

HAMPTON TOWNSHIP
ORDINANCE NO. 778

AN ORDINANCE OF THE TOWNSHIP OF HAMPTON, AMENDING PART II: GENERAL LEGISLATION BY ADDING A NEW CHAPTER REGARDING RESIDENTIAL RENTAL PROPERTIES FOR PURPOSES OF ENSURING COMPLIANCE WITH APPLICABLE ORDINANCES AND CODES, REGULATING RESIDENTIAL UNIT OCCUPANCY AND PROVIDING FOR REGISTRATION, TRIENNIAL INSPECTIONS, AND PENALTIES FOR NONCOMPLIANCE.

WHEREAS, there are a substantial number of residential rental properties located within the Township of Hampton;

WHEREAS, the Township of Hampton currently has enacted various regulations, including building codes, property maintenance codes, fire safety codes and zoning ordinances which are applicable to properties located within the Township, including, but not limited to said residential rental properties;

WHEREAS, Council for the Township of Hampton desires to protect and promote the health, safety and welfare of the residents that reside within residential rental units within the Township; and

WHEREAS, the Council declares the following to be the purposes of this Chapter:

- A. To promote, protect and facilitate the public health, safety and the general welfare of the community and to protect and to promote the safety of residential tenants and other inhabitants in the Township from fire and other preventable hazards.
- B. To prevent one or more of the following: loss of health, life or property from fire, explosions, noxious gases and other dangers or hazards.
- C. To define and limit the powers and duties of those officers and bodies that are assigned responsibilities under this Chapter.
- D. To provide for the health safety and welfare of the inhabitants of the Township by providing for the registration of all residential tenants and inspection of all residential rental properties within the Township.
- E. To require prompt safety inspections even without a warrant if emergency conditions exist.

NOW, THEREFORE, in consideration of the premises recited herein, and in the exercise of the powers granted to the Township of Hampton, under the health, welfare, and safety provisions of the Township Home Rule Charter, and the statutes of the Commonwealth of Pennsylvania, it is hereby ordained as follows:

§ -1 Scope. The provisions of this Chapter shall apply to all Regulated Residential Units in the Township of Hampton which are leased, rented, or otherwise occupied by persons or entities who do not own the premises, and to all persons and/or entities which own, lease, and otherwise rent residential properties in the Township as specified herein. This Chapter is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township under separate ordinance or law, and it shall not affect any building, zoning, property maintenance code, or fire safety codes, or associated inspection requirements arising thereunder.

§ -2 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Chapter, have the following meanings.

Code

Any statute, ordinance, or law adopted, enacted, and/or in effect in and for the Township of Hampton concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any Premises or Dwelling Unit.

Code Enforcement Officer

Any duly appointed representative of the Township, including but not limited to the Municipal Code Enforcement Officer and those authorized by Council or the Manager of the Township to enforce the provisions contained therein.

Common Area

In Multiple Unit Dwellings, space which is not part of a Regulated Rental Unit and which is shared with other Occupants of the Dwelling whether they reside in Regulated Dwelling Units or not. Common Areas shall be considered as part of the Premises for purposes of this Chapter.

Dwelling

A building having one or more Dwelling Units.

Dwelling Unit

One or more rooms used for living and sleeping purposes arranged for occupancy by one or more persons. A single dwelling unit is one that includes complete, independent living facilities for one or more tenants, which may include permanent provisions for living, sleeping, eating, cooking and sanitation.

Landlord

Any person who lets, rents, leases, or otherwise allows other persons to occupy or use real estate or portions of real estate owned by, or under the management or in the control of the landlord.

Owner

Any person who lets, rents, leases, or otherwise allows other persons to occupy or use real estate or portions of real estate owned by, or under the management or in the control of the landlord.

Person

A natural person, partnership, corporation, unincorporated entity, association, limited partnership, trust, or any other entity.

Premises

Any parcel or real property in the Township of Hampton, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more Regulated Rental Units are located.

Regulated Rental Unit

A Dwelling Unit occupied by any Person under a Rental Agreement.

