

BOROUGH OF MOUNT PENN
Berks County, PENNSYLVANIA
ORDINANCE NO. 863

AN ORDINANCE OF THE BOROUGH OF MOUNT PENN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF MOUNT PENN TO INCLUDE THEREIN A NEW CHAPTER, ENTITLED "TENANT REGISTRATION", ESTABLISHING REGULATIONS FOR OBTAINING A RENTAL OPERATING LICENSE, AND OCCUPANCY PERMITS, AND SETTING PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER,

WHEREAS, The Borough Council of the Borough of Mount Penn, Berks County, Pennsylvania, has determined that, for the benefit of the public health, safety, and welfare, it is necessary to establish a tenant registration ordinance, and

WHEREAS, The Borough Council desires to enact such legislation regulating rental properties for let within Mount Penn Borough, Berks County, Pennsylvania,

NOW THEREFORE, be it ENACTED and ORDAINED by the Borough Council of the Borough of Mount Penn, Berks County, Pennsylvania and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1 The Code of the Borough of Mount Penn enacted by Ordinance No. 749, which was enacted on September 27, 2005, and subsequently amended by Ordinance 774 adopted on March 25, 2008 and is hereby amended by adding Regulations requiring Annual Licensing and Bi-Annual inspections as well as inspections on the change of tenant occupancy, to read as follows:

TENANT REGISTRATION

- 1 Title.
- 2 Purpose and Intent,
- 3 Rules of Construction.
- 4 Definitions,
- 5 Information to be provided by owners or landlords.
- 6 Rental operating license required.
- 7 Application for license; agreement to comply.
- 8 Inspections; compliance with other codes; notice of violation.
- 9 Correction of violations prior to issuance of license; term of license,
- 10 Regulations.
- 11 License fees.
- 12 Violations and penalties; additional remedies.
- 13 Appeals.
- 14 Additional relief nuisances,
- 15 Repealer
- 16 Effective Date.

1. TITLE

This chapter shall be known as the "Rental Operating License Ordinance"

2. PURPOSE AND INTENT

This chapter is adopted to protect the health, safety and welfare of Borough residents and to prevent the loss of life, limb and property from failure of rental dwelling units to comply with applicable building and safety codes.

3. RULES OF CONSTRUCTION

In the construction of this chapter, the rules and definitions contained in this section shall be observed applied, except when the context clearly indicates otherwise.

- A. Words used in the singular shall include the plural, and the plural the singular.
- B. Words used in the present tense shall include the future tense.
- C. Words used in the masculine gender shall include the feminine and neuter.
- D. The word "person" includes corporations, associations and partnerships, and other similar entities.
- E. The word "shall" is always mandatory and not discretionary.
- F. The word "may" is permissive,
- G. This article shall be liberally construed to accomplish its purpose to protect the public's health, safety and welfare,

4. DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given, herein:

AGENT FOR AN OWNER – Any person who provides written proof that he is authorized to act on behalf of a property owner,

BOROUGH – The Borough of Mount Penn, Berks County, Pennsylvania

BOROUGH SECRETARY – The Secretary of the Borough of Mount Penn.

BUILDING INSPECTOR – The Building Inspector of the Borough of Mount Penn, For purposes of this article, this term shall include the Code Enforcement Officer, Fire Marshal and any assistant or designee thereof;

DEWLLING, MULTIFAMILY, INCLUDING GARDEN APARTMENTS – A building or portion thereof containing or designed to contain two or more separate dwelling units with, or without common access facilities.

DWELLING UNIT – A building or structure, or any portion of either of them which is wholly or partially used or intended to be used as living facilities for one or more persons; including permanent provisions

for living, sleeping, eating, cooking or sanitation. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

FAMILY- One or more persons related by blood, marriage, adoption or other decree of legal custody living together as a single housekeeping unit and using cooking facilities and certain rooms in common,

LANDLORD – A person who receives rent and leases a dwelling unit or a rooming unit in a boarding, lodging or tourist home to a tenant for, a period of time.

MANAGER – A person who has charge of a dwelling unit or a rooming unit in a boarding, lodging or tourist home.

OWNER – Every person who has a property right in a multifamily dwelling, and every person who owns, has keeps or maintains a multifamily dwelling or rooming house, including a, boarding, lodging or tourist home.

PERSON – An individual, proprietorship, partnership, corporation, association, or trust or other legal entity.

RENT OR, LEASE (or variations thereof) – The act of permitting the use or occupancy of any dwelling unit by a person or persons other than the owner, whether or not the same is done in consideration of any monetary or other compensation. Use or occupancy by the family of the owner, together with the owner, shall not be deemed to constitute a rental or lease of a dwelling unit.

