

**TOWNSHIP OF TILDEN  
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE #246-2021**

**AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER XV ENTITLED "HOUSING," OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF TILDEN, TO ESTABLISH A REVISED CHAPTER XV- HOUSING, PART I ENTITLED "RENTAL HOUSING REGISTRATION", TO REGULATE THE OPERATION OF CERTAIN RENTAL UNITS, TO PROMOTE COMPLIANCE WITH APPLICABLE STATE AND LOCAL LAWS, REGULATIONS, ORDINANCES AND CODES AND TO OTHERWISE PROMOTE MAINTAINING RENTAL PROPERTIES IN GOOD, ORDERLY AND SAFE CONDITION; TO ESTABLISH A BACKGROUND, DEFINITIONS, LICENSE, PERMIT AND INSPECTION REQUIREMENTS, ENFORCEMENT AND PENALTIES OF VIOLATION OF THIS ORDINANCE, SEVERABILITY AND REPEAL OF INCONSISTENT ORDINANCES, INCLUDING ORDINANCE NO. 174 - 2007.**

**BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Township of Tilden, Berks County, Pennsylvania ("Township") and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

**SECTION 1.** Chapter XV title "Housing", of the Township of Tilden Code of Ordinances is hereby repealed and replaced in its entirety, as follows:

**CHAPTER XV - HOUSING**

**PART 1 - RENTAL HOUSING REGISTRATION**

**Section 101 Background.**

The Township wants to ensure that rental dwelling units are safe, sanitary and fit for human occupation and use. In order to effectively and efficiently ensure that the dwelling units are safe, sanitary and fit for human occupation and use, the Township Code Enforcement Officer must periodically inspect such dwelling units.

**Section 102. Definitions.**

As used in this Chapter, the following terms shall have these meanings:

**CODE ENFORCEMENT OFFICER or "OFFICER"** - Any person specifically designated as such by the Township to enforce this Part, and shall include the duly authorized representatives of said Code Enforcement Officer.

**DWELLING** - Any building or structure, parcel, premises or common ground, except temporary housing for a period of twenty five (25) days or less, which is wholly or partly used or intended to be used or available for use or available to be used for living or sleeping by human occupants.

**DWELLING UNIT** - Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used or available for use or available to be used for living or sleeping.

**PROPERTY OWNER or "OWNER"** - Any person who, either alone or jointly or severally with others, has legal title to any residential rental property or residential rental unit, with or without accompanying actual possession thereof, or who has charge, care or control of any residential rental property or residential rental unit as an owner or agent of the owner or as executor; executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and the rules and regulations adopted pursuant thereto to the same extent as if he / she was the owner.

**PERMIT** - A rental occupancy permit issued by the Code Enforcement Officer.

**PERSON** - Any natural individual, partnership, association, corporation, joint venture, receiver, executor, trustee or personal representative or guardian appointed by order of any court.

**RESIDENTIAL RENTAL PROPERTY** - Real property of any form which offers rooms or groups of rooms for one or more persons as independent living facilities, to provide for living, sleeping, cooking and disposal of human waste, that are not occupied by the owner of the property. Residential rental properties include but are not limited to single-family dwellings, two-family dwellings or duplexes, multifamily dwellings, apartments, boarding houses, guest houses, rooming houses, lodging houses, including properties where the tenant has an option or other contractual right to purchase the property.

**RESIDENTIAL RENTAL UNIT** - A room or group of rooms for one or more persons with independent living facilities, providing for living, sleeping, cooking and disposal of human waste, that are not occupied by the owner of the property. Residential rental units include but are not limited to single-family dwellings, two-family dwellings or duplexes, multifamily dwellings, apartments, boarding houses, guest houses, rooming houses, lodging houses, hotels, and tourist house.

**ROOMING HOUSE** - Any dwelling, or part thereof, containing one or more rooming units, in which space is let by the owner or operator to three (3) or more persons, who are not the husband, wife, son, daughter, mother, father, sister or brother of the owner or operator. "Rooming House" shall also be deemed to include Mobile Home Parks of five (5) or more spaces which are leased or licensed to owners or renters of mobile homes, modular homes, campers or trailers for a time of twenty five (25) days or more.

