

**COLLEGEVILLE BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 608

AN ORDINANCE OF THE BOROUGH OF COLLEGEVILLE, MONTGOMERY COUNTY PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF COLLEGEVILLE, UPDATING AND RENAMING CHAPTER 523, "RESIDENTIAL RENTAL HOUSING LICENSING"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough of Collegeville under 8 Pa.C.S.A. §3301.1(a), The Borough Code, shall enact ordinances deemed beneficial to the borough;

WHEREAS, the existing Chapter 523 "Rental Properties" has remained unchanged since 1980, and Borough Council desires to update the regulations for rental properties in the Borough; and

WHEREAS, without further updates, potential safety hazards could be created due to the number of renters in the Borough; and

WHEREAS, the amendment to will further protect the public health, safety and welfare of the residents, property owners, business owners and visitors to the Borough.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Collegeville Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

Section I. Chapter 523, "Rental Property is deleted entirely, renamed as "Residential Rental Housing Licensing" and replaced as follows:

§ 523-1. Title.

This chapter shall be known as "Residential Rental Housing Licensing."

§ 523-2. Purpose.

The purpose of this chapter is to regulate the licensing of residential rental housing units in Collegeville Borough.

§ 523-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APARTMENT A permanent dwelling unit within a building containing three or more dwelling units (also known as "apartment house"), each for a single family living independent of one another, and being vertically arranged, sharing outside access, and having one or more walls as well as a ceiling or floor in common with another dwelling unit.

BOROUGH Collegeville Borough, Pennsylvania.

DWELLING A building designed for and occupied exclusively for residential purposes, excluding hotels, rooming houses, tourist homes, motels and the like, but including the following:

A. **SINGLE-FAMILY DWELLING** A building designed for and occupied exclusively as a dwelling for one family, including a mobile home.

B. **TWO-FAMILY DWELLING** A building designed for and occupied exclusively as a dwelling for two families (also known as a "twin" or "duplex").

C. **MULTIFAMILY DWELLING** A building designed for and occupied exclusively for dwelling purposes by three or more families living independently of one another; not a townhouse, but customarily called an "apartment house."

DWELLING UNIT A building, or portion thereof, providing one or more rooms designed, occupied, or intended to be occupied as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

LANDLORD A person who leases as lessor to a tenant any residential rental property and the use or occupancy of which continues for a period in excess of 30 days.

PERSON(S) A natural person, heir, executor, administrator or assign, and includes a firm, partnership or corporation, or limited liability corporation, its successors or assigns, or the agent of any of the aforesaid.

PROPERTY MANAGER A natural person, partnership, corporation, unincorporated association, limited partnership, or any other entity, appointed by a landlord or property owner to maintain a rental housing unit or units, and whose duty it is to ensure that a rental housing unit or units complies with all statutes and ordinances of the Commonwealth of Pennsylvania and Collegeville Borough.

PROPERTY OWNER Any person who, either alone, or jointly or severally with others, has legal title to any rental housing unit, with or without accompanying actual possession thereof, or who has charge, care, or control of any residential rental unit as an owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the property owner. Any such person thus representing the actual property owner shall be bound to comply with the provisions of this chapter, and to the rules and regulations adopted pursuant thereto, to the same extent as if he/she were the property owner.

RENTAL HOUSING Includes both Residential Rental Units and Short-Term Rentals.

RESIDENTIAL RENTAL UNIT A room or group of rooms for one or more persons with independent living facilities, providing for living, sleeping, cooking and sanitary facilities that are not occupied by the property owner, including but not limited to single-family dwellings, two-family dwellings, multifamily dwellings, apartments, boardinghouses, and tourist homes. This is evidenced by a written or oral contract, lease, sublease or agreement for residential property only

and does not include any rental property for industrial, commercial or business use nor does this include any hotel, motel, bed-and-breakfast, nursing homes, dormitories, dwelling unit occupied by an immediate family member, or any other business licensed to provide transient lodging to overnight guests for less than 30 days.

SHORT-TERM RENTAL A residential rental dwelling unit or portion of a residential rental dwelling unit owned or managed by a person, firm or corporation which is rented for a period of less than 30 consecutive days. Tourist homes, rooming units, and rooming houses are included in this definition when rented for a period of less than 30 consecutive days.

TENANT A person who has the use or occupancy of a residential dwelling unit within a residential rental property for a period exceeding 30 days, regardless of the payment of monetary consideration associated with the use or occupancy of the residential rental property.

§ 523-4. License and Inspection Requirements.

A. Establishment of rental housing license.

(1) All owners of rental housing properties in Collegeville Borough shall make application to Borough Hall for the issuance of a rental housing license under this chapter. A separate application shall be required for each rental property under this chapter. Once established, the rental license will be renewed upon change of ownership of the parcel or every three years, whichever occurs sooner.

(2) At the time of application, the owner shall provide the Code Enforcement Official a list of tenants proposed to reside in the rental housing property. The tenant list shall include all of the following: the full legal name of all tenants; the current address of the tenants and/or emergency contact information for each tenant.

