

ORDINANCE NO. 2018-06

AN ORDINANCE OF THE BOROUGH OF MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, ADDING A NEW CHAPTER 267 TO THE MACUNGIE BOROUGH CODE OF ORDINANCES, RESIDENTIAL RENTAL ORDINANCE, REGULATING RESIDENTIAL RENTAL UNIT OCCUPANCY AND PROVIDING FOR THE REGISTRATION AND INSPECTION OF SUCH UNITS AND PENALTIES FOR NONCOMPLIANCE.

WHEREAS, recognizing that various building and use codes are currently contained within the Macungie Borough Code of Ordinances, Macungie Borough Council does find that there is a need for the registration and inspection of residential rental units and the issuance of a residential rental license for such rental units in order to establish and ensure minimum safety standards for residential rental units within the Borough in order to ensure the health, safety and welfare of the residents of the Borough; and

WHEREAS, the Borough of Macungie finds that it is necessary to have a continuing procedure for the registration of rental properties; and

WHEREAS, the Borough of Macungie finds it to be desirable and in the public interest to enact the instant ordinance providing for the regular and systematic inspection of rental properties to insure their continued compliance with certain minimum standards; and,

WHEREAS, the Pennsylvania Borough Code authorizes Macungie Borough Council to enact Ordinances that Council deems beneficial to the Borough and necessary for the maintenance of the health, safety and welfare of its residents; and

WHEREAS, Borough Council finds that the regulation of residential rental units in the Borough is essential to maintain adequate controls over the health, safety and welfare of the community; to insure the safety and security of persons living in residential rental units; to insure compliance with applicable Borough ordinances; to prevent the overcrowding of residential rental units and to deter the overburdening of residential neighborhood parking facilities and public amenities; and, to maintain a good quality of life for residents.

NOW, THEREFORE, be it hereby ORDAINED that the Macungie Borough Council does hereby adopt and enact a new Chapter 267, Residential Rental Property Ordinance, in the Code of Ordinances of Macungie Borough as follows:

Article I. The Macungie Borough Code of Ordinances is hereby amended by the addition of a new Chapter 267, Residential Rental Property Ordinance, which shall read as follows:

**Chapter 267
Residential Rental Property Ordinance**

§267-1. Title.

This chapter shall be known as the Macungie Borough "Residential Rental Property Ordinance."

§267-2. Definitions

BOROUGH -The Borough of Macungie, Lehigh County, Pennsylvania.

CODES -any code or ordinance adopted, enacted and/or in effect in and for the Borough of Macungie concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by, this definition are the following codes: The Uniform Construction Code, the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical Code, Flood Plain Management Ordinance, the International Building Code and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER- the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Borough and any assistants or agents.

DWELLING UNIT- A single unit providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation and occupied by one (1) family.

EXTERIOR AREA -The outside facade of a building, including but not limited to any porch, yard, lawn, landscaping, sidewalks, setbacks, curbs, and all open area contiguous to a building owned by the same person or persons or part of the same real estate parcel.

FAMILY – One or more individuals related by blood, marriage or adoption or up to four (4) unrelated individuals who maintain a common household and live within one dwelling unit. The term "related" shall be restricted to the following relationships: spouse, parent, child, sister, brother, grandchild, grandparent, great-grandparent, aunt, uncle, or any of these same relationships in a "step" or "in-law" situation.

FULL TIME RESIDENT- any person who physically inhabits a bona fide residence within the boundaries of Macungie Borough at the time of application to register a Residential Rental Unit and who continues to physically inhabit such residence at all times during the active registration of that Residential Rental Unit.

LOCAL AGENT - an adult individual designated by the owner of a residential rental unit who shall be the agent of the owner for service of process and receipt of notices and demands for the owner under this Chapter, as more particularly described herein.

MINIMUM LICENSURE STANDARDS – the minimum licensure standards that every residential rental unit must meet as set forth in the Residential Rental Unit Inspection Checklist, which is attached hereto and marked as Exhibit "A".

