

HATFIELD BOROUGH
MONTGOMERY COUNTY ,PA

ORDINANCE NO. 557

**AN ORDINANCE AMENDING THE HATFIELD BOROUGH CODE OF ORDINANCE
CHAPTER 5 CODE ENFORCEMENT TO ADD A NEW PART 4 RESIDENTIAL
RENTAL PROPERTY INSPECTION PROGRAM AND ADDING THE FOLLOWING
SECTIONS TO CHAPTER 5 OF THE BOROUGH CODE OF ORDINANCES**

Section 1. The following sections are added to the Hatfield Borough Code of ordinances, Chapter 5, Code Enforcement.

§4- 101 Purpose.

1. The purpose of this Part and the policy of the Borough of Hatfield shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential rental units in the Borough and to encourage owners and occupants to maintain and improve the quality of life and quality of rental housing within the community. As a means to these ends, this Part provides for a systematic inspection program, along with the registration requirements of Borough Code § 5-208 for Owners of Residential Rental Properties and All Nonresidentially Used Properties and licensing of residential rental units and penalties.
2. In considering the adoption of this Part, the Borough makes the following findings:
 - A. There is a growing concern in the community with the appearance and physical condition of many residential rental units.
 - B. There is a perception and appearance of greater incidence of problems with the maintenance and upkeep of residential properties which are not owner occupied as compared to those that are owner occupied.
 - C. The Borough recognizes a responsibility to tenants who occupy buildings owned by others responsible for maintenance and upkeep.

§ 4-102 Annual License Registration.

1. In accordance with §5-208, each year, every owner, operator, responsible agent, or manager of a residential rental unit located in the Borough of Hatfield shall register the property and apply for a residential rental unit license for each residential rental unit owned by such owner from the Borough Code Enforcement Officer. At the same time,

the owner shall complete a license registration for each residential rental unit and shall pay an annual license registration fee as set forth herein. The license shall be valid and operative during the calendar year in which it is issued.

2. Forms for such license and registration shall be provided by the Borough Code Enforcement Officer. The registration form shall list the name, address and telephone number of the residential unit owner, Designated Contact Person, (An individual residing within 10 miles of the Borough who is responsible for property management when the owner resides outside of this distance) an address for service of notices for inspection and/or violations of this ordinance, the location of the unit, the name, address and telephone number of the manager or rental agent (if applicable), the number of rental units in the residential rental property (if applicable) and the names of the respective tenants.
3. Failure to register a residential rental unit and obtain a license for each residential rental unit from the Code Enforcement Officer annually as required by this section, shall constitute a violation of this ordinance.

§ 4-103. License and Registration Fees.

An annual license and registration fee for each rental unit in an amount established by resolution of Borough Council shall be timely paid and renewed as established in fee schedule. The license registration fee shall be the sole responsibility of the property owner. Late registrations shall be subject to a monthly late fee as established by resolution of Borough Council.

§ 4-104 No Less Than Triennial Inspections Required.

1. All residential rental units shall be inspected to assure compliance with the minimum maintenance requirements and standards for such properties as set forth in this ordinance. Such inspection shall occur when the unit first becomes a registered residential rental unit and no less than once every three years thereafter, or, if sooner, at such time as the property undergoes a change of ownership or change in tenant or more often if the Borough needs to ensure compliance with the International Property Maintenance Code and its own maintenance requirements as detailed herein.
2. Residential rental unit” means an apartment, a rooming unit or a dwelling unit of any kind which is leased, or held out or otherwise available for lease, for living and sleeping purposes or any and all other residential units not owner-occupied as a primary residence by the owner of record. A residential rental unit shall include residential properties under lease purchase agreements.

3. "Change of ownership" means the transfer of legal or equitable title to the unit or property by deed or other written instrument, whether or not recorded of record. The definition also includes an agreement of sale that provides for the transfer of title after a certain number of installment payments by the tenant.
4. The minimum maintenance requirements and standards for residential rental units shall meet the provisions of the current Borough adopted International Property Maintenance Code and the following requirements:

(1) Exterior:

- (a) Gutters and downspouts.
- (b) Sidewalks (no trip hazards or broken curbs).
- (c) No broken windows.
- (d) Interior and exterior guardrails for stairs and porches over 30 inches above ground.
 - [1] Guardrails shall have balusters spaced such that a four-inch sphere cannot pass through.
 - [2] Guardrails must be 36 inches high on open porches and 34 inches high on stairs.
- (e) No tall grass and weeds.
- (f) No accumulation of trash.
- (g) Swimming pools.
 - [1] Aboveground pools must have four-foot-high approved barrier.
 - [2] In-ground pools must have at least a four-foot-high fence or approved barrier with a self-closing, self-latching and locking gate with a maximum fence/gate spacing of four inches.