**TOWNSHIP** - The Township of Tilden Berks County, Pennsylvania.

**Section 103. License required.**

- A. No person hereafter shall occupy, allow to be occupied, or lease to another person for occupancy any residential rental unit within a residential rental property within the Township of Tilden unless a license application has been properly completed and filed with the Township and all fees paid.
- B. No person shall allow another to occupy or to lease to another person for occupancy a residential rental unit within a residential rental property within the Township unless the Property Owner lives within fifty (50) miles of the residential rental property or a designated property manager resides within fifty (50) miles of the residential rental property. The Property Owner shall provide contact information to the Township. Such contact information shall be such that will permit the Township, in the event of an emergency, to contact the Property Owner or the designated property manager twenty-four (24) hours a day, seven (7) days a week, 365 days a year. In the event the Township alerts the Property Owner or the designated property manager of an emergency, the Property Owner or the designated property manager shall be present at the property in question to address the emergency. It shall be the Property Owner or designated property manager's absolute duty to update the contact information in the event the same is changed at any time.

**Section 104. Manner of licensing.**

- A. Every owner, landlord, manager or agent for an owner who rents or leases or offers for occupancy any real property or portion thereof in the Township to any tenant or occupant for a period of time in excess of seven (7) days shall submit an application to the Township for a residential rental property license for that residential rental property, and the same shall be made upon forms furnished by the Township for this purpose and shall include, but not be limited to, the following:
  - 1. The name(s), address(es), telephone number(s) and e-mail address(es) of the Property Owner(s).
  - 2. The name, address and telephone number of a designated property manager who resides or has an office within fifty (50) miles of the residential rental property if the Property Owner lives outside the fifty (50) mile radius of the residential rental property.
  - 3. The street address of the residential rental property.
  - 4. The number and type of units within the residential rental property.
    - (a) The dwelling unit or room unit number or street address.
    - (b) The name or names of all tenants and occupants to occupy such residential rental property or unit.
    - (c) Contact information for the tenants and occupants of the residential rental property or unit.

- (d) The mailing address of the residential rental unit.
  - 5. Statement to be signed by the Property Owner authorizing the Township to inspect any residential rental unit within the residential rental property with twenty-four (24) hour notice to the Property Owner or his or her designated agent, if any, except in emergency situations where an inspection may occur without notice. A copy of this statement shall be provided to the tenant(s).
  - 6. The information required in this Subsection A shall be provided to the Township at the time of application for licensing and as needed due to any change of the renting, leasing, subleasing or occupancy of any residential rental property in the Township for a period of time in excess of fourteen (14) days. In the event of any change of the renting, leasing, subleasing, or occupancy of any residential rental property, the new, revised or additional information shall be provided to the Township within seven (7) days of such change.
- B. The fee for the annual license of each residential rental unit shall be set by resolution of the Township Supervisors from time to time. It is the intent of the Board of Supervisors that the annual license fee shall be lower in years in which inspection is not required. Further, for owners of four (4) or more units, where payment of the license fee in a single installment would be a hardship for the Property Owner, as determined by the Board of Supervisors, such fee may be made in several installments. Registration fees will not apply for any units that are occupied by immediate family members of the owner, including, with limitation, parents, parents-in-law, son, son-in-law, daughter and daughter-in-law. Proof of the familial relationship may be required at the discretion of the Code Enforcement Officer. Although registration fees will be waived for the family residential arrangements set forth above, inspections are required for all rental units as set forth herein, and inspection fees shall apply, as set forth on the then current Township fee schedule.
- C. Inspection fee.
- 1. The fee for the inspection(s) of each residential rental unit shall be set by resolution of the Township Board of Supervisors from time to time.
  - 2. Except as otherwise stated herein, the inspection(s) for the residential rental properties shall be every three (3) years; provided, however, if during the inspection(s) it is deemed the residential rental unit is in violation of this section or any other pertinent section of the Code, the residential rental property shall be inspected annually for the next three (3) year cycle.
- D. Except as provided in Subsection E, application for the initial annual license accompanied by the fees required by Subsections B and C shall be made on or before December 1 of the calendar year with respect to the following calendar year. If approved, the annual license shall be valid for the applicable calendar year. An application for a renewal of the license must be made each year 30 days prior to the date of expiration of the current license.

