

ORDINANCE NO. 504 2014
FOSTER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

Chapter 158
LANDLORD-TENANT REGISTRATIONS AND INSPECTIONS

§158-1. Title. This Ordinance shall be known as the "Foster Township Landlord-Tenant Registration and Inspection Ordinance".

§158-2. Definitions. The following words, terms, and phrases, when used in this Ordinance, shall be defined as follows, unless the context clearly indicates otherwise:

AGENT OR MANAGER-means a person or individual over the age of eighteen who has been designated under this Ordinance by the owner to perform duties related to a property within the Township.

BOARD OF APPEALS- means for purposes of this Ordinance the Foster Township Board of Supervisors.

CODE ENFORCEMENT OFFICER- means the person appointed by the Township to enforce and administer the Code of Ordinances, including the provisions of this Ordinance.

CODE OF ORDINANCES- means the ordinances codified by Foster Township, which includes all ordinances of Foster Township such as the IPMC, Building Code, Uniform Construction Code, Quality of Life Ordinance and Zoning Ordinance.

DWELLING UNIT- means any building or portion of a building used as a residence or sleeping place for one or more persons. The term includes single-family dwelling units (when rented to someone by the owner), two-family dwelling units (when both units are rented to someone by the owner and neither unit is owner occupied), and multi-family dwelling units.

DWELLING UNIT, MULTI-FAMILY- means a building designed for occupancy of families living independently of each other, and containing three or more dwelling units per building. The term includes, but is not limited to garden apartments, apartment buildings, row homes, townhouses, rooming and boarding houses.

DWELLING UNIT, SINGLE-FAMILY- means a detached building, designed for or occupied exclusively by one family.

DWELLING UNIT, TWO-FAMILY- means a detached or semi-detached building designed for or occupied by not more than two individual families or dwelling units.

FAMILY- includes one or more persons living in a single dwelling unit and functioning as a common household unit sharing household expenses and sharing joint use of the entire dwelling unit. If a dwelling is rented, in order to qualify as a family, there shall not be more than one lease agreement among the occupants. A family shall not include more than five (5) persons who are not "related" to each other.

INSPECTOR- means the Building Code Official or the Code Enforcement Officer.

INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)- means the International Property Maintenance Code, 2009 edition, as adopted by the Foster Township Board of Supervisors, and or such other codes referenced in this Ordinance for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

LANDLORD- includes any property owner who has a tenant occupying a rental unit within a dwelling unit or a dwelling unit regardless of whether such person has signed a written lease for occupancy of that rental or dwelling unit.

LEASE FOR OCCUPANCY- means to permit possession or occupancy of a building or dwelling unit by a person who is not the legal owner of record by a written or oral lease agreement.

OCCUPANT- means a person age 18 or older who resides in a dwelling unit, such as a tenant, or any other person (excluding visitors) who is allowed to reside in a dwelling unit by the resident or tenant.

OWNER - means one or more persons, jointly or separately, in who is vested all or part of the legal title to the dwelling unit, or all or part of the beneficial ownership and right to present use and enjoyment of the premises, including a mortgage holder in possession of a dwelling unit. For purposes of this Ordinance an owner also includes a landlord.

OWNER-OCCUPANT- means an owner who resides in a dwelling unit on a regular permanent basis.

PERSON -includes any person, partnership, firm, association, corporation, or other legal entity.

PREMISES -means any land in the Township where a dwelling unit is located. The term includes the word property.

PROPERTY OWNER -includes any person, agent, or operator having a legal or equitable interest in a dwelling unit; or recorded in the official records of the Luzerne County Recorder of Deed's Office as holding title to the dwelling unit; or otherwise having control of the dwelling unit, including a mortgagor and mortgagee, the heir(s) to the dwelling unit when the deed to the dwelling unit is still in the name of the decedent, the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of the dwelling unit by a Court of competent jurisdiction.

RENTAL UNIT -means a dwelling unit occupied by one or more tenants. The term does not include for purposes of this Ordinance a dormitory room occupied by one or more students.

ROOMING OR BOARDING HOUSES- means a building containing more than one dwelling unit for the rooming or boarding of persons. This term includes tourist and lodging houses, but excludes hotels and motels.

TENANT- includes any person who occupies a rental unit within a dwelling unit regardless of whether such person has signed a written lease for occupancy of that dwelling unit.

TOWNSHIP- means Foster Township, Luzerne County, Pennsylvania.

ZONING ORDINANCE- means the Foster Township Zoning Ordinance.

§158-3. Appointment of Agent or Manager. Every property owner who is a landlord and not an owner-occupant, and who does not reside within a twenty (20) mile radius of the Township limits must appoint and designate an agent or manager who resides within a twenty (20) mile radius of the Township limits to perform the duties set forth in Section 158-4 below.

