

ORDINANCE NO. 11-2018-619

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 11 OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES TITLED "HOUSING" TO AMEND PART 1 ENTITLED MOVING PERMITS IN ITS ENTIRETY AND TO PROMULGATE REGULATIONS REGARDING RENTAL PROPERTY INSPECTIONS BY ADDING PART 2 TITLED "RENTAL PROPERTY INSPECTIONS".

**deletions are strikethrough*

**insertions are highlighted, bolded and double-underlined*

BE IT ORDAINED AND ENACTED by the Salisbury Township Board of Commissioners, Lehigh County, Pennsylvania, and it is hereby ordained and enacted by the same that Chapter 11 of the Township of Salisbury Code of Ordinances, as amended, shall be amended and the same hereby is amended to include revisions to Part 1 entitled Moving Permits and Part 2 shall be added entitled Rental Property Inspections as follows:

ARTICLE I.

Part 1 entitled "Moving Permits" shall be amended in its entirety to read as follows:

**Chapter 11
Housing
Part 1
MOVING PERMITS**

§ 11-101 Unlawful to Move Without Notice.

It shall be unlawful for any person 18 years of age or older to move into the Township of Salisbury (the "Township"), to move out of the Township, or to move from one place to another within the Township, without notice to the Township Secretary of such moving. Said notice shall be given in the case of persons moving into the Township within one week prior to moving into the Township and in the case of persons moving out of the Township or from one place within the Township to another place within the Township at least 24 hours before said move is made. Included in each notice as given shall be the

name of the moving person, the address from which the person is moving, the address to which said person is moving, and the name and address of the moving person's employer.

§ 11-102 Obligation of Landlords.

~~Any person, firm, or corporation who owns real estate in the Township which it leases or rents out as either a business, dwelling or mobile home site shall furnish to the Township Secretary the address of the real estate and the names of the person to whom said real estate, or any part thereon, is rented and the names of any tenants who move from said real estate. In the case of tenants moving into such real estate, said information shall be furnished within one week after the tenant moves into the real estate and in the case of tenants moving out of said real estate, said information shall be furnished within 48 hours of receipt of notice by the owner of the real estate that the tenant is terminating such lease or, in the absence of such notice, within 24 hours of the time when the tenant actually moves out of said property.~~

§ 11-102 Moving Permit Required.

No person, firm, or corporation shall transport or move, or cause to be transported or moved, any household goods or personal property in bulk into the Township, out of the Township, or from place to place within the Township, without first securing from the Township a permit for such transportation or moving. **A moving permit shall be required to be in possession of the person, agent or representative of a household or business in attendance during the course of the move and such permit shall be presented when requested by an official or agent of the Township.**

§ 11-103 Application.

1. Application for moving permit shall be made to the Township Secretary, or his designee, on forms supplied by the Township Secretary. In applying for such permit, the applicant shall state the names of the owners of the goods being moved, the address from which said goods are being moved, and the address to which said goods are to be moved, whereupon a permit for such moving shall be issued upon payment of a permit fee.
2. Applicant shall also state the following information if moving into an apartment:
 - A. Whether the apartment is located within an apartment complex or a single-family dwelling;
 - B. Whether the apartment has a private entrance with or without separation from the main dwelling;
 - C. Whether the apartment has a private kitchen; and
 - D. Whether the apartment is in a basement level of a building structure.
3. All information provided shall be true and correct.

§ 11-104 Fees.

The Township shall issue a moving permit to all qualified applicants upon payment of a permit fee in the amount of \$10 or an amount as established from time to time by the Board of Commissioners by resolution.

§ 11-105 Obligation of Moving Companies.

Any person who is in the business of transporting or moving personal property in bulk from one location to another as herein before described shall be obligated to verify that the proper moving permit has been issued prior to the moving or transporting of any personal property, either within the Township or to a point outside of the Township.

§ 11-106 Penalties.

Any person violating any term or provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 or to undergo imprisonment for a period of not more than ~~90~~ 30 days, or both.

ARTICLE 2.

A new Part 2 shall be added to Chapter 11 and entitled “**Rental Property Inspections**” to read as follows:

**Part 2
Rental Property Inspections**

§201. Definitions

- A. “Rental” property, also referred to as “leased” property, shall be defined as any property from which the owner receives payment from the occupant(s), known as tenants, in return for occupying or using the property. Rental properties may be either commercial, storage, industrial, residential or vacation property and may also include properties under lease purchase agreements as well as residential assisted living facilities with permanent live-in quarters as licensed as such by the Commonwealth of Pennsylvania; including providing meals, supervision and services for four or more elderly persons, or other persons needing such care.
- B. Rental Property Registration Certificate: A certificate of operation issued by the Township that must be obtained prior to a rental property being operable and rented out to tenants.

§202. Registration of Rental Property.

- A. All owners of any rental property located within Salisbury Township must register all units with the Township on an annual basis and must obtain a Rental

Registration Certificate issued by the Township. The rental property registration application and fee will be due by September 30th for the time period January 1 to December 31st of the following year.

