

ORDINANCE NO. 2013 - 3

UNION TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF UNION, LAWRENCE COUNTY, PENNSYLVANIA, MAKING IT UNLAWFUL FOR ANY OWNER, AGENT, LESSOR, LANDLORD OR OTHER PERSON TO RENT, LEASE, SUBLET, ASSIGN A LEASE OR LET SPACE BE OCCUPIED BY ANOTHER OR OTHERS AS A DWELLING UNIT WITHOUT FIRST APPLYING FOR A LICENSE TO SO RENT, LEASE, LET, SUBLET, OR ASSIGN A LEASE WITH THE OFFICE OF THE CODE ENFORCEMENT OFFICER OF THE TOWNSHIP OF UNION AND ONLY AFTER RECEIVING CERTIFICATION FROM THE CODE ENFORCEMENT OFFICER AFTER INSPECTION THAT THE PREMISE IS SUITABLE FOR OCCUPANCY.

BE IT ENACTED AND ORDAINED, by the Board of Township Supervisors of Union Township, Lawrence County, Pennsylvania as follows:

SECTION I: The Township of Union has recognized the importance of rental properties in the Township as an affordable housing choice and as a result thereof, the Township is desirous of taking measures to ensure that dwelling units offered for rent within the Township are safe, healthful and habitable.

SECTION II: This Ordinance shall be known as the Union Township Rental Licensing Ordinance.

SECTION III: The provisions of this Ordinance shall supplement local laws, ordinances or regulations existing in the Township or those of the Commonwealth of Pennsylvania. Where a provision of this Ordinance is found to be in conflict with any provision of a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establishes a higher standard shall prevail.

SECTION IV. Definitions:

a. Dwelling Unit - A building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) person, household or family.

b. Landlord - An owner, lessor, sub-lessor, person or persons or one who acts as an agent for the owner, lessor, sub-lessor, person or persons, of any parcel of real estate located in the Township of Union, upon which a dwelling unit is located and which said dwelling unit is one that is occupied or will or may be offered or made available for occupancy for consideration by a person or persons other than the owner of the dwelling unit.

c. Tenant - A person who has a right to occupy or use or is actually occupying or using, either by himself or with others, a dwelling unit owned by a person other than himself for a period exceeding five (5) days.

d. Person - Any individual, partnership, association, firm, corporation, entity or estate.

SECTION V. Reports by Landlords: Within ninety (90) days from the effective date of this Ordinance, every landlord as defined herein shall submit to the Township Code Enforcement Officer, information as required by Union Township Ordinance No. 2013-2, Tenant Registration Ordinance.

SECTION VI. Reports by Persons Upon Becoming Landlords: After the effective date of this Ordinance, any person who becomes a landlord as defined herein of any dwelling unit located within the Township, by agreement of sale, land contract, deed or by any other means whatsoever, shall within thirty (30) days thereafter, report to the Township Code Enforcement Officer, all of the information required as set forth in Union Township Ordinance No. 2013-2, Tenant Registration Ordinance.

SECTION VII. Reports or Changes in Use or Occupancy: After the effective date of this Ordinance, each and every landlord as defined herein, of a dwelling unit within the Township shall report to the Code Enforcement Officer any changes in the use or occupancy of any dwelling unit as set forth in Union Township Ordinance No. 2013-2, Tenant Registration Ordinance.

SECTION VIII. Duties of the Code Enforcement Officer: The Code Enforcement Officer shall:

- a. Maintain a file at the Township Office containing the names of landlords owning dwelling units in the Township. Said list shall contain the names of current tenants of every dwelling unit;
- b. Supply the Wage Tax Collector with copies of the landlord/tenant lists.

SECTION IX. Licensing of Non-Owner Occupied and/or Rental Unit: No person and/or landlord shall allow a dwelling unit to be offered for occupancy by a person or persons other than the record owner of the dwelling unit unless he or she has obtained from the Township a license to offer such dwelling unit to said person or persons.

No owner, agent, lessor or other person shall hereafter rent, lease or let space be occupied by persons as a dwelling unit unless application for a license has been filed as set forth above. The Code Enforcement Officer shall thereafter inspect such premises in accord with the provisions set forth herein. Upon substantial compliance with the provisions of this Ordinance, the Code Enforcement Officer shall certify such premises as being suitable for occupancy. If, in the event that the Code Enforcement Officer denies certification, he or she shall state the reasons therefore in writing to the person filing such notice within five (5) working days after inspection of the premises.

