

advertise
for adoption
at dec 11, 2013
mtg.

ORDINANCE NO. 2013-2

EAST BETHLEHEM TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA
RENTAL PROPERTY REGISTRATION ORDINANCE

An ordinance adopting a uniform system of registration for those owners of real property who lease residential dwelling space to persons in East Bethlehem Township, Washington County, Pennsylvania.

WHEREAS, upon the recommendation of East Bethlehem Township Board of Commissioners, this Ordinance was read by title only at the public meeting on Dec
11, 2013, for the purpose of taking public testimony and considering the adoption of this Ordinance.

WHEREAS, the East Bethlehem Township Board of Commissioners heard and considered the testimony and evidence presented by the residents of the Township of East Bethlehem, Washington County, Pennsylvania, from those appearing at the public meeting; and

WHEREAS, the East Bethlehem Township Board of Commissioners determined that the adoption of this Ordinance would be in the best interest of the people of East Bethlehem Township, Washington County, Pennsylvania; and

NOW THEREFORE, the East Bethlehem Township Board of Commissioners further finds that the Township would be best served by formulating a registry of all individuals who lease residential dwelling space in the Township, for the purpose of facilitating sound fiscal management of the Township and in an effort to gauge the proper level of service to be provided to those living within the Township. The Board of Commissioners in furtherance of the promotion of the general welfare of the citizens of

East Bethlehem Township, decided that this Ordinance be therefore enacted, immediately, and hereby replace any and all other Ordinances, which may be in conflict.

Section 1 – Definitions:

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word “shall” is always mandatory and not merely directory.

- (a) “*Board of Commissioners*”: Shall mean the Board of Commissioners of East Bethlehem Township, Washington County, Pennsylvania.
- (b) “*Code Enforcement Officer*”: The Officer appointed by the Township Board of Commissioners having the necessary duties of enforcing all Township Ordinances and building codes, as each pertains to residential and commercial dwelling units and or homes.
- (c) “*Ordinance(s)*”: Those Ordinances enacted into law on or before the date of this ordinance, together with all other properly enacted ordinances, which may follow after the passage and enactment of this ordinance.
- (d) “*Owner*”: Shall mean a person owning, leasing, occupying or having charge of any premises within the Township.
- (e) “*Person*”: Shall mean any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

- (f) *“Public Nuisance”*: is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.
- (g) *“Register”*: The official permanent record to be kept by the East Bethlehem Township Secretary, showing all applications taken and Rental Property Permits issued by the Township.
- (h) *“Rental Property”*: Real property occupied by someone other than the owner, regardless of whether occupier of said property pays a monthly rental fee to the owner for said occupation.
- (i) *“Resident”*: Any person, corporation, partnership, business, or otherwise intending to permanently reside in East Bethlehem Township, Washington County, Pennsylvania.
- (j) *“Residential Property”*: All real property used for the specific purpose of providing dwelling space to an individual or family, which is located within the lawful boundaries of East Bethlehem Township, Washington County, Pennsylvania.
- (k) *“Township”*: is the Township of East Bethlehem, which is located within the confines of Washington County, Pennsylvania.

Section 2 – Duty to Register Residential Rental Property:

- (a) Every Landlord shall be required to register with the Township Code Enforcement Officer all Rental Properties he or she owns within the limit

of East Bethlehem Township submitting an application as provided for herein.

- (b) All Rental Property existing on the date of the adoption of this Ordinance shall be registered by the Landlord on or before February, 2013.
- (c) All other Rental Property shall be registered by the Landlord before the Rental Property is let.

Section 3 – Rental Property Permit:

Every Landlord shall be required to submit, on a biennial basis, a Rental Property permit application, on a form developed by the East Bethlehem Township Board of Commissioners, and obtain from the Township Code Enforcement Officer and Township Secretary a Rental Property permit for each Rental Property he or she owns within the East Bethlehem Township.

Section 4 – Requirements to Obtain Permit:

- (a) Upon the application of the Landlord for a Rental Property permit of the renewal thereof, the Department of Code Enforcement shall conduct an inspection of the Rental Property to determine and ensure that the Rental Property and each Unit contained therein is not a public nuisance or substandard and meets all zoning, health and safety requirements of the codified Ordinances of the East Bethlehem Township, Pennsylvania, as well as general applicable law.
- (b) In the event the Rental Property or a Unit contained therein, is not in compliance, any deficiencies shall be noted on the inspection form and provided to the Landlord and a reinspection of the Rental Property shall be

scheduled. Depending on the severity of the violation, a Landlord will be granted a minimum of seven (7) days to a maximum of thirty (30) days from the date of the inspection to abate said violation(s).

- (c) If the Rental Property, or a Unit contained therein, is not brought into compliance within the specified time, or the permit fee is not paid, the permit of the Landlord shall be revoked, and the Landlord shall be precluded from permitting the occupancy of said Rental Property or deficient unit, as the case may be.
- (d) Upon a determination that all deficiencies have been satisfactorily corrected and payment of the required permit fee has been received, a Rental Property permit shall be issued to the Landlord by the Township Code Enforcement Officer and Township Secretary, permitting the occupancy of each Unit within the Rental Property that meets the requirements of this Ordinance.

