

**BOROUGH OF WYOMISSING
Berks County, Pennsylvania**

ORDINANCE NO. 1292 - 2008

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF WYOMISSING, CHAPTER 11 ENTITLED "HOUSING", BY ADDING A NEW PART 2 PROVIDING FOR RENTAL PROPERTY MAINTENANCE.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Wyomissing, County of Berks, Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. The Code of Ordinances of the Borough of Wyomissing, Berks County, Pennsylvania, enacted and approved by Ordinance No. 1185 on May 11, 1997, as thereafter amended, is hereby amended by adding to Chapter 11 "Housing", a new Part 2 "Rental Property Maintenance" to read as follows:

**Part 2
RENTAL PROPERTY MAINTENANCE**

- § 201. Permits Required; Issuance**
- § 202. Termination of Permit Upon Transfer of Ownership**
- § 203. Re-inspection**
- § 204. Permit Fees**
- § 205. Minimum Standards**
- § 206. Violations and Penalties**

**Part 2
RENTAL PROPERTY MAINTENANCE**

- § 201. Permits Required; Issuance.**
 - A. No person, firm or corporation shall lease to another for occupancy any dwelling unless he, she or it shall first apply for and obtain a permit issued by the Code Enforcement Officer. Once obtained, the rental permit must be renewed every two (2) years.
 - B. Rental permits shall be issued according to the inspection schedule of the Code Enforcement Officer. Upon expiration of any rental permit, a new permit shall be required for the further period of two (2) years.

§ 202. Termination of Permit Upon Transfer of Ownership.

Any permit issued under the provisions of this Part, shall terminate upon the transfer of ownership of the property, and the new owner or owners shall apply for a renewal of the permit within seven (7) days of property settlement.

§ 203. Re-inspection.

The Code Enforcement Officer may re-inspect any property for which a permit has been issued upon receiving complaints from the tenants thereof or from third parties.

§ 204. Permit Fees.

The permit fees for any permit issued under the provisions of this Part shall be as set forth from time to time by resolution of the Borough Council.

§ 205. Minimum Standards.

The Code of Ordinances of the Borough of Wyomissing, Berks County, Pennsylvania, Chapter 11, "Housing", Part 1, shall be the minimum standards required for approval of a rental permit upon inspection by the Code Enforcement Officer.

§ 206. Violations and Penalties.

- A. Failure to apply for a rental permit shall constitute an offense under this Part and the Code Enforcement Officer may file a summary citation with the district justice and, upon conviction thereof, the owners may be subject to a fine of not more than \$600 plus all court costs, including reasonable attorney fees, incurred by the Borough as a result thereof. No judgment shall be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
- B. Failure to meet the minimum standards for permit issuance after the Code Enforcement Officer has inspected a property two (2) times shall constitute an offense under this Part and the Code Enforcement Officer may file a summary citation with the district justice and, upon conviction thereof, the owners may be subject to a fine of not more than \$600 plus all court costs, including reasonable attorney fees, incurred by the Borough as a result thereof. No judgment shall be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
- C. Each day that a violation continues shall constitute a separate violation, unless the district justice determines that there was a good faith basis for the person,

partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

D. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Borough.

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, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council 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. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance which are not specifically addressed herein are hereby repealed.

Section 5. This Ordinance shall become effective on the earliest date permitted by law following the date of its enactment.

ENACTED AND ORDAINED as an Ordinance, this 13th day of JAN, 2008.

BOROUGH OF WYOMISSING
Berks County, Pennsylvania

BY: Jeraldine D. Kozloff
Jeraldine D. Kozloff
President of Borough Council


ATTEST: Martha L. Heim
Martha L. Heim
Secretary of the Borough

APPROVED as an Ordinance this 13th day of JAN, 2008.

Ronald C. Stanko
Ronald C. Stanko
Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 242-2008 adopted by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania at a regular meeting held on Jan. 13th, 2009, pursuant to notice as required by law.



Martha L. Heim

Secretary of the Borough