

**PERKASIE BOROUGH
ORDINANCE NO. 988**

**AN ORDINANCE OF THE BOROUGH OF PERKASIE,
BUCKS COUNTY, PENNSYLVANIA, CREATING AND ADDING
CHAPTER 144 TO THE PERKASIE BOROUGH CODE OF ORDINANCES
TITLED “PERKASIE BOROUGH RENTAL PROPERTY INSPECTION CODE”
AT SECTIONS 144-1 THROUGH 144-13**

WHEREAS, the Pennsylvania Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

WHEREAS, after public hearing, the Borough Council deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend its Code of Ordinances to add Chapter 144 of the Perkasia Borough Code of Ordinances to create a Perkasia Borough Rental Property Inspection Code;

WHEREAS, Perkasia Borough has always had a significant rental population and in order to increase and insure the quality of life of its residents, both landlords and tenants, Borough Council deems it to be in the best interest to enact this Ordinance;

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Perkasia Borough will be served by the addition of Chapter 144 to the Perkasia Borough Code of Ordinances.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. The Perkasia Borough Code of Ordinances is amended to add Chapter 144, relative to creation of a Perkasia Borough Rental Property Inspection Code, as follows:

Sec. 144-1. - Short title.

This chapter shall be known as and may be cited as the Rental Property Inspection Code of the Borough of Perkasia.

Sec. 144-2. - Findings and declaration of policy.

(a) The existence of dwelling units and rental units which may be substandard in one or more important features of structure, equipment, maintenance, or occupancy is detrimental to the health and safety of the citizens of the Borough of Perkasio, and lead to unsatisfactory conditions and blighted structures. Protection of the public health, safety, and welfare therefore requires the establishment and enforcement of minimum standards for dwelling units within the Borough.

(b) The purpose of this chapter is to protect the public health, safety, and welfare by enacting a rental housing code which establishes minimum standards for basic equipment and facilities; for safe and sanitary maintenance of dwellings; for light, ventilation, and heating of dwellings, and for cooking equipment, for all dwellings now in existence or which may hereafter be constructed and to operate and be interpreted in conjunction with the existing Borough Code of Ordinances, including but not limited to the Borough Zoning Ordinance and Property Maintenance Code.

(c) Nothing contained in this chapter shall in any way reduce or eliminate any property owners', residents', or tenants' responsibilities under the Borough Code of Ordinances. In the event of any current or future conflicts with existing or future ordinances, the more stringent ordinance or regulation will be applied subject to the provisions of section 144-9.

Sec. 144-3. - Definitions.

When used in this chapter, the following words or phrases and their derivations shall be defined as contained in this section. Words which are undefined herein shall have the meaning applied in general usage:

CODE. Any ordinance, code, law or regulation in effect for the Borough of Perkasio concerning fitness for habitation or the construction, maintenance, occupancy, use, or appearance of any building, dwelling unit or structure, including but not limited to the Zoning Ordinance at Chapter 186 of the Borough Code of Ordinances, and International Building, Plumbing, Electrical, Fire Prevention and Property Maintenance Codes, Chapter 135 of the Borough Code of Ordinances, and as promulgated by the Building Officials & Code Administrators International, Inc., International Code Council, The Uniform Construction Code, Chapter 78 of the Borough Code of Ordinances and Garbage, Rubbish, and Refuse Ordinance at Chapter 96 of the Borough Code of Ordinances.

CODE ENFORCEMENT OFFICER. The duly appointed Code Enforcement Officer(s) and/or Code Enforcement Administrator(s) having charge of the enforcement of the Borough of Perkasio Code of Ordinances, and any assistants or agents, or his/her designee.

DWELLING UNIT (HOUSING UNIT or RENTAL UNIT). One or more rooms intended to be occupied by any individual(s) as separate living quarters,

containing sanitary facilities, kitchen facilities and having outside access directly from the dwelling unit or through a common hall.

LANDLORD/OWNER. The owner of any residential rental dwelling unit rented or offered for rent within the Borough of Perkasio and responsible for maintenance and welfare of said structure.

OCCUPANT. Any individual(s) who resides in a residential rental dwelling unit, with whom a legal relationship with the landlord/owner is established by a lease or the laws of the Commonwealth of Pennsylvania.

OWNER/LANDLORD DUTIES. It shall be the duty of every owner/landlord to keep and maintain all rental dwelling units in compliance with all applicable State laws, regulations, and local ordinances and to keep such property in good and safe condition. This part is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the borough of Perkasio against an owner, occupant or quest thereof.

PREMISES. The area included in any lease for any lot or parcel of land containing a dwelling unit, including the yard and buildings and structures thereon, subject to the conditions of any lease.