(2) Electrical:

- (a) Proper grounding of panel box and outlets.
- (b) No exposed or dangerous wiring.
- (c) Missing covers on receptacle, switches, and junction boxes.
- (d) Labeling of breakers at panel.
- (e) Open slots at panel box (sealed or capped).
- (f) Switched lighting at stairways, top and bottom, except basements.
- (g) Receptacles in all habitable rooms.
- (h) Vent above stove.
- (i) All 125-volt, single-phase, 15- and 20-ampere receptacles installed in bathrooms shall have ground-fault circuit-interrupter protection for personnel.
- (j) All 125-volt, single-phase, 15- or 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for

storage or work areas shall have ground-fault circuit-interrupter protection for personnel.

[1] Exceptions:

[a] Receptacles that are not readily accessible.

[b] A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that in normal use is not easily moved from one place to another and that is cord- and plug-connected.

(k) All 125-volt, single-phase, 15- and 20-ampere receptacles installed outdoors shall have ground-fault circuit-interrupter protection for personnel.

(l) Where a crawl space is at or below grade level, all 125-volt, single-phase, 15- and 20-ampere receptacles installed in such spaces shall have ground-fault circuit-interrupter protection for personnel.

(m) All 125-volt, single-phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For purposes of this section, "unfinished basements" are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

[1] Exceptions:

[a] Receptacles that are not readily accessible.

[b] A single receptacle or duplex receptacle for two appliances located within dedicated space for each appliance that in normal use is not easily moved from one place to another and that is cord- and plug-connected.

(n) All 125-volt, single-phase, 15- and 20-ampere receptacles that serve countertop surfaces shall have ground-fault circuit-interrupter protection for personnel.

(o) All 125-volt, single-phase, 15- and 20-ampere receptacles that serve a countertop surface and are located within six feet (1,829 mm) of the outside edge of a wet-bar sink shall have ground-fault circuit-interrupter protection for personnel. Receptacle outlets shall not be installed in a face-up position in the work surfaces or countertops.

(p) The outlet(s) that supplies a self-contained spa or hot tub, or a packaged spa or hot tub equipment assembly, or a field-assembled spa or hot tub with a heater load of 50 amperes or less, shall be protected by a ground-fault circuit-interrupter.

(q) All pools shall have ground-fault protection.

(r) Notwithstanding the above, when the existing wiring is incompatible with installation of ground-fault circuit-interruption outlets, the existing

wiring shall be certified with a notation on the certificate that substandard wiring is present.

(3) Fire protection and safety:

(a) Smoke detectors.

[1] Battery type is proper in existing structures.

[2] Located in basement.

[3] Located outside bedrooms vicinities and one in each bedroom and on each level of the unit including basements.

(b) Fire separation between building and garage (i.e., one-half-inch drywall).

(c) Egress from all bedrooms (window size requirements should not apply here; check window operation).

(d) Thumb latch dead bolts for doors where installed (keyed type not permitted).

(e) Continuous railing system at all staircases in house.

(4) Plumbing and heating:

(a) Drip let on water heater relief valve (maximum of six inches from floor with one-inch air gap off floor, rigid pipe only).

(b) Fix leaks in plumbing at faucets and taps.

(c) Properly functioning toilets.

(d) Heat to all habitable rooms.

(e) Proper ventilation for bathrooms (window or fan).

(f) Proper ventilation for dryers:

[1] Flexible plastic duct shall not be concealed in walls.

[2] Must vent directly to outside.

(g) Gutters, downspouts, sump pumps, floor drains, or any other sources of stormwater inflow and infiltration may not be connected to the public sewer system.

