

**MOUNT PENN BOROUGH  
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 866**

AN ORDINANCE OF THE BOROUGH OF MOUNT PENN, BERKS COUNTY, PENNSYLVANIA, REQUIRING OWNERS OF ALL COMMERCIAL/INDUSTRIAL PROPERTIES WITHIN THE BOROUGH TO REGISTER WITH THE BOROUGH, PROVIDING FOR ALL SUCH PROPERTIES TO BE INSPECTED AS PROVIDED HEREIN BY THE MUNICIPAL CODE OFFICIAL, SETTING FEES FOR THE COST THEREOF, PROVIDING A PROCEDURE FOR INSPECTION, AND SETTING PENALTIES FOR VIOLATION OF THE ORDINANCE

IT IS HEREBY ENACTED AND ORDAINED by the BOROUGH COUNCIL of MOUNT PENN BOROUGH, Berks County, Pennsylvania as follows:

**Section 1. Licensing of Commercial/Industrial Units.** No person shall occupy, allow to be occupied or lease to another person for occupancy any commercial/industrial property within the BOROUGH unless a license application has been properly completed and filed with the BOROUGH and all fees paid therefore. Said license shall be renewed on an annual basis.

**Section 2. Manner of Licensing.**

(a) Application. Application for the license shall be made on forms supplied by the BOROUGH for this purposes, and shall include the following information:

- (i) Name, address, and telephone number of property owner(s);
- (ii) Name, address, and telephone number of a designated property manager who resides or has their office within fifty (50) miles of the BOROUGH if the property owner lives more than fifty (50) miles from the BOROUGH;
- (iii) Street address of the Commercial/Industrial property;

**Section 3. Information to be Provided by Landlords or Owners.**

(a) Every owner, landlord, manager or agent for an owner who rents or leases or offers for occupancy any property or portion thereof in the BOROUGH to any tenant or occupant for a period of time in excess of thirty (30) days shall supply the following information to the BOROUGH Secretary.

- (i) The commercial/industrial unit number or street address;
- (ii) The name or names of primary contact for the Commercial/Industrial or occupants to occupy said property;
- (iii) Contact information for the occupants of the property;
- (iv) The mailing address of the commercial/industrial unit; and,
- (v) If a rental the period of time for which the rental is made, and the actual move-in date or move-out date.

(b) The above information shall be provided to the BOROUGH SECRETARY within sixty (60) days of the rental, lease, sublease, or occupancy of any property in the BOROUGH for a period of time in excess of thirty (30) days.

**Section 4. Failure to Designate Agent.** If the property owner resides outside of the BOROUGH and fails to designate a local property manager or person authorized to make or order to be made repairs for the property, or if the person so designated relocates to a place located in excess of fifty (50) miles from the BOROUGH and the property owners fail to identify a local property manager or person authorized to make repairs moves from the BOROUGH, the Commercial/Industrial License shall be

If a property is found to be in violation of any BOROUGH Ordinance, the BOROUGH Code Enforcement Officer shall provide written notice of such violations to the property owner or to the local property manager designated by the property owner and shall set an inspection date on which such violation shall be corrected. The reinspection date shall be no more than thirty (30) days after the date of inspection unless the BOROUGH COUNCIL shall approve.

If the violation(s) cited by the BOROUGH Code Official are corrected upon re-inspection and the annual license fees have been paid, the BOROUGH Code Official shall issue a Certificate of Inspection for the property.

If the violation(s) cited by the BOROUGH Code Official are not corrected upon re-inspection, the BOROUGH Code Official shall not issue the Certificate of Inspection and shall within ten (10) days for further action as the shall deem appropriate. The Commercial/Industrial unit license shall be suspended as noted in Section 9 of this Ordinance.

#### **Section 8. Certificate of Inspection.**

(a) Request for Inspection. The owner of a commercial/industrial unit may request inspection of a unit at any time. Any such request shall be made in writing and shall be accompanied by the inspection fee if this request is an inspection for which a fee or additional fee is required.

(b) Expiration of Certificate of Inspection. The Certificate of Inspection shall expire on May 31, 2022 , on May 31 of each succeeding year thereof.

(d). In the event that an owner Commercial/Industrial rental property or agent for an owner of rental property fails to report to the BOROUGH in the manner provided herein the establishment of a Commercial/Industrial rental property, fails to report a change in tenancy or ownership, fails to schedule an inspection or required re-inspection, or fails to procure a permit for a rental commercial/industrial unit, the above permit/inspection fees shall be doubled as per the fee scheduled set by resolution from time to time by BOROUGH COUNCIL.

**Section 11. Exemptions.** This Ordinance shall not apply to hospital units, nursing home units, retirement home units, or public/commercial storage (residential units located on site must be licensed separately) units located within the BOROUGH.

**Section 12. Definitions.** The following terms shall have the following meanings for purposes of this Ordinance:

(a) Commercial Unit - An area owned or rented or leased to a tenant or occupant for a business, commercial, or industrial use

(c) Person - Includes any natural individual, partnership, association, corporation, joint venture, receiver, executor, trustee, or personal representative or guardian appointed by court order.

(d) BOROUGH - MOUNT PENN BOROUGH, Berks County, Pennsylvania.

(e) BOROUGH COUNCIL - The BOROUGH COUNCIL of the Borough of Mount Penn, Berks County, Pennsylvania.