SECTION X. Frequency of Application and Fees for Licensing: Commencing upon Ordination date, and continuing on or before January 30 of each calendar year thereafter, every landlord as defined herein shall apply for a license in which he or she owns property, which is a non-owner occupied or may be made available for occupancy for a consideration by a person other than the owner. If the landlord, as defined herein, shall come in possession by any means whatsoever of property that is occupied by a person other than the owner on or after January 2 of any calendar year, then he shall make the application for a license as prescribed for and provided for herein within thirty (30) days from the date that he or she comes into possession of said dwelling unit.

Every landlord or person applying for a license as provided for herein shall supply such information as contained herein and/or as required by the Township. Each applicant shall pay a license fee on or before January 30 of each calendar year in the amount set by resolution by the Township Board of Supervisors. Said amounts shall include all inspection fees.

Upon receipt of an application for a license, the Township shall immediately issue said license to operate within the Township as a landlord. However, upon acceptance of the license, the applicant shall be subject to the inspection provisions contained herein and shall comply with and satisfy all requirements of this Ordinance and any other requirements that the Township shall request and require of said applicant.

SECTION XI. Inspections: Upon the receipt of an application for a license or upon notice from a landlord as defined herein of a change in use or occupancy of a dwelling unit, the Township shall schedule the Code Enforcement Officer to inspect the dwelling unit as soon as conveniently possible. The Code Enforcement Officer shall certify to the Township that the dwelling unit is in compliance with this Ordinance. No license, however, shall be renewed the following year nor renewed for any change in use or occupancy of the dwelling unit nor may any tenant occupy a dwelling unit unless the inspection demonstrates that the dwelling unit is in compliance with this Ordinance.

The Code Enforcement Officer is hereby authorized and directed to make inspections to each dwelling unit in which the Township receives an application for a license or a report of changes of uses or occupancy to determine the condition of the dwelling units, rooms and premises of dwellings within the Township in order that he may perform such duties necessary for safeguarding the health and safety of the occupants of the dwellings and of the general public. Unless otherwise prevented by any provision of a local law, ordinance, code, regulation, State or Federal law, for the purpose of making such inspections, the Code Enforcement Officer is hereby authorized with reasonable advance notice to enter, examine and survey during normal business hours all dwellings, dwelling units, establishments and premises. The person in charge thereof or otherwise having the authority to do so, shall give Code Enforcement Officer free access to such dwelling unit and its premises at all reasonable times for the purposes of such inspection, examination and survey. In the event of a written lease, the owner shall incorporate therein a provision wherein the owner or his agent or employee shall have access to any part of the dwelling unit or its premises at all reasonable times with reasonable advance notice for the purposes of making such repairs or alterations that are necessary to affect compliance with the provisions of the Ordinance and with any lawful rule or regulation adopted by a lawful order issuing pursuant to the provisions of this Ordinance.

SECTION XII. Compliance Required: No persons shall occupy as a tenant nor shall an owner lease to another for occupancy any dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements for this Ordinance.

SECTION XIII. Facilities: Each dwelling unit shall meet the following minimum standards:

a. Exterior Requirements:

1. Foundation and Structure: The exterior of the dwelling unit shall be structurally sound so that it does not pose a threat to the health and safety of occupants and provides protection from the environment. The foundation should not have structural defects which show potential for collapse.

2. Exterior Surface: All exterior wall surfaces shall be free of holes, cracks or broke or rotten materials which could admit rain or dampness into interior portions of the structural or occupied spaces of the building.

All exterior wall surfaces shall be maintained in a weather tight fashion and shall be properly coated to prevent deterioration. Chimneys shall be maintained structurally sound and safe.

3. Windows: Each dwelling unit shall include at least one window which can be easily opened for ventilation. Windows shall have no defective glass, shall be weather tight and have locks.

4. Doors: All exterior doors shall open and close easily, have no defective glass, have a workable lock capable of tightly securing the door and be easily opened from the inside without the use of keys. All exterior doors shall also be weather tight.