OCCUPANT- an individual who resides in a residential rental unit, whether or not he or she is the owner thereof.

OWNER - any person, agent, operator, firm or corporation having a legal or equitable interest in the property, including the guardian of the estate of any person or the executor or administrator of the estate of such person if ordered to take possession of real property by the court. When used in this ordinance in a clause prohibiting any activity or imposing a penalty,

the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers thereof, and as applied to limited liability companies, the members. (Same as landlord for purposes of this Chapter)

OWNER-OCCUPIED RENTAL UNIT- a rental unit in which the owner resides on a regular, permanent basis.

PERSON - a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

PREMISES - any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more residential rental units are located.

QUALIFIED RESIDENTIAL RENTAL UNIT - a residential rental unit which has met the registration and/or inspection requirements of this Chapter and for which the required fees have been paid.

RENTAL OCCUPANCY LICENSE- the license issued to the owner of residential rental units under this Chapter, which is required for the lawful rental and occupancy of a residential rental unit.

RESIDENTIAL RENTAL UNIT- any structure within the Borough that is occupied by someone other than the owner of the real estate as determined by the most current deed for the property. Each apartment or dwelling unit within a building or structure is a separate residential rental unit requiring inspection and a license.

TENANT - an individual who resides in a residential rental unit governed by this Chapter with whom a legal relationship with the owner is established by a rental agreement or other occupancy agreement and/or wherein the Tenant provides the owner with some payment and/or other consideration for the right to occupy the residential rental unit.

§267-3. Purpose

It is the purpose of this Ordinance and the policy of the Borough of Macungie to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners relating to the rental of certain Residential Rental Units in the Borough and to encourage owners to maintain and improve the quality of rental housing within the Borough. It is also the policy of the Borough to ensure owners of Residential Rental Units obey the various Borough Ordinances and Codes adopted to protect and promote the public health, safety and welfare of the residents. To those ends, this Ordinance provides for a process for the registration and inspection of Residential Rental Units and the issuance and renewal of Rental Occupancy Licenses. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

§267-4. Standard to resolve inconsistent provisions of other ordinances.

In the event any provision of this Chapter is inconsistent with the provisions of any other Code or Ordinance in effect, the Code or Ordinance provision applying the stricter standard shall apply.

§267-5. Applicability.

This Chapter shall be applicable to all Residential Rental Units within the Borough of Macungie as defined herein.

§267-6. Registration.

A Every owner of a Residential Rental Unit must register the unit, using a registration application form issued by the Borough, with the Code Enforcement Officer in accordance with the following schedule:

1. All owners of a Residential Rental Unit existing at the time this Ordinance is adopted must register the Residential Rental Unit with the Code Enforcement Officer on or before March 31, 2019. There shall be no initial registration fee for Residential Rental Units that are registered with the Code Enforcement Officer on or before March 31, 2019. All Residential Rental Units that are registered with the Code Enforcement Officer after March 31, 2019 shall be subject to a registration fee. The registration fee for Residential Rental Units registered with the Code Enforcement Officer after March 31, 2019 shall be established by resolution.
2. Any individual, entity or firm that converts any structure to a Residential Rental Unit shall register the Residential Rental Unit with the Code Enforcement Officer within thirty (30) days of the completion of the conversion of the unit or prior to any occupancy of the unit, whichever time period is sooner.

Note: This requirement does not negate and/or impact the applicable Zoning and/or Building permit requirements.