§158-4. Duties of Property Owner, Agent, and Manager. The duties of a property owner, agent and manager shall be to:

(a) Accept service of notices issued by the Foster Township and the Foster Township Code Enforcement Officer;

- (b) Permit inspections of dwelling and rental units;
- (c) Maintain dwelling and rental units in accordance with the Foster Township Code of Ordinances;
- (d) Report the name, address and telephone number of the owner, agent and manager to the Code Enforcement Office in writing upon registering the rental and dwelling units;
- (e) Maintain the premises in good repair, clean and sanitary condition in compliance with the Code of Ordinances.
- (f) Prohibit occupancy of a dwelling and rental unit by a number of persons that is in excess of the requirements outlined in 1996 BOCA National Property Maintenance Code, Chapter 4, Light, Ventilation, and Occupancy Limits, Section PM-405.5, Overcrowding, or any update thereof.
- (g) Finding alternative housing for the occupants of a dwelling or rental unit, at the property owner's expense, when that dwelling or rental unit has been condemned by the Code Enforcement Officer due to the negligence of the property owner, agent or manager.
- (h) Secure and maintain fire, casualty and general liability insurance for dwelling and rental units within the Township with a minimum of fifty (\$50,000.00) dollars in general liability, and fire and casualty insurance in an amount sufficient to either restore or remove the dwelling unit. Further, in the event of any fire loss covered by such insurance, it shall be the obligation of the property owner to use such insurance proceeds to cause the restoration or demolition or repair of the dwelling in accordance with the Code of Ordinances. Proof of insurance must be provided to the Township annually.

§158-5. Inspections and Access. The Code Enforcement Officer is authorized to make inspections to determine whether dwelling units or rental units are in compliance with this Ordinance. For the purpose of making such inspections, the Code Enforcement Officer is permitted to enter all dwelling and rental units, and shall be free to have access thereto upon notice and during all reasonable times for the purpose of such inspections.

§158-6 Registrations.

- (a) Initial Filing of Reports by Landlords. Within sixty (60) days from the effective date of this Ordinance, every landlord must submit to the Code

Enforcement Officer, a report on a form provided by the Township, which includes the following information:

(1) Name, address and phone number of the landlord, and if the landlord is not a natural person, a description of the entity, including the name, address, phone number and title of the designated representative for that entity.

(2) Name, address and phone number of the agent or manager of the Landlord, if applicable.

(3) List of the dwelling and rental units owned by the landlord.

(4) A brief description of each unit, including the number of units, whether the unit is occupied or not occupied, and a determination of whether the unit is habitable.

(5) Name, address and phone number of the tenant occupying the unit.

(6) The name, address and phone number of the landlord's insurance carrier and agent, including the policy number, declaration page and policy expiration date. A copy of the Certificate of Insurance identifying the Township as a contact person in the event that the insurance is cancelled or non-renewed must accompany every report.

(b) Filing of Reports by New Landlords. After the effective date of this Ordinance, any person becoming a landlord by agreement, deed or other means, shall, within thirty (30) days thereafter provide a report to the Code Enforcement Officer in accordance with the reporting requirements for an initial registration as provided in Section 158-6(a) above.

(c) Filing of Reports by Landlords for Change in Tenants or Vacancy. After the period for reporting has expired under this section of the Ordinance, and the landlord has complied with the reporting requirements of this Section, every landlord shall thereafter file a report with the Code Enforcement Officer within thirty (30) days thereafter, where the tenant of a unit has changed, or a unit has become vacant. The landlord must provide a report to the Code Enforcement Officer on a form supplied by the Township, which includes the following information:

(1) The name, address, and phone number of the new tenant, or the vacating tenant, whichever the case may be;

- (2) The date of the change; and
- (3) The forwarding address of the vacating tenant, if known by the landlord.

§158-7. Certificate of Occupancy Required.

(a) **Certificate Required.** It shall be unlawful for any property owner, manager, or agent of a dwelling or rental unit to lease for occupancy that unit until a certificate of occupancy has been issued by the Code Enforcement Officer, which certificate may not be issued until it has been demonstrated to the satisfaction of the Code Enforcement Officer that the occupancy complies with all the provisions of this Ordinance.

(b) **Change of Ownership or Occupancy.** No change of occupancy or ownership of a rental or dwelling unit shall be permitted until the property owner, manager, or agent first secures a certificate of occupancy from the Code Enforcement Officer.

(c) **False Statements.** It shall be unlawful for any person to knowingly make any false statement in an application for a certificate of occupancy.

(d) **Inspections.** In addition to complying with the Code of Ordinances and the IPMC, the following minimum standards shall be met for all rental and dwelling units:

(1) Each floor and every bedroom of a dwelling unit and each rental unit shall have functioning smoke detectors. Carbon monoxide detectors shall be placed outside the bedroom areas.

