

**BOROUGH OF EAST GREENVILLE**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2024-01**

**AN ORDINANCE OF THE BOROUGH OF EAST GREENVILLE, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 75 RENTAL UNIT INSPECTIONS BY AMENDING THE REGULATIONS RELATING TO INSPECTION OF RENTAL UNITS IN THE BOROUGH OF EAST GREENVILLE; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND CONTAINING AN EFFECTIVE DATE.**

**WHEREAS**, the Borough Code, 8 Pa.C.S. § 101, *et seq.*, authorizes the Borough Council of the Borough of East Greenville to make regulations as may be necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience, comfort and safety of the Borough and its residents;

**WHEREAS**, the Borough of East Greenville has established a rental unit inspection program for rental units in the Borough of East Greenville;

**WHEREAS**, the Borough's administration has identified certain amendments to the Borough's rental inspection program regulations that it believes to be in the best interest of the Borough;

**WHEREAS**, the Borough Council of the Borough of East Greenville believes it to be in the best interests of the Borough to make the amendments to the Borough's rental inspection program recommended by the Borough's administration, and does so herein.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of East Greenville as follows:

**SECTION 1.**

Chapter 75 *Rental Unit Inspections* of the Code of Ordinances of the Borough of East Greenville is hereby amended by repealing subsection 75-1 through subsection 75-8 in their entirety, and replacing them with the following provisions:

**§ 75-1 Findings.**

The Borough hereby finds and declares as follows:

- (a) The Borough Council of the Borough of East

Greenville recognizes that the preservation of existing rental housing stock is of tremendous importance. There are more than 430 rental housing units within the Borough. Rental housing provides needed, affordable housing for many and is an asset that must be preserved and maintained. The Borough has a significant interest in ensuring that rental housing remains a safe and desirable housing option for its citizens.

- (b) Substandard and deficient rental housing units are unfit or unsafe for human occupancy and their conditions jeopardize the health, safety, and welfare of their occupants and of the public.
- (c) Relying on a complaint-based enforcement program is inadequate to ensure that rental housing properties are safely and adequately maintained. Inspection authorities often do not receive complaints about rental units with the worst violations of health and safety codes. Tenants may fear being evicted or that their rent will be raised for reporting violations or may face language or education barriers preventing them from using complaint-based programs.
- (d) Deteriorating and substandard buildings and dwelling units also threaten the physical, social, and economic stability of neighboring structures and surrounding neighborhoods and the community. By ensuring that landlords are aware of poor conditions before they worsen, proactive inspections encourage preventative maintenance, which is more cost-effective than deferred maintenance, and thereby helps landlords to maintain their properties. Proactive rental inspection programs can ensure that properties don't become blighted, thereby preserving neighboring property values and the local tax base.
- (e) Public interest demands that all rental housing

properties comply with the minimum standards regarding the health and safety of the public. The most effective way to seek universal compliance with the minimum standards is through routine, periodic inspections of all rental housing properties. Accordingly, it is the intent of the Borough to enact the provisions of this Chapter to establish a rental housing inspection program to secure borough-wide compliance of rental housing properties with minimum standards. Borough-wide compliance will reduce blight and help to ensure that all persons who live in rental housing units are provided decent, safe, and sanitary housing.

**§ 75-2 Definitions.**

- (a) "Borough's Administrative Offices" shall mean the location at which the Borough of East Greenville maintains its administrative offices open to the general public for regular Borough business, currently 206 East Main Street, East Greenville Borough, PA 18041.
- (b) "Code Enforcement Officer" means a sworn or non-sworn inspector, officer, or investigator, who possesses specialized training in and whose primary duties are the prevention, detection, investigation, and enforcement of violations of laws regulating public nuisance, public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs.
- (c) "Owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property.
- (d) "Rental Housing Unit" means a single unit providing living facilities for one or more persons that has permanent provisions for living, sleeping, and sanitation and is rented or available for rent to tenants.
- (e) "Family" means any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption, including

any number of foster children under the care of the same; or no more than five unrelated individuals living together as a single, nonprofit housekeeping unit and doing their cooking on the premises, except when an application for a special exception to enable a greater number of unrelated individuals to occupy a dwelling unit is reviewed and approved by the Zoning Hearing Board, as provided for in this chapter. *(This definition shall not apply to the occupants of a club, fraternity house, lodge, residential club, boardinghouse, group home or rooming house.)*

- (e) Borough means The Borough of East Greenville.
- (f) Rooming House means a dwelling in which at least two rooms are offered for rent, payable in money or other consideration, whether or not meals are furnished to lodgers.

**§ 75-3. Permits/inspection required.**

- (a) No person shall let to another for occupancy any dwelling or dwelling unit, and no person shall operate a rooming house or let to other for occupancy any room in a rooming house unless he shall first apply for and obtain a permit issued by the Code Enforcement Officer.
- (b) Permits for rental dwellings and dwelling units shall require renewal every three years, and rooming house permits shall require annual renewal.
- (c) In multifamily buildings with more than 12 units, a minimum of twenty-five percent (25%) of the total number of units shall be inspected every three years. For each cycle of units, different units shall be selected for inspection so that no units are inspected in consecutive cycles. Should any unit be the subject of the need for inspection as required by Section 75-13 relating to Reinspections During the Term of the Permit, inspection of the subject unit shall be permitted.

**§ 75-4 Fees.**

The Code Enforcement Officer shall charge to every person, firm, or corporation owning a rental unit within the Borough of East Greenville, before making such inspection as will be necessary for the issuance or renewal of a permit, the fees as approved by Resolution of Borough Council from time to time, which shall defray the expenses of and compensate the Code Enforcement Officer for their time in conducting such inspections:

**§ 75-5 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 East Greenville 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.

