

**CASS TOWNSHIP
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2011-09-02

**AN ORDINANCE OF THE TOWNSHIP OF CASS, A
SECOND CLASS TOWNSHIP, IN THE COUNTY OF
SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA,
TO REQUIRE RENTAL HOUSING REGISTRATION AND
INSPECTIONS, AND TO ESTABLISH RULES AND
REGULATIONS RELATED TO RENTAL HOUSING
WITHIN CASS TOWNSHIP.**

The Board of Supervisors of Cass Township, Schuylkill County, Pennsylvania (the “Township”), hereby enacts and ordains as follows:

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by Section 1 of the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled “General Powers”, authorizes any board of township supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and the maintenance of the health and welfare of the Township and its citizens; and

WHEREAS, Section 1527 of the Second Class Township Code, found at 53 P.S. 66527, entitled “Public Safety”, authorizes the Board of Township Supervisors to adopt ordinances to secure the safety of persons or property within the Township; and

WHEREAS, the Cass Township Board of Supervisors had previously adopted the Uniform Commercial Code, as amended, pursuant to the Pennsylvania construction Code Act, as its municipal building code; and

WHEREAS, the Cass Township Board of Supervisors had previously adopted what is known as the BOCA Code for purposes of property maintenance; and

WHEREAS, the Cass Township Board of Supervisors had previously adopted the International Property Maintenance Code of 2006, as amended, as its maintenance code; and

WHEREAS, the Cass Township Board of Supervisors had previously adopted an ordinance dealing with dilapidated properties; and

WHEREAS, the Cass Township Board of Supervisors recognizes that there are rental dwelling units within the Township of Cass and wishes to ensure that these dwelling units are safe, sanitary and fit for human occupation and use; and

WHEREAS, in order to effectively and efficiently ensure that the dwelling units are safe, sanitary and fit for human use, the Township Code Enforcement Officer must periodically inspect such dwelling units; and

WHEREAS, the Cass Township Board of Supervisors believes that adding such rules and regulations will maintain minimum safety standards and zoning compliance of properties within the Township of Cass for the betterment of Cass Township commerce and the general health, safety, welfare and property of all residents.

NOW THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Cass Township, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Second Class Township Code (53 P.S. 65101, et seq.) and the statutes noted above, as follows:

AND NOW, BE IT ENACTED AND ORDAINED that the Cass Township Code is amended to add Title VI, Chapter 8, to read as follows:

Section 801. Title

This ordinance shall be known as the “Cass Township Rental Housing Registration Ordinance”.

Section 802. Citation

This ordinance may be cited as 6 Cass Code § 801, et seq.

Section 803. Scope

The provisions of this Ordinance shall apply to all rental housing within Cass Township.

Section 804. Intent

Section 804.1. The Cass Township Board of Supervisors recognizes the importance of keeping accurate and updated records of property ownership and transfer within the Township.

Section 804.2. The Cass Township Board of Supervisors wishes to have knowledge of rental property ownership within the Township and to ensure that rental property owners are in compliance with all Township property Codes, Regulations and Ordinances, and property buyers are purchasing properties which comply with same.

Section 804.3. Requiring a rental housing registration will aid in maintaining minimum safety standards and zoning and Code compliance of properties within the Township of Cass for the betterment of Cass Township commerce and the general health, safety, welfare and property of all residents.

Section 805. Definitions

The following words, terms and phrases when used in this Ordinance shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

AGENT – Any person, corporation, co-partnership, association or fiduciary who or which, for monetary consideration, aids in the rental of property as defined herein. When used in this Ordinance in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner and, as applied to corporations, the officers thereof.

CODE ENFORCEMENT OFFICER - Any person specifically designated as such by the Township Board of Supervisors to enforce this Ordinance, and shall include the duly authorized representative(s) of said Code Enforcement Officer.

CODES – The Cass Property Maintenance Codes and the Cass Building/Construction Codes, as adopted by the Township from time to time, and any rules and regulations promulgated thereunder.

OWNER – Any person, agent, operator, firm, corporation, partnership, association, property management group, housing authority or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person’s estate. When used in this Ordinance in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner and, as applied to corporations, the officers thereof.

