

ORDINANCE NO. 8 of 2022
AN ORDINANCE AMENDING CHAPTER 158, ENTITLED LANDLORD-TENANT
REGISTRATION AND INSPECTIONS, OF THE TOWNSHIP CODE OF ORDINANCES

FOSTER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

BE IT ORDAINED AND ENACTED by the Foster Township Board of Supervisors as follows:

§158.1. Title. This Ordinance shall be known and may be cited as the "Landlord Tenant Rental Ordinance".

§158.2. Purpose. The purpose of this ordinance is to require the owner or owners of a rental unit, as defined herein, to apply for and secure a permit authorizing such use in the manner provided for by this ordinance to protect and promote the public health, safety, and welfare.

§158.3 Definitions. The following words, when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:

"Adult" means a person who is 18 years of age or older.

"Bedroom" means a room or space designed to be used for sleeping purposes with two means of egress (one which may be a window acceptable under the building code). Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered Bedrooms. Space used or intended for general and informal everyday use such as living room, den, and sitting room or similar is not to be considered a Bedroom.

"Board" means the Foster Township Board of Supervisors.

"Certified Code Official" means the person holding commercial or residential inspection certifications with the Pennsylvania Department of Labor and Industry, or a property maintenance certification through International Code Council, who performs inspections of the rental unit to ensure compliance with the 2015 International Property Maintenance Code (IPMC).

"Code Official" means the person appointed by the Foster Township Board of Supervisors to administer and enforce this ordinance.

"Owner" means the person entity, or agent holding legal and/or equitable title to the rental unit or otherwise having control of the property.

"Property Manager" means a person or agent with actual authority to represent the Owner for purposes of contact and communication regarding the Owner's Rental Unit. A Property Manager must reside or have an office within approximately one (1) hour drive of the Rental Unit and be able to act as legal agent for the Owner. Foster Township must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Property Manager.

"Person" means any natural person, individual, partnership, firm, association, corporation, or Other entity.

"Rental Permit" means a permit issued under this ordinance by the Foster Township Code Official that allows an owner of a rental unit to rent the rental unit for the year in which the permit is issued upon first showing compliance with this ordinance.

"Rental Unit" means the rental of any structure or any portion of any structure for occupancy, dwelling, lodging, or sleeping purposes, including detached single-family dwellings, two-family dwellings, condominiums, duplexes, triplexes, townhomes, apartments, and multi-family dwellings.

"Structure" means any man-made object having an ascertainable stationary location at any given time on land or water.

§158.4 Rental Permit Required; Limitations of Rental Permit; Fee.

- A. No owner of a rental unit shall rent, offer to rent, or advertise for rent a rental unit to another person without a valid rental permit approved and issued in the manner provided for by this ordinance.
- B. A rental permit shall be valid for the calendar year in which it is issued. The owner of a rental unit shall be required to re-apply annually.
- C. A rental permit is not transferable from one owner to another owner. Upon the sale or transfer of a rental unit, a new owner is required to secure a new rental unit permit.
- D. The fee for a rental permit shall be established by resolution of the Board.

§158.5 Permit Application; Fee. The application for a rental permit shall be made by the owner to the Code Official accompanied by a fee established by resolution of Board. The permit fee shall not be prorated when applied for during a calendar year and shall be valid for the year in which it is issued. The application shall contain the following information:

- A. The name, address, and telephone number of the owner of the rental unit for which the permit is to be issued.
- B. The name, address, and telephone number of the Property Manager, when required, of the Owner of the Rental Unit.
- C. Floor Plans showing:
 - 1) Identification of rooms on all floors and specific location and dimensions of bedrooms.
 - 2) Total number of bedrooms.
 - 3) If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Rental Units.

D. Site Plans showing:

- 1) Property lines, driveways and all structures.
- 2) Location and number of on-site parking spaces.
- 3) Location and identification of all components of the sewage disposal system, if not served by a central or community sewer system.
- 4) Location and number all on-site dumpsters or other containers used for trash disposal.

D. Proof of general liability insurance with a minimum amount of three hundred thousand dollars (\$300,000.00) combined single limit.

E. Such other information as the Code Official may deem appropriate to show compliance with all Foster Township Ordinances.

§158.6. Inspection. Prior to the issuance of a rental permit under this ordinance, the owner of the rental unit shall:

- A. Permit a Certified Code Official to inspect the rental unit to ensure that the rental unit complies with the 2015 International Property Maintenance Code.
- B. Permit the Foster Township Code Official access to the rental unit upon request of the Code Official so that the Code Official could ascertain compliance with the other Foster Township Code of Ordinances.

§158.7. Requirements for a Rental Permit. A rental permit shall not be issued by the Code Official unless the owner of the rental unit shows compliance with the following:

- A. 2015 International Property Maintenance Code. A certified and dated inspection report must be filed with the rental permit application that indicates the rental unit has been inspected in the year in which the permit is being issued for compliance with the 2015 International Property Maintenance Code. The report must be prepared by a person who holds current commercial and residential inspection certifications with the Pennsylvania Department of Labor and Industry and has inspected the rental unit to confirm the rental unit complies with the 2015 IPMC.
- B. Private Covenants. The owner shall provide proof that the rental unit is not prohibited by any applicable property owners or homeowner association or any declaration of conditions, covenants, and restrictions. If not permitted, the Township may notify the Property Owners or Homeowner Association of the issuance of the permit as the Code Official cannot enforce a private covenant and this ordinance is separate from any private covenant.
- C. General Liability Insurance. The owner shall provide proof of general liability insurance in the amount of three hundred thousand dollars (\$300,000.00) combined single limit insuring the rental unit.
- D. Contact Information. The owner shall furnish to the Code Official a 24-hour emergency contact phone number for a person who will be available to respond to complaints and accept notices under this ordinance.