RESIDENTIAL RENTAL DWELLING REGISTRATION FORM. The required form to be completed by an Owner/Landlord in order to register a rental dwelling unit.

RESIDENTIAL DWELLING UNIT SAFETY INSPECTION CHECKLIST. The form prepared by the Code Enforcement Officer providing the minimum safety requirements under the Code to be used during any inspection of any dwelling unit, housing unit, or rental unit.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, mobile homes and other similar items.

TENANT. Any person who has the right of occupancy, either singly or with others, of a residential rental dwelling unit owned by a landlord.

Sec. 144-4. Registration of All Rental Units.

It shall be the duty of every landlord owning one or more residential rental dwelling unit(s) in the Borough of Perkasio to register all such units with the Borough of Perkasio on a residential rental dwelling registration form supplied by the Borough. A re-registration form shall be filed with the Code Enforcement Office upon transferring of any property to a new tenant, subject to the following requirements:

(a) No person or entity shall offer any premises for rent as a dwelling unit or as a rooming unit without first completing a residential rental dwelling unit registration form and obtaining an inspection from the Borough, and obtaining a certificate of use and occupancy as required by section 144-5. This shall be in addition to any occupancy permit otherwise required by the Borough Zoning Code or any other ordinance. After the initial inspection, any property offered for rent as a dwelling unit shall be inspected upon the change of each tenant.

(b) The residential rental dwelling registration form shall include the following:

(1) An identification of the premises by location and address, or by such other description as will enable the department to locate the dwelling and the name(s) of current tenant(s) and their respective contact information.

(2) An identification of the owner by name, residence, and business address. If the owner is a corporation, the identification shall include the name and address of such corporation, together with a copy of the corporate registry statement filed of record with the Commonwealth of Pennsylvania, or like statement filed in any other state. Any partnership filing for a license shall include the name, residence, and businesses address of all such partners.

(3) The name and address of any individual designated as the managing agent, which may but need not be the owner, which individual shall be authorized to receive on behalf of the owner any notices, orders, or summons issued by the department.

(4) The residential rental dwelling registration form shall be signed by the owner or, if the owner is a corporation, by the officers on behalf of the corporation, duly sealed. The residential rental dwelling registration form shall likewise be signed by the managing agent, indicating consent to the designation. Subsequent to the owners designation of managing agent, residential rental dwelling registration forms may be signed by the managing agent, and the owner shall be required to sign only those residential rental dwelling registration form containing a change of managing agent.

Sec. 144-5. Issuance of Certificate of Use and Occupancy.

Upon receipt of the residential rental dwelling registration form, inspection fee, completed inspection, and completion of any outstanding inspection items, the Code Enforcement Officer shall issue a certificate of use and occupancy for each residential rental dwelling unit so registered. It shall be the duty of each landlord to make available the certificate of occupancy upon request.

Sec. 144-6. Reports of Change in Occupancy.

It shall be the duty of every landlord owning one or more residential rental dwelling units in the Borough of Perkasio to file with the Code Enforcement Officer a report of any change in the use or occupancy of any residential rental dwelling unit and to comply with registration requirements of section 144-4 within ten (10) days of the new occupant taking possession.

Sec. 144-7. Inspections.

(a) The Code Enforcement Officer of the Borough of Perkasio is authorized and directed to establish an inspection program upon transfer of rental units in order to safeguard the health and safety of the occupants thereof and in order to determine and enforce compliance with the codes, laws and regulations applicable to such units and the structures containing such units, subject to the inspection frequency limitations of section 144-4(a), which may be increased in the case of an emergency. Upon receipt of the residential rental registration dwelling form and contact from the landlord and/or tenant, the Code Enforcement Officer is further authorized to enter for the sole purpose of such inspection of all residential rental dwelling units, and it is the duty of every landlord and tenant to provide access to such units upon request by the Code Enforcement Officer. If access is not able to be obtained from the landlord or tenant, the Code Enforcement Officer shall be authorized to seek an administrative search warrant to inspect the rental units at issue on the premises. The construction date of the building will be taken into consideration when determining safety standards.

(b) Upon receipt of a residential rental dwelling registration form, the Code Enforcement Department of the Borough of Perkasio shall:

(1) Cause common areas of the rental premises (all areas of any dwelling common to more than one (1) dwelling area) to be inspected to determine whether the premises is in compliance with this housing code, and

(2) Cause an inspection to be made of each dwelling unit or rooming unit within the premises which has not been the subject of a use and occupancy permit application and inspection within the three (3) year period immediately preceding to determine whether the premises is in compliance with this housing code.

