

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO 2 of 2013

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR AMENDMENTS TO THE CODE OF THE BOROUGH OF CONSHOHOCKEN, AND PARTICULARLY REPEALING CHAPTER 11, PART 2 (RENTAL LICENSE PERMITS); REPEALING CHAPTER 13, PART 11 (RENTAL OF SINGLE-FAMILY HOMES TO MULTIPLE UNRELATED PERSONS); PROVIDING FOR THE REQUIREMENT OF RENTAL LICENSING AND PERMITS FOR ANY RESIDENTIAL RENTAL PROPERTY IN THE BOROUGH; PROVIDING FOR ANNUAL INSPECTION OF ALL RESIDENTIAL RENTAL PROPERTIES; PROVIDING FOR CLASSES OF RESIDENTIAL RENTAL LICENSE PERMITS FOR VARIOUS RESIDENTIAL RENTAL PROPERTIES; PROVIDING FOR ANNUAL FEES ASSOCIATED WITH THE ISSUANCE OF RESIDENTIAL RENTAL LICENSE PERMITS; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE ISSUANCE OF RESIDENTIAL RENTAL LICENSE PERMITS; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Conshohocken is duly empowered by the Borough Code to enact certain regulations relating to the public health safety and welfare of the citizens of the community of the Borough of Conshohocken; and

WHEREAS, Council previously enacted provisions governing Rental License Permits and provisions Regulating and Licensing Rental of Single-Family Homes to Multiple Unrelated Persons; and

WHEREAS, Council desires to REPEAL certain portions of the Conshohocken Borough Code relating to Rental License Permits and Regulating and Licensing Rental of Single-Family Homes to Multiple Unrelated Persons, in favor of the adoption of a comprehensive set of regulations to govern the licensing, inspection and maintenance of residential rental properties in the Borough of Conshohocken, and;

WHEREAS, the Borough Council finds that the regulation of residential rental properties in the Borough is essential to maintain adequate controls over the health, safety and welfare of the community; to insure the safety and security of persons living in residential rental properties; to insure compliance with all applicable Borough ordinances and codes; to prevent the overcrowding of residential rental properties, and to deter the overburdening of residential neighborhood parking facilities and public amenities; and to maintain good order and a minimum quality of life for residents of the Borough;

NOW THEREFORE, be it **ORDAINED** and **ENACTED**, by the Council of the Borough of Conshohocken, Montgomery County, Commonwealth of Pennsylvania, as follows:

SECTION I Short Title

This Ordinance shall be known as the “Conshohocken Residential Rental License Permit Ordinance.”

SECTION II Definitions

The following definitions shall apply to this Ordinance:

BOROUGH – The Borough of Conshohocken, Montgomery County, Pennsylvania.

COMMONWEALTH – The Commonwealth of Pennsylvania.

HABITABLE SPACE – Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas shall not be considered to be habitable spaces.

LANDLORD – A person which leases as lessor to a tenant any rental property, the use or occupancy of which continues for a period in excess of thirty (30) days, and/or a person appointed to act as a resident agent under this Ordinance.

PERSON – Any individual, partnership, association, firm, limited liability company or corporation.

RENTAL PROPERTY – Any dwelling, including but not limited to a house, townhouse, row house, duplex, twin, apartment, condominium, rooming house or mobile home, and any building containing any such units, from which the owner derives income or any other consideration from persons residing at such dwelling, as evidenced by a written or oral contract, lease, sublease or agreement, but not including any hotel, motel, bed and breakfast, or any other business licensed to provide transient lodging to overnight guests.

RESIDENT AGENT – A person residing in the Commonwealth and within a twelve (12) mile radius of the Borough appointed by the Landlord pursuant to this Ordinance. A resident agent may also be a tenant.

TENANT – A person who has the use or occupancy of a rental property for a period exceeding thirty (30) days, regardless of the payment of monetary consideration associated with the use or occupancy of the rental property.

SECTION III Establishment of Residential Rental License Permit

- A. All owners of rental properties in the Borough of Conshohocken shall make application to the Borough Code Enforcement Department, on or before April 15 of each calendar year, for the issuance of a Residential Rental License Permit under this Ordinance. A separate application shall be required for each rental property under this Ordinance.

- B. At the time of application, the owner shall provide the Code Enforcement Department a list of tenants proposed to reside in the rental property for the calendar year. The tenant list shall include all of the following: the full legal name of all tenants; the current address of the tenants and/or emergency contact information for each tenant; and a completed Borough Earned Income Tax Form or an affidavit attesting to the fact that the tenant is not employed.

C. The tenant list shall be updated any time that a change of tenant occurs during the term of the Residential Rental License Permit. Failure to update the tenant list shall constitute a violation of this Ordinance.

