

ORDINANCE NO. 2013-2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTHAMPTON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL RESIDENTIAL RENTAL PROPERTIES.

WHEREAS, this Township, pursuant to 53 P.S. Sections 66506 and 66527, Act of May 1, 1933, P.L. 103, No. 69, as amended, has the authority to adopt ordinances necessary for safety and general welfare in the Township; and

WHEREAS, this Township, pursuant to 53 P. S. §66517 has the authority to enact and enforce ordinances to govern and regulate buildings and the inspection thereof; and

WHEREAS, it is purpose of this Ordinance and the policy of the Township of Southampton, Cumberland County, Pennsylvania, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners relating to the rental of certain residential rental property in the Township of Southampton, Cumberland County, Pennsylvania and to encourage owners to maintain and improve the quality of rental housing within the community. It is also the policy of the Township of Southampton, Cumberland County, Pennsylvania that owners and their agents are responsible to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Ordinances establishes minimum standards governing the conditions and maintenance of all property, buildings, and structures that are offered for use as residential rental property in the Township of Southampton, Cumberland County, Pennsylvania.

NOW THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby adopted by the Board of Supervisors of Southampton Township as follows:

SECTION 1: PREAMBLE

The preamble recited above is incorporated by reference herein.

SECTION 2: ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE

The 2012 edition of the International Property Maintenance Code, as the same is revised from time to time by the International Code Council, Inc., copies of which are on file in the office of the Township of Southampton Township, Cumberland County, Pennsylvania, is hereby adopted as the Residential Rental Property Inspection Code of the Township of Southampton, Cumberland County, Pennsylvania, for the regulation of all residential rental properties.

The most recent revision of the International Property Maintenance Code shall be applicable without the necessity of a special ordinance adopting each new revision as published.

Each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code on file in the office of this Township are hereby referred to, adopted, and made a part hereof, as if fully forth with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this Ordinance.

SECTION 3: MODIFICATION OF STANDARDS

Notwithstanding the above, The International Property Maintenance Code and all subsequent revisions correspondingly is hereby amended and revised in the following respects:

- A. Any reference in this Code to “municipality”, “Chief appointment authority and/or “Jurisdiction” shall be a reference to the Township of Southampton, Cumberland County, Pennsylvania.
- B. Reference to the “chief administrative officer” shall be reference to the Code Enforcement Officer of the Township of Southampton, Cumberland County, Pennsylvania, or other designee of the Township.
- C. Reference to the “code official” shall be reference to the Township of Southampton, Cumberland County, Pennsylvania, Code Enforcement Officer or other designee of the Township.
- D. Section 101.1 Delete “[NAME OF JURISDICTION]” and insert “Township of Southampton, Cumberland County, Pennsylvania”.
- E. Section 103.5 This sub-section titled “Fees” shall be deleted.
- F. Section 104.6 This sub-section titled “Department Records” shall be amended to read as follows:

“Department records. An official record shall be kept of all business and activities relating to the administration of this code, and all such records shall be open to inspection by the owner of the property subject to the administrative action as well as any occupant of the premises. The availability of such records to others shall be in accord with the Pennsylvania Right To Know Law, Act 3 of 2008, as from time to time amended. Until such time as a decision of the Code Enforcement Officer or designee is appealed, said officer shall keep confidential all evidence which he may discover or obtain in the course of an inspection made pursuant to the administration of this code, and such evidence shall be considered privileged. Evidence so obtained shall not be disclosed except as may be necessary in the judgment of the Code Enforcement Officer or designee for the proper and effective administration and enforcement of the provisions of this chapter and the rules and regulations issued pursuant thereto and shall not otherwise be admissible in any judicial proceeding without the consent of the owner, occupant or other person in charge of the premises subject to the administrative action. All records shall be

retained in the official records for the period required for the retention of public records.”

- G. Section 106.4 This sub-section titled “Violation Penalties” shall be amended to read as follows:

“1. The failure of any owner to effect corrections as provided in this article shall be considered a violation of the Township Residential Rental Property I section Code Ordinance and by incorporation, the applicable Township Residential Rental Property Ordinance, and the procedures and penalties prescribed therein shall be applicable.

2. The failure of any owner to schedule an inspection or re-inspection as provided in this article shall result in the issuance of a notice to the owner that the property is not a qualified residential rental unit, as defined in the Township Residential Rental Property Ordinance, in which event it shall be unlawful for any person to occupy or to let to others for occupancy the premises in question until the unit becomes a qualified residential rental unit after inspection and compliance with violation notices.

3. Any person, firm, entity, or corporation who shall violate any provision of this ordinance shall, upon being found to have committed the violations in a civil enforcement action before a District Justice, pay a civil penalty not to exceed Six Hundred Dollars (\$600.00) per violation. Each day that the violation continues shall be deemed a separate offense and punishable as such. The Township may enforce this ordinance in equity or through injunctive relief in addition to or in lieu of such civil action before the District Justice. If the penalty for the violation of this ordinance is not timely paid and the person, firm or corporation upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violators shall be liable for the penalty imposed including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. Fines as imposed through this ordinance shall be collected as allowable by law.

4. In the instance of repeated violations of this ordinance, whether for the same or similar offenses or for various offenses, and upon being found to have committed the violations in a civil enforcement action before a District Justice, the Township may revoke the Certificate of Compliance, in addition to any other remedies provided in this ordinance or the Township Residential Rental Property Ordinance. An owner shall be considered as a repeat violator when two or more violations have occurred within a two (2) year period measured from the date of the first violation, whether for the same or similar offenses or for various offenses. Said revocation shall be effective for a period of up to one year, at which time a new application for registration may

be submitted and shall be reviewed in accordance with the provisions of this ordinance. Three license revocations, regardless of the time frame in which they occur, attributed to an owner shall result in a permanent revocation.”

