

ADOPTED AS ORDINANCE NO. 613

Borough of Fleetwood

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD ENTITLED "RENTAL PROPERTY".

WHEREAS, the Borough of Fleetwood ("Borough") recognizes a need to provide for registration and inspection of rental properties in the Borough; and

WHEREAS, the Borough desires to provide for the safety of renters within the Borough; and

WHEREAS, the Borough desires to provide the best possible environment for all of its citizens, and

WHEREAS, upon passage at a duly noticed public meeting held by the Borough as required by law, all residents and interested persons will have been given an opportunity to be heard;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF FLEETWOOD, as follows:

This Ordinance shall be known as the "RENTAL PROPERTY" Ordinance and shall have the Official Title of ORDINANCE 233, with text as follows:

**Chapter 223
RENTAL PROPERTY**

**ARTICLE I
Tenant Lists**

§ 223-1. Certified Tenant List

§ 223-2. Tenant Moving Permit

- A. Permit Required**
- B. Permit Process**
- C. Mobile Home / Trailers Included**
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- E. Violations**

**ARTICLE II
Tenant Registration and Inspection**

§ 223-3. Tenant Registration and Inspection

- A. Purpose and Intent**
- B. Definitions**

- C. Information to be Provided by Owner / Landlord
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 - E. Application for License, Agreement to Comply, License Fee
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 - R. Effective Date
 - S. Phase In Period
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ARTICLE I
Tenant Lists

§ 223-1. Certified Tenant List

Every owner of a dwelling unit or units shall furnish to the Fleetwood Area Earned Income Tax Bureau, or to any other tax official from time to time duly designated by Borough Council, a certified list of all tenants and their addresses, on or before the 30th day of June and the 31st day of December of each calendar year.

§ 223-2. Tenant Moving Permit

A. Permit Required: No person or persons, firm or corporation shall move, or cause to be removed, from any place within the Borough of Fleetwood to any other place therein or place beyond the municipal limits of the Borough, or shall move into the Borough from any other municipality, any household goods, furniture or furnishings in bulk, without first securing from the Fleetwood Area Earned Income Tax Bureau, or any other duly designated tax official, a permit for such moving and/or transportation.

B. Permit Process: Any person or persons, firm or corporation, desiring such permit for the moving, removal or transportation of such household goods, furniture or furnishings in bulk, in

the manner described above, shall make application to the Fleetwood Area Earned Income Tax Bureau, or any other duly designated tax official, setting forth his, her, its, or their name and address, and also setting forth the names and address of the owner or reputed owners of the property intended to be so transported, together with the address and location from which the property is to be transported.

C. Mobile Homes / Trailers Included: Any person or persons, firm or corporation owning, leasing or occupying any land or buildings or mobile homes or trailers, within the Borough of Fleetwood, shall notify the Fleetwood Area Earned Income Tax Bureau, or any other duly designated tax official, within 30 days of occupancy or moving or removal, of any person or persons, firm or corporation, subject to the provisions of Sections 2 and 3 hereof.

D. Permits Issued: The Fleetwood Area Earned Income Tax Bureau, or any other duly designated tax official, shall, upon application being made as provided for in Section 223-3 hereof, issue a permit for no charge, setting forth the name of the person to whom the permit was issued as well as the name or names of the owners of the goods to be moved and the address from which the goods are to be moved, together with the address to which the goods are to be delivered.

E. Violations: Any person or persons, firm or corporation violating the provisions of this Ordinance, or who furnish false information to the Fleetwood Area Earned Income Tax Bureau, or any other duly designated tax official, as required herein, shall, upon summary conviction thereof before any District Magistrate having jurisdiction over matters involving or occurring within the Borough of Fleetwood, be sentenced to pay a fine not exceeding \$2,000, nor less than \$500, together with the costs of the proceedings, and, in default of payment of such fine and costs, to be imprisoned in the County Jail for not more than five days at the discretion of the issuing authority, and a like fine or imprisonment of the intent and purpose of this Ordinance. This fine shall be updated as necessary by Resolution of the Council of the Borough of Fleetwood.

ARTICLE II TENANT REGISTRATION AND INSPECTION

§ 223-3. Tenant Registration and Inspection.

A. Purpose and Intent: It is the purpose and intent of the Borough to establish an ordinance to protect the health, safety and welfare of Borough residents and to verify that owners of rental property units maintain an available contact person within Berks County. Nothing within this Ordinance shall be construed to assure total compliance with Codes and Ordinances. The within license shall be limited to grant of a license for permission to rent a building or a portion of a building. Nothing in the grant of such a license shall override any other requirements for Code or Maintenance as provided in other locations within these

Ordinances. A grant of a license to rent does not assure the building to be safe or at the most updated Code or Maintenance requirements.