3. In the event of a conveyance of legal ownership of a Residential Rental Unit covered by this Chapter, it shall be the responsibility of the new owner(s) to notify the Borough of said conveyance not more than thirty (30) days from the date of said transfer of ownership. If the property continues as a Residential Rental Unit following the conveyance, the new owner(s) shall register and secure the requisite Rental Occupancy License for the property and comply with all the requirements of this Chapter within thirty (30) days of the date of conveyance. If notification and the required registration update is not given within the time set forth above, any Rental Occupancy License previously issued shall become null and void and the new owner(s) shall be subject to the requirement for inspections as set forth in this Chapter.
4. Upon registration of a Residential Rental Unit under Section 6(A)(1) following enactment of this Ordinance, the Borough shall issue a Rental Occupancy License to the Owner which shall remain in effect until the Borough performs the Rental Occupancy License inspection under Subsection 8 below.
5. A Rental Occupancy License inspection shall take place prior to the issuance of a Rental Occupancy License for a Residential Rental Unit registered under Sections 6(A)(2) and (3) above, as set forth in Subsection 8.
6. The owner of a Residential Rental Unit must update the registration information on record with the Code Enforcement Officer within thirty (30) days of any change to the information set forth in Subsection 7 below.

7. Registration information shall be provided by all owners and shall include the following:
 - a. The names, addresses, telephone numbers and email addresses of all owner(s) of the Residential Rental Unit.
 - b. The name and contact information of the Local Agent. If the Local Agent is a business, both the name of the business and the name of the designated individual responsible for the rental unit shall be provided.
 - c. The property address and number of Residential Rental Units.
 - d. The type of Residential Rental Unit. (Single Family Dwelling, Apartment, etc.)
 - e. Actual number of occupants and/or tenants.
 - f. Names and addresses of current adult tenants and/or occupants and the number of minor children who reside in the Dwelling Unit.
 - g. Additional information deemed necessary by the Borough Code Enforcement Officer.
8. The owner of a Residential Rental Unit shall notify the Borough within thirty (30) days of a new tenant occupying, renting or residing in the Residential Rental Unit.

§267-7. Designation of Local Agent.

Every owner who is not a Full-Time Resident of the Borough, and/or who does not live within forty (40) miles of the location of the Residential Rental Unit, measured in a straight line from the Residential Rental Unit to the bona fide residence of the owner, shall designate a Local Agent who shall reside in an area that is within forty (40) miles of the location of the Residential Rental Unit, distance measured as above. The Local Agent shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Chapter. The identity, address and telephone number(s) of a person who is designated as Local Agent hereunder shall be provided by the owner to the Borough and the owner shall keep all such information current and updated.

§267-8. Maintenance and Inspections.

- A. This Chapter does not relieve the owner of the owner's responsibility to maintain the premises of a Residential Rental Unit in compliance with all applicable Borough Ordinances and Codes and the owner shall perform all necessary maintenance and/or repairs to ensure compliance with such Borough Ordinances and Codes, as applicable.

The existence of an Agreement between the owner and the Tenant shall not relieve the owner of any responsibility under the Section for repair and maintenance of the Residential Rental Unit and the exterior thereof.

- B. No person shall let to another for occupancy any Residential Rental Unit that has not been registered and issued a Rental Occupancy License as required by this Chapter. Payment of the applicable inspection fee shall be required prior to the issuance of a Rental

Occupancy License, unless otherwise set forth herein. The requirements for an inspection shall be as follows:

1. Each Residential Rental Unit that is registered with the Borough and secures a Rental Occupancy License under Section 6(A)(1) above shall undergo and pass a Rental Occupancy License inspection within five (5) years from the issuance of the Rental Occupancy License.
2. In addition to the inspection required under Section 8.B.1 above, all Residential Rental Units shall undergo and pass a Rental Occupancy License inspection upon (a) the conveyance of legal ownership or conversion of the premises to establish a Residential Rental Unit, or (b) every five (5) years, whichever first occurs. The five (5) year time period restarts every time there is a passing inspection.

The above-referenced inspection time periods shall not prohibit the owner from requesting an inspection at any time.

