

BOROUGH OF NEW BRITAIN
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 429

AN ORDINANCE OF THE BOROUGH OF NEW BRITAIN, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 333 *RENTAL PROPERTY REGISTRATION* BY RENAMING THE CHAPTER "RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION" AND ADDING PROVISIONS CREATING A RESIDENTIAL RENTAL PROPERTY INSPECTION PROGRAM IN THE BOROUGH OF NEW BRITAIN; 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 New Britain 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 New Britain has established a residential rental property registration program in the Borough of New Britain;

WHEREAS, the Borough's administration has recommended creating a residential rental property inspection program in the Borough of New Britain;

WHEREAS, the Borough Council of the Borough of New Britain believes it to be in the best interests of the Borough to create a residential rental property inspection program in the Borough of New Britain, and creates said program herein.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of New Britain as follows:

SECTION 1.

Chapter 333 *Rental Property Registration* is hereby repealed in its entirety and replaced with a new Chapter 333 titled "Residential Rental Property Registration and Inspection" with the following provisions:

Chapter 333 Residential Rental Property Registration and Inspection

Article I Residential Rental Property Registration

§ 333-1.1 Filing of tenant lists with Borough.

Each landlord, lessor and sublessor of property in the Borough of New Britain, or the duly authorized agent or manager of such landlord, lessor or sublessor, shall file with the Borough on or before July 15 of each year, on a form prescribed and supplied by the Borough, a list of all resident tenants or resident lessees as of July 1 of each year. A separate form shall be filed for each rental unit maintained by the landlord, lessor, or sublessor.

§ 333-1.2 Filing in duplicate required.

The above form, listing resident tenants and resident lessees, shall be filed in duplicate with the Borough.

§ 333-1.3 Time requirement for changes to list.

Said list shall be supplemented within 15 days of the arrival of resident tenants or resident lessees not previously reported or of the departure of resident lessees or resident tenants previously reported.

§ 333-1.4 Violations and penalties.

Any person, partnership, corporation or other form of business association which shall violate any term or provision of this chapter, shall be subject to a fine of \$25 for the first offense, \$50 for the second offense and up to \$500 for each offense after the second

offense and costs of prosecution for each and every offense.

Article II Residential Rental Property Inspection

§ 333-2.1 Findings.

The Borough hereby finds and declares as follows:

- (a) The Borough Council of the Borough of New Britain recognizes that 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.

§ 333-2.2 Definitions.

The following terms shall have the definitions set forth herein for purposes of this Article.

- (a) "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.
- (b) "Owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property.
- (c) "Rental 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.
- (d) Borough means The Borough of New Britain.

§ 333-2.3 Permits/inspection required.

- (a) No person shall let to another for occupancy any rental unit unless he shall first apply for and obtain a permit issued by the Code Enforcement Officer.

- (b) Permits for rental units shall require renewal every year.

§ 333-2.4 Fees.

The Code Enforcement Officer shall charge to every person, firm, or corporation owning a rental unit within the Borough of New Britain, 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:

§ 333-2.5 Exemptions.

No permit shall be required of an owner or operator who is one of the following: the United States government, the Commonwealth of Pennsylvania, the Borough of New Britain or any agency thereof.

§ 333-2.6 Authorization for inspections.

The Code Enforcement Officer is authorized and directed to make inspections prior to the issuance of any permit or the renewal of any permit under this Article, to determine the condition of the rental unit and premises attendant thereto offered for rent located within the Borough of New Britain 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.

§ 333-2.7 Issuance of search warrant; probable cause.

If permission to enter any premises for the purpose of inspection is denied, the inspecting officer may apply for a search warrant to the District Magistrate serving the district within which the Borough of New Britain. He or she shall supply all necessary affidavits containing personal knowledge of probable cause for 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 codes 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 New Britain; or
- C.** That said entry is for the purpose of reinspecting a previous violation where no prior warrant was issued.

§ 333-2.8 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.

§ 333-2.9 Violations.

Should an inspection, as provided for herein, reveal the existence of a violation of the New Britain 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.

§ 333-2.10 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 the Borough of New Britain, 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.

§ 333-2.11 Penalties.

Any person who shall violate a provision of this Article, 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 2.

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 3.

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 Borough 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 4.

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

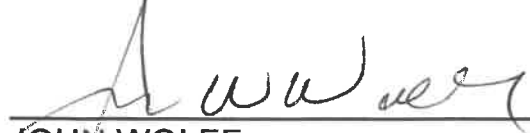
ORDAINED and **ENACTED** an ordinance of the Borough of New Britain this 10 day of July, 2024.

BOROUGH OF NEW BRITAIN



PETER LAMONTAGNE
COUNCIL PRESIDENT

ATTEST:



JOHN WOLFF
BOROUGH SECRETARY

Approved by me this 10 day of July, 2024.



JAMES DONOVAN
MAYOR