Section 5 –Rental Property Permit Fee:

- (a) The Rental Property biennial standard permit fee shall be thirty dollars (\$30.00), payable at the time of inspection, or upon application.
- (b) In addition to the standard permit fee, a Landlord shall be required to pay the following inspection fee, which is fee based on the number of Units contained within the Residential Rental Property.

<u>Number of Units</u>	<u>Inspection Fee Per Unit</u>
1-3	\$.00
More than 3	\$ 10.00

Section 6 – Violations:

No Landlord shall permit the occupancy of a Rental Property or a Unit contained therein, without first having obtained a Rental Property Permit or the renewal thereof. Provided, however, that it shall not be a violation of this Ordinance to permit occupancy of a Rental Property or a Unit contained therein, without having first obtained a Rental Property permit, if application has been made, and the Department of Code Enforcement has not conducted an initial inspection of the Rental Property, as set forth in the Requirements to Obtain a Permit.

Section 7 – Permit Display Requirement:

Whoever obtains a Rental Property permit shall be required to display such permit in a conspicuous place on the Residential Property so that it may be readily viewed and/or inspected by the general public, prospective tenants, or any representative of the Department of Code Enforcement.

Section 8 – Penalty:

Notwithstanding any provisions to the contrary, whoever violates any provisions of this Ordinance shall be punished as provided for herein, except that the fine shall be no less than three hundred (\$300.00) dollars. Any violation of the provisions of this Ordinance on any day shall be considered a separate and distinct violation and shall subject the violator to separate and distinct penalties.

Section 9 – State Law and Regulations:

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth of

Pennsylvania promulgated by the authority of law, such laws or regulations, as the case may be, shall control whether the requirements thereof are the same or in excess of the provisions of this Article. This Ordinance shall control in all cases where the State requirements are not as strict as those contained in this Article.

Section 10 – Severability and Repeal:

- (a) Severability. If any sentence, clause, section or part of this Article 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 Article. It is hereby declared as the intent of the Township that this article would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.
- (b) Repeal. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed.

Section 11 – Effective Date:

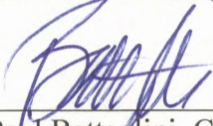
This Ordinance shall become effective on January 1, 2014, upon the majority vote of the East Bethlehem Township Board of Commissioners.

That this Ordinance, when adopted, shall be incorporated in and made a part of the codified Ordinances of the Township of East Bethlehem.


INTRODUCED on the 13th day of November, 2013.

Enacted and Ordained into Law this 11th day of December, 2013

RESOLVED, ENACTED and ORDAINED into law by the East Bethlehem
Township Board of Commissioners this 11th day of December,
2013


Paul Battaglini, Chairman

Attest:


Maryann Kubacki, Secretary (SEAL)

Date: 11 December 2013

Ad Content Proof

NOTICE

The East Bethlehem Township Board of Commissioners intends to adopt the following ordinance:

An ordinance adopting a uniform system of registration for those owners of real property who lease residential dwelling space to persons in East Bethlehem Township, Washington County, Pennsylvania.

Full copy of the proposed ordinance can be viewed at the East Bethlehem Township Municipal Office, 36 Water Street, Fredericktown PA during normal business hours.

Comments will be heard prior to adoption at the Board of Commissioners meeting on December 11, 2013 at 7:00PM.

Meetings are held at the Sewage Authority Building, 522 Front Street, Fredericktown PA.

Maryann Kubacki, Township Secretary

PROOF OF PUBLICATION

The HERALD-STANDARD, established in 1907, a newspaper of general circulation,
published by Uniontown Newspapers, Inc, a Pennsylvania corporation, 8 East Church
Street, Uniontown, Fayette County, Pennsylvania, and has been issued regularly, except
legal holidays, since said date.

The attached advertisement, which is exactly as printed and published, was published
in the regular issues of said newspapers, on 11/19/2013

The costs of advertising and proof, \$81.14

Uniontown Newspaper, Inc.

By: Wicki Lee Reese

STATE OF PENNSYLVANIA, }
COUNTY OF FAYETTE, } SS:

Before me, a Notary Public in and for such county and state, personally appeared
SHARON K. WALLACH, who being duly sworn according to law says that she is
Classified Manager of UNIONTOWN NEWSPAPERS, INC.; that neither affiant
nor said corporation is interested in the subject matter of the attached advertisement;
and that all of the allegations of the foregoing statement including those as to the time,
place and character of publication are true.

Sworn to and subscribed before me
this 20th day of November 2013

Wicki Lee Reese } Sharon K Wallach

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Herald Standard
Wicki Lee Reese, Notary Public
Mendenhall Twp., Fayette County
My Commission Expires Oct. 31, 2014
Member of the Association of Notaries

UNIONTOWN, PA. 15401-0848