

# **Chapter 11**

## **Housing**

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**Part 1****Occupancy Permits****§11-101. Inspection and Occupancy Permit Required.**

1. After the date of adoption of this Part, before any building, structure, or premises can be occupied as a dwelling or for any commercial or industrial use; or before any building, structure, or premises can be re-occupied after it has been sold or a new tenant obtained for a dwelling or any commercial or industrial use; an inspection by the Borough of Hatboro and a duly issued occupancy permit shall be required. Except that as long as the premises remain under the same ownership, no inspection or occupancy permit shall be required when a single unit in a multi-family dwelling, or a single room in a rooming house is re-occupied.

2. The required inspection shall be made by the Borough Code Enforcement Officer, or other authorized agent of the Borough, upon application of the former owner, new owner, tenant, or landlord and/or agent.

3. It shall be the responsibility of the seller, or the landlord to advise prospective buyers or tenants that an occupancy inspection and permit are required before the premises can be occupied or used.

4. A fee in an amount as determined from time to time by resolution of Borough Council shall be required upon the filing of an application for inspection and issuance of permit.

(Ord. 781, 11/24/1986, §I)

**§11-102. Conditions of Inspection.**

1. All new buildings or structures, renovated buildings or structures, or existing buildings or structures shall conform with all provisions of applicable ordinances or codes in effect in the Borough of Hatboro, and nothing in this Part shall be construed to relieve any property owner of any responsibility to so conform.

2. The following conditions must be complied with prior to the issuance of an occupancy permit:

A. All buildings, structures, and premises shall be inspected to determine conformance with the Borough Zoning Ordinance [Chapter 27] and that all required variances, or special exceptions have been obtained. If the use of the building, structure, or premises is legally nonconforming, it shall be so recorded and a record maintained by the Code Enforcement Officer.

B. Sidewalks and curbs, if existing or required to be installed by ordinance or agreement between a developer or other party and the Borough of Hatboro, shall be inspected to determine that sidewalks are whole and without obstruction or unevenness and all curbs are in proper alignment are complete and in good condition.

C. Chimneys, flues, and stove pipes shall be of sufficient height so as to prevent downdraft smoke and fume pollution, and shall be free of obstruction, free of missing mortar, free, of holes. Unsafe or improperly installed chimneys, flues,

or stove pipes must be removed or repaired.

D. Sump pumps shall be inspected to insure safe electrical connections and that all pumped water is properly drained to a storm sewer or onsite disposal without runoff to adjoining properties. Sump pumps and other stormwater control facilities may not be drained into the sanitary sewer system.

E. Trees, shrubs, or other plantings located in the right-of-way shall be inspected to insure that they present no hazard to the public or cause harm to public sidewalks, streets, or public utilities.

F. Existing swimming pools, both above ground and in ground, will be inspected to insure they are properly fenced or other required safety devices are in place to prevent unauthorized access. All pools shall be in such condition as to be functional. Pools which have deteriorated to a point that they can no longer be used must be repaired or removed.

(Ord. 781, 11/24/1986, §II)

### **§11-103. Procedure.**

1. All applications shall be made on form provided by the Borough of Hatboro and shall be filed in the Borough office during normal Borough office business hours.

2. The Code Enforcement Officer, or other designated official, shall conduct the required inspection within 30 days of the receipt of application, and shall file findings on a form for such purpose with the Borough Manager with a copy of the applicant.

3. An applicant may appeal the findings of the Code Enforcement Officer to the Borough Manager. If the instant appeal cannot be resolved between the Borough Manager and the applicant, the applicant may appeal in writing to the Borough Council for a public hearing on the issue.

4. Upon receipt of a request for a public hearing on the issue on appeal, Borough Council will direct a hearing to be held before the next regularly scheduled meeting of the Zoning and Development Committee. Resolution of the matter will take place in the normal operating procedures of Borough Council.

5. The Code Enforcement Officer shall not issue an occupancy permit until all of the discrepancies noted in the inspection report have been corrected to Borough standards.

(Ord. 781, 11/24/1986, §III)

### **§11-104. Issuance and Validity of Permit.**

1. After completion of the required inspection, an applicant shall have 90 days to take corrective action to bring the discrepancies noted on the inspection report into conformance with applicable Borough ordinances or codes. Reinspection of the corrected discrepancies may be made within that period without need to file a new application.

2. A new application must be filed and a complete reinspection must take place if discrepancies noted on the inspection report are not corrected to current Borough standards within 90 days, except that an extension not to exceed 30 days may be granted if work is substantially underway on the 90th day.