3. The inspection shall include the exterior and interior of the premises and shall be conducted to ensure compliance with the Minimum Licensure Standards set forth herein. The Code Enforcement Officer shall inspect the Residential Rental Unit for compliance with the Minimum Licensure Standards as more specifically described in Subsection 267-12 and as provided for within the attached Residential Rental Unit Inspection Checklist, attached hereto and marked as Exhibit "A".
4. The owner and occupant shall permit inspections of any Residential Rental Unit by the Code Enforcement Officer. Inspections shall be scheduled at least seven (7) days in advance and shall occur during normal business hours of 9:00 AM through 4:00 PM local time Monday through Friday, Borough holidays excepted, unless other inspection times are agreed to by the Owner and the Code Enforcement Officer. For such purpose, and for any re-inspection required hereunder, the owner and occupant shall provide access to the premises and the Residential Rental Unit to Borough representatives. A Residential Rental Unit where inspection access is denied will not be issued a Rental Occupancy License until inspection access is provided. An inspection fee, as established in the Borough's fee schedule resolution, shall be charged to the Owner in accordance with this Chapter. If a dwelling unit fails to pass the initial inspection, a follow up inspection will be scheduled within sixty (60) calendar days at no additional charge. Additional inspections beyond said sixty (60) days shall be subject to additional fees and/or charges as adopted by the Borough's fee schedule resolution.
5. If the inspection of a Residential Rental Unit discloses that the Residential Rental Unit fails to meet the Minimum Licensure Standards required under this Chapter, the Code Enforcement Officer shall notify the owner in writing of the failed inspection. The notice of a failed inspection shall set forth the following:
 - a. The street address or appropriate description of the subject property;
 - b. The date of the inspection;
 - c. The identity of the inspector;

- d. A list of the deficiencies;
 - e. The date by which the owner is to accomplish repairs and/or otherwise eliminate the deficiencies; and
 - f. Notice that, if the conditions are not repaired or the premises are not otherwise brought into compliance with the Minimum Licensure Standards, no Rental Occupancy License will be issued and/or any existing Rental Occupancy License will be retracted and/or otherwise invalidated.
6. Upon the expiration of the time specified to accomplish repairs or otherwise bring the premises and/or the Residential Rental Unit into compliance with the Minimum Licensure Standards, or upon notice to the Borough from the owner that the repairs have been accomplished or deficiencies otherwise eliminated, whichever occurs first, the Code Enforcement Officer or another Borough designee shall re-inspect such Residential Rental Unit.
- a. In the event such re-inspection discloses that the owner accomplished the repairs or the deficiencies have otherwise been eliminated, the Code Enforcement Officer shall issue a Rental Occupancy License to the owner in accordance with this Chapter, subject to the owner paying the applicable fee(s).
 - b. In the event such re-inspection discloses that the owner failed to accomplish the repairs or otherwise eliminate the deficiencies, the Code Enforcement Officer may schedule additional re-inspections or may deny the Rental Occupancy License and notify the owner of such, thereby prohibiting the use of the premises as a Residential Rental Unit. An additional inspection fee may be charged for additional re-inspections.
- C. The owner, tenant, or any other person with the approval of the owner may request an inspection of the dwelling unit at any time. Application for a requested inspection must be made on the appropriate form issued by the Borough and the fee for this inspection must be paid in full at the time of the request. The inspection will be conducted within thirty (30) days of the receipt of the inspection fee. A written inspection report of the requested inspection will be delivered to the person making the request and to the owner within fifteen (15) days of completion of the inspection. Any defects or deficiencies uncovered during a requested inspection will be subject to the correction process set forth in this Chapter.

§267-9. Issuance of Search Warrant.