ROOMING HOUSE, INCLUDING A BOARDING, LODGING OR TOURIST HOME and a SINGLE-FAMILY HOUSE – A building other than a multifamily dwelling, containing not more than one dwelling unit occupied by a family and providing, for compensation or other consideration, rooming units for the lodging in addition to the owner.

ROOMING UNIT – A room or rooms constituting a separate, independent housekeeping unit that is physically separated from any other room; dwelling unit or rooming unit in the same structure. The rooming unit shall contain living and sleeping facilities, but no cooking or eating facilities, and shall be occupied by no more than one family.

TENANT – A person who rents or leases a dwelling unit or a person who occupies or inhabits a dwelling unit located in the Borough, for living sleeping, cooking, eating or sanitation purposes.

TOWNHOUSE or ROW HOUSE – Dwelling units attached to each other by party or common walls, with each unit having individual access and rear common or private garden orientation.

5. INFORMATION TO BE PROVIDED BY OWNERS OR LANDLORDS

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 of Mount Penn to any tenant or occupant for a period of time in excess of 30 days shall supply the following information to the Borough Secretary;

- 1) The dwelling unit or room unit number or street address.
- 2) The name or names and ages of all tenants and occupants to occupy such property.
- 3) The mailing address of the dwelling unit or rooming unit.

4) The period of time for which the rental is made, and the actual move-in date and/or move-out date.

B. The above information shall be provided to the Borough Secretary within, 10 days of the renting, leasing, subleasing or occupancy of any property in the Borough of Mount Penn for a period of time in excess of 30 days.

6. RENTAL OPERATING LICENSE REQUIRED

No Person shall rent or lease a Rooming House, a Single-Family House, a Multiple Dwelling Unit, and Apartment Building or a Townhouse or other Dwelling Unit in the Borough of Mount Penn to any Tenant unless he holds a current, unrevoked Rental Operating License issued by the Borough Secretary in his/her name, for the specified Dwelling Unit or Rooming Unit.

7. APPLICATION FOR LICENSE; AGREEMENT TO COMPLY

Every Owner, Landlord, Manager or Agent for an Owner who rents or leases any Dwelling Unit in any Multifamily Dwelling or any Rooming Unit in any rooming house, including a boarding, lodging or tourist home, or in any single-family home in the Borough of Mount Penn to any Tenant for a period of time in excess of 30 days shall apply for a Rental Operating License and shall agree to comply with all provisions of the then applicable building and construction codes adopted by the Borough Council and enforced by the Building Inspector. The application form shall be accompanied by a check or money order payable to the Borough of Mount Penn in the amount of the Rental Operating License.

8. INSPECTIONS; COMPLIANCE WITH OTHER CODES; NOTICE OF VIOLATION

Following the initial registration by March 31, 2021, the Code Enforcement Officer will schedule an inspection during the following calendar year for all units not inspected in 2020. For any unit inspected in 2019, the Code enforcement officer shall schedule an inspection on or before the two-year period lapses from the inspection in 2019. For all new registrations, the Code Enforcement Officer will schedule an inspection within 15 days of the receipt of a valid application for a Rental Operating License. Any Owner, Landlord, Manager or Agent for an Owner who rents or leases any Dwelling Unit in any Multifamily Dwelling or any Rooming Unit in any rooming house, who fails to register their unit by March 31, 2021 and every year thereafter by January 31 of each succeeding year. Failure to register shall constitute a violation of this ordinance.

8a. CHANGE OF TENANTS:

In addition, any change in tenancy or occupancy shall require a new Inspection within 10 days of occupancy. Owner shall notify the Borough immediately of any vacancy of any dwelling unit and execute a New Operating License Application at the time that a new rent or lease agreement is executed for the property. The new Operating License Application together with a copy of the new lease shall be submitted to the Borough at no additional cost prior to occupancy by the new tenant. The Borough shall re-inspect the property within 30 days of occupancy. Failure to notify the Borough of Change of Tenant shall constitute a violation of this ordinance and subject to enforcement including the revocation of the Rental Operating License.

8b. INSPECTION PROCEDURE: Upon receipt of a complete application, the Code Enforcement Officer or other designated agent of the Borough shall, within fifteen (15) business days, conduct an inspection of the property to determine compliance with minimum standards and requirements as follows:

- Each dwelling unit must have a smoke detector installed on each floor level and in the bedroom area(s);
- An existing acceptable 60 ampere service, or a minimum 100 ampere three (3) wire electric service, must be installed for the dwelling;
- All kitchen countertop receptacles and bathroom receptacles must be ground fault

- circuit interrupter protected;
- All sidewalks and curbs must be in good repair free of large cracks and crevices, missing bricks and tripping hazards;
- All properties must be supplied with numbers outside the property, in clear view of the street, designating the street number of the property;
- The property and structure must be in compliance with all other aspects of the International Property Maintenance Code adopted by the Borough.

