

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF DOUGLASS TOWNSHIP,  
MONTGOMERY COUNTY, PENNSYLVANIA, REQUIRING  
THE REGISTRATION, INSPECTION AND PERMITTING  
OF CERTAIN RESIDENTIAL RENTAL UNITS PRIOR TO  
OCCUPANCY.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of  
Supervisors of Douglass Township, Montgomery County,  
Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the  
authority of same as follows:

**SECTION 1. PURPOSE.** The purpose of this Ordinance and the  
policy of the Supervisors of Douglass Township shall be to  
protect and promote the public health, safety and welfare of its  
residents relating to the owners and occupants of certain  
residential rental units within the Township and to encourage  
owners to maintain and improve the conditions of rental housing  
within the Township, through an ordinance to register, inspect  
and permit residential rental units.

**SECTION 2. APPLICABILITY.** This Ordinance shall be  
applicable to the following types of residential rental units:

Single family dwellings, converted single family dwellings  
into multiple units, individual buildings containing 12  
residential rental units or less provided that building is  
not part of a larger apartment or condominium complex of  
residential rental units, mixed use buildings that contain

not more than 12 residential rental units.

SECTION 3. RESIDENTIAL RENTAL REGISTRATION;

INSPECTION/PERMITS REQUIRED.

A. **REGISTRATION.** The owner(s) of each residential rental property, subject to this Ordinance shall register any rental property containing residential rental units with the Douglass Township Code Enforcement Office on or before **July 1, 2013.** There shall be no rental registration fee for rental property registered prior to that date. Rental registration fees for properties registered subsequent to **July 1, 2013,** shall be established by the Board of Supervisors from time to time by Resolution. For newly created residential rental units, registration shall occur prior to any occupancy.

B. **INSPECTION.** No person shall let to another for occupancy any dwelling or dwelling unit unless he/she first registers the residential property and, thereafter, schedules an inspection of the residential rental property by the Douglass Township Code Enforcement Officer. Following the inspection and prior to issuing a permit, the Code Enforcement Officer shall inspect and determine that the residential rental unit meets or exceeds the minimum standards required, as more

specifically described in Section 10 below.

**SECTION 4. INFORMATION TO BE PROVIDED ON RENTAL**

**REGISTRATION.** Registration forms shall be available in the Code Enforcement Office. Information required to be submitted shall include but not be limited to the following:

- A. Name, address, telephone number and email address of property owner;
- B. Address and location of residential rental unit or units;
- C. Name, address and telephone number of rental agent (if applicable);
- D. Number of residential rental units located in the residential rental property;
- E. Identification and description of each residential rental unit;
- F. Additional information deemed necessary by the Township Code Enforcement Officer to administer the registration process.

**SECTION 5. REGISTRATION EFFECTUATED; FREQUENCY OF**

**REGISTRATION.**

Registration shall be deemed complete when the owner has submitted the information required in Section 4 above to the Douglass Township Code Enforcement Office. The Code Enforcement Office shall issue a Certificate of Registration evidencing said registration of the rental property so long as the rental

registration identifies all residential rental units within a residential rental property.

Once a residential rental property is registered with the Code Enforcement Office, a subsequent registration is required only when there is a change to the number of residential rental units within a residential rental property.

**SECTION 6. PERMITS REQUIRED.** No person shall let to another for occupancy any dwelling or dwelling unit, unless he/she first registers the residential rental property and, thereafter, applies for and obtains a permit issued by the Code Enforcement Officer. Permits for rental dwellings and dwelling units shall require renewal every three (3) years.

**SECTION 7. DURATION OF PERMITS.** Rental dwelling and dwelling unit permits shall be issued according to the inspection schedule of the Code Enforcement Officer and shall continue in effect for three (3) calendar years from the date the permit is issued. Upon the expiration of any dwelling unit permit, a new permit shall be required for the ensuing period of three (3) years.

**SECTION 8. TRANSFER OF PROPERTY.** Any permit issued under the provisions of this Ordinance shall terminate upon the transfer of ownership of the rental property. Thereafter, the new owners shall, within thirty (30) days, register the new

residential rental property, schedule an inspection, and apply for a new permit/permits for each residential rental unit. Thereafter, an inspection shall be performed by the Code Enforcement Officer.

**SECTION 9. INSPECTION FEES.** The Code Enforcement Office shall charge every person, firm or corporation owning a rental unit within the Township of Douglass, before making such inspections, as will be necessary for the issuance or renewal of a permit, the following fees, which shall defray the expenses of and compensate the Code Enforcement Officer for his/her time in conducting such inspections:

Residential Rental Dwelling	\$75.00 per unit
Reinspection Fee	\$55.00 per unit

The fees set forth in this section may be amended by Douglass Township Board of Supervisors from time to time by Resolution.