(2) All stairways having three or more steps shall have to have guard and handrails.

(3) All receptacles shall have no open grounds. In the event that a receptacle does have an open ground, then a ground fault protector device or circuit must be provided, or provided ground, or two prong, or unground receptacle must be provided. All bathrooms, kitchen countertops, exterior and basement receptacles shall be ground fault protected.

(4) Must have hot water and heat as provided under the IPMC. Furnaces and chimneys must be cleaned and inspected annually.

(5) No broken glass in windows, or broken balances on bedroom windows. All glass and windows shall be provided under the IPMC.

(6) Second means of egress on multi-family dwelling units. Where the building is two stories or higher

(7) Fire extinguishers and emergency lighting shall be required in multi-family dwelling units where they have shared egress. A minimum of 5 lbs. fire extinguisher in hallways, and they should be provided at each landing, and emergency lighting that is hard wired with emergency backup at all means of egress that doors and stairways.

(8) Occupancy loads shall be maintained in accordance with the requirements of the 2000 International Property Maintenance Code.

§158-8. Notice of Violation. If it appears to the Code Enforcement Officer that a violation of this Ordinance has occurred, the Code Enforcement Officer shall initiate enforcement proceedings by issuing an enforcement notice to the property owner, agent or manager for the premises. The enforcement notice shall state at least the following:

(a) The name of the owner of record and any other person against whom the Code Enforcement Officer intends to take action.

(b) The location and/ or address of the premises in violation.

(c) The nature of the violation with a description of the requirements which have not been met.

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(e) That the recipient of the notice has the right to appeal within thirty (30) days from the date of the issuance of the notice.

(f) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Appeals, constitutes a violation, with a description of the sanctions that will result if the violation is not corrected.

§158-9. Service of Notices. All notices shall be sent to the property owner, or agent or manager, if applicable, by regular first class mail, postage prepaid, and the Code Enforcement Officer shall also post the notice at a conspicuous place on the premises. Notices may be sent to the property owner, agent, or manager, at

the address stated on the most current registration application. For purpose of this Ordinance, any notice issued to the agent or manager shall be deemed given to the property owner.

§158-10. Jurisdiction and Enforcement Remedies.

(a) Jurisdiction. The District Judge shall have initial jurisdiction over proceedings brought under this Ordinance.

(b) Civil Enforcement Remedies. Any person who has violated or permitted the violation of any of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceedings commenced by the Code Enforcement Officer, shall pay a judgment of not more than one thousand (\$1,000.00) dollars, plus all court costs, including reasonable attorney fees incurred by the Township as a result of the proceedings.

(c) The remedy provided for under this section of the Ordinance shall be in addition to any and all other remedies available to the Code Enforcement Officer or Township for a violation of this Ordinance either in law or equity or under the Code of Ordinances.

§158-11. Transfer of ownership.

(a) It shall be unlawful for the property owner upon which a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of the dwelling unit to another person until the provisions of the notice of violation have been complied with.

(b) The person to whom the premises is to be transferred may consent to make repairs which have been required by a notice of violation from the Code Enforcement Officer, by entering into an agreement with the Township to make the repairs required under the notice of violation on or before the date set forth in notice. The Code Enforcement Officer may not issue an occupancy permit until such time as the repairs are completed by the new property owner.

§158-12. Fees.

(a) Registration Fees. Fees for any registration required under this Ordinance shall be \$5.00 per rental unit or unit within a dwelling unit.

(b) Occupancy Fees. Fees for certificate of occupancies shall be as follows: Single-Family Dwelling Unit-\$35.00, Two-Family Dwelling Unit-\$50.00, and Multi-Family Dwelling Units-\$75.00.

(c) Changing of Fees. The fees in this section may be changed by resolution of the Foster Township Board of Supervisors.

§158-13. Failure to Comply with Ordinance. If any person shall fail to comply with any of the provisions of this Ordinance, the Code Enforcement Officer may, in addition to the enforcement procedures of this Ordinance, order the closure of any rental or dwelling unit, until such time as the ordinance is complied with.

§158-14. Applicability. This Ordinance shall only apply to Landlords, Property Owners or Owners of property situated within the Township where the Landlord, Property Owner or Owner resides more than twenty (20) miles from the Township limits.

§158-15. Severability. If any section, clause, provisions or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

§158-16. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.

§158-17. Effective Date. This ordinance shall become effective immediately following its adoption

ENACTED AND ORDAINED by the Foster Township Board of Supervisors, this 10th day of September, 2014.

ATTEST:

J. Skrote Jones
Secretary

FOSTER TOWNSHIP BOARD OF
SUPERVISORS:

Paul J. Bryan
Chairperson

Wm M. Hinkel
Vice Chairperson

J. Skrote Jones
Supervisor