- E. Every new owner of residential rental property within the Township shall be required to furnish to the Township the information required by Subsection A within thirty (30) days of settlement on purchase of the residential rental property for the initial license as set forth in Subsection D. If approved, the annual license shall be in effect until the standard renewal date in Subsection D. The Inspection fee of Subsection C shall not be collected from a new owner until due for the next year if the prior owner was current on all inspection fees and had complied with all requirements of this part.
- F. In cases where a residential rental property has been acquired by a new owner and where such property has successfully passed a use and occupancy inspection, the residential rental units in such property shall not be subject to additional inspection hereunder until inspection would otherwise have been required.
- G. Registration fees otherwise required by this Chapter will not apply in any of the following circumstances, provided that no rent is paid for the occupancy of the residential rental units at issue, other than reimbursement of direct expenses, such as taxes and utilities:
1. Residential rental units that are occupied by immediate family members of the owner, including, with limitation, parents, parents-in-law, son, son-in-law, daughter and daughter-in-law.
  2. Residential rental units that continue to be occupied by the same person or persons who owned the Residential rental unit immediately prior to the current owner where the transfer of ownership was accomplished for estate planning or similar purposes.
  3. Residential rental units that are occupied by persons who previously occupied the premises, as spouse or paramour of the prior owner or other relative of the prior owner, where the ownership changed as the result of death or disability of the prior owner and where application of the registration fee provisions of this Chapter would be an unfair imposition on the owner of the property under the circumstances and consistent with the intent and purposes hereof

All other registration and inspection requirements of this Chapter than the fees shall apply to such units.

#### **Section 105. Inspection of residential rental units.**

All residential rental units shall be inspected by the Officer for compliance with this Chapter and other Township ordinances, including but not limited to the Property Maintenance Code, as more fully set forth herein. Nothing in this Section shall prohibit additional inspections in response to a tenant complaint or a change in renting, leasing, subleasing or occupancy of any part of the residential rental property or if the residential rental property of which the residential rental unit is a part is suspected of being in violation of any Township ordinance or any state or federal law(s).

**Section 106. Inspection certificate required.**

No person shall rent, lease or allow to be occupied any residential rental property or residential rental unit as defined in this Chapter within the Township without having a valid and current certificate of inspection for said real property.

**Section 107. Procedure for inspections.**

A. The Officer shall inspect every residential rental unit within the Township at the intervals specified in this Chapter. An inspection may also be conducted if the Township receives a complaint. The criteria for inspection shall be whether the residential rental property is in compliance with the Township ordinances and shall also include the following checklist items which may be amended at any time by resolution of the Township Supervisors from time to time:

1. Exterior and interior property.
  - (a) Gutters and downspouts.
  - (b) Sidewalk condition (if applicable).
  - (c) Broken windows.
  - (d) Interior and exterior guardrails for stairs and porches over thirty inches (30") above the ground; four inch (4") maximum spacing; cannot cause a "ladder" effect; unsafe steps as per Building Code.
  - (e) Tall grass and weeds to be maintained within ten inches (10").
  - (f) No accumulation of rubbish or garbage.
  - (g) House numbers to be displayed in accordance with Chapter XIV, Part 3 of the Code of Ordinances, as adopted on June 10, 2020.
  - (h) Condition of roof.
  - (i) Facade, siding, brick or veneers, rotting wood and/ or peeling paint.
2. Interior and exterior electrical.
  - (a) Ground fault circuit interrupter (GFCI) receptacles required in bathroom, kitchen with countertops, unfinished basements, garages, outside receptacles and swimming pool receptacles.
  - (b) Exposed or dangerous electrical wiring.
  - (c) Missing covers on receptacles, switches and junction boxes.
  - (d) Labeling of all breakers or fuses at panel.

- (e) Open slots at panel box (sealed or capped).
3. Fire protection and safety.
- (a) Smoke detectors.
    - 1. Battery-operated detectors shall be permitted in the following:
      - a. Residential rental units approved for such use prior to the enactment of this Chapter, regardless of the number of units;
      - b. Any residential rental unit that contains three (3) or fewer residential rental units.
    - 2. Hard-wired detectors with interconnected battery backup shall be required for any new residential rental license for a residential rental property containing more than three (3) units.
    - 3. Required in the basement.
    - 4. One (1) shall be required on every level.
    - 5. Required in every bedroom and/ or room where a person sleeps, if it is not a bedroom.
  - (b) Egress from all bedrooms (windows must be operational and maintain an open position).
  - (c) Thumb-latch deadbolts at doors (double-keyed type not permitted).
  - (d) Continuous railing at all stairwells.
  - (e) Two and one-half (2 ½) pound to five (5) pound ABC fire extinguishers required in all kitchens.
  - (f) Carbon monoxide detectors shall be required in all residential rental properties that contain attached garages, fuel-fired appliances, or basements for every level of the building as well as adjacent to each sleeping area.
4. Plumbing and heating.
- (a) Water heater relief valve (maximum six inches (6") from floor with minimum one inch (1") air gap from floor, rigid pipe only).
  - (a) Gas-operated appliances shall be properly ventilated to the outside of the building.

