

Chapter 91

RESIDENTIAL RENTAL OPERATING LICENSE

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[HISTORY: Adopted by the Borough Council of the Borough of Heidelberg 11-21-2000 by Ord. No. 538. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 42.
Occupancy permits — See Ch. 73.

Property maintenance — See Ch. 86.
Zoning — See Ch. 112.

§ 91-1. Title.

This chapter shall be known as the "Residential Rental Operating Licensure Ordinance."

§ 91-2. Purpose.

This chapter is adopted to protect the health, safety and welfare of the Borough's residents and to prevent the loss of life, limb and property from fire, explosions, noxious gases and other dangers, detriments, and inconveniences to the Borough.

§ 91-2.1. Legislative findings. [Added 11-20-2001 by Ord. No. 545]

The Council of the Borough of Heidelberg makes the following legislative findings.

- A. The Borough of Heidelberg has experienced a decline in population over the past several years, and many residential structures which were owner-occupied are now being leased for tenant occupancy and many residential buildings have been purchased by persons who do not reside in the Borough of Heidelberg and converted to rental units.

- B. The growing number of residential structures with absentee owners has, and tends toward, a decrease in owner awareness of the conditions of such properties with regard to health, safety, upkeep and maintenance.
- C. The absentee-ownership of a growing number of residential structures in the Borough tends to convert such properties from owner-occupied homes which are maintained for the health, safety, and comfort of the owner, to investment properties in which maintenance is frequently deferred and less attention is given to the health, safety, and welfare of the tenants and surrounding properties as would be the case if the properties were owner-occupied in order to increase the owners' return on his or her investment.
- D. Tenants are particularly without, or are unaware of, the recourse available to them to cause the owner to properly maintain the rental units, and often such maintenance is left to the tenant who has little incentive to invest his or her own time and financial resources toward the maintenance of another's real property.
- E. It has been reported to Borough Council that tenants will often use noncodecompliant, corner-cutting and stopgap measures to fix, or get by with defects in rental units.
- F. The afore described conditions tend toward a devolution into blighted, unsafe, unhealthful, unsanitary properties which the Borough deems necessary to regulate with this chapter.

§ 91-3. Repealer.

The Borough of Heidelberg Ordinance No. 537 is hereby repealed, and this chapter shall replace it.¹ Any ordinance or part of any ordinance conflicting with the provisions of this chapter shall be repealed to the extent of any conflict.

§ 91-4. Rules of construction.

In the construction of this chapter, the rules and definitions contained in this section shall be observed and 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.
- 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.

1. Editor's Note: Ordinance No. 537, adopted 4-13-2000, comprised former Ch. 101, Tenant Registration and Rental Occupancy Permits.

- G. This chapter shall be liberally construed to accomplish its purpose to protect the public's health, safety and welfare.
- H. The Borough intends to favor the public interest as against any private interest.

§ 91-5. Definitions.

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

BOROUGH — The Borough of Heidelberg.

BOROUGH SECRETARY — The Secretary of the Borough of Heidelberg.

BUILDING INSPECTOR — The Building Inspector of the Borough of Heidelberg.

LANDLORD — A person and/or an authorized representative, heir, successor or assignee of a person who leases or otherwise permits another person to occupy a rental unit for money or other consideration.

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

RENTAL UNIT — Any building or any portion of a building in which a person resides in consideration of which money or other goods or services are paid or provided to the owner of such building, the owner's authorized representative or another tenant and which may include, but which shall not be limited to, the following types of rental units:

- A. **DWELLING, MULTIFAMILY, INCLUDING GARDEN APARTMENT** — A building or portion thereof containing or designed to contain three or more separate dwelling units with or without common access facilities.
- B. **DWELLING UNIT** — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.
- C. **ROOMING HOUSE, INCLUDING A BOARDING, LODGING OR TOURIST HOME** — 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.
- D. **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 not cooking or eating facilities, and shall be occupied by no more than one family.
- E. **TOWNHOUSE or ROWHOUSE** — Dwelling units attached to each other by party or common walls, with each unit having individual access and rear common or private garden orientation.