D. Every application shall be accompanied by a copy of the lease for the subject rental property or properties, the tenant list required under this Ordinance, a plan depicting the floor plan of the rental property (if required by the Code Enforcement Department), a copy of any Residential Rental License Permit issued for the rental property by the Borough of Conshohocken, the name and contact information of the designated Resident Agent required under this Ordinance, and the permit fee required for the Residential Rental License Permit, as fixed by Borough Council from time to time by Resolution.

SECTION IV Bi-Annual Inspection

A. Upon every first application for a Residential Rental License Permit under this Ordinance, the Code Enforcement Department shall perform an inspection of the rental property subject to the application, to insure that the rental property meets all of the requirements of the Code of the Borough of Conshohocken, including, but not limited to, the International Property Maintenance Code, the Uniform Construction Code, the Conshohocken Fire Code, the Zoning Ordinance, the Subdivision and Land Development Ordinance, the terms and conditions of this Ordinance, and any and all other applicable provisions of the Code of the Borough of Conshohocken or the laws of the Commonwealth.

B. Any rental property proposed to be issued a Residential Rental License Permit under this Ordinance, in addition to any other relevant requirements, must demonstrate compliance with the following standards:

1. Each dwelling unit must have at least one (1) habitable room not less than 120 square feet.
2. All spaces, other than kitchens, must contain a minimum of 70 square feet to be considered habitable spaces.
3. Bedrooms must contain a minimum of 70 square feet, plus an additional 50 square feet for each additional person occupying the same room.
4. No basement space may be considered habitable unless it meets the requirements for secondary means of egress/escape as defined by the applicable Borough building or property maintenance code.

C. The Code Enforcement Department shall schedule inspections of rental properties under this Ordinance with a minimum of ten (10) days advance notice. Nothing in this Ordinance shall be deemed to limit or restrict the ability of the Borough to conduct inspections of any residential rental property as deemed necessary to enforce any portion or part of the Code of the Borough of Conshohocken or the laws of the Commonwealth. The Applicant is responsible for the payment of any and all costs of the inspection, as fixed from time to time by Resolution of the Borough Council.

D. To the greatest extent practical, the Code Enforcement Department shall stagger the term of the Residential Rental License Permits under this Ordinance, in order to permit the inspection of rental properties throughout the calendar year.

E. Upon successful completion of all requirements of this Ordinance, the Code Enforcement Department may issue an appropriate Residential Rental License Permit. Rental properties which

fail to meet the requirements of this Ordinance shall not qualify for issuance of a Rental License Permit, unless the rental property is brought into compliance with this Ordinance. A re-inspection fee shall be paid by any owner seeking a second or subsequent inspection under an application for an annual Residential Rental License Permit prior to the Code Enforcement Department conducting such inspection. Re-inspection fees shall be as fixed from time to time by Resolution of the Borough Council.

F. Residential Rental License Permits issued under this Ordinance shall be valid for a period of one (1) year and may be renewed upon application. All properties seeking renewal of a Residential Rental License Permit must comply with all terms and conditions of this Ordinance.

G. Beginning in 2014, and continuing thereafter, properties subject to a Residential Rental License Permit under this Ordinance shall be inspected as provided herein every two (2) years. The Code Department shall have discretion to schedule inspections of licensed properties consistent with this Ordinance. Failure to comply with a notice from the Code Department regarding the scheduling or conduct of a mandatory biannual inspection under this Ordinance may result in suspension and/or revocation of any Residential Rental License Permit under this Ordinance. Inspections under this paragraph shall be subject to such fees and charges as set by the Borough for inspections and/or re-inspections, as applicable.

H. Residential Rental License Permits under this Ordinance shall not be subject to transfer or assignment.

SECTION V Classification of Residential Rental License Permits

A. Residential Rental License Permits shall be issued in accordance with the following classification of permits:

- Class 1 Single-family dwellings occupied by a single family.
- Class 2 Single-family dwellings occupied by other than a single family.
(less than 1,000 square feet of habitable space)
- Class 3 Single-family dwellings occupied by other than a single family
(greater than 1,000 square feet of habitable space)
- Class 4 Multi-unit rental properties containing four (4) or less dwelling units.
- Class 5 Multi-unit rental properties containing five (5) or more dwelling units.
- Class 6 Rooming Houses

B. The Code Enforcement Department shall determine the habitable space attributable to any residential rental property under this Ordinance. The determination of the Code Enforcement Department shall be final and binding.

