

**BENDERSVILLE BOROUGH
ADAMS COUNTY, PENNSYLVANIA
ORDINANCE NO. 4 -2025**

**AN ORDINANCE OF THE BOROUGH OF BENDERSVILLE,
ADAMS COUNTY, PENNSYLVANIA, ADDING “RESIDENTIAL
RENTAL UNIT REGISTRATION REQUIREMENTS,” TO THE
CODE OF ORDINANCES OF THE BOROUGH OF
BENDERSVILLE, TO REQUIRE ALL LANDLORDS TO FILE
REPORTS WITH THE BOROUGH DESIGNATING OCCUPANTS
OR TENANTS OF ANY DWELLING UNIT AND ANY CHANGE IN
TENANCY OR OCCUPANCY.**

WHEREAS, Section 1202 of the Borough Code, 8 Pa.C.S. 101, *et seq.* authorizes Borough Council to make regulations for health, cleanliness, and safety of the Borough of Bendersville (“Borough”); and

WHEREAS, it is the policy of the Borough Council of the Borough of Bendersville to protect and promote the public health, safety and welfare of its citizens and to enable the Borough to determine the taxability of any person under any Borough taxing ordinances now or hereafter in effect.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Mayor and Borough Council of Bendersville, Adams County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1: The Code of Ordinances of the Borough of Bendersville, Chapter 11, Part 1 entitled “Rental Tenancy Reports” is hereby deleted in its entirety and hereby amended to add Part 1, entitled “Residential Rental Unit Registration Requirements,” and shall state the following:

§ 101 Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGENT – Any person designated by the owner who has charge, care, or control of a residential rental property.

CODES: The International Property Maintenance Code, International Fire Code, and the Uniform Construction Code, as adopted by the Borough from time to time, and any rules and regulations promulgated thereunder.

OWNER: Any person, agent, operator, firm, corporation, partnership, limited liability company, association, property management group, or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this article in a clause proscribing any activity or

imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers thereof.

OWNER OCCUPIED OR OCCUPIED BY OWNER: A dwelling unit that is the primary, permanent residence and domicile of a natural person who is identified as the owner or one of the owners on the deed for the property. In order for a dwelling unit to be considered owner occupied, the dwelling must be considered the domicile of the record owner or at least one of the record owners under Pennsylvania law, and the owner must physically reside in the dwelling not less than six (6) months each calendar year, and the owner cannot be registered to vote at any other address, and the owner must use the dwelling at the owner's address for payment of taxes including, but not limited to, earned income taxes.

PERSON: An individual, firm, corporation, limited liability company, association, or partnership.

RESIDENTIAL RENTAL UNIT: (1) a dwelling unit let for rent, or (2) a rooming unit, or (3) a bed-and-breakfast establishment, or (4) a short-term rental, or (5) an accessory dwelling unit, or (6) a dwelling unit that is not occupied by the owner, is a residential rental unit. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multi-family building, each individual bed-and-breakfast establishment, each individual rooming unit, and each individual short-term lodging accommodation shall be considered a residential rental unit whether the owner or a relative of the owner also resides in the structure. A residential rental unit includes dwelling units under lease-purchase agreements or long-term (greater than six months) agreements for sale. A residential rental unit shall not include a hotel/motel as defined herein or a hospital room utilized for medical services.

TENANT: A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a residential rental unit.

§ 102. Residential Rental Unit Owner's Duties.

It shall be the duty of every owner of a residential rental unit within the Borough of Bendersville to comply with this Ordinance and to keep and maintain the residential rental unit in compliance with the applicable codes and provisions of all other applicable State laws and regulations and local ordinances.

§ 103. Registration Requirement

- A. By January 31, 2026, within thirty (30) days of the creation of a new residential rental unit, and annually thereafter by January 31 of each year, an owner of a residential rental unit within the Borough of Bendersville shall file a completed Residential Rental Registration Form with the Borough of Bendersville. A separate Residential Rental Registration Form shall be required for each residential rental unit.
- B. Every completed Residential Rental Registration Form shall be accompanied by a residential rental registration fee, as set forth in the Resolution of Fees as adopted and amended from time to time by Borough Council.

C. The Residential Rental Registration Form shall contain, but not be limited to, the following:

1. Name of Owner
2. Address of Owner
3. Phone number and email address of Owner
4. Address of Residential Rental Unit
5. Number of Rental Units
6. Designation of Rental Units
7. Name of Property Manager/Agent
8. Address of Property Manager/Agent
9. Phone number and email address of Property Manager/Agent
10. Names and ages of all Tenants
11. Phone number and email address of all Tenants
12. A verified certification signed by the Owner that the Residential Rental Unit is in compliance with applicable Codes and provisions of all other applicable State law and local ordinances.

D. Should there be a change in any of the information contained in a filed Residential Rental Registration Form before the annual due date, within thirty (30) days of the change, the owner shall submit a revised and updated Residential Rental Registration Form to the Borough of Bendersville. No fee will be required for the filing of a revised and updated Residential Rental Registration Form.

§ 104. Designation of Agent.

In the event that the owner of residential rental unit in the Borough of Bendersville does not reside within forty (40) miles of the corporate limits of the Borough of Bendersville, the Owner shall designate an agent who shall reside in or who shall actively maintain an office located within 40 miles of the corporate limits of the Borough of Bendersville. If the owner is a corporation, an agent shall be required if an officer of the corporation does not reside within forty (40) miles of the corporate limits of the Borough of Bendersville. If the owner is a partnership, an agent shall be required if a partner does not reside within forty (40) miles of the corporate limits of the Borough of Bendersville.

§ 105. Violations and Penalties.

The failure of any owner to comply with this Ordinance shall subject the Owner to enforcement in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, who shall, upon conviction, be liable to pay a fine as follows: First Offense: \$100.00; Subsequent Offense(s): not to exceed \$1,000.00; plus, court costs and the Borough's reasonable attorney fees incurred in the enforcement proceedings. The Municipal Solicitor may assume charge of prosecution without the consent of the district attorney as required under Pa.R.Crim P. No. 454.

In addition to the enforcement proceedings set forth above, the Borough may enforce this Ordinance in equity in the Court of Common Pleas of Adams County, Pennsylvania.

SECTION 2. **Repealer.** All provisions of previous Code of Ordinances of the Borough of Bendersville which are contrary to this Ordinance are expressly repealed.

SECTION 3. **Savings Clause.** In all other respects, the Code of Ordinances of the Borough of Bendersville shall remain as previously enacted and ordained.

SECTION 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

SECTION 5. **Effective Date.** This Ordinance shall take effect in accordance with law.

ENACTED AND ORDAINED on this 16th day of December, 2025.

Attest:

BOROUGH OF BENDERSVILLE

Andrea Rivera

Andrea Rivera, Secretary

By:

J. Bergolios
James Bergolios, President

Approved this 16th day of December, 2025.

Pete Stoner, Mayor