TENANT — A person who occupies a rental unit for which said person pays money or gives other consideration.

§ 91-6. Rental operating license required.

No landlord shall operate a rental unit in the Borough unless he has applied for and has been issued a current, rental operating license for the specified rental unit for the current year.

§ 91-7. Application for rental operating license and agreement to comply.

Every landlord shall apply for a rental operating license and shall agree to comply with all provisions of all national and state building, fire prevention or maintenance codes and Borough ordinances. The application shall be in the form appended hereto as Exhibit No. 1² and shall be accompanied by a check or money order payable to the Borough in the amount set forth below in § 91-10. Applications for rental operating licenses for any tenancy existing on the effective date of this chapter must be received by the Borough no later than 60 days following the effective date of this chapter.

§ 91-8. Contents of applications.

Every landlord shall supply the following information to the Borough Secretary as part of the application for rental operating license and agreement to comply:

- A. The mailing and street addresses of the rental units.
- B. The name or names of all tenants of each such rental unit.
- C. A certificate of occupancy issued by the Zoning Officer of the Borough.
- D. Landlord's name, correct mailing address and telephone number.

§ 91-9. Regulations for issuance of licenses.

The following regulations are hereby adopted for the issuance of rental operation licenses:

- A. Requirement of inspection in compliance with the Borough codes prior to issuance of rental operating license. All rental units shall be inspected by the Building Inspector of the Borough for compliance with the provisions of the Borough's Building Code, Fire Prevention Code and Property Maintenance Code, Zoning Ordinance³ and other law adopted by the Borough as is applicable. The Building Inspector shall note any violations of the above and shall leave with the landlord a copy of any notice of violation.
- B. Correcting violations. Prior to the issuance of renewal of a rental operating license, all violations noted on the notice of violation shall be corrected as required. No rental

2. Editor's Note: Said Exhibit 1 is available at the Borough offices.

3. Editor's Note: See Ch. 39, Building Construction, Ch. 86, Property Maintenance, and Ch. 112, Zoning.

operating license shall be issued or renewed until the Borough Building Inspector certifies that every item on the notice of violation has been corrected.

- C. Expiration of permits. Each rental operating license shall expire three years after the date of issuance. **[Amended 11-20-2001 by Ord. No. 545]**
- D. Timing for reapplication. Application to renew a rental operating license shall be made at least 30 days prior to the expiration date of the current license, and, when made fewer than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the license.
- E. Landlords' duty to report change in tenants. Every landlord shall advise the Borough Secretary and the Borough Wage Tax Collector if there is any change in the tenants of any rental unit during the three-year term of the landlord's rental operating license. **[Added 11-20-2001 by Ord. No. 545]**

§ 91-10. Cost of rental operating license and inspection of rental units. [Amended 12-15-2009 by Ord. No. 586, §3]

Borough Council shall annually, by resolution, shall establish and set the cost and charges of a rental operating license and the cost and charges for inspection of rental units.

§ 91-11. Violations and penalties; additional remedies. [Amended 11-20-2001 by Ord. No. 545]

Any person who violates any of the provisions of this chapter shall be subject to the immediate revocation of his rental operating license and, upon conviction in summary proceeding, be fined not less than \$300, and, in default of the payment of the fine and costs, each day on which a rental unit is operated without a valid rental operating license shall constitute a separate offense. Nothing contained herein shall be deemed to preclude the Borough to seek other relief or avail itself of any remedy that may be at law or in equity to prosecute past violations or to prevent continuing violations of the terms of this chapter.

§ 91-12. Duty to file with Department of Community Affairs.

The Borough Manager shall file an exact copy of this chapter with the Department of Community Affairs together with the name, position and phone number of the Building Inspector responsible for compliance with this chapter.