Rental Agreement

An agreement between Owner/Landlord and Occupant/Tenant embodying the terms and conditions concerning the use and occupancy of a specified Regulated Rental Unit or Premises.

Rental Occupancy License

The License issued to the Owner of Regulated Rental units under this Chapter, which is required for the lawful rental and occupancy of Regulated Rental Units.

Tenant

A person who has the use, either by himself or with others, of himself, or with others, of a dwelling unit owned by another person.

Terms Not Defined

Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies.

§ -3 **Rental Occupant Registration.** The Owner of any Regulated Rental Unit(s) within the Township shall be required to Register All Regulated Rental Unit(s) located within the Township, and shall thereafter maintain a current registration of all such Regulated Rental Units, as follows:

- A. Within 90 days of enactment of this ordinance, all Landlords and/or Owners who, at the time of enactment, rent or lease any Regulated Rental Unit(s) in the Township of Hampton to any tenant for a period of time in excess of thirty (30) days shall Register and receive a Rental Operating License.
- B. All Landlords and/or Owners who, once registered, add any new unit/units in the same Dwelling, building, or premises as its existing Regulated Rental Unit(s) shall register such newly added units at the time of addition and as a condition of occupancy of such unit.
- C. All new Dwelling or developments with any Dwelling containing any Regulated Rental Unit(s) shall be registered by the Owner/Landlord as part of the initial occupancy permit approval process.

§ -4 **Triennial Rental Unit Inspections.** On January 1, 2016, and continuing thereafter, the Township Administration shall implement, commence, and continue thereafter a Township-wide triennial Regulated Rental Unit Inspection program, as follows:

- A. All Regulated Rental Units shall be inspected once every three years, with the first inspection occurring within three (3) years of commencement of the inspection program, and then once every three (3) years thereafter.

- B. All new Regulated Rental Units which are added in the same Dwelling, building, or premises as an existing Regulated Rental Units shall be inspected upon initial occupancy and thereafter on the same schedule as the remainder of the existing Regulated Rental Units in the same Dwelling.
- C. All newly constructed or occupied Dwellings with Rental Units within, which have completed a zoning/UCC inspection in conjunction with the initial occupancy, shall be inspected no sooner than three (3) years after the date of issuance of the initial occupancy permit, and then once every three (3) years thereafter.

The above Rental Unit Inspections shall be conducted by the Code Enforcement Officer for the purpose of determining compliance with the provisions of this Chapter and any and all other applicable codes, regulations, and ordinances of the Township. In the event the Code Enforcement Officer discovers any violations, the Code Enforcement Officer shall note all violations and shall leave with the owner, landlord, manager or agent for an owner, and tenant, a copy of any notice of violation.

- § -5 Timing and Notice. All inspections under this Chapter shall be conducted at reasonable times with prior notice to the applicant, owner, landlord, manager, tenant, or agent for the Owner or Landlord and subject to constitutional restrictions on unreasonable searches and seizures.
- § -6 Observance of Violations. The Code Enforcement Officer shall disclose all violations discovered during an inspection to the Landlord or Owner of any Regulated Rental Unit. If the inspection discloses that the building or occupancy is in violation of any applicable Township Code or Ordinance, no occupancy permit or renewal shall be issued, and the building's occupancy permit shall be suspended, until all repairs or corrective actions have been made or taken to eliminate any substandard conditions and/or to bring the structure or Regulated Rental Unit into compliance with the applicable Township Codes and Ordinances. (Nothing herein shall prohibit the Code Enforcement Officer, upon good cause shown, from issuing a temporary occupancy permit pending completion of necessary repairs and re-inspection, where the Code Enforcement Officer in his sole discretion is satisfied that such temporary occupancy does not pose a danger to the health, safety and welfare of the building's tenants or to other persons or property within the Township. In such case, the Code Enforcement Officer may require the posting of security with the Township in an amount estimated by Township to be reasonably necessary to assure the completion of such repairs and/or remedial measures.)

