

Penndel Borough

Inspection for Rental Permit

Application Complete: (Yes / No) Permit Fee: _____ Form of Payment: _____

Date of Inspection: _____ Owner/Representative Present: _____

Address of Property: _____

Exterior

Exterior Stairs/Handrails: Pass / Fail _____

Foundation: Pass / Fail _____

House Number: Pass / Fail _____

Gutters & Downspouts: Pass / Fail _____

Curbs, Sidewalks & Driveway: Pass / Fail _____

Weeds & Overgrowth: Pass / Fail _____

Garage/Outbuildings: Pass / Fail _____

Trash/Debris/Combustibles: Pass / Fail _____

Interior

Sump Pump: Pass / Fail _____

Doors/Windows: Pass / Fail _____

Interior Stairs/Rail: Pass / Fail _____

Ceilings/Floors: Pass / Fail _____

Sanitary Toilets/Sinks: Pass / Fail _____

Smoke Detectors: Pass / Fail _____

Required Means of Egress: Pass / Fail _____

Cooking Range: Pass / Fail _____

Heater/Water Heater: Pass / Fail _____

Clothes Dryer Vented: Pass / Fail _____

Locking Devices on Doors: Pass / Fail _____

GFI Receptacles: Pass / Fail _____

Carbon Monoxide Detector: Pass / Fail _____

ORDINANCE NO. 2024-03

**AN ORDINANCE OF THE BOROUGH OF PENNDEL, BUCKS COUNTY,
PENNSYLVANIA, TO ESTABLISH A RESIDENTIAL HOUSING REGISTRATION
AND INSPECTION PROGRAM, TO ESTABLISH ADMINISTRATIVE PROCEDURES
FOR REGISTRATION AND INSPECTIONS TO ESTABLISH FEES AND PENALTIES
FOR NON-COMPLIANCE, AND TO ESTABLISH AN EFFECTIVE DATE**

WHEREAS, the Borough of Pennel , is a duly authorized municipality, organized and existing in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, in accordance with its powers, the Borough of Pennel (“Borough”) by and through its duly elected officials (“Council”) wishes to establish procedures for the registration, licensing and inspection of residential rental units; and

WHEREAS, the Borough has determined that the proposed residential rental inspections will ensure basic safety for the occupants of such rental units and ensure compliance with current building and safety codes; and

WHEREAS, the Borough has determined that the prevention of fires, and abatement of fire hazards will reduce the danger and risk to occupants of residential living units.

NOW THEREFORE, BE IT ORDAINED AND ENACTED as follows:

I. RESIDENTIAL HOUSING REGISTRATION AND INSPECTION PROGRAM

Section 1. Purposes and Findings

- a. Purposes. This Article is intended to serve the following purposes:
- (i) To assist the Borough in protecting and promoting the public health, welfare and safety of its residents;
 - (ii) To establish the rights and obligations of owners and occupants relating to the rental of certain residential units in the Borough and to ensure that such units are properly maintained by the owner, its manager and occupants;
 - (iii) To ensure that owners, managers and occupants share responsibilities to comply with all applicable codes, to prevent overcrowding and to avoid nuisances for neighboring residents; and
 - (iv) To provide for a system of inspections; issuance and renewal of licenses; and to establish penalties for non-compliance.
- b. Findings. In considering the adoption of this Article, the Borough makes the following findings:

(i) This Article is enacted pursuant to the authority granted to the Borough by the Commonwealth of Pennsylvania, and the Pennsylvania Borough Code.

(ii) The monitoring and upkeep of rental residential properties is more difficult than owner-occupied residential properties without a system to ensure proper maintenance, inspections, licensing and occupancy of such units.

(iii) A systematic inspection process can assist in protecting the health, welfare and safety of those citizens who reside in residential rental units and the Borough at large, and reduce the amount of resources which must be expended to insure that rental communities become an asset of the Borough rather than a liability.

Section 2. Definitions: Unless otherwise expressly stated herein, the following terms shall have, for the purposes of this Article the meanings respectively indicated below. Singular shall include plural, and masculine shall include feminine terms.