- B. The rental property registration application shall list the name(s), address and telephone number(s) of the residential property owner(s), the location of the property and the number of units within the rental property, and the names of the current tenants. If the property owner does not live within the designated radius of the rental property, the owner must provide the name of the property manager as required in Section 204(C) of the Ordinance.
- C. The rental property registration certificate shall be issued annually by the Township upon submission of an application/renewal. The certificate is the proof of validity the rental property meets the minimum requirements of this ordinance. The certificate can be revoked if the property is unable to meet the minimum standards of a rental inspection conducted prior to the space becoming re-occupied or following the investigation of a complaint. In such instance, if the violations are found to be significant, the rental property registration certificate will be revoked and it shall be illegal to operate the rental property without such certificate. Additionally, the property owner shall be liable or responsible to repair all violations and pay all fines and penalties before any tenant is allowed to re-occupy the rental property and/or unit.
- D. Failure to register the units with the Office of Code Enforcement and Office of Fire Safety within 90 days from the date of the passage of the ordinance or within 30 days following the purchase or conversion of a structure to a residential rental property shall constitute a violation of this Ordinance.

§203. Inspection of Rental Properties and Certificate of Occupancy Required.

- A. All rental properties shall be inspected to assure compliance with the minimum maintenance requirements and standards for such properties as set forth in this Ordinance. Such inspection shall occur each time the property is vacated following a change of tenancy and prior to a new tenant taking possession of or occupying the premises. Subsequent to a favorable passing inspection, rental property owners will receive a certificate of occupancy issued by the Township. Such owner shall make arrangement for an inspection of the premises with the Township and secure from the Township a certificate of occupancy. A certificate shall not be issued unless the inspection required by this Ordinance has been completed and all violations are abated. Where a rental property is to be demolished and a valid demolition permit conforming to the Building Code of the Township of Salisbury has been obtained, the provisions set forth in this Ordinance shall not be applicable, and a certificate of occupancy shall not be required provided such rental property is demolished.

- B. The designated Township rental property inspector shall be authorized to inspect any rental property resulting from a complaint or incident pertaining to conditions and/or activities on the premises of a rental property. If necessary, the designated Township rental property inspector may file for the appropriate search warrant(s) for rental properties in which owners refuse to grant access.

§204. Additional Rental Property Owners' Duties and Responsibilities.

A. Tenant List Responsibility of Landlord. Every owner of any rental property or unit within the Township of Salisbury shall certify in writing to the Township of Salisbury a list including the address and unit/apartment number of all tenants (current and new) who reside in such rental unit and/or property within two (2) weeks prior to the commencement of such rental/lease agreement.

B. General. It shall be the duty of every owner of any property or unit that is rented or leased within the Township of Salisbury to keep and maintain all rental units in compliance with all applicable State laws and regulations and local ordinances and to keep such property in good and safe condition. Every owner/ landlord shall be responsible for regulating the proper and lawful use and maintenance of such rental property. This Section shall not be construed, in any way, as diminishing or relieving the occupants or their guests of their responsibility for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action or civil or criminal enforcement proceeding; nor shall this Section be construed to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant or its guests based upon the occupant's conduct or activity. This Ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township against an owner, occupant or guest thereof.

C. Designation of Individual/Agent to Manage Property. Every rental property owner who is not a full-time resident of the Township, and/or who does not live within twenty (20) miles of the boundaries of Township, shall designate an individual to act as an agent on behalf of the owner who shall reside within the Township borders or in an area that is no more than twenty (20) miles from the Township boundary line.

1. If the owner is a corporation, an individual/agent to manage such rental property shall be required if an officer of the corporation does not reside within the aforementioned area. In the event an officer of a corporation lives within the aforementioned area requirement, then he/she shall perform the same function as an individual/agent who manages such rental property.

2. If the owner is a partnership, an individual/agent to manage such rental property shall be required if either partner does not reside within the aforementioned area. In the event that one or more partners live within the

forementioned area requirement, he/she shall perform the same function as an individual/agent who manages such rental property.

3. The individual/agent designated to manage such rental property shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Ordinance and under rental agreements with occupants.

4. The identity, address and telephone number(s) of a person who is designated to manage such rental property hereunder and any changes thereof shall be provided in writing by either the rental property owner or the individual/agent managing such rental property to the Township and such information shall be kept current and updated as it changes in accordance with this Ordinance.