LANDLORD – Any person who grants a lease or otherwise permits the use of his or her real estate or portion thereof for a consideration, money or otherwise.

PERSON – Any natural person, partnership, association, firm or corporation.

REGISTRATION LICENSE – The annual business privilege license assigned by the Township of Cass issued to the owner/landlord of a real property rental unit.

RESIDENTIAL RENTAL UNIT – Any dwelling unit or structurally enclosed area including or intended to be used as the living quarters for one or more individuals and not occupied by the owner thereof.

RESIDENTIAL RENTAL UNIT REGISTRATION NUMBER – The distinct registration number assigned by the Code Enforcement Officer to a residential rental unit.

TENANT – That person or persons who enjoy(s) the use of real estate of a landlord and are responsible for the giving of any type of consideration therefore, but excluding those who are tenants for a period of less than thirty (30) days.

TOWNSHIP – The Township of Cass, Schuylkill County, Pennsylvania.

Section 806. Landlord Reports/ Information Required.

All landlords, within thirty (30) days after the effective date of this Ordinance or, in case of real estate acquired or thereafter rented or becoming available for rental, within thirty (30) days after the acquisition, rental or availability for rental thereof, as the case may be, shall report to the Township Secretary, in writing, during regular business hours the number of parcels or units of real estate presently or hereafter rented or available for rental, a description (by address, unit or apartment number and/or some other meaningful method) of said parcels or units and the names of its tenants at the time of such report, together with a designation as to which unit or parcel is occupied by each. Upon receiving the report, the Township Secretary shall forward the report to the Code Enforcement Officer, who shall assign a distinct Residential Rental Unit Registration Number to each residential rental unit listed.

Section 807. Changes in Lessees.

Any change in the occupancy of real estate or leased property or in the identity of tenants from that shown in the report of the landlord as required in Section 806 of this Ordinance shall be reported by the landlords to the Township Secretary within ten (10) days after such change. It is intended hereby that landlords shall report a new tenant or tenant who rents or leases a different unit or parcel of real estate and when a unit or parcel of their real estate becomes vacant.

Section 808. Landlord's Quarterly Reports of Occupancy and Tenants.

Notwithstanding Section 807 above, landlords shall prepare an occupancy report every one hundred, eighty (180) days, in writing, during regular business hours, stating the number of parcels or units of real estate presently hereafter rented or available for rental together with the names of his or her tenants at the time of such report, along with a designation as to which unit or parcel is occupied by each tenant. This report shall be issued regardless of whether there have been changes in the occupancy of said real estate or leased property or in the identity of the tenants from the report shown previously.

Section 809. Forms.

The Township Secretary may prepare a form report entitled "Status of Occupancy Report," which form report may require that information set forth above and such other pertinent information that the Board of Supervisors by resolution may direct the Township Secretary to incorporate into said report form. The failure to have such report forms, however, shall not excuse the obligation of the landlords to provide the information required herein.

Section 810. Registration Required; Specifications.

Section 810.1. No owner or agent shall own or operate a residential rental unit unless and until a current registration license, for each specific unit and use thereof, has been issued to the owner or agent by the Township pursuant to this Ordinance.

Section 810.2. The registration license required by this Section shall be valid for no less than a two (2) year period from which it is issued. The license shall be renewable for successive two (2) year periods from date of registration license issuance when the licensed premises comply with the Codes and all other applicable regulations. The licenses shall not be transferable and may be revoked, at any time, for noncompliance with the Codes or any other applicable regulations.

Section 810.3. Every owner or agent owning or operating any building requiring a license under this Section shall, on or before January 31 of each year, or prior to the expiration of the already-registered and licensed building, register such building and all such residential units with the Township on forms provided by the Code Enforcement Officer or his or her designee.

Section 810.4. Any owner or agent who transfers legal title and/or operational control over any building and/or residential unit, requiring a license under this Section, shall give notice of such transfer, in writing, to the Code Enforcement Officer within five (5) business days after having transferred ownership of or operational control over such building and/or residential rental unit.

Section 810.5. Every owner, agent and/or operator of a licensed building or residential rental unit shall advise each occupant thereof, in writing, either in the lease between the parties or otherwise, of the maximum number of occupants permitted in the leased premises.