5. Porches, Decks, Balconies: All exterior porches, decks, balconies, landings, etc. shall be in good repair and capable of serving their intended purpose. Those more than thirty (30) inches above grade with more than three (3) risers shall have guardrails or handrails. Hand or guardrails shall be firmly fastened and capable of bearing a normal load.

6. Roofs: All roofs shall be watertight, free of holes, cracks or excessively worn surfaces. They shall provide protection from rain, moisture and other foreign elements seeping into the building.

7. Storm Drainage: Each structure shall have a system to remove and discharge roof water from the structure in an efficient manner that does not create a nuisance.

8. Electrical Systems: Where present, electrical systems shall be minimum 100 amp 3-wire service. For dwelling units with electric service, each habitable space shall contain a minimum of two (2) separate or remote receptacle outlets, or one (1)

receptacle and one (1) working ceiling or wall-type light fixture. Every interior or hallway, stairway, bathroom shall also contain at least one (1) permanently installed ceiling or wall-mounted fixture.

b. Heating Systems: Each heating unit for a structure shall be in proper operation, condition and be capable of heating habitable space to a minimum temperature of sixty-five degrees (65°F) during the period from October 1 to May 15. All fuel burning equipment shall be connected to an approved vent, flue or chimney.

c. Plumbing Systems:

1. Facilities: Each dwelling unit with hot and cold water under pressure shall have at least one flush toilet in a separate private room, at least one shower or tub with both hot and cold running water, and at least one fixed basin with hot and cold running water, all in proper working condition.

Each kitchen with hot and cold water under pressure shall have at least one permanently installed kitchen sink with hot and cold running water. All water bearing fixtures shall connect to an approved public or private disposal system.

2. Sewage System: All plumbing fixtures shall be properly connected to either a public sewer system or an approved private sewage disposal system.

3. Water Heating: All water heating and storage equipment shall be in proper working order, and must have a temperature relief valve and discharge line.

4. Water Quality: The water supply shall be free from contamination and shall be properly connected to either a public water system, or an approved private water system.

d. Ventilation: Air circulation shall be by natural or mechanical means. Bathrooms not having windows shall be provided with a mechanical ventilation system which is capable of exhausting air to the outside.

e. Interior Surfaces: Floors, walls, ceilings, windows, doors and other interior surfaces shall be in a good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be eliminated. Basements and crawl spaces shall be reasonably free from standing water and problems which can cause structural deterioration.

f. Stairs and Open Spaces: All interior stairs shall be in sound condition and good repair. Excessively worn, broken, warped or loose treads and risers shall be repaired. Every flight of stairs more than four (4) risers high shall have at least one (1) handrail on at least one (1) side of stairs, which is firmly fastened.

Any open spaces in a structure including a landing, balcony or other living space more

than thirty (30) inches above the floor or grade below, shall be equipped with a guardrail or other appropriate device which is firmly fastened.

g. Smoke Detectors: Each individual dwelling unit shall be equipped with one functional smoke detector for each floor used for living or sleeping. Multiple dwelling units within a single structure and which have electric service shall supply interconnected smoke detector systems.

h. Safety: The dwelling unit shall afford all occupants with adequate security from the exterior and environment.

i. Egress: A safe, continuous, and unobstructed means of egress shall be provided from the interior of the dwelling to the exterior on a street or yard. All doors along this path shall be readily opened from the inside without the use of keys.

j. Sanitary Condition: The structure and its equipment shall be maintained in a sanitary condition. Each structure shall have containers with covers for the storage of rubbish.

k. Rodents or Vermin Control: Any insects, Norway Rats, (*Rattus norvegicus*) or Black Rats (*Rattus rattus*) in the structure or on the premises shall be exterminated and the structure shall be subsequently treated to be rat proof.

l. Site: The site shall be in reasonably clean, safe and sanitary condition not posing a danger to the public health and safety. There shall be no nuisances present and the site shall conform to all other Township ordinances.