SECTION VI Resident Agent

Any landlord who is an individual and does not reside within the Commonwealth or within a twelve (12) mile radius of the Borough, and any landlord which is other than an individual and has no office within the Commonwealth or within a twelve (12) mile radius of the Borough shall appoint a resident agent to act as a representative of the landlord for purposes of compliance with the requirements of this Ordinance. Any person designated as a resident agent must maintain a residence or office within a twelve (12) mile radius of the Borough. A resident agent may also be

a tenant. Resident agents shall be responsible to insure that a landlord's property meets all requirements of this Ordinance, the Code of the Borough of Conshohocken, including the Property Maintenance, Grass, Garbage Collection, Recycling, Snow and Ice and other provisions, and shall, in addition to the landlord, be subject to any and all relevant enforcement and penalty provisions associated therewith.

SECTION VII Landlord Responsibilities

As a condition of any Residential Rental License Permit issued pursuant to this Ordinance, each Landlord shall be responsible to insure that a property which is subject to a Residential Rental License Permit meets all requirements of this Ordinance, the Code of the Borough of Conshohocken, including the Property Maintenance, Grass, Garbage Collection, Recycling, Snow and Ice and other provisions, and shall be subject to any and all relevant enforcement and penalty provisions associated therewith.

SECTION VIII Revocation of Residential Rental License Permits

A. Any Landlord who violates any term, condition or provision of this Ordinance, in addition to the penalties set forth hereunder, shall be subject to revocation of any Residential Rental License Permit issued under this Ordinance.

B. Any rental property licensed under this Ordinance that is determined to be a nuisance shall be subject to revocation. A nuisance property shall be any property which is in violation of the Borough property maintenance requirements by being in a substantial state of uncleanliness, disorder or disrepair; any property substantially damaged by fire, flood or other natural disaster; any property determined to be uninhabitable by the Code Enforcement Officer; or any property which is occupied by any tenant who has engaged in any or all of the following conduct:

1. Drug possession, sale, or use.
2. Underage consumption and/or possession of alcohol.
3. Illegal possession or discharge of firearms.
4. Possession or use of fireworks or other incendiary or noisemaking devices.
5. Possession of noxious chemicals or materials
6. Untimely or excessive noise or disruptive conduct, including but not limited to, noise or disturbance caused by voices, radios, stereos, televisions, tools, machinery, equipment, motorized vehicles or animals.

C. The determination to revoke a Residential Rental License Permit under this Ordinance shall be made by the Borough Manager. Written notice of revocation of a permit issued under this Ordinance shall be given to the permit holder or resident agent, not less than fifteen (15) days prior to the proposed effective date of the revocation. A permit holder may request a hearing before a hearing officer prior to revocation, provided, however, that such hearing request must be made not less than five (5) days prior to the effective date of the revocation. Thereafter, the hearing officer shall schedule a hearing at a date and time convenient to the permit holder and the Borough, but not later than 30 days from the date the request for a hearing is received. All proceedings before the hearing officer shall be in accordance with the Local Agency Law, including those provisions pertaining to appeals to the Court of Common Pleas.

D. Any property which has been subject to revocation of a Residential Rental License Permit under this Ordinance shall not be eligible for a new or renewal Residential Rental License Permit for a period not less than three (3) years. Further, any landlord who has been subject to

revocation of a Residential Rental License Permit under this Ordinance shall be deemed ineligible to hold (individually or as a member, shareholder, officer, director or partner in any limited liability company, corporation, partnership, limited partnership, limited liability partnership or any other entity) a Residential Rental License Permit for any new or additional rental property for a period not less than three (3) years. Any entity, as herein described, which is associated in any manner with a landlord who has been subject to a revocation under this Ordinance shall be deemed ineligible during any such period of association.

SECTION IX Violations and Penalties

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300.00, nor more than \$1,000.00, plus costs, and in default of payment thereof, to be subject to a term of imprisonment not to exceed thirty (30) days. Each day that a violation continues shall constitute a separate offense under this Ordinance.

SECTION X Repealer

Any and all other ordinances or parts of ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby REPEALED, to the extent of such conflict. In particular, the terms of Chapter 11, Part 2 of the Code of the Borough of Conshohocken are hereby REPEALED in their entirety, and replaced by the terms and conditions of this Ordinance. The terms of Chapter 13, Part 11 of the Code of the Borough of Conshohocken are hereby REPEALED, in its entirety.

SECTION XI Savings Clause

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, enforceable or unconstitutional, the Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, enforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION XII Effective Date

This Ordinance shall become effective January 1, 2014.

ORDAINED and **ENACTED** an Ordinance of the Borough of Conshohocken this 19th day of June, 2013.

BOROUGH OF CONSHOHOCKEN

PAUL McCONNELL, COUNCIL PRESIDENT

ATTEST:

FRANCIS J. MARABELLA, BOROUGH SECRETARY

Examined and Approved by me this 19th day of June,
2013.

ROBERT FROST, MAYOR