

TILDEN TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 1742007

AN ORDINANCE OF THE TOWNSHIP OF TILDEN AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER XV, ENTITLED "HOUSING", OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF TILDEN, TO ESTABLISH A PART 1, ENTITLED "RENTAL HOUSING REGISTRATION" TO REGULATE THE OPERATION OF CERTAIN RENTAL UNITS, TO PROMOTE COMPLIANCE WITH APPLICABLE STATE AND LOCAL LAWS, REGULATIONS, ORDINANCES AND CODES AND TO OTHERWISE PROMOTE MAINTAINING RENTAL PROPERTIES IN GOOD, ORDERLY AND SAFE CONDITION; TO ESTABLISH A BACKGROUND; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR THE ADOPTION OF RULES AND REGULATIONS; TO PROVIDE FOR INSPECTIONS; TO ESTABLISH THE REPORTING OF INFORMATION; TO PROVIDE FOR PERMITS; TO PROVIDE FOR ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS; TO ESTABLISH PENALTIES; AND TO PROVIDE FOR SEVERABILITY

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Chapter XV, entitled "Housing", of the Code of Ordinances of the Township of Tilden is hereby amended and restated in its entirety as follows:

"Part 1. Rental Housing Registration.

Section 101. Background. The Township wants to ensure that rental dwelling units are safe, sanitary and fit for human occupation and use. In order to effectively and efficiently ensure that the dwelling units are safe, sanitary and fit for human occupation and use, the Township Code Enforcement Officer must periodically inspect such dwelling units.

Section 102. Definitions.

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

Dwelling. Any building or structure, parcel, premises or common ground, except temporary housing for a period of twenty five (25) days or less, 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.

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.

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

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

- (1) Legal or equitable title to any dwelling or dwelling unit, or parcel of land, 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.

Permit. A rental occupancy permit issued by the Code Enforcement Officer.

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

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. "Rooming House" shall also be deemed to include Mobile Home Parks of five (5) or more spaces which are leased or licensed to owners or renters of mobile homes, modular homes, campers or trailers for a time of twenty five (25) days or more.

Township. The Township of Tilden Berks County, Pennsylvania.

Section 103. Adoption of Rules and Regulations. 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 Township for approval. If the rules and regulations so submitted to the Township are approved by the Township, 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 addenda 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.

#### Section 104. Inspections.

(a) The Code Enforcement Officer is authorized and directed to make inspections to determine the condition, occupancy and/or use of any dwelling or dwelling unit rented or available for let or any Rooming House, and the premises thereof, located within the Township in order to safeguard the health and safety of the occupants thereof and the general public. The Code Enforcement Officer is further authorized to enter the same for the purposes of examining and surveying all areas of any such dwelling, dwelling unit or rooming house, at reasonable times, which shall be deemed to be between the hours of 6:00 a.m. and 10:00 p.m., prevailing time. Every owner or occupant of any such dwelling, dwelling unit or rooming house shall extend the Code Enforcement Officer access to such dwelling, dwelling unit or rooming house for the purpose of making any inspection, examination or survey thereof.

(b) In the event that permission to enter any such dwelling, dwelling unit or rooming house for the purpose of inspection, examination or survey is denied, the Code Enforcement Officer may apply to the appropriate authority for a search warrant.

(c) Probable cause shall mean:

(1) That inspection of said dwelling unit is part of a routine area inspection being conducted as part of a systematic or concentrated codes enforcement program;

(2) That the affiant has knowledge of a violation of a building, Housing, Health Codes, Mobile Home Park Ordinance, or other Township codes that may endanger or otherwise affect the health and safety of the citizens of the Township; or

(3) That said entry is for the purpose of re-inspecting a previous notice of violation where no prior warrant was issued.

(d) A warrant shall not be required:

(1) When entry is by permission or at the request of the occupant.

(2) Where an imminent danger to health and safety exists.

- (3) Following an accident or inherent condition where immediate inspection is required to determine if an imminent danger to health or safety exists.

#### Section 105. 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 Code Enforcement Officer 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 Code Enforcement Officer annually and, in addition, such information pertaining to any dwelling unit, rooming unit or other living unit shall also be supplied to the Code Enforcement Officer within ten (10) days after the occupancy of such dwelling unit, rooming unit or other living unit shall change.