APARTMENT COMPLEX OFFICIAL

The owner or individual in charge of the day-to-day operation or management of the apartment complex.

APARTMENT COMPLEX

A grouping of rental dwellings that are located within the same building, share common elements, or share common outside access, with the exception of the following: units where a change in occupancy occurs at least or less than every thirty (30) days; and nursing homes, hospital or such other institutional facilities.

LANDLORD

This term shall have the same meaning as Lessor or Owner

LESSEE

That person or persons who has/have the use of real estate owned by another and who is/are responsible for the giving of any type of consideration for the use of such real estate. Lessee shall not include those individuals who rent or use real estate for a period of less than thirty (30) days.

LESSOR

Any person who grants a lease for the use of his real estate or any portion thereof, who owns and/or operates a transient dwelling and/or who otherwise permits the use of his real estate or portion thereof, and shall include any owner of real estate.

MANAGER

An adult individual designated by an owner or lessor of a regulated rental unit under this Ordinance who is responsible for the day to day maintenance, upkeep and leasing of the residential rental until. The manager shall be the agent of the owner or lessor for all purposes of this Ordinance.

OWNER

One or more persons, entity(ies) or other affiliation, who jointly or severally, hold legal title to a regulated rental unit, dwelling unit or building.

PERSON

Any natural person, partnership, corporation unincorporated association, limited partnership, trust or any other entity.

RESIDENTIAL RENTAL DWELLING OR UNIT

Any rental or tenant-occupied single-family dwelling, room or group of rooms located within a building and forming a single, habitable unit with facilities intended to be used for living, sleeping, cooking and eating by a single family. Rooming houses, sober living and/or other similar residential facilities, which provide for multiple tenants who rent rooms individually, but who share kitchen and bathroom facilities shall be considered rental dwelling for purposes of this Ordinance. Residential rental dwelling shall also include apartment units, apartment complexes or buildings, short term rental/hotel style units or buildings and single family homes.

Section 3. Report of Rentals and Transient Dwellings Required

a. On or before January 1st of each calendar year, all lessors and/or owners shall report to the Borough Fire Marshal and/or Fire Inspector, in writing, the real estate that the lessor or owner presently has rented and/or has available for rent, a description (by address, number and/or some other meaningful method) of the real estate for rent, the names of the lessees of all such units at the time of the report, and a designation of which unit or parcel is occupied by each lessee. In addition, for any parcel or unit of real estate that constitutes a transient dwelling unit, the lessor and/or owner shall also report the number of persons who reside in the residential dwelling unit at the time of the report, and the maximum number of persons that can occupy the transient dwelling unit.

b. Upon submission of the report as required hereinabove, each lessor and/or owner of any residential rental unit shall apply for, obtain and maintain in good standing a Residential Rental Occupancy Certificate as required by this Ordinance, for each regulated residential rental unit owned or available for rent. If a valid Certificate has not been issued within the time frame established by this Ordinance, or the Certificate has been suspended or revoked, then the regulated rental unit shall not be rented for residential use. If a regulated rental unit is rented for residential use without a valid Residential Rental Occupancy Certificate, such action shall be considered a violation of this Ordinance.

c. A lessor of any residential rental unit may designate a person to serve as manager. If the lessor owns more than one residential rental unit or several contiguous residential rental units, then a manager of said units shall be designated as the contact person for the Borough. The lessor or owner may designate himself or herself as the manager, unless the lessor or owner is a corporation, partnership, or limited liability company, at which time the manager shall be an adult individual with the authority to act on behalf of the owner or lessor. The manager shall be the designated agent of the owner or lessor for service of process and receiving of notices and demands, as well as for performing the obligations under this Ordinance and under rental agreements with occupants. The full legal name, mailing

address (exclusive of any post office box), daytime phone number and other emergency contact information for the designated manager shall be provided to the Borough Fire Marshal and/or Fire Inspector, in writing, and shall be kept current with the Borough within five business days after such information changes.

Section 4. Registration and Inspections of Residential Rental Units

a. Registration Requirement.

