

COMMERCIAL BUSINESS/PROPERTY REGISTRATION & INSPECTION

AN ORDINANCE REQUIRING COMMERCIAL BUSINESS/PROPERTY OWNERS TO ANNUALLY REGISTER ALL COMMERCIAL BUSINESSES/PROPERTIES OWNED AND OPERATED IN THE BOROUGH OF QUAKERTOWN; FIXING THE REGISTRATION/INSPECTION FEE; FURTHER PROVIDING FOR A YEARLY INSPECTION OF ALL COMMERCIAL BUSINESSES/PROPERTIES 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 commercial businesses/properties and to encourage the owners of Commercial Businesses/Properties to maintain said businesses/properties 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.

COMMERCIAL BUSINESS/PROPERTY – Any Commercial Business/Property that meets the definitions as outlined in the International Building Code as an Assembly, Business, Educational, Factory and Industrial, High Hazard, Institutional, Mercantile, Residential, Storage or Utility and Miscellaneous.

OWNERS DUTIES – It shall be the duty of every owner to keep and maintain all Commercial Businesses/Properties 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 **Commercial Business/Property** owned by a Landlord.

SECTION 3. Registration of All Commercial Businesses/Properties. It shall be the duty of every Commercial Business/Property **Owner** in the Borough of Quakertown, to annually register their Commercial Business/Property 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 Commercial Business/Property registered. It shall be the duty of each Commercial Business/Property Owner to make available the permit upon request.

SECTION 5. Reports of Changes in Occupancy. It shall be the duty of Commercial Businesses/Properties **Owners** in the Borough of Quakertown, to file with the Code Enforcement Office, a report of any change in the use or new occupancy of the Business 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 Annual inspections of each Commercial Business/Property in the Borough of Quakertown 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 Commercial Businesses/Properties and it is the duty of Commercial Business/Property Owners to provide access to such Properties 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 Commercial Business/Property Owner. The report, designated as the Borough of Quakertown Commercial Business/Property 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 Business Owner 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) Commercial Business/Property to determine compliance with the inspection report.

SECTION 8. Inspection Fees. The Code Enforcement Office shall charge every Commercial Business/Property within the Borough of Quakertown a registration/ inspection fee as set forth in the Quakertown Fee Schedule for each Commercial Business/Property in order to defray the cost of conducting the registration/inspection.

SECTION 9. Violations and Penalties. Any Commercial Business/Property Owner 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, Commercial Business/Property Owners shall be subject to the fines and penalties, and other remedies provided in other applicable codes and ordinances if such Commercial Business/Property Owner

fail to correct or repair any violation of such code or ordinance cited during an inspection of a Commercial Business/Property 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.