- A If permission to enter any Residential Rental Unit for the purpose of the Rental Occupancy License inspection is denied, the Borough may apply for a search warrant to the District Magistrate serving the district within which the Borough is located. The Borough shall supply all necessary Affidavits containing personal knowledge or probable cause of the issuance of a search warrant. Probable cause may include but is not limited to the following:
- 1. That the inspection of said Residential Rental Unit is a part of a routine area inspection being conducted as a part of a systematic or concentrated code enforcement program, in accordance with this Chapter;

2. 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 Macungie; or
 3. That said entry is for the purpose of re-inspecting a previous violation.
- B. The Borough shall provide the Owner and Occupant with notice of its application for a search warrant to permit the Owner and Occupant to attend the hearing before the District Magistrate to consider the application for issuance of a search warrant.
 - C. The Borough shall provide the owner with notice of the intended date and time of the Borough's exercise of the search warrant to gain access to the premises and/or Residential Rental Unit.

§267-10. Warrant not Required.

Warrants shall not be required for entry:

- A. When entry is by permission or at the request of the occupant and/or owner;
- B. Where an imminent danger to health and safety exists; and/or
- C. Following an accident or inherent condition where immediate inspection is required to determine if imminent danger to health and safety exists.

§267-11. Rental Occupancy License.

- A. It shall be unlawful to occupy or let to others to occupy a Residential Rental Unit without first securing a Rental Occupancy License for the Residential Rental Unit in accordance with the provisions and within the time frame set forth in this Chapter. The Borough will issue a Rental Occupancy License upon the occurrence of the following:
 1. Upon receipt of the fully completed registration form and the payment of any registration, inspection and/or license fee required by the Borough;
 2. After verification of all information submitted in the application process; and
 3. Where applicable, upon inspection and/or re-inspection of the Residential Rental Unit wherein the Minimum Licensure Standards have been met.
- B. Every Residential Rental Unit shall be subject to inspections at times set forth in this Chapter in order to maintain a current and valid Rental Occupancy License. All Residential Rental Units must comply with the Minimum Licensure Standards as described herein.
- C. Issuance of a Rental Occupancy License shall represent compliance with the registration requirements of this Chapter. Residential Rental Units shall be subject to inspections as set forth herein in order to maintain a Rental Occupancy License. The issuance of a Rental Occupancy License shall not denote compliance with any specific code or standard of safety. A Rental Occupancy License does not indicate compliance with all Borough Ordinances and/or Codes.

D. If, after a Rental Occupancy License has been issued, it is determined that false information was supplied on an application for registration of a Residential Rental Unit, the Residential Rental Unit fails to comply with the Minimum Licensure Standards, and/or there exists a serious health, safety and/or welfare issue on the premises and/or Residential Rental Unit, the license shall immediately become null and void.

§267-12. Minimum Standards.

At the time of an inspection, the Code Enforcement Officer shall inspect the premises and Residential Rental Unit to determine whether the premises and Residential Rental Unit meet or exceed the Minimum Licensure Standards set forth in the Residential Rental Unit Property Maintenance Checklist, which is attached hereto and marked as Exhibit "A". All Residential Rental Units must meet and/or otherwise comply with the Minimum Licensure Standards in order to maintain a Rental Occupancy License. If a Residential Rental Unit does not meet the Minimum Licensure Standards, it shall not be occupied and/or let to others until it complies with the Minimum Licensure Standards.

§267-13 Rules and Regulations.

The Macungie Borough Council may implement and adopt rules and regulations necessary to implement this Chapter, so long as same are not inconsistent with any provisions of this Chapter.

§267-14. Fees.

The fees for registration, inspection, re-inspection, follow up inspection, inspections requested by owners or tenants, missed inspection appointment fees, and any other fee required by this Chapter shall be established by the Borough in its fee schedule resolution and may be reviewed and revised from time to time by Borough Council.

§267-15. Non-liability of Borough.

The issuance of a Rental Occupancy License is not a representation by the Borough that the Residential Rental Unit inspected and/or the premises and/or structure within which it is located does not contain any violation of any of the Borough Ordinances and/or Codes. Rather, the issuance of a Rental Occupancy License represents that the Residential Rental Unit has been registered with the Borough and has met the Minimum Standards provided for in this Chapter. Neither the enactment of this Ordinance nor the issuance of a Rental Occupancy License is a guarantee to any person that no code violations exist on the premises inspected, nor shall there be imposed any liability upon the Borough for any errors or omissions which resulted in the issuance of such certificate.