E. Rental Information. For any rental unit rented on a month to month, year to year, or a specific term of more than 30 days, the rental application must include the name, address, and telephone number of all of the adult tenants occupying the rental unit.

F. Compliance with all other ordinances of Foster Township, including zoning, safety, and property maintenance ordinances.

G. The owner shall by written agreement, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit, with the number of overnight occupants not to exceed two (2) persons per bedroom plus four (4) additional persons per residence.

H. The number of bedrooms permitted for a vacation home rental shall not exceed the number of bedrooms approved for the dwelling on the sewage permit issued for such property.

I. The owner shall limit the number of all vehicles of overnight occupants and day guests as follows:

1. All parking for overnight guests and day guest shall be located on the Owner's property and not in any private community or public right-of-way, except where on-street parking spaces are marked and permitted by signage.
2. A minimum of one (1) parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
3. All parking spaces shall be improved to a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage established by the Township Zoning Ordinance.
4. Each vehicle parking space shall be a rectangle with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet and adequate aisle width shall be provided to facilitate access and use of the spaces.
5. If the rental is accessed directly by a Township or State road, all parking spaces shall be accessed from the driveway serving the rental and not directly from the Township or State road.

J. The owner shall use best efforts to assure that the occupants or guests of the rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Ordinance or any state law pertaining to noise or disorderly conduct. It is not intended that the owner, local agent, or contact person act as an Enforcement Officer or place himself or herself in harm's way.

K. The owner shall, upon notification that occupants or guests of the rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of the Ordinance or state law pertaining to noise, or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests through eviction or otherwise.

L. Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.

M. Occupancy of recreational vehicles, camper trailers and tents shall not be allowed. Children under the age of thirteen (13) are allowed to "camp out" in a tent on the premises.

N. The use of open fires, fire pits, charcoal-burning grills or other devices (as applicable) shall be the responsibility of the Owner and shall comply with Chapter 69 of the Foster Township Code of Ordinances and all amendments thereto concerning Open Burning. All open fires shall be extinguished by midnight.

O. Each rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

1. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis.
2. The maximum number of occupants permitted to stay in the unit and the maximum number of day guests permitted at any one (1) time.
3. The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.
4. The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any).
5. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00PM of the day prior to trash pickup.
6. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of the Ordinance; and
7. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this Ordinance subject to a citation and fines.

The Owner of a rental shall make the notice required by the paragraph available for inspection by the Enforcement Officer, upon request.

P. All rentals shall comply with the following standard: It is unlawful for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing,

quarreling, challenging to fight, or fighting.

§158.8. Denial of Permit. No application for a rental permit shall be denied if it complies with this ordinance. If a rental permit is denied, the Code Official shall send the owner written notice of the denial along with the reasons for denial. The owner has the right to appeal the denial of a rental permit under Section 158.9 (C) below.

§158.9. Revocation of Permit. Any rental permit issued may be subsequently revoked by the Code Official when the Code Official finds that the information contained in the application is false, or a violation of this ordinance has occurred after the issuance of the rental permit. The owner has the right to appeal the revocation of a rental permit under Section 158.9 (B) below.

§158.10. Notice/Service; Corrective Measures; Appeal Rights.

A. Notice/Service. The Code Official shall have authority to give notice, by personal service, posting of the rental unit, or by regular United States mail, postage prepaid, to any owner violating this ordinance, or when denying or revoking a rental permit.

B. Corrective Measures. For a violation or revocation, the notice shall direct compliance with this ordinance within 30 days following service of the notice. Any notice issued for a violation of this ordinance shall be sufficient to constitute notice of any subsequent violation provided that the violation is for the same section of this ordinance and the violation occurs within the same calendar year.

C. Appeal. Any person directly affected by a determination of the Code Official shall have the right to appeal to the Board, provided that a written application for appeal is filed within 10 days after the date the notice.

D. Stays of enforcement. Appeals from determinations of the Code Official shall stay the action or enforcement of the notice until the appeal is heard and decided by the Board.

§158.11. Enforcement. The Code Official appointed by Foster Township is charged with enforcement of the provisions of this ordinance.

§158.12. Penalties. Any person or owner who violates or permits the violation of this ordinance shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not more than \$1,000.00 plus the costs of prosecution, and, in default of payment of fine and costs, to imprisonment for a term of not more than thirty (30) days; OR a civil penalty of not more than \$600.00 together with court costs and reasonable attorney fees. A violation of this ordinance shall arise for each day of the violation, and each applicable section of the ordinance.

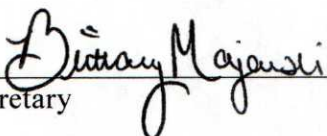
§158.13. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§158.14. Repealer. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies.

§158.15. Effective Date. This ordinance shall become effective within 60 days following its adoption.

ADOPTED THIS 25th DAY OF October, 2022, by the Foster Township Board of Supervisors.

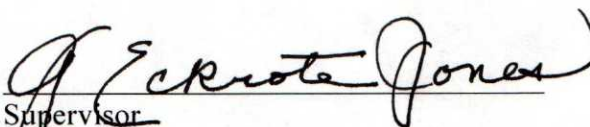
ATTEST:


Secretary

FOSTER BOARD OF SUPERVISORS:


Chairperson


Vice-Chairperson


Supervisor