3. Once a permit has been issued, the permit shall remain valid for the purpose issued for a period of 180 days from the date of issuance. Failure to occupy the building,

structure or premises within the 180 days will require the applicant to file for a new inspection and permit.

(*Ord. 781, 11/24/1986, §IV*)

**§11-105. Violations and Penalties.**

1. It shall be unlawful for any person or persons to occupy as a dwelling or for commercial or industrial use, any building, structure, or premises situated within the corporate limits of the Borough of Hatboro without having first obtained a permit to do so issued in accordance with the foregoing provisions.

2. It shall be unlawful for any person to offer for sale or rent any building, structure or premises situated within the corporate limits of the Borough of Hatboro without informing the potential buyer or tenant of the requirement of the Borough of Hatboro for the issuance of a permit before the building, structure or premises can be occupied.

3. Any person, firm, or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [*Ord. 907*]

(*Ord. 781, 11/24/1986, §V; as amended by Ord. 875, 10/25/1993, §V; and by Ord. 907, 9/23/1996, §11-105*)



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**Part 2****Rental Housing Registration and Inspection****§11-201. Title.**

This Part shall be known as the “Rental Housing Registration and Inspection Ordinance of the Borough of Hatboro.”

(*Ord. 939, 1/22/2001, §201*)

**§11-202. Legislative Intent.**

It is the intent of this Part to require the registration and inspection of rental properties located in the Borough of Hatboro to insure compliance with current Borough Codes. It is further the intent of this Part to preserve and protect the existing character and aesthetics of the Borough of Hatboro, and to protect the existing character and aesthetics of the Borough of Hatboro, and to protect the public health, safety, and welfare of tenants occupying rental dwelling units.

(*Ord. 939, 1/22/2001, §202*)

**§11-203. Definitions and Interpretation.**

1. In interpreting this Part, the singular shall include the plural and the masculine shall include the feminine. The word “person” includes natural person, partnership, firm, association, corporation, or Borough authority.

2. The following words or phrases and their derivations shall be defined as contained in this Section. Words that are undefined herein shall have the meaning applied in general usage.

*Apartment*—a room or group of rooms located within a structure that forms a single dwelling unit. An apartment shall have facilities for cooking and a private bathroom and shall have direct access to the outside or access through a common hall or vestibule.

*Apartment house*—a structure containing two or more apartments.

*Borough*—the duly incorporated Borough of Hatboro, County of Montgomery, Commonwealth of Pennsylvania, in the United States of America.

*Borough Council*—the duly elected members of the Borough Council of the Borough of Hatboro.

*Borough official*—a duly appointed official of the Borough of Hatboro designated to enforce this Part.

*Family member*—a mother, father, daughter, or son. Includes mother-in-law, father-in-law, son-in-law, and daughter-in-law. Includes daughter and son by adoption and step-mother or step-father and grandchildren. For the purposes of this Part, the term family member does not include sisters, brothers, aunts, uncles, or nieces and nephews, nor any person considered as extended family.

*Occupancy permits*—

*Rental unit occupancy permit*—a license issued by the Borough of Hatboro

granting permission to allow human occupancy of a registered rental dwelling unit.

*Temporary rental unit occupancy permit*—a temporary license issued by the Borough of Hatboro granting permission to allow human occupancy of a registered rental dwelling unit for a period of time not to exceed 30 days, subject to correction of discrepancies noted on the inspection report. A temporary permit may not be issued if inspection discrepancies are of a nature that might endanger the health, safety, or welfare of an occupant.

*Owner*—any person or entity who alone or jointly with others hold legal or equitable title to a structure containing rental dwelling units or rooms for rent.

*Premises*—the lot or parcel of land on which a structure containing rental dwelling units or rooms for rent is located. A premises includes the yard and all accessory buildings, swimming pools, and other structures.

*Rental dwelling unit*—any structure, group of rooms, or a single room intended for human occupancy and offered for rent or lease either through a formal or informal written document or mutual agreement without written document. A rental dwelling unit includes single-family home, twin home, duplex home, apartment, condominium, when such structures or portions thereof are rented or leased to nonfamily members by the owner or his agent.

*Rooming house*—any structure or that part of any structure that contains one or more rooms offered for rent to transient or permanent tenants.

*Rooming unit*—any room within a structure that is primarily used for sleeping and that is offered for rent to transient or permanent tenants.

*Structure*—any manmade object having an ascertainable, stationary location, whether or not affixed permanently to the land. Includes mobile home and manufactured building.