B. Definitions: In the construction of this Ordinance, the following definitions shall apply unless their application frustrates the purpose of the Ordinance.

1. Agent: Any person, partnership or legal entity authorized to accept notices, service of process and violations of this Ordinance.
2. Borough: The Borough of Fleetwood
3. Building Inspector: The Building Inspector authorized by the Borough of Fleetwood. For purposes of this Ordinance, the Building Inspector shall include the Code Enforcement Officer and the Chair of the Borough Council Codes & Enforcement Committee, and any and all individuals who shall be an assistant or designee of thereof.
4. Dwelling Unit: A residential living area for one (1) household that is used for living and sleeping purposes and that has its own cooking facilities, and a bathroom with a toilet and a bathtub and/or shower.
5. Family: One (1) or more persons related by blood, marriage, adoption, union, foster relationship, or legal custody living together in a single household unit and sharing cooking facilities.
6. Landlord: Any individual, corporation, partnership, joint venture, or other legal entity which offers a location for rental to be used as a Dwelling Unit. A Landlord holds a Dwelling Unit available for rent and collects rent for a unit of time.
7. Owner: Any individual, corporation, partnership, joint venture, or other legal entity that has property rights to the real estate which includes a Dwelling Unit.
8. Rent/Lease: The act of permitting the use or occupancy of a Dwelling Unit by a person or persons other than the Owner, whether or not the same is done in consideration of compensation. Use and occupancy of a Dwelling Unit by the Owner and/or the family of the Owner shall not constitute a rental or lease of a Dwelling Unit even if compensation is charged.
9. Tenant: Any individual, corporation, partnership, joint venture, or other legal entity to whom a Landlord leases a Dwelling Unit.

C. Information to be Provided by Owner / Landlord

Every Owner, Landlord, or manager or agent for an Owner who Rents, Leases or offers a Dwelling Unit or any portion thereof to a particular Tenant for occupancy for a period of time in excess of 30 days shall file a registration with the Borough within 30 days of the Tenant's occupancy. That registration shall be on an approved form and provide the following:

1. The street address and unit number of the Dwelling Unit;
2. The names and ages of all Tenants and occupants of the Dwelling Unit; and
3. Either the duration of the Lease or a statement that the rental is year to year.

D. Rental Operating License Required

No Landlord or Owner shall Rent or Lease a Dwelling Unit in the Borough to any Tenant unless such Landlord or Owner holds a current, unrevoked Rental Operating License issued by the Borough Secretary in the name of the Landlord or Owner, for the specified Dwelling Unit.

E. Application for License, Agreement to Comply, License Fee

Every Landlord or Owner who Rents or Leases any Dwelling Unit in the Borough for a period in excess of 30 days shall apply for a Rental Operating License within 60 days of renting and shall comply with all provisions of the then applicable Rental Property Inspection Checklist, as amended by Resolution of Borough Council from time to time. In the event after inspection of the Dwelling Unit, the Codes Enforcement Officer and/or Chair of the Borough Council Codes and Enforcement Committee determines that further inspection is required, then in such event, any and all building, construction, and property maintenance codes adopted by the Borough shall apply and further inspection based on such codes shall be warranted. The application shall be accompanied by a check or money order payable to the "Borough of Fleetwood" in the amount of fifty dollars (\$50.00) for each individual Dwelling Unit, or such other reasonable amount that the Borough Council may establish by resolution. Two (2) year Rental Operating Licenses shall be due for even numbered property addresses on even numbered years and for odd number addresses on odd number years.

F. Exemption

Every Owner who Rents or Leases any Dwelling Unit in the Borough to a Family member as herein defined shall be exempt from the provisions of this Ordinance.

G. Inspections

Upon application for a Rental Operating License, the Dwelling Unit shall be inspected for any obvious structural or safety issues, as well as for compliance with the specific itemized Rental Property Inspection Checklist attached hereto and made part of this Ordinance as though more fully set forth at length herein. Such Rental Property Inspection Checklist may be modified from time to time by Borough Council by Resolution. In the event that the Dwelling Unit passes all elements of the inspection, a Rental Operating License will be issued. In the event the Dwelling Unit does not pass all of the elements of the inspection, a Notice of Repairs will be issued by the Building Inspector.

H. Correction of Repairs

Repairs must be corrected within 30 days of the Notice of Repairs. A re-inspection will occur to verify compliance with the inspection criteria. In the event that the Dwelling Unit fails to pass the re-inspection, the Owner shall have an additional 30 days to correct the repairs, but any subsequent inspections will require an additional fee of \$50.00 to cover the cost of the subsequent re-inspections. Once the Dwelling Unit passes the final inspection, a Rental Operating License will be issued.

I. Term of License

The Rental Operating License shall be issued for a period of two (2) years, unless sooner revoked.