D. Minimum Rental Property Maintenance Standards. The minimum maintenance requirements and standards for rental properties shall include the following, but not be limited to:

1. Exterior Property Areas. All exterior property and premises shall be maintained in a clean and sanitary condition and all walkways shall be maintained free from hazardous conditions.
2. Exterior Structure. Shall be maintained in good repair, structurally sound and watertight.
3. Interior Structure. Shall be maintained in good repair, structurally sound and in sanitary condition.
4. Handrails. Shall be required at:
 - a.) All exterior and interior stairways three risers high or more.
 - b.) All porches, decks, landings, etc., over 30 inches high shall have handrails and guardrails spaced to prevent a four-inch sphere from passing through.
5. Windows. All glazing materials shall be maintained free from cracks and holes. Every operable window shall be capable of being held up by its own hardware.
6. Smoke Detectors. Shall be required on every floor, including basement and every bedroom.
7. Carbon Monoxide Detectors. Shall be required as per PA Act 607 required carbon monoxide detection and alarms in all multifamily dwellings and apartment buildings.
8. Fire Protection Systems. All systems, devices and equipment to detect a fire, actuate an alarm or suppress a fire shall be maintained in an operable condition at all times. There shall be a working fire extinguisher on each floor.
9. Electrical-GFIC Receptacles. Shall be required in all bathrooms, powder rooms, garages, unfinished basements and all outside receptacles.
 - a.) All receptacles will be checked for polarity and correct wiring.
 - b.) Every tenant shall be served by a main service of not less than 60 amps, three wire which shall be accessible to the tenant.

- c.) All electric wiring must be secured. Conductors must terminate and/or connect to an enclosed junction box.
 - d.) Extension cords over six feet long are not allowed.
 - e.) Exit signs shall be illuminated at all times, and emergency lighting shall be adequate and operational where required.
10. With respect to a residential rental property, the number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

E. Exemptions. The provisions of this Ordinance shall not apply to health care facilities, wherein all operations of such facilities are subject to county, State or Federal licensing or regulation concerning the health and safety of users, patients or tenants.

F. Failure and/or refusal by the residential rental property owner and his/her designated agent to secure the necessary certificate of occupancy, or failure and/or refusal to provide access for inspection upon reasonable notice shall be deemed a violation of this Ordinance.

§205. Fees.

A. The owner of the rental property is responsible for the registration, inspection, repair, and associated fees for the rental property. The fees shall be established by the Board of Commissioners and shall be set forth in the Salisbury Township Schedule of Fees. The fees shall be paid during the registration period and prior to an inspection. The fees shall be the sole responsibility of the current owner of the property. Fees may be amended by Resolution of the Board of Commissioners of Salisbury Township.

1. Registration Fee: A pre-set fee that must be paid annually to the Township of Salisbury prior to September 30th for the cycle of January 1 through December 31 of the following year which covers the certificate issued by the Township enabling a rental property owner to rent the space or property during this time. Fees are established as follows:
 - a.) For properties with 1 – 20 units = \$20 per unit
 - b.) For properties with 21 – 50 units = \$500 flat fee
 - c.) For properties with 51 or more units = \$750 flat fee
2. Fee for inspection: The inspection fee is a \$50 flat fee which shall cover an initial rental inspection and inspection(s) prior to space becoming (re)occupied. This is NOT the registration fee.
3. Fee for re-inspection or non-compliance: Any additional re-inspections may be subject to an additional fee of \$25 per re-inspection until code compliance is achieved.

§206. Penalty.

Any person, firm or corporation which violates the provisions of this Ordinance shall be subject to the following penalties:

- A. First Violation. A fine up to \$300, or 30 days imprisonment, or both.
- B. Second Violation. A fine up to \$500, or 60 days imprisonment, or both.
- C. Third and Each Subsequent Violation. A fine up to \$1,000, or 90 days imprisonment, or both.

§207. Miscellaneous.

- A. By conducting the inspections pursuant to this Ordinance, the Township does not warrant or guarantee the complete safety or suitability of any rental property.
- B. For all inspections conducted pursuant to this Ordinance, the Office of Code Enforcement shall not be responsible for violations that occur between the inspection and settlement date and/or rental period.
- C. The Township of Salisbury may establish policies and procedures to be implemented with respect to this Ordinance which shall become effective upon approval by resolution of the Salisbury Township Board of Commissioners.

ARTICLE III. APPEALS AND SEVERABILITY

§301. Appeals.

Any person, partnership, corporation, trust or other entity aggrieved or affected by any provision of this Ordinance or any code issued thereunder may appeal the same to the Salisbury Township Building Code Board of Appeals.

§302. Severability.

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision been included herein.

§303. Effective Date.

This Ordinance shall take effect Sixty (60) days after the adoption thereof.

§304. Repealer.

All Ordinances or Resolutions or parts of Ordinances or Resolutions, in so far as they are inconsistent herewith, shall be and the same are hereby repealed.

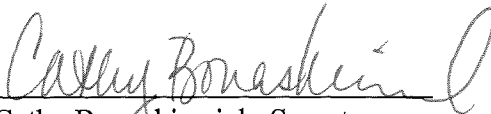
Duly adopted and enacted at a session of the Board of Commissioners held on the 8th day of November, 2018.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: 

Robert Martucci, Jr., President
Board of Commissioners

ATTEST:


Cathy Bonaskiewich, Secretary