§267-16. Appeals.

A. The owner of a Residential Rental Unit, who has been denied a Rental Occupancy License or who is aggrieved by a decision of the Code Enforcement Officer or other Borough designee may, within 30 days of the date of receipt of the denial of a Rental Occupancy License and/or the notice of violation or the time fixed for repairs, whichever is shorter, appeal the decision to Borough Council.

B. An appeal shall be signed and submitted by the owner and filed with the Borough. A

detailed statement shall be filed, including the ground(s) and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned and a statement of relief requested by the applicant. The appeal shall be accompanied by the required hearing fee.

- C. Upon receipt of the appeal and required fee, the Borough shall schedule a public hearing on the appeal. The hearing shall be at a time and date as determined by Council, however, not more than 30 calendar days from receipt of the appeal, unless otherwise agreed to.
- D. All proceedings before Council shall be in accordance with the Local Agency Law.
- E. The appellant and all other parties having an interest may be heard. All decisions shall be made within 30 days following the last public hearing. The decision shall be in writing stating clearly the factual and legal basis for the decision and forwarded to the owner within 30 calendar days from the last hearing. Any further appeals shall be in accordance with the Local Agency Law.

§267-17. Codes Violations.

Nothing in this Chapter shall preclude or prohibit the Code Enforcement Officer or other Borough designee from identifying any code violations or inspecting any property according to the terms of any Borough Ordinance and/or Code at any time, whether or not the particular premises is scheduled for periodic inspection under the terms of this Chapter and/or the prior issuance of a Rental Occupancy License.

§267-18. Violations and Penalties.

- A. The failure of any owner to effect corrections required under this Chapter shall be considered a violation of the Borough Residential Rental Property Ordinance and the procedures and penalties prescribed herein shall be applicable.
- B. The failure of any owner to register a Residential Rental Unit and/or schedule an inspection or re-inspection as provided in this Chapter shall result in the issuance of a notice to the owner that the property is not a Qualified Residential Rental Unit, in which event it shall be unlawful for any person to let to others for occupancy the subject premises until the unit becomes a Qualified Residential Rental Unit after inspection and compliance with any violation notices.
- C. Any person, firm or corporation who shall violate any provision of this Chapter shall, upon being found to have committed the violations in a civil enforcement action before a District Justice, pay a civil penalty not to exceed Six Hundred Dollars (\$600.00) per violation. Each day that the violation continues shall be deemed a separate offense and punishable as such. The Borough may enforce this Chapter in equity or through injunctive relief in addition to or in lieu of such civil action before the District Justice. If the penalty for the violation of this ordinance is not timely paid and the person, firm or corporation upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violators shall be liable for the penalty imposed including additional daily penalties for continuing violations, plus court costs, reasonable attorney fees and any and all other costs and expenses incurred by the Borough in the enforcement proceedings and allowed by law. Any fine 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 Borough and its Code Enforcement Officer may invoke such other remedies available under this Chapter or the applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or non-renewal of any license issued hereunder.

- D. In the instance of repeated violations of this ordinance, whether for the same or similar offenses or for various offenses, the Borough may, upon the owner being found to have committed the violations in a civil enforcement action before a District Justice, revoke the Rental Occupancy License, in addition to any other remedies provided in this Chapter. Said revocation shall be effective for a period of up to one year, at which time a new application for registration may be submitted and shall be reviewed in accordance with the provisions of this ordinance.

§267-19. Exceptions.