- (b) No leaks in plumbing.
- (c) Properly functioning toilets, tub/shower units and lavatories. This includes the floor surrounding toilets and tub/ shower units (cannot be rotted or compromised from a leak).
- (d) Proper ventilation for dryers (must vent directly outside).
- (e) Properly functioning sewer system; sump pump installed properly.
- (f) Property Owner shall supply adequate heat supply capable of maintaining 68° room temperature in all habitable rooms, bathrooms and toilet rooms. Liquid space heaters may not be utilized as the source of heat for a residential rental property.
- (g) No cooking appliance (stove, oven) shall be used to provide space heating.

B. If a rental property and all residential rental units within said residential rental property are found to be in compliance with Township Ordinances and the checklist items set forth herein and the inspection fee has been paid, the Officer shall issue a certificate of inspection for the residential rental property. All new residential rental properties, and the creation or expansion of the same, must comply with this Chapter as well as all existing and current local ordinances, state and federal laws, as well as building codes and standards.

C. Violations.

1. If a residential rental property, or any residential rental unit within said residential rental property, is found to be in violation of any Township ordinance or this Chapter, the Officer shall provide written notice of such violation to the residential rental Property Owner or the local property manager designated by the residential rental Property Owner and to the tenant(s) and shall set a reinspection date before which such violations shall be corrected. The reinspection date shall be as stated by the Officer in the written notice but shall be no more than thirty (30) calendar days after the date of the inspection.
2. If the violation(s) cited by the Officer is (are) corrected upon reinspection and the annual license fees have been paid, the Officer shall issue a certificate of inspection for the residential rental property.
3. If the violation(s) cited by the Officer is (are) in the process of being completed, but the duration of repairs exceeds the allotted thirty (30) calendar days, the Officer may extend one (1) time for a period not to exceed an additional thirty (30) days to schedule a final inspection. The Property Owner or his or her assigned manager shall pay the necessary fee for said additional inspection(s).



4. If the violation(s) cited by the Officer is (are) not corrected upon reinspection, the Officer shall not issue the certificate of inspection, and the residential rental property license shall also be suspended as noted in § 109 of this Chapter.
5. Violation(s) records will remain in effect for three (3) consecutive years. In the event any violation occurs more than once within the assigned three (3) year period, such violations will be labeled as a reoccurring violation(s) and will result in a nontraffic citation being issued as more fully set forth in § 112 of this Chapter.
6. Failure by the owner to be present for any scheduled inspection or reinspection shall result in a fee being assessed to the owner. The fee shall increase for each such failure to show. The fee for the failure to show for each residential rental property inspection or reinspection shall be set by resolution of the Township Supervisors from time to time.
7. Property Owners shall be responsible to reimburse the Township for all fees incurred by the Township in enforcing this Chapter and correcting violations of the same, including but not limited to reasonable attorneys' fees.

**Section 108. Certificate of inspection.**

- A. The owner of a residential rental property may request inspection of a residential rental unit within the residential rental property at any time. Any such request shall be made in writing and shall be accompanied by the inspection fee as set by resolution of the Township Supervisors from time to time.
- B. The certificate of inspection issued by the Officer shall be valid until the next inspection.
- C. A certificate of inspection shall be transferable to new owners.

**Section 109. Suspension or revocation of licenses.**

- A. If violations are found during an inspection of a residential rental property or a residential rental unit, the Property Owner or his/her designated representative shall be notified of the violations, and the license of the residential property unit shall be suspended after an opportunity for compliance.
- B. If the violations found during the inspection are not corrected within the designated time frame, the license shall be revoked immediately.
- C. Residential rental property licenses shall be suspended when tenants or their guests violate an ordinance regarding property maintenance or zoning or violate any section of the Crimes Code of Pennsylvania more than two (2) times in any six (6) month period.
- D. If the violations found during the inspection are not corrected within the designated time frame, the Owner shall notify tenant(s) to vacate the unit within forty-five (45) calendar days of the receipt of the notice, and a copy of the notice shall be provided to the Township. Occupancy of the residential rental property or any residential rental unit

within said residential rental property shall not be allowed until the violations have been corrected and the residential rental property passes an inspection by the Officer.

- E. The failure of any tenant to move after having been given the forty-five (45) day notice to vacate as described in Subsection D, above, shall constitute a violation of this Chapter by both Tenant and Owner, and the Township shall have all rights and remedies available to it pursuant to § 112 of this Chapter.
- F. Property Owners shall be responsible to reimburse the Township for all fees incurred by the Township in enforcing this Chapter, including but not limited to reasonable attorneys' fees.