(i) A Residential Rental Occupancy Certificate (hereinafter "Certificate or Occupancy Certificate") shall be required for all occupied regulated residential rental units. Prior to the occupancy of a unit by a tenant, the owner or the manager shall be required to apply for an Occupancy Certificate for each regulated rental unit. Failure to obtain and maintain the Residential Rental Occupancy Certificate shall constitute a violation of this Ordinance.

(ii) A Residential Rental Occupancy Certificate shall be issued after the Borough Fire Marshal and/or Fire Inspector (or other applicable Borough employee) determines that the residential rental unit meets and complies with all applicable Borough Codes, including but not limited to, the Property Maintenance Code, the Fire Code and the Uniform Construction Code.

(iii) All license applications shall be on forms provided and approved by the Borough.

b. A Residential Rental Occupancy Certificate shall not be issued or renewed until:

(i) all overdue real estate taxes and business license, water, sewage and garbage collection fees that are owed to the Borough or its authorities have been paid in full, and

(ii) the Owner has provided information to the Borough concerning the designated manager, if applicable, and has provided a list to the Borough of each adult tenant occupying each regulated rental unit; and

(iii) any violation of the applicable Borough Codes has been remediated as determined by the Borough.

c. Exempted regulated residential rental units:

The following shall not be considered regulated rental units for the purposes of this Ordinance:

(i) Owner-occupied dwelling units with non-owner occupants.

(ii) Hospitals and state-licensed nursing homes and personal care homes.

(iii) Bed and breakfast homes as defined in the Municipal Zoning Ordinance, and

(iv) One dwelling unit that is on the same lot as a second dwelling unit, provided the two dwellings are only occupied by the owner and persons who are "related" to the owner. If the second dwelling unit on the same lot is rented or occupied by an individual not related, by blood or consanguinity, to the owner, then the second dwelling unit shall not be exempted, and shall be treated as a regulated residential unit.

(v) Units owned by the municipal or county housing authority. Dwelling units that are owned by the municipal or county housing authority shall be exempt from the requirements of this Article; however, dwellings owned by the municipal or county housing authority shall be required to comply with the requirements of all other applicable Borough codes unless such provision is specifically preempted by federal law.

d. Scope of Inspections

All residential rental unit inspections shall be conducted by the Borough Fire Marshal and/or Fire Inspector which shall include interior and exterior inspections of the regulated property. Inspections will include observations/inspections of electrical components, plumbing, HVAC (heat, ventilation and air conditioning systems), windows, smoke detectors or other similar alarm systems, stairways, walkways, fire code issues and other general building code inspections. If, during the course of an inspection, the Borough Fire Marshal and/or Borough Fire Inspector determine or believe that one of the inspected systems does not meet the current code requirements, then notice will be provided to the owner of the unit and notice of the issue will be reported to the applicable Borough building code inspector for further inspection and review.

e. List of occupants of each regulated residential rental unit:

The lessor, owner or manager shall maintain a current list of all adult occupants in each regulated rental unit, which shall include the name, address and telephone number of each occupant; and shall furnish such list to the Borough Fire Marshal and/or Fire Inspector annually in writing with the application for license renewal of each year; and shall notify the Borough in writing of any changes in the number or names of each adult occupant of a regulated rental unit within thirty (30) days after a change.

f. Certificates and Fees.

(i) Each Residential Rental Occupancy Certificate shall have each regulated residential rental unit inspected once every other year, or upon the change of

occupancy of a unit by a tenant, based upon a schedule established by the Borough Fire Marshal and/or Fire Inspector . If the Borough, through no fault of the owner, manager or tenant, was not able to complete an inspection in a regulated rental unit in that particular year, the Borough may inspect the unit in the subsequent year.

(ii) An extension of time for conduction of an inspection may be granted if: a) An inspection of the regulated rental unit has already been conducted due to a change in tenancy; b) If an owner or manager provides evidence that a rental unit has been occupied by the same occupants for the last three years, then Borough Fire Marshal and/or Fire Inspector may allow an inspection to occur every other year; or c) If a regulated rental unit was inspected by the Borough for Code compliance within the previous year, then a subsequent inspection will not be required pursuant to this Ordinance for another year or until a new tenant takes possession of the unit.