(3) The tenant list shall be updated any time that a change of tenant occurs during the term of the rental housing license. Failure to update the tenant list shall constitute a violation of this chapter. The updated tenant list shall be attached to a New Tenant Inspection form signed by both the landlord and then tenant.

(4) Emergency contact information and response. Every property owner shall provide such contact information to the Borough that will allow the Borough, in the event of an emergency, to contact the property owner or a designated property manager, 24 hours per day, seven days per week, 365 days per year. It shall be the property owner's or designated property manager's absolute duty to update the contact information to reflect any changes. In the event the Borough or a representative of the Borough alerts the property owner or property manager of an emergency, the property owner or property manager shall be present at the rental housing unit in question to address the emergency.

(5) Every application shall be accompanied by the tenant list required under this chapter, a copy of any residential rental license issued for the residential rental property by Collegeville Borough, the emergency contact information, and the license fee of \$50.00 required for the rental housing license. The license fee may be adjusted by resolution of

the Collegeville Borough Council.

(6) A rental housing license issued under this chapter shall be valid for a period of three years and may be renewed upon application. All rental housing properties seeking renewal of a rental housing license must comply with all terms and conditions of this chapter.

(7) A rental housing license under this chapter shall not be subject to transfer or assignment without the written consent of Collegeville Borough which consent shall not be unreasonably withheld.

B. Inspections.

(1) A rental housing property is subject to inspection when any of the following occur:

(a) First application for a rental housing license;

(b) Rental to a new tenant or every three years if a rental housing property has not had an inspection for three years.

(2) Upon every first application for a license under this chapter, the Code Enforcement Official shall perform an inspection of the property subject to the application to ensure that the property meets all of the requirements of the Code of Collegeville Borough, including, but not limited to, the International Property Maintenance Code, the Uniform Construction Code, the International Fire Code, the Zoning Ordinance, the Subdivision and Land Development Ordinance, the terms and conditions of this chapter, and any and all other applicable provisions of the Code of Collegeville Borough or the laws of the commonwealth.

(3) Any property proposed to be issued a license under this chapter, in addition to any other relevant requirements, must demonstrate compliance with the following standards:

(a) Each dwelling unit must have at least one habitable room not less than 120 square feet.

(b) All spaces, other than kitchens, must contain a minimum of 70 square feet to be considered habitable spaces.

(c) Bedrooms must contain a minimum of 70 square feet, plus an additional 50 square feet for each additional person occupying the same room.

(d) No basement space may be considered habitable unless it meets the requirements for secondary means of egress/escape as defined by the applicable Collegeville Borough Building or Property Maintenance Code.

(e) The property must pass all inspection items indicated on the attached Inspection Checklist. This checklist may be modified by Borough Council via

resolution.

(4) The Code Enforcement Official shall schedule inspections of properties under this chapter with a minimum of 10 days' advance notice. Nothing in this chapter shall be deemed to limit or restrict the ability of Collegeville Borough to conduct inspections of any property as deemed necessary to enforce any portion or part of the Code of Collegeville Borough or the laws of the commonwealth. The applicant is responsible for the payment of any and all costs of the inspection, currently fixed at \$150.00. The inspection fee may be adjusted as required by resolution of the Collegeville Borough Council.

(5) Upon successful completion of all requirements of this chapter, the Borough may issue an appropriate rental housing license. Properties which fail to meet the requirements of this chapter shall not qualify for issuance of a license unless the property is brought into compliance with this chapter. A reinspection fee shall be paid by any owner seeking a second or subsequent inspection under an application for a license prior to the Code Enforcement Official conducting such inspection.

(6) Properties subject to a license under this chapter shall be inspected by the as provided herein. Every three years the property must be inspected by the Code Enforcement Official. Between the three-year mandatory Code Enforcement Official inspections, property owners must conduct inspections whenever there is a rental to a new tenant and both the property owner and tenant must complete the New Tenant Inspection form.

(7) The Borough shall have discretion to schedule inspections of licensed properties consistent with this chapter. Failure to conduct or schedule an inspection when there is a rental to a new tenant or failure to comply with a notice from the Code Enforcement Official regarding the scheduling conduct of a mandatory inspection because the residential rental property has not received a new tenant in three years under this chapter may result in suspension and/or revocation of any rental housing license under this chapter. Inspections under this subsection shall be subject to such fees and charges as set by Collegeville Borough for inspections and/or re-inspections, as applicable.

C. Landlord responsibilities. As a condition of any license issued pursuant to this chapter, each landlord shall be responsible to ensure that a property which is subject to a license meets all requirements of this chapter, the Code of Collegeville Borough, including the property maintenance, grass, garbage collection, recycling, snow and ice and other provisions, and shall be subject to any and all relevant enforcement and penalty provisions associated therewith.

D. Revocation of rental housing license.

(1) Any landlord who violates any term, condition or provision of this chapter, in addition to the penalties set forth hereunder, shall be subject to revocation of any license issued under this chapter.