8c. UPON APPLICATION FOR A NEW RENTAL OPERATING LICENSE UNDER THIS CHAPTER, the Dwelling Unit shall be inspected by the Building or Codes Inspector for compliance with the provisions of the Building Codes and/or its constituent codes (including but not limited to the Fire prevention Code, the Property Maintenance Code, the Plumbing Code and the Electrical Code) then enacted in the Borough; the Building Inspector shall note all violations and shall leave with the Owner, Landlord, Manager or Agent, for an Owner, a copy of any notice of violation. The Building Inspector or Code Enforcement Officer shall forward any notice of violation to the Borough Secretary for the Borough's file.

9. CORRECTION OF VIOLATIONS PRIOR TO RE-ISSUANCE OF LICENSE; TERM OF LICENSE

Prior to the issuance of a new Rental Operating License, all violations noted on a notice of violation shall be corrected within 30 days or sooner upon direction of the Building or Code Enforcement Officer as required. Every Rental Operating License shall be issued for a period of the current calendar year, unless sooner revoked. New Rental Operating License applications filed after March 31, 2021 and each succeeding year shall pay the prorated license fee established by the Borough of Mt. Penn by resolution.

10. REGULATIONS

The following regulations are hereby adopted for the issuance of Rental Operating Licenses:

A. Pennsylvania statutes govern. All matters regulated by the Pennsylvania Construction Code Act or by any other laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, as the case may be, shall control all inspections where the requirements thereof are the same as, or in excess of, the provisions of the Borough Building Code and its constituent codes. However, when the requirements of the Borough Building Code and its constituent codes exceed the requirements of the Commonwealth's Regulations, the Borough Building Code and its constituent codes shall apply.

B. Inspection mandatory. Any Person who applies as an Owner or as an Agent for an Owner for a Rental Operating License in the Borough shall permit the Building inspector to inspect the Dwelling Unit or Rooming Unit for the purpose of ensuring compliance with the law.

C. Refusal, to permit lawful inspection. A person applying for a Rental Operating License in the Borough violates this chapter if, after application, such Person refuses to permit such lawful inspection of the Dwelling unit or Rooming Unit, unless such Person withdraws such application in writing.

D. Expiration of licenses. Each Rental Operating License shall expire on January 31, 2022 and in each succeeding year by January 31. Failure to reapply for a new Rental Operating License by January 31 of each succeeding year shall constitute a violation of this Ordinance.

E. Nonresident applicants. No Rental Operating License shall be issued or renewed for a nonresident applicant unless such applicant designates in writing to the Building Inspector the name of his Agent located in the Commonwealth for receipt of service of any notice of violation and for service of process.

11. LICENSE FEES

A. The cost of a Rental Operating License rate shall be set from time to time by Resolution of Borough Council.

B. If the condition of any property requires more than one inspection, the applicant will be required to reapply for a Rental Operating License, including payment of all appropriate fees.

C. All applicants shall pay the full cost of the License fee before any Rental Operating License shall be issued.

12. VIOLATIONS AND PENALTIES; ADDITIONAL REMEDIES

Any Person who violates any of the provisions of this article shall, upon conviction in a summary proceeding, be fined not more than \$600 for the first offense and \$1000 for the second and subsequent offenses. Nothing contained herein shall; be deemed to preclude the Borough from seeking other relief or from availing itself of any remedy that maybe at law or in equity to prevent continuing violations of the toxins of this chapter. Each day that a violation occurs or exists under this chapter shall be deemed a separate offense.

13. APPEALS

A. Any person aggrieved by the action of the Building Inspector pursuant to this article shall have the right to appeal said action within 10 days to the Mount Penn Borough Codes subcommittee, which shall hear and determine said, appeal at its next regularly scheduled meeting.

B. No appeal proceedings under this section shall operate as a stay or supersede as of the enforcement of this article.

14. ADDITIONAL RELIEF; NUISANCES

No provision of this article shall prevent the Borough from instituting proceedings and seeking relief in any court of the Commonwealth if the Borough shall deem such action necessary to abate any violation of this Ordinance which constitutes a nuisance or safety/health hazard.

15. All ordinances or parts inconsistent herewith are hereby replaced.

16. This Ordinance shall take effect immediately.

DULY ENACTED AND ORDAINED by the Council of the Borough of Mount Penn,
Berks County, Pennsylvania, the 23rd day of FEBRUARY, 2021

Borough of Mount Penn
Berks County, Pennsylvania

By: Troy Goodman
President – Troy Goodman

Attest:

Bette E. Petrov
Secretary – Bette E. Petrov

APPROVED this 23rd day of FEBRUARY, A.D., 2021

Joshua Nowotarski
Mayor – Joshua Nowotarski

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