**§ 75-6 Applicability of other standards.**

The exemptions set forth in the previous section shall, nevertheless, not exempt such owner's or operators from compliance with the provisions of the East Greenville Borough Property Maintenance Code in effect at the time of inspection and all other Rules and regulations issued in connection therewith.

**§ 75-7 Duration of permits.**

- A. Rental dwelling and dwelling unit permits shall be issued according to the inspection schedule of the Code Enforcement Officer and shall continue in effect for 3 calendar years 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 dwelling unit permit,

a new permit shall be required for a further 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.

**§ 75-8 Transfer of property; proration of fees.**

Any permit issued under the provisions hereof shall terminate upon the transfer of ownership of the property, and the new owner or owners shall receive a new permit after successful completion and issuance of a Use & Occupancy Permit as required by Section 73-3 of the Code of East Greenville Borough within 30 days of such transfer of ownership.

**SECTION 2.**

Chapter 75 *Rental Unit Inspections* of the Code of Ordinances of the Borough of East Greenville is hereby amended by renumbering existing section 75-9 *Issuance of search warrant; probable cause* and section 75-10 *Warrant not required* to section 75-11 *Issuance of search warrant; probable cause* and section 75-12 *Warrant not required* respectively. No changes are made to the substantive provisions of these sections.

**SECTION 3.**

Chapter 75 *Rental Unit Inspections* of the Code of Ordinances of the Borough of East Greenville is hereby amended by adding the following new section 75-9 *Authorization for inspections* and section 75-10 *Local contact representative* with the provisions set forth below. Section 75-9 and section 75-10 were rendered blank by the renumbering effectuated in section 2, *supra*.

**§ 75-9 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 East Greenville in order to safeguard the health and safety of the occupants thereof and the general public. He or she is further authorized to enter, 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.

**75-10. Local Contact Representative.**

- (a) Each Owner of rental housing property who resides more than a twenty (20) mile travel distance from the Borough's Administrative Offices shall designate a Local Contact Representative with full authority to act on behalf of the Owner for all purposes under this Chapter, including the acceptance of service of all notices from the Borough of East Greenville.
  
- (b) A Local Contact Representative shall establish and maintain a local telephone number and a residence or business address within a twenty (20) mile travel distance from the Borough's Administrative Offices. All official notices served on the Local Contact Representative shall be deemed to have been served on the Owner.

**SECTION 4.**

Chapter 75 *Rental Unit Inspections* of the Code of Ordinances of the Borough of East Greenville is hereby amended by renumbering existing section 75-11 *Reinspection during term of permit* and section 75-12 *Violations and penalties* to section 75-13 *Resinspection during term of permit* and section 75-14 *Violations and penalties*. After being renumbered, no substantive changes are made to section 75-13 *Reinspection during term of permit*. After being renumbered, the provisions of section 75-14 *Violations and penalties* are repealed and replaced with the following:

**§ 75-14 Violations.**

Should an inspection, as provided for herein, reveal the existence of a violation of The East Greenville Borough Property Maintenance Code, as adopted from time to time by Borough Council, then the Code Enforcement Officer shall serve upon the owner or operator a violation notice in the form set forth in that code. 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 operator shall, upon conviction, become liable to those fines and penalties set forth in the Property Maintenance Code.

## **SECTION 5.**

Chapter 75 *Rental Unit Inspections* of the Code of Ordinances of the Borough of East Greenville is hereby amended by adding the following new section 75-15 *Means of appeal* and section 75-16 *Penalties* with the following provisions:

### **75-15 Means of Appeal.**

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code or of any rule or regulation adopted pursuant thereto shall have the right to request and shall be granted a hearing on the matter before the Borough Council of East Greenville Borough, provided that such person shall file with the Borough Secretary a written petition requesting such appeal and completing all necessary forms and applications including payment of any fee within ten (10) days after the day the notice is served.

### **75-16 Penalties.**

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the Property Maintenance Code requirements thereof, shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$1,000, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## **SECTION 6.**

Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

## **SECTION 7.**

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a



court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this ordinance.

**SECTION 8.**

This ordinance shall become effective at the earliest time permitted under Pennsylvania law.

**ORDAINED and ENACTED** an ordinance of the Borough of East Greenville this

5<sup>th</sup> day of February, 2024.

**BOROUGH OF EAST GREENVILLE:**

*Douglas Criddle*  
DOUGLAS CRIDDLE, COUNCIL PRESIDENT

ATTEST:

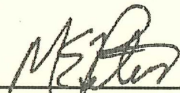
*Sharon Kachmar*  
SHARON KACHMAR, BOROUGH SECRETARY

Approved this 5<sup>th</sup> day of February,  
2024

*Stephen Wescott*  
STEPHEN WESCOTT, MAYOR

I, Michael E. Peters, Esquire, a shareholder with the law firm of Eastburn and Gray, PC, solicitor for the Borough of East Greenville, Montgomery County, PA, hereby attest that the attached is a true and correct copy of the following ordinance, and that I am authorized to make this attestation on behalf of the Borough. I understand that this attestation is made pursuant to 18 Pa.C.S. § 4904, and that if any of my statements herein are false, I am subject to penalties related to unsworn falsification to authorities.

**AN ORDINANCE OF THE BOROUGH OF EAST GREENVILLE, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 75 RENTAL UNIT INSPECTIONS BY AMENDING THE REGULATIONS RELATING TO INSPECTION OF RENTAL UNITS IN THE BOROUGH OF EAST GREENVILLE; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND CONTAINING AN EFFECTIVE DATE.**

  
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Michael E. Peters, Esquire  
Attorney ID No. 314266

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Dated: January 21, 2024