipt of a completed application, the Code Enforcement Officer shall, within ten (10) business days, relying upon the application or in the Codes Officer's discretion, by inspection as follows:

(1) Utility and Storm Drainage Easements and road rights-of-way must be clear of all obstructions, including those resulting from landscaping;

(2) Fences are located according to setbacks and yard requirements, properly permitted, in good repair, and of proper height (with self-closing and latching gate if used as a barrier for a pool);

(3) Pools and Spas are properly permitted, located according to setbacks and yard requirements, in good repair, contain no stagnant water, and are properly fenced;

(4) Sheds are properly permitted, placed according to proper setback and yard requirements from the lot lines and in proper location in rear yard behind house;

(5) Decks are properly permitted, placed according to proper setback and yard requirements and comply with attachment, baluster spacing and railing height requirements;

(6) Curb, sidewalk and driveway entrance ramps are in a safe and adequately maintained condition;

(7) Sanitary sewer connections are in such condition as to prevent and/or control inflow and infiltration of waters into the sanitary sewer collection system and sump pumps and/or rain leaders are not connected to the sanitary sewer system;

(8) Dwelling units reconcile with the maximum number of units permitted according to Township records;

(9) Proper sump pump discharge locations are adequate and properly placed;

(10) The type, location and number of smoke detectors have been verified;

(11) All non-residential uses conform with Township records; and,

(12) Number of bedrooms have been verified.

(B) Re-inspections. Upon correction of all violations, the applicant shall notify the Township in writing for a follow-up inspection, which shall be conducted within ten (10) business days from notification. If, following the re-inspection, the property is determined to be in compliance with the standards, a Property Transfer Certificate shall be issued to the applicant. If additional follow-up inspections are required due to the fact that the applicant did not comply with the violation report, the applicant shall be charged an additional fee in accordance with the Township Fee Schedule, as amended from time to time by Resolution.

(C) Documentation. The Seller and Buyer's signatures are required to acknowledge to have read and understood the inspection report and to make corrections to any deficiencies as listed on the inspection report.

(D) Exceptions. The Code Enforcement Officer may not require changes which are technically infeasible due to the age or construction of an existing building.

(Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 206. Exempt Persons. No fee shall be required of an owner who is one (1) of the following:

(A) Legal owner of a dwelling unit that is leased or rented to a lineal decedent of the legal owner.

(B) The United States Government, the Commonwealth of Pennsylvania, the Township of Spring or any agency thereof.

(Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 207. Validity. The validity of the Property Transfer Certificate is contingent upon compliance with all applicable Township Ordinances and it is revocable upon violations of those Ordinances. The Property Transfer Certificate does not warrant or guarantee on the part of the Township or any officer, agent or employee of the Township, the soundness, fitness, safety or adequacy of the facilities inspected. The Property Transfer Certificate shall not be deemed to give rise to any liability on the part of the Township or any officer, agent, employee, or designee thereof. All such liability, and any remedy therefore, shall remain that of the seller or transferor of any structure covered hereby. (Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 208. Enforcement; Service of Notices and Orders; Hearings.

(A) Whenever the Code Enforcement Officer believes, or has cause to believe, that there is a violation of the provisions of this Part or any rules, regulations or codes (including but not limited to the Uniform Construction Codes and International Property Maintenance Code) adopted by the Township and related hereto, the Code Enforcement Officer shall give notice of the violation to the person responsible therefore, and such notice shall:

(1) Be in writing and shall clearly state the nature or condition of the violation.

(2) State the name of the person who the Code Enforcement Officer deems responsible therefore, together with the name of the owner of the premises involved.

(3) State the date of the notice and the number of days allowed for compliance with said notice.

(4) Be served upon the owner of the premises involved and all other persons, if any, named in the notice personally or by certified or registered mail, return receipt requested, postage prepaid, sent to the last known address of such owner and such other person or persons.

(5) The notice may, in addition, contain any other pertinent data, information or statements which the Code Enforcement Officer deems appropriate.

(B) Any person affected by a notice of violation, determination or order issued by the Code Enforcement Officer or pursuant to this Part may appeal said notice, determination or order to the Board of Supervisors. Any such appeal must be filed in writing with the Secretary of the Township of Spring within ten (10) days after the receipt of such notice, determination or order. At the time of filing such appeal, the appellant shall pay to the Secretary of the Township of Spring a fee, the amount of which shall from time to time be established by Resolution of the Board of Supervisors, to cover the costs of such appeal. The Board of Supervisors shall hold a public hearing on the appeal within thirty (30) days after the date the appeal is filed. Notice of the hearing shall be given not less than fifteen (15) days prior to the date of the hearing to the appellant, to the Code Enforcement Officer and to any other person who may request such notice. At the hearing, the Board of Supervisors shall review the notice, determination or order of the Code Enforcement Officer or the rule or regulation which is the subject of the appeal, take such testimony, hear such witnesses and, by a vote of the majority of its members, shall reverse or affirm, wholly or partly, or modify the determination appealed from and shall make such order or decision as in its opinion should be made. Within twenty (20) days after said hearing, the Board of Supervisors shall advise the appellant, in writing, of its decision, and a copy of said decision shall be filed with the Secretary of the Township and with the Secretary of the Township of Spring. Decisions of the Board of Supervisors may be further appealed to the Court of Common Pleas of Berks County, Pennsylvania by the appellant within thirty (30) days after date of mailing of the decision of the Board of Supervisors, or as otherwise provided by law.

(C) Whenever the Code Enforcement Officer determines that an emergency condition exists which requires immediate action to protect public health and/or safety, the Code Enforcement Officer may issue an order declaring the existence of such emergency and requiring action to be taken to remedy such emergency. Such emergency order shall be effective immediately upon issuance. Any person to whom such order is directed shall comply therewith immediately.

(Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 209. Penalties.

(A) Any person who violates or fails to comply with the provisions of this Part or any order, notice, rule or regulation made in connection herewith shall pay a civil penalty not less than One Hundred Dollars (\$100.00) nor more

than One Thousand Dollars (\$1,000.00), together with costs, including reasonable attorneys fees payable to the Township of Spring.

(B) Each instance of non-compliance with this Part shall constitute a separate violation, and each day such violation persists shall constitute a separate violation.

(C) The Township shall be entitled to any and all remedies as may be otherwise available at law or equity.

(Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 210. Applicability. This Part shall not apply to any valid Agreements of Sale entered into and dated prior to the effective date of this Part. (Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 211. Intent. It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township. (Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)

Section 212. Severability. If any sentence, clause, section or part of this Part 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 Part. It is hereby declared as the intent of the Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance No. 341, June 11, 2007, Effective August 1, 2007, Section 1)