SECTION XIV. Duties of the Code Enforcement Officer: The Code Enforcement Officer, under the authority of this Ordinance, shall, unless otherwise stated in this Ordinance, inspect every dwelling unit which the owner makes application to the Township pursuant to the terms prescribed herein. In the process of inspecting each dwelling unit as described herein, the Code Enforcement Officer shall use the forms provided by the Township. The Code Enforcement Officer shall complete each form in its entirety indicating whether each of the required rooms therein have passed or failed. If the rooms or dwelling unit has failed, the Code Enforcement Officer shall so indicate in the space provided, the reasons why and what repairs, if necessary, will be needed in order to comply with the requirements herein. The Code Enforcement Officer shall, if the dwelling unit fails to pass inspection, reinspect the premises at the request of the owner or landlord and shall designate on the forms the date of final approval. The forms provided by the Township shall set forth the requirements of each and every dwelling unit and room there in that shall be inspected and the requirements necessary to receive certification by the Township for occupancy and compliance with this Ordinance.

SECTION XV. Display of License: Every license shall be displayed in a conspicuous place within the dwelling unit.

SECTION XVI. License Duration: Each license shall remain in force and effect for one year from the date of issuance.

SECTION XVII. License Transfers: No license required by this Ordinance shall be transferable.

SECTION XVIII. Violations; License Revocation; Notice: Whenever the Township determines that there exists any violation of this Ordinance, it shall serve notice as provided herein, and will notify the owner, landlord or agent in writing that unless the notice of violation is complied with, the dwelling unit license may be revoked. Said notice shall include a time of at least twenty (20) days to correct described deficiencies. After the expiration of the time for compliance as stated on the notice of violation, a reinspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Township shall revoke license and in such even shall serve written notice upon the owner or landlord or their agent of such action.

SECTION XIX. Appeals: Any person or landlord whose license has been revoked or whose application for a license to operate has been denied may appeal to the Township Appeals Board presently established by the Township of Union by filing a Petition for Appeal on the form provided by the Township within twenty (20) days of the action or of the receipt by written notice of any decision or ruling which is being appealed.

The Appeals Board shall meet and conduct a hearing within thirty (30) days of the receipt of an appeal. All hearings shall be public and all person whose interest may be affected shall be given opportunity to be heard. A record shall be kept of all evidence and testimony presented at hearing. The records shall be by stenographic or other means.

All decisions of the Board shall be in writing and a copy of each decision shall be sent to the Appellant and to the Township. The Appeals Boards shall also retain in its file a copy of each decision which files shall be available for inspection by the public. Each decision shall set forth fully the reasons for the decision of the Appeals Board and the findings of fact on which the decision was based.

Any person or persons aggrieved by any final Order or decision of the Appeals Board may appeal such Order or decision within thirty (30) days, to the Court of Common Pleas in accordance with, as far as practicable, the Rules of Civil Procedure of the Supreme Court regarding appeals from Administrative Agencies.

SECTION XX. Penalties: Any person, firm, entity or corporation who shall violate any provision of this Ordinance shall, be guilty of a summary offense and upon conviction thereof, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), and/or be sentenced to a term of imprisonment of up to thirty (30) days for each violations. Every day that a violation of this ordinance continues shall constitute a separate offense. Further, any person who shall violate any provision of this Ordinance may have their license revoked and may not be eligible for the annual renewal of their license.

This ordinance may be enforced, in addition to any penalties forth herein or provided for under the law, by the Township in an action of equity in the court of Common Pleas of Lawrence County Pennsylvania.

SECTION XXI. Repeal: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

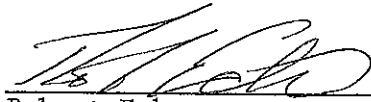
SECTION XXII. Severability: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

This ordinance shall become effective MAY 9, 2013.


ORDAINED AND ENACTED INTO LAW BY THE BOARD OF TOWNSHIP SUPERVISORS OF UNION TOWNSHIP, LAWRENCE COUNTY THIS 9th DAY OF May, 2013.

VOTE: 3 to 0

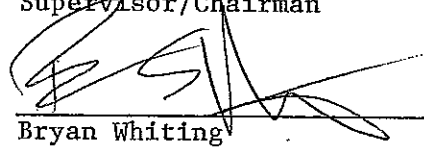
ATTEST:




Robert Eckert
Secretary/Treasurer



Patrick Angiolella
Supervisor/Chairman



Bryan Whiting
Supervisor



Robert Eckert
Supervisor