Section 810.6. Each applicant for a registration license required by this Section shall, at the time of application, pay an initial registration fee as may be determined by resolution of the Board of Supervisors (whether or not the residential rental unit is occupied at the time) and annually thereafter a renewal registration fee as may be determined by resolution of the Board of Supervisors (whether or not the residential rental unit is occupied at the time). A fee is not required for an owner-occupied dwelling unit or one that is not rented or for rent any time during the calendar year. The initial and/or renewal registration fee shall be due and payable on or before the two calendar year period expiration of the current registration license.

Section 810.7. No owner or agent may offer for rent or assist in offering for rent, by advertising or otherwise, any residential rental unit without first ascertaining that a valid registration license exists for such residential rental unit. Any advertisement for rent of a residential rental unit including, but not limited to, newspaper, radio or television advertisement, placard advertisement or real estate listing, shall include the residential rental unit registration number assigned by the Code Enforcement Officer pursuant to Section 806 above.

Section 810.8. Failure to register the residential rental unit with the Code Enforcement Officer and obtain a license within ninety (90) days of the effective date of this Ordinance or within thirty (30) days following the purchase or conversion of a structure to a rental property shall constitute a violation of this Ordinance.

Section 811. Occupancy Prohibited Without Certification

No residential rental unit shall be occupied by other than the owner thereof unless a registration license has been obtained as required by Section 810 of this Ordinance and a Certificate of Compliance, as required by Section 812 of this Ordinance, is displayed at the structure in which the residential rental unit is located.

Section 812. Inspections; Fees; Certificates of Compliance and Noncompliance.

Section 812.1. Inspections. The Code Enforcement Officer is authorized and directed to make inspections to determine the condition, occupancy and/or use of any residential rental unit located within the Township in order to safeguard the health and safety of the occupants thereof and the general public and to determine compliance with the provisions of the Codes, and any other Ordinances, rules and regulations, as in effect in the Township on the date of the inspection. Each residential rental unit shall be inspected by the Code Enforcement Officer or designee at least one (1) time in every two (2) year period, or upon registration of a rental unit pursuant to Section 810 of this Ordinance, or upon application by the owner of the residential rental unit for such certificate.

Section 812.2. Fees. The Township shall charge a fee for the processing of an application and the costs related to the inspection of the premises by the Code Enforcement Officer. The fee for an application shall be in accordance with the following schedule of fees:

Single Family Dwelling Unit:	\$95.00 (Includes Registration Fee)
Multiple Family Dwelling Unit:	\$95.00 (plus \$15.00 for each additional unit on same site)
Other Building Unit:	\$150.00

In addition to the aforementioned fee schedule, the property owner shall pay an additional fee of Eighty (\$80) Dollars per hour for each additional hour or portion thereof beyond the initial, first hour, which the Code Enforcement Officer incurs for performing the inspection. The fee schedule imposed by this subsection may be revised by a duly adopted resolution of the Board of Supervisors of the Township.

Owners of multiple properties containing more than one (1) residential unit are hereby entitled to aggregate all such units owned within the Township for the purposes of the fee calculation. For

purposes of this aggregation, ownership shall be determined by the official records in the Office of the Recorder of Deed of Schuylkill County. All inspection fees shall be paid prior to the inspection, regardless of the number of units. Failure to pay inspection fees shall be deemed a failure and/or refusal to comply with the provisions of this Ordinance and will be subject to the penalties contained in Section 817 of this Ordinance. Upon payment of the appropriate fee(s), the Code Enforcement Officer or designee shall review the pertinent Township records and inspect the subject premises within thirty (30) days of payment.

Section 812.3. Access. For such purpose and for any reinspection required hereunder, the owner shall provide access to Township representatives. Failure of the owner to permit access to conduct such inspection shall be deemed a violation of this Ordinance. For the purpose of enforcing this Ordinance, the Code Enforcement Officer or designee may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection of a residential rental unit.

Section 812.4. Certificate of Compliance.