#### Section 106. Permits.

(a) Rental Occupancy Permit. No owner and/or person shall let, rent or have available to let or rent or cause to be occupied any dwelling or dwelling unit, and no owner and/or person shall operate a rooming house or let or have available for operation for leasing to another for occupancy any room in a rooming house, without first obtaining a rental occupancy permit issued by the Code Enforcement Officer.

(b) Fees.

- (1) Annual permit fees shall be determined and set from time to time by resolution of the Township. Such fee must be paid in full to the Township not later than July 31st of each year. Any annual permit fee not paid to the Township in full on or before July 31st of the year in which it is

first due shall be considered overdue and will be assessed a penalty of Ten Dollars (\$10.00) per year.

(2) The Code Enforcement Officer may permit owners or agents who are required to obtain permits under this Part to obtain such new permits for one-half (1/2) of the prescribed fee when the remaining permit period is less than six (6) months. Permits for less than the full permit period will not be issued at the beginning of a permit period.

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

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

(2) The United States Government, the Commonwealth of Pennsylvania, the County of Berks, the Township of Tilden, the Hamburg School District, or any agency thereof.

(3) A corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, provided that no part of the net earnings or profits inure to the benefit of any private shareholder or person.

(4) The exemptions contained in subsection (c)(1) and (c)(2) above shall, nevertheless, not exempt owners or operators from compliance with this Part and all other applicable Federal and State laws, Township ordinances and/or rules and regulations unless specifically otherwise exempted herein.

(d) Effective Date of Permit. Permits shall be issued to be effective as of the first day of July each year and shall continue in effect for one (1) calendar year. Upon expiration of any permit a new permit shall be required for the further period of one (1) year.

(e) Display of Permit. Every permit issued under this Part shall be maintained upon the premises and every permit issued under this Part pertaining to multiple dwelling units and rooming houses shall be posted in a conspicuous place where it may be seen at all times; and the same shall not be transferable in the event of a change in ownership of the licensed premises.

(f) Number of Units. For the purpose of determining the number of units or rooms to be included in a permit, the following definitions shall apply:

(1) Efficiency apartments and rented rooms used for purposes other than sleeping shall be considered a dwelling unit.

(2) Any apartment unit or room occupied by the owner-operator of the multiple dwelling unit or rooming house shall be excluded from the total number of units or rooms.

(3) All buildings which are owned by the same person and are under the same roof or connected by breezeways, passageways or similar connection facilities, or which are constructed upon contiguous sites and operated as one complex of units, may be combined to determine the total number of units or rooms.

Section 107. 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 prevailing building codes) 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 state the plain and manner of the violation.

(2) State the nature or condition of the violation.

(3) State the determination of the Code Enforcement Officer in respect to the violation.

(4) 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.

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

(6) Be served upon the owner of the premises involved and all other persons, if any, named in the notice pursuant to Subsection (a)(4) of this section, and any notice served upon the owner and such other person or persons, if any, 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, if any, and by posting the same in a conspicuous place in or about the premises affected by the notice, shall be deemed to have been properly served.

(7) 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 pursuant to such appeal procedures established by the prevailing Township Building Codes and Ordinances.

(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. However, such person may file an appeal as above-referenced.

#### Section 108. Penalty.

(a) Any person who violates or fails to comply with the provisions of this Ordinance 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 Housing Code shall constitute a separate offense, and each day such violation exists shall constitute a separate offense.

(c) Any owner who fails to renew an expired permit within ten (10) days after the expiration date of the permit shall, in addition to the penalties provided for in Section 106(a) above, be subject to a penalty of Ten Dollars (\$10.00) for each and every additional ten (10) day period or part thereof during which the expired permit is not renewed. The penalties imposed by this subsection (c) shall be payable to the Secretary of the Township.

Section 109. 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 Township that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein."

SECTION 2. If any sentence, clause, section or part of this Ordinance 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 Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 4. This Ordinance shall become effective in accordance with law.

SECTION 5. The Code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 2nd day of January, 2007.

TOWNSHIP OF TILDEN  
BOARD OF SUPERVISORS

Troy R. Watt  
Russell H. Kelly  
Judy E. Romig

Attest: Cheryl A. Haus  
Secretary