

ORDINANCE NO. 21-04

AN ORDINANCE OF MIDDLETOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA PERTAINING TO THE CONSOLIDATION AND AMENDMENT OF FIRE AND HOUSING CODE TENANT (HCT) INSPECTIONS AT CHAPTER 377, ARTICLE II, AND REPEALING CHAPTER 190, ARTICLE I, SECTION 190-107 AND ORDINANCE NO. 86-8

WHEREAS, under Section 65607 of the Second Class Township Code, the Board of Supervisors of Middletown Township (“Board of Supervisors”) is charged with the general governance of Middletown Township, including the health, safety, and welfare of the citizens of Middletown Township (53 P.S. § 65607);

WHEREAS, under Section 66517 of the Second Class Township Code, the Board of Supervisors may enact and enforce codes and ordinances to govern and regulate the construction, alteration, repair, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and housing constructed, erected, altered, designed or used for any use or occupancy and the sanitation and inspection of land in accordance with the Pennsylvania Uniform Construction Code and Construction Code Act, 35 P.S. § 7210.101, et. seq. (53 P.S. § 66517);

WHEREAS, under Section 66704-A of the Second Class Township Code, the Board of Supervisors may enact a property maintenance ordinance, and they may incorporate a standard or nationally recognized property maintenance code, or a variation or change or part of the code, published and printed in book form (53 P.S. § 66704-A);

WHEREAS, under Sections 66801 and 66805 of the Second Class Township Code, the Board of Supervisors may provide for fire protection within Middletown Township and adopt any standard fire prevention code published and printed in book form (53 P.S. § 66801 and 66805);

WHEREAS, the Board of Supervisors enacted a property maintenance code at Section 363-101, a fire prevention code at Section 190-101, and the uniform construction code at Section 190-201 of the Middletown Township Code of Ordinances;

WHEREAS, the Board of Supervisors also previously enacted the Housing Code Tenant (HCT) Inspections Ordinance No. 86-8;

WHEREAS, the Board of Supervisors, after public hearing and a careful review of the Middletown Township Code of Ordinances has determined that the health, safety and general welfare of the residents of Middletown Township will best be served by repealing Chapter 190, Construction Standards at Article I, Fire Prevention Code, Section 190-107, Annual apartment inspections for fire code compliance, and Ordinance No. 86-8, Housing Code Tenant (HCT) Inspections, and consolidating, amending, and re-codifying the apartment inspections required

therein at a new Article II, Apartment Inspections, Sections 377-201 through 377-204, under Chapter 377, Rental Property and Transient Dwellings; and

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Middletown Township, Bucks County, Pennsylvania, that the Township's Code of Ordinances is **AMENDED** as follows:

I. Section 190-108, Annual apartment inspections for fire code compliance, under Chapter 190, Construction Standards, Article I, Fire Prevention Code, is hereby **REPEALED** and **DELETED** in its entirety.

II. The Middletown Township Housing Code, Article 2, Chapter XII and Ordinance No. 86-8 pertaining to Housing Code Tenant (HCT) Inspections are hereby **REPEALED** and **DELETED** in their entirety.

III. Select provisions of Section 190-108 and Ordinance No. 86-8 are hereby **AMENDED** and **REINSTATED** as new Article II, Apartment Inspections, Sections 377-201 through 377-204, as follows:

Article II. Apartment Inspections

§377-201. Definitions.

Unless otherwise expressly stated, the following terms shall have, for the purposes of this article only, the meanings set forth below:

APARTMENT COMPLEX(ES)

A grouping of Rental Dwellings that are located within the same building, share common elements, or share common outside access, with the exception of the following: (1) hotel and motel units, where a change in occupancy occurs at least every thirty (30) days; and (2) nursing homes, hospitals, and other such institutional facilities.

APARTMENT COMPLEX OFFICIAL

The owner or individual in charge of the day-to-day operation or management of the Apartment Complex.

RENTAL DWELLING

Any rental or tenant occupied single family dwelling, room or group of rooms located within a building and forming a single, habitable unit with facilities intended to be used for living, sleeping, cooking and eating by one single family.

BIANNUAL or BIANNUALLY

Shall mean once every two years

§377-202. Apartment Complex Inspection Requirements.