Section 812.4.1. As for any residential rental unit unoccupied or occupied by the owner on or after the effective date hereof, a Certificate of Compliance shall be issued by the Code Enforcement Officer within fourteen (14) days of the inspection provided the Code Enforcement Officer finds the residential rental unit to be in compliance with the provisions of the Codes, and any other Ordinances, rules and regulations, as in effect in the Township on the date of inspection. Issuance of a Certificate of Compliance shall not denote compliance with any applicable Code. The Certificate of Compliance shall be in such form as approved by time to time by the Code Enforcement Officer. The Certificate of Compliance shall be displayed in plain view within the residential rental unit or

structure prior to occupancy of any such residential rental unit by anyone other than the owner.

Section 812.4.2. As for any residential rental unit occupied by anyone other than the owner as of the effective date of this Ordinance, and for all subsequent inspections, inspections required by this Ordinance shall be completed and a Certificate of Compliance issued and displayed in plain view within the residential rental unit or structure not later than December 31st of the year for which inspection is required. In no event shall such inspection be conducted prior to January 1 of the year for which inspection is required.

Section 812.4.3. When a Certificate of Compliance has been issued prior to a residential rental unit being occupied other than by the owner, said residential rental unit shall not be subject to reinspection under the terms of this Ordinance prior to the first applicable calendar year occurring after the calendar year subsequent to issuance of the initial Certificate of Compliance.

Section 812.5. Certificate of Noncompliance. If the inspection of the residential rental unit or structure discloses Code, Ordinance or rules or regulations violations, the Code Enforcement Officer or designee shall issue a Certificate of Noncompliance within fourteen (14) days of the inspection. The Certificate of Noncompliance shall set forth the following:

Section 812.5.1. The street address or appropriate description of the property

Section 812.5.2. The date of inspection

Section 812.5.3. The identity of the inspector

Section 812.5.4. A statement of the zoning district applicable to the subject property, together with an abstract of the applicable Ordinance(s) showing the uses permitted within that district

Section 812.5.5. A statement of any variances or use permits granted to the subject property, together with the conditions and restrictions of such permits;

Section 812.5.6. A statement as to whether there appears to be any nonconformity in the structures on the property or the uses being made thereof. This statement shall also indicate whether the property has been approved or designated as a nonconforming use.

Section 812.5.7. A list of the Code violations;

Section 812.5.8. The number of days in which the owner is to accomplish repairs, including a provision allowing for a reasonable time extension upon the owner showing a good faith compliance to the satisfaction of the Code Enforcement Officer; and

Section 812.5.9. Notice that, if the conditions are not repaired within the time specified, the residential rental unit may be placarded as unfit for human occupancy or subject to rent withholding in accordance with Section 817 of this Ordinance.

Section 812.6. Reinspection. Upon expiration of the time specified to accomplish repairs or upon notice from the owner that the repairs have been completed, whichever occurs first, the Code Enforcement Officer or designee shall reinspect the subject residential rental unit. In the event that such reinspection discloses that the owner accomplished the required repairs, the Code Enforcement Officer shall issue a Certificate of Compliance to the owner in accordance with Section 812.4 of this Ordinance. In the event that such reinspection discloses that the owner

failed to accomplish the required repairs, the Code Enforcement Officer or designee shall issue a new Certificate of Noncompliance, in accordance with Section 812.5 of this Ordinance. Further, the owner shall pay a reinspection fee in an amount equal to the initial inspection fee as set forth in Section 812.2 of this Ordinance.

Section 813. Codes Violations.

Nothing in this Ordinance shall preclude or prohibit the Code Enforcement Officer or designee from identifying any violations of the Township Building Code or Township Property Maintenance Code which exist and noting the same on any inspection report.

Section 814. Nonliability of Township.

The issuance of a Certificate of Compliance is not a representation by the Township that the residential rental unit and/or structure in which it is located is in compliance with the various Township Codes including, but not limited to, any Property Maintenance Code or Building Code. The issuance of a Certificate of Compliance indicates that the residential rental unit did not have any dangerous conditions on the date of the inspection. However, neither the enactment of this Ordinance nor the issuance of a Certificate of Compliance shall impose any liability upon the Township for any errors or omissions which resulted in the issuance of such certificate, nor shall the Township, its officers and employees bear any liability not otherwise imposed by law.

