

RESIDENTIAL RENTAL DWELLING UNIT REGISTRATION & INSPECTION ORDINANCE

AN ORDINANCE REQUIRING LANDLORDS TO ANNUALLY REGISTER ALL RESIDENTIAL RENTAL DWELLING UNITS OWNED BY SUCH LANDLORDS IN THE BOROUGH OF QUAKERTOWN AND THE OCCUPANTS OF EACH SUCH RENTAL DWELLING UNIT, AND TO REPORT OCCUPANCY AND PHYSICAL CHANGES TO SUCH RENTAL DWELLING UNITS: FIXING THE REGISTRATION/INSPECTION FEE: FURTHER PROVIDING FOR A PERIODIC INSPECTION OF ALL RESIDENTIAL RENTAL DWELLING UNITS FOR COMPLIANCE WITH BOROUGH CODES AND ORDINANCES; PROVIDING FINES AND PENALTIES FOR VIOLATIONS; REPEALING ALL OTHER INCONSISTENT ORDINANCES.

The **BOROUGH COUNCIL OF THE BOROUGH OF QUAKERTOWN** hereby enacts and ordains as follows:

SECTION 1. Purpose. The purpose of this Ordinance is to protect and promote the health, safety, and welfare of the residents of the Borough and particularly the occupants of Residential Rental Units and to encourage the owners of Residential Rental Dwelling Units to maintain said units in a safe and sanitary condition.

SECTION 2. Definitions. As used in this Ordinance, the following items shall have the meaning indicated unless a different meaning clearly appears from the content.

CODE – Any ordinance, code, law, or regulation in effect for the Borough of Quakertown 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, International Building Code, Plumbing, Electrical, Fire Prevention and Property Maintenance Codes, as promulgated by the International Code Council, the Uniform Construction Code, the Solid Waste Management and Recycling Ordinance; and the Nuisance Ordinance.

CODE ENFORCEMENT OFFICER – The duly appointed Code Enforcement Officer (s) having charge of the Office of Code Enforcement of the Borough of Quakertown and any assistants or agents.

DWELLING UNIT (HOUSING UNIT) – One or more rooms intended to be occupied by one family as separate living quarters, containing sanitary facilities, kitchen facilities and having outside access directly from the dwelling unit or through a common hall.

LANDLORD – The owner of any Residential Rental Dwelling Unit rented or offered for rent within the Borough of Quakertown.

OCCUPANT – An individual who resides in a residential rental dwelling unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania.

OWNERS DUTIES – It shall be the duty of every owner to keep and maintain all rental dwelling units in compliance with all applicable State laws and regulations and local ordinances and to keep such property in good and safe condition. This ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough of Quakertown against an owner, occupant or guest thereof.

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 Unit owned by a Landlord.

SECTION 3. Registration of All Rental Units. It shall be the duty of every Landlord owning one or more Residential Rental Dwelling Units in the Borough of Quakertown, to annually register all such units with the Borough of Quakertown on a registration form supplied by the Borough. A re-registration form shall be filed with the Code Enforcement Office by the annual expiration date of the registration form each year and shall include the required information on the said registration form supplied by the Borough.

The aforesaid registration form shall be accompanied by the payment of an annual registration/inspection fee as set forth in the Borough of Quakertown fee schedule.

SECTION 4. Issuance of Permits. Upon receipt of the aforesaid registration form and fee, the Code Enforcement Office shall issue a permit for each Residential Rental Dwelling Unit so registered. It shall be the duty of each Landlord to make available the permit upon request.

SECTION 5. Reports of Changes In Occupancy. It shall be the duty of every Landlord owning one or more Residential Rental Dwelling Unit in the Borough of Quakertown, to file with the Code Enforcement Office, a report of any change in the use or new occupancy of any Residential Rental Dwelling Unit and comply with Section 3 within ten (10) days of the new occupant taking possession.

SECTION 6. Inspections. The Code Enforcement Officer of the Borough of Quakertown is authorized and directed to make periodic inspections of each Residential Rental Dwelling Unit in the Borough of Quakertown at least once every three (3) years 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. The Code Enforcement Officer is further authorized to enter for the purpose of such inspection, 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 Office.

The construction date of the building will be taken into consideration when determining safety standards.

SECTION 7. Report of Inspection. The Code Enforcement Officer 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 Quakertown 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. The report shall state the corrective action or repairs required to be taken by the Landlord or Tenant 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.

SECTION 8. Inspection Fees. The Code Enforcement Office shall charge every Landlord owning a Residential Rental Dwelling Unit within the Borough of Quakertown a registration/ inspection fee as set forth in the Quakertown Fee Schedule for each Residential Rental Dwelling Unit in order to defray the cost of conducting the registration/inspection.

SECTION 9. Violations and Penalties. Any Landlord or other person who shall fail to file the registration forms or reports required to be filed by this Ordinance or who shall otherwise fail to comply with the requirements of this Ordinance including providing access, as requested by the Code

Enforcement Office, shall be guilty of a violation of this Ordinance and shall upon conviction thereof, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) and/or imprisonment for a term of not more than thirty (30) days of each such violation. Each day that violation of this part continues shall constitute a separate offense.

SECTION 10. Other Remedies. In addition to the foregoing penalties for violations of this Ordinance, Landlords, Tenants, and/or Occupants 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 or Tenant fail 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 Office.

SECTION 11. Repealer. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 12. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions or the application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.

SECTION 13. Record Keeping. 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 State Law.