5. The registration and licensing provisions of this ordinance shall not apply to rental units which offer or provide medical or nursing services, including, without limitation, hospitals, nursing homes, assisted living homes and group homes, or other rental units used for human habitation which offer or provide medical or nursing services, and wherein all operations of such facilities are subject to county, state or federal licensing or regulations concerning the health and safety of the users, patients or tenants. The registration and licensing provisions of this ordinance also shall not apply to a fraternity or hotel or motel units.

6. Failure and/or refusal by the residential rental unit owner or designated agent to provide access for inspection upon reasonable notice shall be deemed a violation of this ordinance.
7. Fees for inspection and reinspection shall be in accordance with the current adopted fee schedule. The Borough Council may, from time to time, by duly adopted resolution, modify the amount of the re-inspection fee.

§ 4-105 Liability of Borough.

1. By conducting the inspections pursuant to this ordinance the Borough does not warrant or guarantee the complete safety or suitability of residential rental units.
2. For all inspections conducted pursuant to this ordinance the Code Enforcement Officer shall not be responsible for violations that occur between the inspection and rental period.

§ 4-106 Violations and Penalties.

1. It shall be a violation of this Part 4 for any person or entity to own or operate a residential rental unit in the Borough of Hatfield Borough without completing an annual license registration and obtaining a satisfactory inspection of the unit as provided in this ordinance. All violations shall be issued by the Code Enforcement Officer on a per-unit basis, and each unit in violation of this ordinance shall constitute a separate violation.
2. Any person or entity who violates this ordinance shall, upon conviction, be sentenced to pay a fine of \$300 plus costs of prosecution and reimbursement of any attorney fees expended by the Borough. However, upon receipt of a citation a person or entity who violates this section may, within five business days of the time when such citation was received, apply in full for a rental unit license and/or make arrangements for an inspection and pay a \$50 fine via cash, check or money order to the Borough of Hatfield Borough, at the Hatfield Borough, borough hall during normal Borough business hours, as a penalty for and as full satisfaction of such violation, in which event no prosecution in the manner set forth in this Section shall be brought unless further violations ensue. In the event more than five business days have elapsed without full satisfaction of such violation paid to the Borough of Hatfield, the person or entity in violation shall have up to 14 business days after the date of the citation to apply in full for a rental unit license and/or make arrangements for a triennial inspection and pay a fine in the amount of \$75 via cash, check or money order to the Borough of Hatfield, at the Hatfield

Borough Hall during normal Borough business hours, as a penalty for and as full satisfaction of a such violation, in which event no prosecution in the manner set forth in this Section shall be brought unless further violations ensue. Thereafter, the citation shall be turned over to the court for prosecution of the violation. Owner/operator shall be responsible for court costs and reimbursement of any attorney's fees expended by Borough plus the applicable fine if found guilty upon conviction.

3. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
4. **The Borough Can Make Repairs.** In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code within the period of time stated in such notice, the Borough may, but is not required to, cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus 10% of said costs for each time the Borough shall cause a violation to be corrected and the owner of the premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this subsection are not exclusive and the Town and its Code Enforcement Officer may invoke such other remedies available under this Part or the applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or nonrenewal of the license issued hereunder.

§4-107 Additional Remedies.

1. The penalties and remedies set forth in this ordinance shall not be exclusive, and the Borough of Hatfield shall have the right to avail itself of any other remedy at law or in equity which it may deem to be appropriate.

Section 2. Severability. The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be un-constitutional, illegal, or invalid, the validity of the remaining provisions shall be unaffected.

Section 3. Repealer. All Ordinances and parts of Ordinances heretofore adopted, to the extent that the same are inconsistent herewith, are hereby repealed, while all Ordinances not inconsistent herewith remain valid and in force.

Section 4. Effective Date.
January 1, 2025.

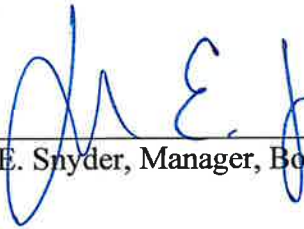
The effective date of this Ordinance shall be

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on

this 4th day of December, 2024 with 5 Council Members

Ferguson, Girard, Burns, voting "aye" and Ø voting "nay."
Fagan, Kroesser

Attest:



Jaime E. Snyder, Manager, Borough Secretary

HATFIELD BOROUGH

By:



Jason Ferguson, Council President

Approved this 4th day of December, 2024.


Mayor Mary Anne Girard