

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 6, ENTITLED "CODE ENFORCEMENT" OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF AMITY, PART 3 ENTITLED "RESIDENTIAL RENTAL PROPERTY REGISTRATION INSPECTION AND LICENSING" TO AMEND THE DEFINITION OF "CHANGE-OF-OCCUPANCY" AND TO REQUIRE AN INSPECTION PRIOR TO RE-OCCUPANCY

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

SECTION 1. §6-302 entitled "Definitions", of Part 3 entitled "Residential Rental Property Registration, Inspection & Licensing" of Chapter 6, entitled "Code Enforcement", of the Code of Ordinances of the Township of Amity, Berks County, Pennsylvania, is hereby amended as follows:

CHANGE OF OCCUPANT

Any change in the occupancy of a residential rental unit, including, but not limited to, the commencement of occupancy by a new tenant, a change in the tenant or tenants occupying the unit, or the re-occupancy of a residential rental unit by existing tenants following a temporary displacement, regardless of the cause or reason for such displacement.

For purposes of this definition, a temporary displacement shall include any circumstance in which existing tenants are required, directed, or otherwise need to vacate a residential rental unit temporarily, including, but not limited to, displacement resulting from fire, water damage, flooding, a hazardous condition, the loss or interruption of essential utilities, structural deficiencies, necessary repairs or renovations, code violations, an emergency response, or an order or directive issued by a governmental authority.

A change-of-occupancy shall be deemed to occur upon the proposed return or re-occupancy of the residential rental unit by the displaced tenants, notwithstanding that the same tenants are returning to the same dwelling unit under an existing lease or rental agreement.

SECTION 2. §6-304 entitled "Licenses and Inspections", Section E, entitled "Inspection" by adding #7 as follows:

INSPECTION REQUIRED PRIOR TO REOCCUPANCY: Whenever a change-of-occupancy occurs as a result of the temporary displacement of existing tenants, the owner, landlord, or designated property representative shall notify the Township and arrange for an inspection of the affected residential rental unit as required by this Ordinance. The required inspection shall be conducted by the Township Code Enforcement Officer or other authorized Township representative, as applicable, prior to the reoccupancy of the dwelling unit. The inspection shall determine whether the conditions that resulted in the displacement have

been adequately corrected and whether the dwelling unit complies with the applicable requirements of this Ordinance and other applicable codes and regulations relating to fire and life safety, sanitation, essential utilities, and habitability. The residential rental unit shall not be reoccupied following a temporary displacement until the required inspection has been completed and the Township has determined that the unit may be safely reoccupied, except where otherwise authorized by applicable law or an applicable emergency procedure.

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 as the intent of the Board of Supervisors of the Township 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 conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 5. This Ordinance shall become effective immediately.

SECTION 6. Nothing in this Ordinance or the Parks and Recreational Areas Code hereby amended shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 7 The Code of Ordinances of the Township of Amity, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of the Township of Amity, Berks County, Pennsylvania, as amended, upon adoption.

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DULY ENACTED AND ORDAINED this _____ day of _____, 2026.

**TOWNSHIP OF AMITY
BOARD OF SUPERVISORS**

Kim McGrath, Chairperson

Kevin Keifrider, Vice-Chairperson

Paul Weller

Terry Jones

Nate Halter

ATTEST:

Pam Kisch, Secretary