

**HAMPTON TOWNSHIP  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON,  
REGARDING RESIDENTIAL RENTAL PROPERTIES FOR  
PURPOSES OF ENSURING COMPLIANCE WITH  
APPLICABLE ORDINANCES AND CODES, REGULATING  
RESIDENTIAL UNIT OCCUPANCY AND PROVIDING FOR  
REGISTRATION, INSPECTIONS AND PENALTIES FOR  
NONCOMPLIANCE.**

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

**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;; and

**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 Ordinance:

- 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 Ordinance.
- 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:

Section 1.      General

1.1 Scope. The provisions of this Ordinance 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 Part is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township.

1.2 Definitions.

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

1.2.a 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.

1.2.b 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.

1.2.c 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 Ordinance.

- 1.2.d Dwelling - A building having one or more Dwelling Units.
- 1.2.e 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.
- 1.2.f 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.
- 1.2.g 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.
- 1.2.h Person - A natural person, partnership, corporation, unincorporated entity, association, limited partnership, trust, or any other entity.
- 1.2.i 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 on or more Regulated Rental Units is located.
- 1.2.j Regulated Rental Unit - A Dwelling Unit occupied by any Person under a Rental Agreement.
- 1.2.k 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.
- 1.2.l Rental Occupancy License - The License issues to the Owner of Regulated Rental units under this Part, which is required for the lawful rental and occupancy of Regulated Rental Units.
- 1.2.m 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.
- 1.2.n Terms Not Defined - Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 2. Rental Occupancy License.

- 2.1 Application. From the effective date of this Ordinance, prior to initial occupancy of any Regulated Rental Unit, or upon notice from the Township to the Landlord or Owner of existing Regulated Rental Unit(s) as provided hereunder, and every twelve (12) months (one year) after issuance of any initial or renewed Rental Occupancy License, all Landlords and/or Owners who 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 apply for a Rental Operating License. This application form shall be completed and accompanied by a check or money order payable to "The Township of Hampton, Pennsylvania" in the amount specified hereunder, or as adjusted from time to time by Resolution of the Township.
- 2.2 Inspection. Upon initial application, all Regulated Rental Units, and once every three (3) years thereafter, shall be inspected by the Code Enforcement Officer for compliance with the provisions of this Ordinance and any and all other applicable codes, regulations, and ordinances of the Township. In the event the Code Enforcement Officer refuses to issue an Rental Occupancy License, 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. Prior to the issuance of a Rental Operating License, all violations noted on a notice of violation shall be corrected, as required.
- 2.3 Duration. Every rental operating license shall be issued for a period of one (1) year, until a change in occupancy occurs, or unless revoked, whichever occurs sooner.
- 2.4 Renewal. A Rental Occupancy License may be renewed only by making application as provided in this Ordinance. Applications for renewal should be made at least thirty (30) days prior to the expiration date and when made fewer than thirty (30) days before the expiration date, the pendency of the application will not prevent the expiration of the license. Upon the Owner's or Landlord's failure to timely apply for and obtain renewal prior to expiration of any Occupancy Permit issued hereunder, the Borough may send the owner or landlord of the property, or the owner's designated agent, a Notice of Non-Compliance with this Ordinance, along with an application for renewal and request for inspection. The Owner or Landlord shall, within thirty (30) days from the date of such Notice, submit a completed application for renewal of its Rental Occupancy License and shall schedule the inspection with the Code Enforcement Officer.

Section 3. Inspection

- 3.1 Inspection Mandatory. The Code Enforcement Officer shall not issue an initial Rental Operating License until he or she has first inspected the Regulated Rental Unit for the purpose of ensuring compliance with this Ordinance. A renewal Rental Operating License shall not be issued unless the subject Regulated Rental Unit has satisfactorily passed a previous inspection under this Ordinance within three (3) years of the date of application for renewal.
- 3.2 Timing and Notice. All inspections under this Ordinance 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.
- 3.3 Observance of Violations. The Code Enforcement Officer shall deny issuance of a Rental Occupancy License or the renewal thereof 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, in which case no occupancy permit or renewal shall issue, 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.)
- 3.4 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 Ordinance, 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.

#### Section 4. Fees and Administration.

- 4.1 Fees. To cover the costs incurred by the Township associated with the issuance of Rental Operating Licenses and the inspections contemplated hereunder, a fee of Twenty-five (\$25.00) Dollars shall be paid to the Township by the Landlord or Owner for each of the following:
- a. every initial application (including initial inspection);
  - b. every application for renewal;
  - c. every routine three (3) year inspection; and
  - d. any emergency inspection.
- 4.2 Fee Adjustment. The Township shall be empowered to reevaluate the required fee amounts from time to time to make necessary alternations to the same. Such alternations shall not be considered an amendment to this Ordinance and may be adopted by Resolution in accordance with applicable law.
- 4.3 Forms. The Township may establish, alter, and modify the applications, inspection checklists and compliance letters for the operation and enforcement of this Ordinance without further amendment hereto.
- 4.4 Exceptions. The following categories of rental properties shall not require registration, and shall not, therefore, be subject to the permitting provision of this Part: (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) Hotels (as defined in the Zoning Ordinance).
- 4.5 Nonliability of Township. The issuance of a license under this Ordinance 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.

Section 5. Penalties.

- 5.1 Any person who shall violate any provision of this Ordinance, including failure to timely apply for a Rental Occupancy License or renewal thereof; 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 Ordinance, 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.
- 5.2 For the purpose of this Article, each day a person is in violation of any provision of this ordinance shall be considered a separate offense.
- 5.3 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 Ordinance 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 Ordinance 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.

Section 6. Severability.

If any one or more of the provisions or terms of this Ordinance 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 Ordinance 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

THE TOWNSHIP OF HAMPTON

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President