Section 815. Appeals.

The owner of a residential rental unit aggrieved by a decision of the Code Enforcement Officer or designee may, within thirty (30) days of the date of the Certificate of Noncompliance or of the time fixed for repair, whichever is shorter, appeal the decision to the Township Supervisor, in accordance with the Township Building Permit Ordinance.

Section 816. Notice Requirements.

Section 816.1. Newspaper Advertisement. The Code Enforcement Officer shall each year cause notice to be published two (2) times in a newspaper of general circulation within the Township. The initial notice shall be published during the first six (6) months of the calendar year this Ordinance shall become effective. Thereafter a notice shall be published during January of each calendar year and a second notice published during October of each calendar year. The notice shall set forth the district for which inspection of residential rental units occupied other than by the owner is required during the year of publication, that inspection may be required before a residential rental unit is occupied by a person other than the owner, that all residential rental units are required to be registered and licensed and where a copy of this Ordinance may be obtained.

Section 816.2. Deeds and Agreements of Sale. Every deed and agreement of sale executed and delivered on or after the effective date of this Ordinance with respect to any premises within the Township which includes one or more residential units shall include therein a notice substantially in the following form:

Residential rental units within the Township of Cass which are occupied other than by the owner thereof are subject to reporting, registration, licensing and inspection requirements of the Township Ordinances of the Township of Cass.

Section 817. Violations and Penalties.

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a

summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

Section 818. Repeal of Ordinances.

Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

Section 819. Savings Clause.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion other than the part or portion declared void or inoperable.

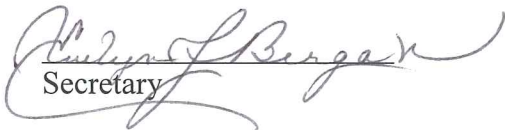
Section 820. Effective Date.

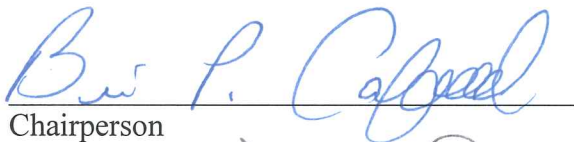
This Ordinance shall become effective five (5) days after the adoption hereof.

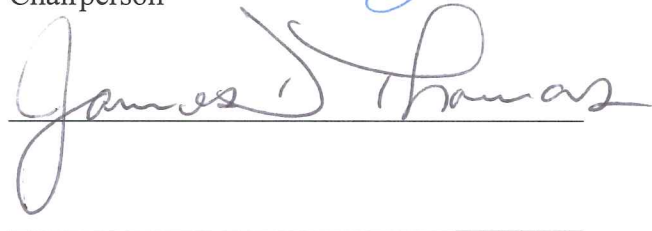
DULY ENACTED AND ORDAINED by the Board of Supervisors of Cass Township, Schuylkill County, Pennsylvania, this 29th day of September, 2011, in lawful session duly assembled.

ATTEST:

CASS TOWNSHIP BOARD OF
SUPERVISORS, CASS TOWNSHIP,
SCHUYLKILL COUNTY, PENNSYLVANIA


Secretary


Chairperson



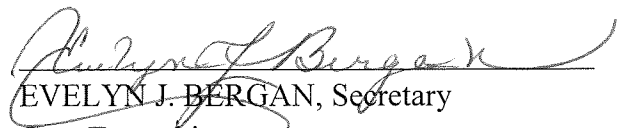
(SEAL)

IN RE: AN ORDINANCE OF THE TOWNSHIP OF CASS, A SECOND CLASS TOWNSHIP, IN THE COUNTY OF SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA, TO REQUIRE RENTAL HOUSING REGISTRATION AND INSPECTIONS, AND TO ESTABLISH RULES AND REGULATIONS RELATED TO RENTAL HOUSING WITHIN CASS TOWNSHIP.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Cass Township, Schuylkill County, Pennsylvania, on the 29th day of September, 2011.

TOWNSHIP SEAL



EVELYN J. BERGAN, Secretary

Cass Township

1209 Valley Road

Pottsville, PA 17901

Telephone No. (570) 544-5370