**Section 110. Appeal from decision of Officer.**

If the Officer denies the issuance of a certificate of inspection for a residential rental property or suspends or revokes a residential rental property license, the Property Owner or the Property Owner's representative or an affected tenant shall have the right to appeal the decision by filing a notice of appeal with the Township Manager or Manager's designee no later than ten (10) days after the decision is served. An application for appeal shall be based on a claim that the true intent of this Chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Chapter do not fully apply, or the requirements of this Chapter are adequately satisfied by other means. A notice of appeal from may be obtained from the Township Manager. A hearing before the Board of Supervisors, to be held in accordance with the Pennsylvania Local Agency Law, will be scheduled within forty-five (45) days from the date the appeal is filed with the Township. Further appeal is to the Court of Common Pleas of Berks County in accordance with the Local Agency Law.

**Section 111. Access to rental property.**

- A. Failure to provide access to a residential rental property or any residential rental unit within said residential rental property shall constitute a violation of this Chapter, provided that twenty-four (24) hours' notice of an upcoming inspection has been provided to either the residential rental Property Owner or its designated property manager or tenant. The twenty-four (24) hours' notice is not needed if the Officer has evidence of a clear danger in the residential rental property.
- B. For the purpose of enforcing this Chapter, the Officer or his or her designee must obtain an administrative search warrant from any competent authority, in accordance with applicable legal standards, for the purpose of compelling access and inspection of a residential rental property or a residential rental unit within such residential rental property.

**Section 112. Violations and penalties; remedies.**

- A. Unless the Property Owner or the Property Owner's representative or the affected tenant has timely filed a notice of appeal and the appeal is pending, failure to correct the violations by the time of the reinspection will result in the Officer issuing a nontraffic citation to the Property Owner or owners.

- B. If in the opinion of the Officer there is evidence that a tenant or tenants are responsible for part or all of the violations which resulted in the suspension of the residential rental property license, the Officer shall have the ability to cite either the Property Owner or the tenant(s), or both. All parties cited shall be required to appear before the local Magisterial District Judge.
- C. Any person who violates any provision of this Chapter shall, upon conviction thereof, be guilty of a summary offense and subject to a sentence of a fine of not less than One Hundred Dollars (\$100), but not more than One Thousand Dollars (\$1,000), as well as all reasonable attorneys' fees incurred by the Township in enforcing the Chapter and issuing the nontraffic citation, and, in default of payment, to imprisonment for a term not to exceed thirty (30) days.
- D. A separate offense shall be deemed to have been committed for each and every day during or on which a violation occurs.
- E. In addition, if the Officer has issued a notice to vacate the residential rental unit and if any tenant still remains after the forty-five (45) days from the date of the notice to vacate, the Township has the right to seek from the local Magisterial District Judge or from a Court of Common Pleas Judge an order giving the Township the authority to padlock the residential rental unit or residential rental property until the violations have been corrected and the residential rental property and/or residential rental unit passes an inspection by the Officer. After the residential rental property or residential rental unit has been padlocked, only the owner, the owner's designee, and the Officer shall have access to the residential rental property or residential rental unit. The Township is prohibited from seeking such a judicial order if, and only if, the residential rental Property Owner or said owner's representative or the affected tenant has timely filed a notice of appeal and the appeal is pending.

**Section 113. Exemptions.**

This Chapter shall not apply to hospitals or nursing or retirement homes which possess valid licensure/certification by other governmental agencies or certifying bodies.

**SECTION 2.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 3.** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, legality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Township of Tilden that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

**SECTION 4.** The Code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Ordinances of Tilden Township, Berks County, Pennsylvania, upon adoption.

SECTION 5. All ordinances or parts of ordinances of the Township of Tilden which are inconsistent herewith are hereby repealed.

SECTION 6. This Ordinance shall become effective on the earliest date permitted by law.

DULY ENACTED AND ORDAINED this 10th day of November, 2021.

TILDEN TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA

By: Gene L. Schappell  
Gene Schappell, Chairman

By: Fred Herman  
Fred Herman, Vice Chairman

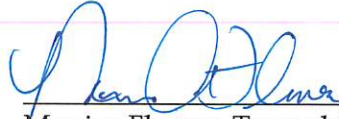
By: \_\_\_\_\_  
Richard DeLong, Supervisor

Attest: Monica Flower  
Monica Flower, Township Manager

**MUNICIPAL CERTIFICATION**

I, Monica Flower, Township Manager of the **TILDEN, BERKS COUNTY, PENNSYLVANIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 246-2021 adopted at a regular meeting of the Board of Supervisors of Tilden Township, Berks County, Pennsylvania held on the 10th day of November, 2021.

[SEAL]



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Monica Flower, Township Manager