**SECTION 10. MINIMUM STANDARDS PER DWELLING UNIT.** At the time of inspection and prior to issuing a permit, the Code Enforcement Officer shall inspect and determine that each residential rental unit meets or exceeds the standards set forth in the rental residential unit Property Maintenance Checklist, which is attached hereto and incorporated herein, marked as

Exhibit "A", as described in Section 11 below.

**SECTION 11. RULES AND REGULATIONS.** The Douglass Township Board of Supervisors may implement and adopt rules and regulations necessary to implement this Ordinance, so long as same are not inconsistent with any provisions of this Ordinance.

**SECTION 12. AUTHORIZATION FOR INSPECTIONS/REINSPECTIONS.** The Code Enforcement Officer is authorized and directed to make inspections to determine the conditions of the dwelling, dwelling unit, and premises offered for rent within the Township of Douglass, under the scope of this ordinance, in order to safeguard the health and safety of the occupants thereof and the general public. He/she is further authorized to enter (by way of appointment or other manner provided in this Ordinance) for purposes of examining and surveying all of the habitable premises at a reasonable time to guarantee compliance with the requirements of Exhibit "A". Each occupant of such premises or operator in charge thereof shall extend to the Code Enforcement Officer access to such premises for the purpose of making any inspection, examination or survey. The Code Enforcement Officer may reinspect any property for which a permit has been issued upon receiving complaints from the tenant or any third party or when reinspection is necessary, when said premises is not in compliance with Exhibit "A".

SECTION 13. ISSUANCE OF SEARCH WARRANT; PROBABLE CAUSE.

If permission to enter any premises for the purpose of inspection is denied, the inspecting officer may apply for a search warrant to the District Magistrate serving the district within which the Township of Douglass is located. He/she shall supply all necessary Affidavits containing personal knowledge or probable cause of the issuance of a search warrant. Probable cause shall mean:

- (1) That inspection of said dwelling unit is part of a routine area inspection being conducted as a part of a systematic or concentrated code enforcement program;
- (2) That the defiant has knowledge of a violation of Township Codes that may endanger or otherwise affect the health and safety of the citizens of the Township of Douglass; or
- (3) That said entry is for the purpose of reinspecting a previous violation where no warrant was issued.

SECTION 14. WARRANT NOT REQUIRED. Warrants shall not be required for entry:

- (1) When entry is by permission or at the request of the occupant/owner;
  - (2) Where an imminent danger to health and safety exists;
- and

(3) Following an accident or inherent condition where immediate inspection is required to determine if imminent danger to health and safety exists.

**SECTION 15. MINIMUM STANDARDS.** If after the Code Enforcement Officer has inspected a property on two (2) occasions and said property does not meet the minimum standards required in Exhibit "A" for the issuance of a permit, then the Code Enforcement Officer can proceed to file a Summary Citation and seek violations and penalties as set forth in Section 15 below.

**SECTION 16. VIOLATION AND PENALTIES.** Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than Six Hundred Dollars (\$600.00) or imprisonment not to exceed thirty (30) days, or both, at the discretion of the Court. Each day that a violation continues shall be deemed a separate offense.

**SECTION 17. SEVERABILITY.** Should any section, paragraph, sentence, clause, phrase or wording of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 18.    EFFECTIVE DATE.    This Ordinance shall take effect five (5) days after enactment, but the provisions of this Ordinance shall not become enforceable until July 1, 2013.

(11-13-2012)

PROPERTY MAINTENANCE CHECKLIST

1. A fire extinguisher equipped with 2½ pounds ABC drypowder rating must be supplied for the dwelling mounted in the kitchen on the wall near the exit doorway.
2. At least one smoke detector in each of the following locations:
  - A. In accordance with the IRC (International Residential Building Code) - Maximum three units, the IBC (International Building Code) (four units or more), and the IFC (International Fire Code).
3. All kitchens, bathrooms, powder rooms and laundry rooms, or any garage and exterior outlets within six feet of a water source, must be supplied with a ground-fault receptacle.
4. All gas ranges must be supplied with shutoff valves installed behind the range.
5. All electric ranges must have an outlet installed at the rear of the range.
6. Any deck, patio, platform or landing that is 30 inches or more above the ground, requires a railing at least 36 inches high, which must be enclosed to prevent the passage of an object four or more inches in diameter through the railing.
7. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between garages and residences shall be equipped with solid wood doors, not less than one and three-eighths inches in thickness, solid or honeycomb core steel doors not less than one and three-eighths inches thick, or twenty-minute fire-rated doors.
8. The property must be in a clean, safe and sanitary condition.