- A. Notwithstanding any other provision to the contrary, a Rental Occupancy License shall not be required for, and this ordinance shall not apply to, any of the following:
1. Any property that is owned and offered for rent as a residential dwelling unit by an accredited college or university so long as the property is located on the campus of the college or university and that the occupants of the dwelling units are currently enrolled as full time students of the college or university.
 2. State Licensed Hotels and Motels used for transient visitors to the area, but without units that offer residency terms exceeding seven (7) consecutive days.
 3. One dwelling unit that is on the same lot as another dwelling unit, provided that:
 - a. All dwelling units are occupied by the owner and/or persons who are related to the owner; and,
 - b. The owner receives no payment whatsoever, either as rent payments or services or other valuable considerations, from the occupants of the property.
 4. Owner Occupied Dwelling Units, provided that:
 - a. Not more than two (2) unrelated individuals, in addition to the Owner and his/her relatives, occupy the Dwelling Unit at any given time; and,
 - b. The owner receives no payment whatsoever, either as rent payments or services or other valuable considerations, from the occupants of the property.

§267-20. Miscellaneous Provisions.

- A. Delivery of Notification shall be as follows:
1. All notices shall be sent to the owner and designated local agent, if applicable, by certified mail. In the event the notice is returned by the postal authorities marked

"unclaimed" or "refused," then the Code Enforcement Officer shall attempt delivery as set forth in Subsection A.2.

2. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused", then the notice shall be sent to the owner and local agent at the address stated on the most current license application for the subject premises, by regular first-class mail, postage prepaid, and the notice shall be posted at a conspicuous place on the premises.
3. There shall be an un rebuttable presumption that any notice required to be given to the owner under this Chapter shall have been received by such owner if the notice was given to the owner in the manner provided by this Chapter.

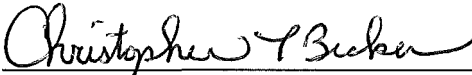
Article II. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Article III. Severability. If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Article IV. Effective Date. This Ordinance shall become effective on January 2, 2019

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Macungie, this 5th day of November, 2018, in lawful session duly assembled.

MACUNGIE BOROUGH COUNCIL



Christopher T. Becker
Council President

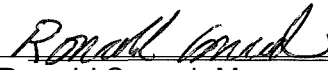
Attest:



Chris L. Boehm, Borough Manager

Chris L. Boehm, Borough Manager

AND NOW, this 5th day of November, 2018, the above Ordinance is hereby **APPROVED**.



Ronald Conrad, Mayor

ATTACHMENT 1

In an effort to safeguard even more electrical installations, the NEC has expanded requirements for GFCI-type receptacles. Since 1971, the NEC has expanded the requirements for ground-fault circuit interrupters (GFCI) to protect anyone who plugs into an electrical system. Initially, it was only required for temporary wiring at construction sites and in dwelling unit bathrooms.

As noted above, GFCI protection has been required for all 15A and 20A, 125V receptacles in the bathroom area of a dwelling unit for more than 20 yr.

Dwelling units.

GFCI protection devices are also required for all 15A and 20A, 125V receptacles located in garages and grade-level portions of unfinished or finished accessory buildings used for storage or work areas of a dwelling unit [210.8(A)(2)]. However, there are a couple of exceptions to this rule. GFCI protection is not required for receptacles that are not readily accessible, such as a ceiling-mounted receptacle for a garage door opener. Nor are they required for a receptacle on a dedicated branch circuit located and identified for a cord-and-plug-connected appliance, such as a refrigerator or freezer.

Don't forget kitchen or wet bar areas. Per 210.8(A)(6), GFCI protection is required for all 15A and 20A, 125V receptacles that serve kitchen countertop surfaces in a dwelling unit (Fig. 1 on page 54). GFCI protection is not required for receptacles serving appliances like dishwashers, or convenience receptacles that do not supply countertop surfaces. Receptacles installed within 6ft. of the outside edge of a wet bar sink must also be GFCI-protected [210.8(A)(7)]. However, GFCI protection is not required for receptacles not intended to serve wet bar countertop surfaces, such as refrigerators, ice makers, water heaters, or convenience receptacles that do not supply counter-top surfaces.