J. Regulations

- A. Pennsylvania Statutes govern. At the discretion of the Codes Enforcement Officer and/or Chair of the Borough Council Codes and Enforcement Committee, after initial inspection pursuant to the Rental Property Inspection Checklist, as amended by Resolution of Borough Council from time to time, further inspection shall be required in which case, subsequent inspections and matters shall be regulated by the Pennsylvania Construction Code or by any other laws of the Commonwealth of Pennsylvania or by regulations or departments or agencies of the Commonwealth promulgated by authority of law, as the case may be.
- B. Inspection mandatory. Any person who applies as an Owner for a Rental Operating License in the Borough shall permit the Building Inspector or his designee to inspect the Dwelling Unit for purposes of ensuring compliance with the law as outlined in this Ordinance.
- C. Refusal to permit the inspection. A person applying for a Rental Operating License in the Borough violates this paragraph if, after application, such person refuses to permit such lawful inspection of the Dwelling Unit unless the Owner withdraws the application in writing.
- D. Non-resident applications. No Rental Operating License shall be issued or renewed for a nonresident applicant unless such applicant shall designate in writing on the Application for Rental Operating License an Agent located in the Commonwealth within a 50 mile radius of the property for receipt of service of any notice of violation and for service of process.
- E. Two individuals per bedroom. At no time shall more than two (2) individuals occupy one (1) bedroom in any Dwelling Unit.

K. Violations and Penalties

Any person who shall violate this Article shall upon summary conviction thereof, be sentenced to pay a fine of not less than \$500 nor more than \$1000 and the costs of prosecution, and in default of payment thereof, shall undergo imprisonment for a period not exceeding 30 days. This fine shall be updated as necessary by Resolution of the Council of the Borough of Fleetwood. Violations shall be defined as charging Rent for a period in excess of 30 days of a Dwelling Unit without a valid Rental Operating License.

L. Appeals

Any person aggrieved by the action of the Building Inspector pursuant to this Article shall have the right to appeal said action within ten (10) days to the Borough Council by written request in its capacity as the Appeals Board, which shall hear and determine said appeal at its next scheduled regular meeting. Said written request shall be presented at the Borough Council office during regular business hours.

M. Additional Relief

No provision in this Ordinance shall prevent the Borough and its representatives from taking action with respect to a code violation outside of this Ordinance.

N. Amendments

The registration and penalty fees outlined in this Article may be modified by a Resolution, passed and adopted by Borough Council.

O. Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

P. Repealer

All Ordinances inconsistent with the above provisions are repealed to the extent of their consistency.

Q. Gender, Singular and Plural

Every word in this Ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express

language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

R. Effective Date

This Ordinance shall have retroactive effect to March 15, 2015. No rentals predating the effective date of this Ordinance will be grandfathered under this Ordinance. Applications for Rental Operating Licenses shall be made on all rentals existing on January 1, 2015 on or before June 15, 2015. For the first period of 60 days, each Owner shall be permitted to continue existing rentals in their current manner.

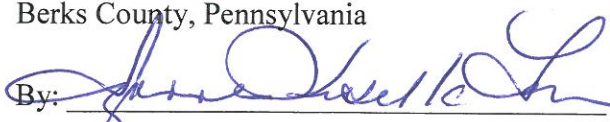
S. Phase In Period

1. For properties with odd numbered addresses: Applications submitted on or before June 15, 2015 related to rentals existing prior to January 1, 2015, those rentals may continue in their current manner during the period of time it takes for the Building Inspector to schedule their inspection. In the event an Owner has an existing rental in effect on January 1, 2015 and either does not complete an application with fee prior to June 15, 2015 or does not allow the inspection or cancels the inspection as scheduled, that Owner will be in violation of this Ordinance.

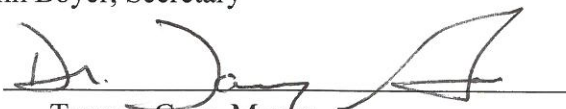
2. For properties with even numbered addresses: Applications submitted on or before June 15, 2015 shall be due in the amount of \$25.00 and shall operate as a license for the 2015 calendar year. Properties with even numbered addresses will be inspected for the first time in 2016. In the event an Owner has an existing rental in effect on January 1, 2015 and does not complete an application with fee prior to June 15, 2015, that Owner will be in violation of this Ordinance.

ENACTED and ORDAINED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania on this 27th day of April, 2015.

Borough of Fleetwood
Berks County, Pennsylvania

By: 
Suzanne Pittella Touch, President

Attest 
Colin Boyer, Secretary

Approved 
Tammy Gore, Mayor

MUNICIPAL CERTIFICATION

I, Colin Boyer, (Assistant) Secretary of the Borough of Fleetwood, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 613 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Borough of Fleetwood, on Monday, April 20, 2015, and was duly enacted and approved as set forth at a Regular Meeting of the Borough Council held on Monday, April 27, 2015.