- § -7 Procedure if Entry to Permit Lawful Inspection is Refused. If entry is not obtained or upon the refusal of an applicant, owner, landlord, manager, tenant, or agent for an Owner or Landlord applying for a rental operating license to permit entry to conduct the inspection mandated under this Chapter, the inspection shall not be conducted and the Code Enforcement Officer is hereby authorized to apply to an Issuing Authority having jurisdiction over such rental unit for an Administrative Search Warrant to enter and to conduct an inspection unless an emergency situation exists which requires immediate entry. If an emergency situation exists demanding immediate access to the rental unit, the Code Enforcement Officer may conduct a prompt safety inspection even if entry is refused or even if an administrative search warrant is not obtained.

If a required inspection does not take place, no criminal penalties will be attached.

- § -8 Fees. Registration and Inspection Fees shall be in such amount as established by separate fee schedule as may be adopted or modified by Resolution of Council from time to time.
- § -9 Forms. The Township may establish, alter, and modify the applications, inspection checklists and compliance letters for the operation and enforcement of this Chapter without further amendment hereto.
- § -10 Exceptions. The following categories of rental properties shall not require registration, and shall not, therefore, be subject to the permitting provision of this Chapter: (a) senior citizen retirement and assisted living facilities duly licensed and complying with the laws and regulations of the Commonwealth of Pennsylvania with respect to such facilities; (b) convents and parish houses; (c) dormitory housing provided by accredited educational institutions; (d) housing provided by fire companies to its members; (e) group homes providing medical and related care for persons with disabilities; (f) any single family, duplex or townhouse unit legally occupied by a family owner of the Landlord/Owner where no rent is exchanged (g) Hotels (as defined in the Zoning Ordinance); (h) Bed and Breakfast facilities (as defined in the Zoning Ordinance).
- § -11 Nonliability of Township. The issuance of a license under this Chapter is not intended to be a representation by the Township that the Regulated Rental Unit and/or the building in which it is located is in compliance with any fire prevention, building, mechanical, electrical, plumbing or similar codes. The Township reserves the right to conduct no more than a cursory inspection of the Regulated Rental Unit prior to the issuance of a Rental Occupancy Licenses as the Code Enforcement Officer may deem fit in his


sole discretion. Neither the enactment of this article nor the issuance of a license shall impose any liability upon the Township for any errors or omissions which resulted in the issuance of such license, nor shall the Township bear any liability not otherwise imposed by law.

- § -12 Penalties. Any person who shall violate any provision of this Chapter, including failure to timely register for a Rental Occupancy License; failure to submit to proper inspection; failure to file any required reports; filing inaccurate, untimely or incomplete applications or reports; or for any other violation of this Chapter, shall, upon conviction thereof, be sentenced to pay a fine of not more than the greater of one thousand dollars (\$1,000.00) or the then maximum fine as permitted under Pennsylvania law at the time of the violation.
- § -13 Separate offense. For the purpose of this Chapter, each day a person is in violation of any provision of this Chapter shall be considered a separate offense.
- § -14 Other Relief. Nothing contained herein shall be deemed to preclude the Township from seeking other relief or availing itself of any other remedy that may be at law or in equity to prevent continuing violations of the terms of this Chapter or of any other Ordinance found to exist as a result of the Code Enforcement Officer's inspections conducted hereunder. Nor shall any provision of this Chapter be deemed to prevent the Township from instituting other legal proceedings and seeking relief in the courts of equity of the Commonwealth if the Township shall deem such action necessary to abate any violation of this or any other Township Ordinance.
- § -15 Severability. If any one or more of the provisions or terms of this Chapter shall be held invalid for any reason whatsoever, then, such provision or terms shall be deemed severable from the remaining provisions or terms of this Chapter to the maximum extent possible and shall in no way affect the validity or enforceability of any other provisions hereof.

ORDAINED AND ENACTED into law this 22nd day of July, 2015.

ATTEST:

THE TOWNSHIP OF HAMPTON


Secretary


President