Receptacle replacement.

What happens when you're working at a previously unprotected location that now requires GFCI protection? It's no longer acceptable to replace an old, unprotected receptacle with a new, unprotected receptacle. Per 406.3(D)(2), you now must install a GFCI-protected device.

GFCI protection is now required when receptacle outlets are installed within 6ft. of the outside edge of a sink located anywhere in a dwelling unit, except in the kitchen.

The 2008 NEC listed outlets next to sinks in bathrooms, laundry, utility rooms and wet bar sinks as locations that required GFCI protection. Because other areas of dwellings such as a rear entry way or hobby room may have sinks, the 2011 Code now requires GFCI protection for receptacles located within 6 ft. of a sink, except in the kitchen.

The Code may not require an outlet to be installed within 6 ft. of a sink in a dwelling unit. But, if an outlet is installed within 6ft. of a sink in any location other than a kitchen, it must be GFCI protected.

There is no change in the requirement for GFCI protection for kitchen countertop receptacles. Section 210.8(A)(6) requires all dwelling unit receptacles serving the kitchen countertop to be GFCI protected.

§ 57.71. Fire extinguishers.

- (a) There shall be a minimum of one 2A 10"8 fire extinguisher per living unit.
- (b) There shall be a minimum of one 2-A fire extinguisher for any basement area not used for living units.

[F] 704.2 Smoke alarms.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations: Apartments are considered R-2

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. *In* each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Bedroom Requirements

A landlord must install an operable automatic smoke detector within 15 feet of every bedroom in a rental property. This means more than one smoke detector may be necessary to meet Pennsylvania Code requirements. If a smoke detector becomes inoperable, it is the landlord's responsibility to make repairs to the detector within 48 hours of receiving a notice from tenants. Failure to make a timely repair to a smoke detector is a violation of the landlord's obligation to maintain the rental property in accordance with Pennsylvania building safety standards.



EXHIBIT A

RESIDENTIAL RENTAL UNIT INSPECTION CHECKLIST

BOROUGH OF MACUNGIE
21 LOCUST STREET
MACUNGIE, PA 18062
Phone: 610-966-2503
Email: zoning@macungie.pa.us

Date of Inspection: _____ Inspector: _____
 Apartment Address: _____
 Landlord Address: _____
 Landlord Name: _____
 Landlord Phone #: _____ Landlord E-Mail: _____

ALL ROOMS			
ITEM	YES	NO	COMMENT
2 Working outlets or 1 outlet and 1 light fixture ?			
GFCI Outlets where req. ? See Attachment 1			
Free from electrical hazards ?			
Windows and doors lockable ?			
1 operational window windows in good condition no missing or broken panes ?			
Are the ceilings, walls, floors sound and free from major cracks, holes, or hazardous defects?			
Are Railings and Bannisters secure and sturdy?			
Are interior surfaces free from significant peeling or chipping paint?			
Are there working smoke and CO detectors per IPMC 704.2 ?			
BUILDING EXTERIOR			
Are the foundation and exterior walls free of hazards?			
Are all exterior stairs, rails, and porches free from hazards			
Are the roof, gutters, and downspouts free from hazards?			
Is the chimney free from hazards?			
Are all exterior surfaces, incl. stucco and siding reasonably weather tight?			

BATHROOM			
ITEM	YES	NO	COMMENT
Is there a working toilet in the unit for the exclusive private use of the tenant?			
Is there a working permanently installed sink with hot & cold running water?			
Is there a working tub or shower with hot & cold running water?			
Are all plumbing fixtures free from leaks, internal and external?			
Are there windows that open or a working exhaust system ?			
Is there a GFCI outlet? See Attachment 1			

KITCHEN			
Is there a sink with hot & cold running water?			
Are all plumbing fixtures free from leaks, internal and external?			
Is there an appliance for cooking?			
Is there a fire extinguisher?			