(iii) Upon application for the required Occupancy Certificate and prior to issuance or renewal thereof, each applicant shall pay to the Borough a fee intended to cover the cost of administration, inspection and one re-inspection of the unit. The annual fee for a residential rental unit shall be as provided in fee schedule to be adopted by resolution of the Borough, which may be amended from time to time. The fee shall be paid simultaneously with the submission of the application for the Occupancy Certificate.

(iv) If a second inspection is needed for a regulated rental unit, then an additional fee shall apply. For each subsequent inspection that is needed, an additional fee shall apply.

g. Termination of Residential Rental Occupancy Certificate

The Occupancy Certificate shall become invalid upon the rental unit becoming vacant or upon notice of revocation for violation of any provisions of the Borough's Code of Ordinances from the Borough Code Official or other employee. Thereafter an Occupancy Certificate shall be issued after the inspection and determination that the rental unit is fit for occupancy as provided for under the provisions of this Ordinance and other applicable Borough Codes.

Section 5. Apartment Complex Inspection Requirements: All apartment complexes and buildings in the Borough shall be subject to inspection by the Borough Fire Marshal and/or Fire Inspector, or any other employee of the Borough.

a. The Borough Fire Marshal and/or Fire Inspector, or any other employee of the Borough, shall inspect each apartment complex, including each dwelling unit therein, once every two years for compliance with the Borough's Code of Ordinances, including but not limited to, the Property Maintenance Code, the Fire Code and the Uniform Construction Code.

b. No apartment complex inspection under this Ordinance shall involve any inspection or search of tenant belongings unrelated to determining compliance with the

Borough's Code of Ordinances. Inspections shall be scheduled with advance written notice provided by the Borough to the responsible apartment complex official. Upon receipt of such notice of the upcoming apartment complex inspection from the Borough, each responsible apartment complex official must inform every tenant in the building of the inspection, anticipated inspection date, and scope of inspection. If any tenant objects to the scheduled apartment complex inspection, then the responsible apartment complex official must inform the Borough. If any tenant or responsible apartment complex official refuses entry into the apartment building or unit, then the Borough Fire Marshal and/or Fire Inspector may take any and all steps necessary to gain access, including obtaining any administrative warrant.

c. The Borough Fire Marshal and/or Fire Inspector shall keep records of the inspections in accordance with the Uniform Construction Code, the Fire Code and the Property Maintenance Code.

d. Fees to cover administrative and enforcement costs for said inspections may be charged by the Borough in accordance with the Borough's publicly available fee schedule.

Section 6. Violations and Penalties

Any person, firm, proprietor or corporation who or which shall violate any provisions of this ordinance or fail to comply with its provisions or any regulation of this ordinance, shall be considered a summary offense, and, upon conviction shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), or in lieu of payment of fine, subject to imprisonment not to exceed ninety (90) days. Each day that a violation continues, after due notice has been served in accordance with the terms and provisions thereof, shall constitute a separate offense. The imposition of any penalty for any violation of this ordinance shall not excuse its violation or permit said violation to continue, and all persons shall be required to correct or remedy such violation(s) or defect(s) within a reasonable time.

II. REPEALER: All ordinances or parts of ordinances in conflict with the terms of this Ordinance are repealed and rescinded to the extent of such conflict. Any other terms and provisions of the ordinances of the Borough that are unaffected by this Ordinance are hereby reaffirmed and ratified

III. SEVERABILITY: In the event that any provision, section, sentence, clause, or part of this Ordinance is held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being the intent of the Council of the Borough that such remainder shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

IV. **EFFECTIVE DATE:** This Ordinance shall be effective five days after enactment.

DULY ENACTED AND ORDAINED this 7th day of October, 2024, by the Council of the Borough of Pennel , Bucks County, Pennsylvania, in lawful session duly assembled.

ATTEST:



Geoff Thompson, Manager

BOROUGH COUNCIL



John Stratz, Council President



Tom Sodano, Mayor