(3) At the time of such inspection, or within fourteen (14) days thereafter, the Code Enforcement Officer shall either issue the license or notify the owner or designated agent in writing as to the reasons why the license was not issued, citing provisions of the housing code with respect to which the premises is in violation. If the license is not issued and a notice of noncompliance is issued, the owner or designated agent shall cause the premises to be brought into full compliance forthwith, and upon compliance the rental premises license shall be issued. All violations which are designated by the Code Enforcement Officer as immediately hazardous to the public health, safety or welfare shall be corrected within forty-eight (48) hours. All other violations shall be

corrected by the owner within sixty (60) days of the violation, and or subject to the discretion of the Manager and Code Enforcement Officer.

Sec. 144-8. Report of Inspection.

(a) The Code Enforcement Office shall issue a report of each inspection and shall supply a copy thereof to the landlord and the tenant(s) occupying the unit. The report, designated as the Borough of Perkasi Residential Rental Dwelling Inspection Minimal Safety Checklist, shall reflect the items that will be inspected and shall note all deficiencies and violations observed during such inspection, and may include additional readily apparent Code violations requiring remedy. The report shall state the corrective action or repairs required to be taken by the landlord of such unit and the date by which the corrective action or repairs are required to be completed. The Code Enforcement Office is authorized and directed to schedule follow-up inspection(s) of the residential rental dwelling unit to determine compliance with the inspection report.

(b) The Borough of Perkasi Residential Rental Dwelling Inspection Minimal Safety Checklist shall be kept by the Code Enforcement Office and may be updated from time to time as determined by the Code Enforcement Officer to reflect changes and/or additions to any respective Code.

Sec. 144-9. - Incorporation of BOCA Code.

(a) The BOCA National Property Maintenance Code, Fourth Edition 1993, is hereby incorporated in full by reference. To the extent of any conflict between the terms of this chapter, and the requirements of the BOCA Property Maintenance Code, Fourth Edition 1993, the more restrictive of provisions shall apply in all cases except, in the event of a conflict between the terms of this chapter and the terms of the BOCA Property Maintenance Code, Fourth Edition 1993, the Code Enforcement Officer shall have the right to apply the less restrictive requirement where, in the sole discretion of the Code Enforcement Officer, application of the less restrictive term will not be detrimental to the public health, safety, or welfare.

(b) At such time as the BOCA Property Maintenance Code is reissued, such reissuance shall become effective pursuant to the terms of this section, without the need for further provisions or amendment to this housing code; rather, said reissued BOCA Property Maintenance Code shall automatically be substituted for the code existing at the time of the adoption of this chapter.

Sec. 144-10. Inspection Fees.

The Code Enforcement Officer shall charge the landlord owning a residential rental dwelling unit within the Borough of Perkasi a registration/inspection fee as set forth in the Perkasi Borough Fee Schedule for each residential rental dwelling unit in order to defray the cost of conducting the registration/inspection.

Sec. 144-11. Violations and Penalties.

Any landlord/owner who shall fail to file the registration forms, and complete the minimal safety inspection as deemed by this Ordinance, and fail to obtain a Use and Occupancy or who shall otherwise fail to comply with the requirements of this Ordinance including providing access as requested by the Code Enforcement Officer, shall be guilty of a summary violation of this Ordinance and shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500.00 and/or to imprisonment for a term of not more than thirty (30) days, for each such violations as determined by the District Magistrate Judge. Each day that a violation of this part continues shall constitute a separate offense.

Sec. 144-12. Other Remedies.

In addition to the foregoing penalties for violations of his Ordinance, the landlord/owner of residential rental dwelling units shall be subject to the fines and penalties and other remedies provided in other applicable codes and ordinances if such landlord/owner fails to correct or repair any violation of such code or ordinance cited during an inspection of a residential rental dwelling unit as directed by the Code Enforcement Officer.

Sec. 144-13. Recordkeeping.

All records, files and documents pertaining to this program shall be maintained by the Code Enforcement Office and made available to the public as required by Pennsylvania law.

SECTION 2. All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby. The Borough shall also proceed to amend its comprehensive plan to reflect this re-zoning and relevant ordinance changes.

SECTION 3. The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 6. This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

SECTION 7. Under the authority conferred by the Pennsylvania Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio this.

Approved by the Borough Council of the Borough of Perkasio, this ____ day of _____, 2015.

Attest:

BOROUGH OF PERKASIE

Andrea L. Coaxum, Secretary

James Ryder, Council President

Examined and approved this ____ day of _____, 2015.

John Hollenbach, Mayor

**THIS ORDINANCE SHALL BECOME EFFECTIVE
JANUARY 1, 2016**