- H. Section 106.1 shall be amended by adding at the end thereof a new Sub-Section 106.6 titled “Automatic Stay” to read as follows:

“106.6 Automatic Stay. An appeal from a decision of the Code Enforcement Officer, or other designee, or from a citation, notice or order issued under this code, shall act as an automatic stay of the decision, citation, notice or order appealed. The stay provided in this section shall remain in effect during the pendency of the appeal before the Board of Appeals and during the pendency of any subsequent appeals from the Board of Appeals; decision to the courts of this Commonwealth. Each day any appeal to the Board of Appeals or the courts of this Commonwealth remains pending shall not count as a separate offense for purposes of determining the amount of penalty due for a violation of this code under Section 106 sub-section titled “Violation Penalties”.

Once all appeals have been finally determined and a person has then been given a reasonable opportunity, as shall be set forth in the appeals decision, to comply with the decision, citation, notice or order appealed, then each day subsequent to that time that a violation continues shall be considered a separate offense for purposes of Section 106 sub-section titled “Violation Penalties”.

- I. Section 107.0 shall be amended by addition at the end thereof a new Sub-Section 107.7 titled “Designation of Local Agent” to read as follows:

“107.7 Designation of local agent. The owner of owners having a legal or equitable interest in any residential rental property situate in the Township shall register for each such property a person or firm who or which shall serve as the local agent, as set forth in the Residential Property Inspection Ordinance. Said local agent shall be responsible for providing legal access to the premises for the purposes of conducting inspections necessary to ensure compliance with this code and other ordinances of the Township of Southampton, Cumberland County, Pennsylvania. In addition said individual or firm shall be designated and authorized by the owner/owners to accept legal process on behalf of said owner/owners as it relates to said premises or property.”

- J. Section 111.7 titled “Court Review” shall be revised to read as follows:

“111.7 Court review. Any person aggrieved by the final decision of the Board of Appeals may obtain judicial review by filing with the Court of Common Pleas of Cumberland County, Pennsylvania, within 30 days of the announcement of such decision, a petition praying the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith

transmitted to the Board of Appeals which shall file in court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify or vacate the decision complained of in whole or in part. The findings of the Board of Appeals with respect to questions of fact shall be sustained if supported by substantial evidence on the record considered as a whole.”

- K. In Section 302.4 Titled “Weeds”, delete [JURISDICTION TO INSERT HEIGHT IN INCHES] and insert in its place “12 inches”.
- L. In Section 304.14 Titled “Insect Screens” delete “[DATE]” to “[DATE]” and insert in its place “April 1, to October 1.”
- M. In Section 602.3 Titled “Heat Supply” delete “[DATE]” to “[DATE]” and insert in its place “January 1, to December 31.”
- N. In Section 602.4 Titled “Occupiable work spaces” delete “[DATE]” to “[DATE]” and insert in its place “January 1 to December 31.”

SECTION 4: REPEALER

All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 5:

In the event that any provision, section, sentence, clause, or portion of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or portion of this Ordinance, it being the intent that such remainder shall be and shall remain in full force and effect.

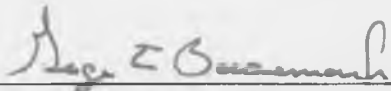
SECTION 6: EFFECTIVE DATE

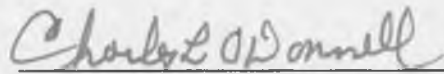
This Ordinance shall take effect on January 1, 2014.

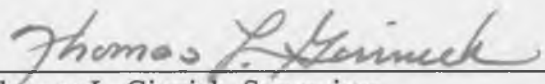
DULY ENACTED AND ORDAINED this 25th day of November, 2013 by the Board of Supervisors of Southampton Township, Pennsylvania, in lawful session duly assembled.

SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS

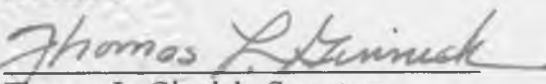
CUMBERLAND COUNTY, PENNSYLVANIA

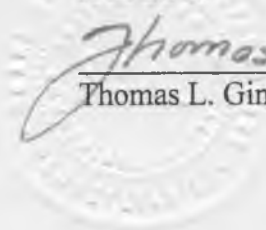
By: 
George E. Bauserman, Sr., Chairman of the
Board of Supervisors


Charles L. O'Donnell, Vice-Chairman of the
Board of Supervisors


Thomas L. Ginnick, Supervisor

ATTEST:


Thomas L. Ginnick, Secretary

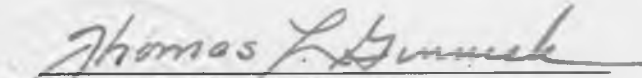


CERTIFICATE

I, the undersigned, Secretary of Southampton Township, Cumberland County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Supervisors of the Township at a meeting duly held on Monday, November 25, 2013; that said Ordinance has been duly recorded in the Ordinance Book of the Township; that a summary of said Ordinance was duly published on Saturday, November 16, 2013, and Friday, as required by law in a newspaper of general circulation in the Township; and that said Ordinance remains in effect, without substantial amendments, as of the date of this Certificate.

I further certify that the meeting at which the Township adopted said Ordinance was a public meeting duly held after giving public notice of the date, time and place of such meeting by posting, publishing and mailing such notice at the time and in the manner required by Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, as amended, known as the "Sunshine Act."

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 25th day of November, 2013.


Thomas L. Ginnick, Secretary

(SEAL)