(Ord. 939, 1/22/2001, §203)

#### **§11-204. Registration/License Required.**

On the effective date of this Part and thereafter, the following registration requirements shall apply in the Borough of Hatboro:

A. The owner of a structure offered for rent or lease or a structure containing one or more dwelling units shall have 90 days from the date of adoption of this Part to register all rental dwelling units and file application for rental unit occupancy permit.

B. The owner of a structure built, created, or renovated after the date of this Part that is offered as a rental dwelling unit or any structure that contains rental dwelling units shall register each rental dwelling unit with the Borough of Hatboro and file application for rental unit occupancy permit before the unit may be occupied.

C. Registration of all rental dwelling units shall be made on the form provided by the Borough of Hatboro and shall be updated by the property owner whenever any change is made to the premises which requires permits and/or inspection by the Borough of Hatboro.

(Ord. 939, 1/22/2001, §204)

**§11-205. Inspection and Occupancy Permits Required.**

1. Rental dwelling units and the premises containing the rental dwelling unit existing as of the date of adoption of this Part shall be inspected within 2 years of the date of registration. Existing rental dwelling units may continue to be occupied without a permit required by this Part until inspected by the Borough of Hatboro.

2. New rental dwelling units and the premises containing the rental dwelling unit built or created after the date of this Part shall be inspected within 30 days after the registration of the unit with the Borough of Hatboro. The rental dwelling unit cannot be registered until it is at least 80 percent completed.

3. Rental unit occupancy permits are required for each rental dwelling unit. The Borough Official shall issue the permit within 30 days after the rental dwelling unit passes inspection. Rental unit occupancy permit shall be valid for a period of 3 years from the date of issue.

(*Ord. 939, 1/22/2001, §205*)

**§11-206. Exceptions to Inspection Requirements.**

An inspection of each rental dwelling unit shall not be required under the following conditions. However, registration of each rental dwelling unit is required.

A. When the structure has been designed and built in accordance with the provisions set forth in the Zoning Code [Chapter 27] of the Borough of Hatboro wherein the structure is identified and recognized as a hi-rise apartment building or garden type apartment. For these designated type structures, the following inspection requirements will apply:

(1) All public areas, mechanical rooms, laundry rooms, and other spaces designed and used for the operation and maintenance of the facility will be inspected at least once every 3 years.

B. When a single-family home, a twin home, or a condominium is rented or leased to a member of the owner's family.

(*Ord. 939, 1/22/2001, §206*)

**§11-207. Code Compliance.**

Every rental dwelling unit and the entire premises containing the rental unit shall in all respects comply with the applicable provisions of the Uniform Construction Code as implemented in the Borough [Chapter 5, Part 1], Property Maintenance Code [Chapter 5, Part 2] and Fire Code [Chapter 5, Part 3], and as same may, from time to time, be amended.

(*Ord. 939, 1/22/2001, §207; as amended by Ord. 1005, 5/23/2011*)

**§11-208. Implementation of Inspection Requirements.**

The Borough Officer shall prepare a rental housing inspection checklist based on the requirements and standards set forth in codes identified in §11-207 herein. The checklist shall be attached to all permit applications. The checklist shall be revised from time to time as required by changes in the codes or at the direction of Borough Council.

(*Ord. 939, 1/22/2001, §208*)

**§11-209. Permit and Inspection Fees.**

1. Every application for a rental unit occupancy permit shall be accompanied by payment, in a form acceptable to the Borough, of a fee in the amount set from time to time by resolution of Borough Council. The fee shall be paid for each and every separate dwelling unit offered to the public for lease or rent. The fee shall include the cost of issuance of permit and initial inspection of the premises.

2. If a re-inspection is required, an additional inspection fee shall be paid to the Borough before the rental unit occupancy permit is issued.

3. The rental unit occupancy permit application fee for hi-rise apartments and garden apartments shall be set from time to time by resolution of Borough Council.

*(Ord. 939, 1/22/2001, §209)*

**§11-210. Violation and Penalties.**

1. It shall be a violation of this Part for any property owner to create a rental unit unless it is in conformance with the provisions of the Zoning Code [Chapter 27] of the Borough of Hatboro.

2. It shall be a violation of this Part for any property owner to offer for rent or lease any rental dwelling unit that has not been registered with the Borough of Hatboro.

3. It shall be a violation of this Part for any property owner to allow occupancy of any rental dwelling unit that has not been inspected in accordance with this Part.

4. It shall be a violation of this Part for any person to occupy a rental dwelling unit that has not been registered, inspected, and approved by the Borough of Hatboro.

5. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 939, 1/22/2001, §210)*