(2) Any property licensed under this chapter that is determined to be a nuisance shall

be subject to revocation. A nuisance property shall be any property which is in violation of the Borough property maintenance requirements by being in a substantial state of uncleanness, disorder or disrepair; any residential rental property substantially damaged by fire, flood or other natural disaster; any residential rental property determined to be uninhabitable by the Code Enforcement Official.

(3) The determination to revoke a license under this chapter shall be made by the Code Official. Written notice of revocation of a license issued under this chapter shall be given to the license holder not less than 15 days prior to the proposed effective date of the revocation. The Code Official shall provide written notice of revocation by personal service or registered mail to the address designated in the application for the license.

(4) Any property which has been subject to revocation of a rental housing license under this chapter shall not be eligible for a new or renewal license for a period of not less than three years. Further, any landlord who has been subject to revocation of a license under this chapter shall be deemed ineligible to hold (individually or as a member, shareholder, officer, director or partner in any limited liability company, corporation, partnership, limited partnership, limited liability partnership or any other entity) a license for any new or additional rental housing property for a period of not less than three years. Any entity, as herein described, which is associated in any manner with a landlord who has been subject to revocation under this chapter shall be deemed ineligible during any such period of association.

E. Rental housing license hearings. Any person aggrieved by an order of the Code Official granting, denying, renewing or revoking a license subject to the provisions of this chapter may file a written request for a hearing before the Borough Council within 30 days after notice or order was served. Borough Council shall give notice of a public hearing upon this request to be held in not less than 30 days after service of the notice of the person requesting the hearing. Procedures shall follow the means of appeal as specified in the International Property Maintenance Code. At such hearing Borough Council shall determine whether the granting, denial, renewal or revocation of the license was in accordance with the provisions of this chapter and shall issue an order which will be filed with the Borough Manager and served upon all parties appearing or represented at said hearing.

§ 523-5. Short-term rental requirements.

A. Short-term rental properties are subject to all of the requirements listed above with the following exceptions and additions.

B. Overnight occupancy of a short-term rental shall be limited to no more than 2 persons per bedroom.

C. The number of bedrooms permitted for a short-term rental shall be limited to three bedrooms, unless applicant demonstrates to the Borough Manager that their property had adequate parking and trash facilities for additional bedrooms.

D. The property owner shall use his/her best efforts to assure that the occupants of the short-

term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Borough Ordinances or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified of occupants violating laws during their occupancy.

E. The property owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Borough Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.

F. If the property owner of a short-term rental unit is cited for a violation of a Borough ordinance for three times within 12 months, the owner's rental housing license may be revoked.

G. Short-term rental property owners are required to maintain accurate rental records listing, at a minimum, the number of days their property was rented and how many guests stayed on each night. A copy of the record will be filed annually with the Borough and is due on April 15 of each year. Non-compliance with this provision is subject to the penalty provisions below and also may result in the rental license being revoked.

H. Inspections. Because of the high turnover rate for tenants of short-term rental properties, short-term rental properties must be inspected by the Code Official annually. The inspection must be included when the property owner applies for their license. Short-term rental properties are not required to conduct inspections for every new tenant who rents their property.

I. A short-term rental unit may be rented only to a person 21-years of age or older.

J. Parking. In addition to the parking spaces required by §680-73 for dwellings, one additional parking space for each bedroom for rent.

K. Zoning. Short-term rentals must meet the same zoning requirements of a "rooming house."

§ 523-6. Violations and penalties.

Any property owner who fails to comply with the provisions of this chapter shall, upon summary conviction therefor before a District Justice within the magisterial district within which the Borough is located, be fined not more than \$1,000 plus costs of prosecution and reasonable attorney's fees, after a summary proceeding brought in the name of the Borough before said District Justice. A new and separate offense shall be deemed to be committed for each day that such violation exists. In default of the payment of any fine imposed and the costs, the person or persons that are charged may be sentenced to be committed to the county jail for a period not exceeding 30 days.

§ 523-7. Compliance with other chapters.

Every owner of a rental housing unit shall also comply with the relevant provisions contained in Chapter 495 and all other relevant chapters of the Code of Ordinances of Collegenille Borough.

Section II. REPEALER

Any and all terms, conditions and provisions or any Ordinance or Resolution of Collegeville Borough in conflict with the terms, conditions and provisions of this Ordinance, are hereby repealed to the extent of such conflict.

Section III. SEVERABILITY


It is hereby declared to be the legislative intent, that if a court of competent jurisdiction declares any provision of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.

Section IV. EFFECTIVE DATE

This Ordinance shall be effective on December 1, 2021.

Ordained and enacted, by the Council Members of Collegeville Borough, Montgomery County, Pennsylvania, this 3rd day of November, 2021.

ATTEST:



Tamara Twardowski, Secretary

COLLEGEVILLE BOROUGH COUNCIL



Cathy Kernen, President

APPROVED:



Aidsand Wright-Riggins, Mayor