[SEAL]

Colin Boyer
(Assistant) Secretary

FLEETWOOD BOROUGH RENTAL CHECKLIST

LAST UPDATED 3/1/15

1. All areas are free from trash and rubbish. Property is in a clean and sanitary condition.
2. Weeds and grass are maintained and are trimmed to less than ten inches.
3. Accessory structures, including fences, sheds, garages and retaining walls are maintained and in good condition.
4. Unlicensed and /or uninspected vehicles are not kept on the premises.
5. The property is free of graffiti.
6. Swimming pools or spas are kept in clean and sanitary condition and have the appropriate necessary enclosures or covers.
7. Street number identification as required for fire and safety emergencies must be clearly visible from the street.
8. The general property maintenance of the interior and exterior must be in good condition, i.e., no excessive peeling or chipping of paint, no holes in any portion of the building, the entire structure must be weather tight.
9. The roof and flashing shall be free of any defects that would admit rain.
10. All areas of the property, including common areas, are provided with adequate lighting and ventilation.
11. Occupancy limitations are met.
12. Adequate supply of heat is provided.
13. At least one smoke detector is present in each of the following locations: one in each bedroom, additionally one on every level including basement and inhabitable attics.
14. One carbon monoxide detector on each sleeping level.
15. One 5 pound ABC fire extinguisher must be in each kitchen.
16. All required exits must be clear of obstruction utilities and appliances and must be in good working order. Required exit signs and lights must be in place and in working order.
17. Electrical outlets in kitchens, bathrooms, unfinished basement and laundry rooms must be ground fault interrupter (GFCI) receptacle.
18. Railings must be securely installed on any staircase consisting of more than four (4) steps.
19. Staircases are required to have handrails on at least one side.
20. Any deck, patio, platform or landing that is thirty (30) inches or more above the ground requires a railing of at least thirty six (36) inches high.

NOTE – This list does not represent all items that would bring a property to the safest condition. This list is limited to elements chosen to be reviewed as part of a licensing inspection for rentals only and may change by Resolution from time to time.

NOTICE

The Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania will consider and vote upon the adoption of an ordinance at its regular meeting on April 27, 2015 at 6:30 p.m. at the Fleetwood Borough Hall, 110 W. Arch Street, Fleetwood, Pennsylvania. A summary of the ordinance is as follows:

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, ENTITLED THE "RENTAL PROPERTY" ORDINANCE SETTING FORTH REGULATIONS GOVERNING RENTAL PROPERTIES WITHIN THE BOROUGH OF FLEETWOOD AS FOLLOWS:

ARTICLE I - TENANT LISTS

SECTION 223-1 - CERTIFIED TENANT LIST

SECTION 223-2 - TENANT MOVING PERMIT

SUBSECTION A - PERMIT REQUIRED

SUBSECTION B - PERMIT PROCESS

SUBSECTION C - MOBILE HOME / TRAILERS INCLUDED

SUBSECTION D - PERMITS ISSUED

SUBSECTION E - VIOLATIONS

ARTICLE II - TENANT REGISTRATION AND INSPECTION

SECTION 223-3 - TENANT REGISTRATION AND INSPECTION

SUBSECTION A - PURPOSE AND INTENT

SUBSECTION B - DEFINITIONS

SUBSECTION C - INFORMATION TO BE PROVIDED BY OWNER / LANDLORD

SUBSECTION D - RENTAL OPERATING LICENSE REQUIRED

SUBSECTION E - APPLICATION FOR LICENSE, AGREEMENT TO COMPLY, LICENSE FEE

SUBSECTION F - EXEMPTION

SUBSECTION G - INSPECTIONS

SUBSECTION H - CORRECTION OF REPAIRS

SUBSECTION I - TERM OF LICENSE

SUBSECTION J - REGULATIONS

SUBSECTION K - VIOLATIONS AND PENALTIES

SUBSECTION L - APPEALS

SUBSECTION M - ADDITIONAL RELIEF

SUBSECTION N - AMENDMENTS

SUBSECTION O - SEVERABILITY

SUBSECTION P - REPEALER

SUBSECTION Q - GENDER, SINGULAR AND PLURAL

SUBSECTION R - EFFECTIVE DATE

SUBSECTION S - PHASE IN PERIOD

Copies of the full text of the ordinance may be examined without charge or obtained for a charge not greater than the cost thereof in the Business Office located at the Fleetwood Borough Hall, 110 W. Arch Street, Fleetwood, Pennsylvania, at the Berks County Law Library, Berks County Courthouse, Sixth and Court Streets, Reading, Pennsylvania 19601, and at the Reading Eagle Company, 345 Penn Street, Reading, Pennsylvania 19601.

Andrew S. George
Solicitor, Borough of Fleetwood
Berks County, Pennsylvania