- A.** All Apartment Complexes in Middletown Township shall be subject to inspection by the Building & Zoning Code Enforcement Officer or employee or an Official from the Office of Fire and Emergency Management as follows:
- (1)** The Building & Zoning Code Enforcement Officer (or employee) or an Official from the Office of Fire and Emergency Management shall inspect each Apartment Complex, including each dwelling unit therein, biannually for compliance with the Middletown Township Code of Ordinance, including, but not necessarily limited to, the Property Maintenance Code, the Fire Code, and the Uniform Construction Code.
 - (2)** Such inspections shall pertain only to compliance with the Middletown Township Code of Ordinances and may not involve any inspection or searches of tenant belongings unrelated to determining compliance with the Middletown Township Code of Ordinances.
 - (3)** The Building & Zoning Code Enforcement Officer (or employee) or an Official from the Office of Fire and Emergency Management shall provide advance notice of the biannual inspection to the responsible Apartment Complex Official.
 - (4)** Upon receiving notice of an upcoming biannual Apartment Complex inspection from the Building & Zoning Code Enforcement Officer (or employee) or an Official from the Office of Fire and Emergency Management, each responsible Apartment Complex Official must inform every tenant in the building of the inspection, anticipated inspection date, and scope of inspection.
 - (5)** If any tenant in the Apartment Complex to be inspected objects to the Building & Zoning Code Enforcement Officer (or employee) or the Official from the Office of Fire and Emergency Management's entry into that tenant's unit, each responsible Apartment Complex Official must promptly inform the Building & Zoning Code Enforcement Officer (or employee) or the Official from the Office of Fire and Emergency Management, whichever provided notice of the inspection.
 - (6)** If any tenant or responsible Apartment Complex Official refuses entry for the biannual inspection, the Building & Zoning Code Enforcement Officer (or employee) or the Official from the Office of Fire and Emergency Management may pursue legal means to enter the building for such inspections, including, but not limited to, obtaining an administrative warrant.

- (7) The Building & Zoning Code Enforcement Officer (or employee) or the Office of Fire and Emergency Management shall keep records of the inspections in accordance with the Uniform Construction Code, the Fire Code, and the Property Maintenance Code.
- (8) The Building & Zoning Code Enforcement Officer (or employee) or the Official from the Office of Fire and Emergency Management may charge a fee to cover administration and enforcement costs pertaining to the biannual Apartment Complex Inspections. The fee shall be incorporated into Middletown Township's publicly available fee schedule.

§377-203. Rental Dwelling Requirements.

- A. All Rental Dwellings in Middletown Township shall be subject to inspection by the Building & Zoning Code Enforcement Officer (or employee) as follows:
 - (1) Before the rental of any Rental Dwelling to a new or initial tenant, it shall be the duty of the owner, landlord, property manager, or their agents or employees, to make application for and secure a Certificate of Approval from the Middletown Township Department of Building & Zoning. Failure to arrange for an inspection shall constitute a violation of this Ordinance.
 - (2) A Certificate of Approval shall be issued where the Building & Zoning Code Enforcement Officer (or employee) determines that the Rental Dwelling meets the requirements of the Middletown Township Code of Ordinances, including, but not limited to, the Property Maintenance Code, the Fire Code, and the Uniform Construction Code.
 - (3) If the Rental Dwelling is in violation of the Middletown Township Code of Ordinances, the Building & Zoning Code Enforcement Officer (or employee) shall notify the applicant, in writing, of the code violation, and further, shall determine whether the violation constitutes a danger to the health and safety of the Rental Dwelling's occupants or the general public.
 - (4) If the violation of the Middletown Township Code of Ordinances constitutes a danger to health and safety, the Building & Zoning Code Enforcement Officer (or employee) shall notify the applicant, in writing, that the Rental Dwelling shall not be occupied until the violation is abated and a Certificate of Approval is issued.
 - (5) If the violation of the Middletown Township Code of Ordinances does not constitute a danger to health and safety, the Building & Zoning Code Enforcement Officer (or employee) shall issue a Certificate of Approval on the condition that the violation be corrected by a certain date, to be determined by the Building & Zoning Code Enforcement Officer (or employee), and that the applicant correct the violation and arrange for a

reinspection of the Rental Dwelling on or before the said date. Failure to arrange for an reinspection to correct a violation on or before the date provided by the Building & Zoning Code Enforcement Officer (or employee), shall constitute a violation of this Ordinance.

- (6) The Certificate of Approval shall become invalid upon the Rental Dwelling becoming vacant, or upon notice of revocation for violation of the provisions of the Middletown Township Code of Ordinances from the Building & Zoning Code Enforcement Officer (or employee). Thereafter, a Certificate of Approval will be issued after the inspection and determination that the Rental Dwelling is fit for occupancy as provided for under the provisions of the Middletown Township Code of Ordinances.
- (7) The Fee for the issuance of a Certificate of Approval shall be set from time to time by Resolution of the Board of Supervisors of Middletown Township.
- (8) Failure to comply with any one of the foregoing requirements shall constitute a violation, subject to the penalties provided for herewith.
- (9) Issuance of a Certificate of Approval shall not relieve the owner of a Rental Dwelling from the duty to comply with all other applicable requirements of the Middletown Township Code of Ordinances.

§377-204. Violations and Penalties.

Any person, firm, or corporation who or which shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than \$1,000, plus court costs and reasonable attorney's fees. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense. If the offending party neither pays, nor timely appeals the judgment, the Township may enforce the judgment pursuant to the Pennsylvania Rules of Civil Procedure.

IV. Partial Repealer.

All other provisions of the Ordinances of Middletown Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

V. Severability.

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of

the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

VI. Effective Date.

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this 15th day of March, 2021.

BOARD OF SUPERVISORS OF MIDDLETOWN
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Tom Tosti, Chair

Attest:

Dawn Quirple, Secretary

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 21-04, enacted by the Board of Supervisors of the Township of Middletown, County of Bucks, Commonwealth of Pennsylvania, on the 15th day of March 2021.

[SEAL]

Dawn Quirple, Secretary