

Chapter 83
RENTAL UNIT INSPECTIONS

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 4-6-1998 by Ord. No. 5-98. Amendments noted where applicable.]

GENERAL REFERENCES

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| Building construction — See Ch. 34. | Mechanical standards — See Ch. 63. |
| Code enforcement — See Ch. 36. | Plumbing — See Ch. 75. |
| Electrical standards — See Ch. 41. | Sewers — See Ch. 86. |
| Property maintenance — See Ch. 42. | Tenant registration — See Ch. 102. |
| Fire prevention — See Ch. 51. | |

§ 83-1. Permits required.

No person shall let to another for occupancy any dwelling or dwelling unit and no person shall operate a rooming house or let to another for occupancy any room in a rooming house unless he shall first apply for and obtain a permit issued by the Code Enforcement Officer. Permits for rental dwellings and dwelling units shall require renewal every three years, and rooming house permits shall require annual renewal, or upon a change in occupancy.

§ 83-2. Fees.

- A. The Code Enforcement Officer shall charge to every person, firm or corporation owning a rental unit within the Borough of Pennsburg, before making such inspection as will be necessary for the issuance or renewal of a permit, the following fees, which shall defray the expenses of and compensate the Code Enforcement Officer for his time in conducting such inspections:

Permit Category	Permit Fee
Each rented dwelling or dwelling unit	\$25 (every 3 years)
Each rented room in a rooming house	\$5 (annually)

- B. The fees as set forth in this section may be amended by Pennsburg Borough Council from time to time by resolution.

§ 83-3. Exemptions.

No permit shall be required of an owner or operator who is one of the following:

- A. The United States government, the Commonwealth of Pennsylvania, the Borough of Pennsburg or any agency thereof.
- B. The owner of rooms, motel units, dwelling units or efficiency apartments utilized by transients, who, for the purpose of this chapter, shall be defined as any person who occupies or is entitled to occupy a dwelling unit for a period of less than 15 consecutive calendar days or a room in a rooming house for less than seven consecutive calendar days.

§ 83-4. Applicability of other standards.

The exemptions set forth in the previous section shall, nevertheless, not exempt such owners or operators from compliance with the provisions of the 1993 BOCA Property Maintenance Code, adopted by the Borough Council of the Borough of Pennsburg by Ord. 3-94 on February 7, 1994,¹ and all other rules and regulations issued in connection therewith.

§ 83-5. Duration of permits.

- A. Rental dwelling unit permits shall be issued according to the inspection schedule of the Code Enforcement Officer and shall continue in effect for three calendar years after the date of the inspection. Upon the expiration of any dwelling unit permit or upon a change in occupancy of the dwelling unit, a new permit shall be required for the ensuing period of three years.
- B. Rooming house permits shall be issued according to the inspection schedule of the Code Enforcement Officer and shall continue in effect for one calendar year after the date of inspection or until the date of reinspection by the Code Enforcement Officer, whichever such date shall last occur. Upon the expiration of any rooming house permit, a new permit shall be required for a further period of one year.

§ 83-6. Maintenance and posting of the permit.

Every permit issued hereunder shall be maintained upon the premises, and every permit issued hereunder pertaining to multiple-dwelling units and rooming houses shall be posted in a conspicuous place where it may be seen at all times.

¹ Editor's Note: See Ch. 42, Property Maintenance.

§ 83-7. Transfer of property; proration of fees.

Any permits issued under the provisions hereof shall terminate upon the transfer of ownership of the property, and the new owner or owners shall apply for a renewal thereof within 30 days of such transfer of ownership. Such renewal period shall run only until the date upon which the permit issued to the previous owner would have terminated. In the instance of a rental dwelling or dwelling unit permit, should the renewal period be for a term of less than 18 months, the fee for such permit shall be \$12.50, while in the instance of a room permit, should the renewal period be for a term of less than six months, the fee for such permit shall be \$2.50 per room. Any owner of a dwelling house, dwelling unit or rooming house who transfers his interest therein to a new owner shall have no right to a reimbursement from the borough of all or any part of his last paid permit fee upon transfer.

§ 83-8. Authorization for inspections.

The Code Enforcement Officer is authorized and directed to make inspections to determine the condition of the dwelling, dwelling unit, rooming house or rooming unit and premises offered for rent located within the Borough of Pennsburg in order to safeguard the health and safety of the occupants thereof and the general public. He or she is further authorized to enter (by way of appointment or other manner provided in this chapter) for the purpose of examining and surveying all areas of the habitable premises at a reasonable time. Every occupant of any such premises or operator in charge thereof shall extend to the Code Enforcement Officer access to such premises for the purpose of making any inspection, examination or survey.

§ 83-9. Issuance of search warrant; probable cause.

If permission to enter any premises for the purpose of inspection is denied, the inspecting office may apply for a search warrant to the District Magistrate serving the district within which the Borough of Pennsburg is located. He shall supply all necessary affidavits containing personal knowledge or probable cause of the issuance of a search warrant. "Probable cause" shall mean:

- A. That inspection of said dwelling unit is part of a routine area inspection being conducted as a part of a systematic or concentrated code enforcement program;
- B. That the affiant has knowledge of a violation of borough codes that may endanger or otherwise affect the health and safety of the citizens of the Borough of Pennsburg; or
- C. That said entry is for the purpose of reinspecting a previous violation where no prior warrant was issued.

§ 83-10. Warrant not required.

Warrants shall not be required for entry:

- A. When entry is by permission or at the request of the occupant.
- B. Where an imminent danger to health and safety exists.

- C. Following an accident or inherent condition where immediate inspection is required to determine if an imminent danger to health or safety exists.

§ 83-11. Reinspection during term of permit.

The Code Enforcement Officer may reinspect any property for which a permit has been issued upon receiving complaints from the tenants thereof or from third parties.

§ 83-12. Violations and penalties.

Should an inspection, as provided herein, reveal the existence of a violation of the BOCA Property Maintenance Code, adopted by the Borough Council of the Borough of Pennsburg by Ord. No. 3-94 on February 7, 1994,² then the Code Enforcement Officer shall serve upon the owner or operator a violation notice in the form set forth in Chapter 36, Code Enforcement, § 36-14 of the Code of Ordinances of the Borough of Pennsburg. He shall also schedule a reinspection for a date and at a time subsequent to the expiration of the reasonable compliance time set forth in the violation notice. If the violation existing at the time of the initial inspection remains outstanding at the time of the reinspection, the owner or operation shall, upon conviction, become liable to those fines and penalties set forth in § 36-15 of the Code of Ordinances of the Borough of Pennsburg.

² Editor's Note: See Ch. 42, Property Maintenance.