

**BOROUGH OF NEWBURG  
CUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2021-002**

**AN ORDINANCE OF THE BOROUGH OF NEWBURG REPEALING ORDINANCE NO. 2016-001, PROVIDING FOR THE LICENSING AND INSPECTION OF RENTAL UNITS LOCATED WITHIN THE BOROUGH, AND ADOPTING THE *INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018*, AS AMENDED HEREAFTER FROM TIME TO TIME, ENSURE THAT RENTAL PROPERTIES WITHIN THE BOROUGH OF NEWBURG ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE.**

**WHEREAS**, Pursuant to Section 1202 (15), and Section 3301.1(b)(4) of the Borough Code, 8 Pa. C.S. § 1202(15), and 8 Pa. C.S. § 3301.1(b)(4), the Borough of Newburg ("Borough") has the authority to enact an ordinance to regulate rental properties in the Borough to ensure that these rental properties are safe, sanitary, and fit for occupation and use; and

**WHEREAS**, Pursuant to Section 32A04(a) of the Borough Code, 8 Pa. C.S. § 32A04(a), the Borough has the authority to incorporate a standard or nationally recognized property maintenance code, or any variations or changes or parts of the code, published and printed in book form, without incorporating the text of the code in the ordinance; and

**WHEREAS**, on August 1, 2016, the Borough enacted an ordinance providing for the licensing and inspection of rental units within the Borough, which repealed Ordinance No. 2007-002 previously in effect.

**WHEREAS**, Borough Council in enacting Ordinance No. 2016-001 deemed it in the best interest of the Borough and its residents to adopt the International Property Maintenance Code, 2015, as amended hereafter from time to time, to ensure that rental properties within the corporate limits of the Borough are safe, sanitary and fit for occupation and use; and

**WHEREAS**, Borough Council now seeks to repeal Ordinance No. 2016-001 and enact this new ordinance to give broader authority to inspect rental properties to ensure greater compliance with the standards set forth herein.

WHEREAS, Borough Council now seeks to adopt the **International Property Maintenance Code, 2018** in full

NOW THEREFORE, BE IT ENACTED AND ORDAINED on this 15 day of February, 2021 by the Borough Council of Newburg, Cumberland County, Pennsylvania, as follows:

**SECTION 1. Repealer.**

The Borough of Newburg Ordinance No. 2016-001 is hereby repealed in its entirety.

**SECTION 2. Legislative Findings.**

The Borough has determined that non-owner-occupied Dwelling Units are frequently maintained at a standard significantly less than owner-occupied Dwelling Units and that such failure to maintain those units can, and frequently does, result in Dwelling Units that are unsafe, unsanitary and, in many instances, not maintained to the minimum standards required by the various applicable codes in effect in the Borough, from time to time. Therefore, the Borough Council finds it to be desirable and in the public interest to enact the following provisions, providing for the regular and systematic inspection of these properties to ensure their continued compliance with applicable Borough codes.

**SECTION 3. Short Title.**

This Ordinance shall be known and may be cited as the "Residential Rental Dwelling Unit Code of the Borough of Newburg." ("this Ordinance" or "the Ordinance").

**SECTION 4. Adoption of Standards.**

A certain document designated as the "**International Property Maintenance Code, 2018**," as amended, supplemented and modified hereafter, from time to time, and published by the International Code Council, be and is hereby adopted as the Residential Rental Dwelling Unit Code of the Borough of Newburg, Cumberland County, Pennsylvania, for the control of residential rental buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of the "International Property Maintenance Code" are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in SECTION 6 of this Ordinance.

## **SECTION 5. More Strict Standards to Apply.**

In the event any provision of this Ordinance is inconsistent with a provision of any Borough Ordinance or state law, the provision applying the stricter standard shall apply.

## **SECTION 6. Modifications.**

The following sections of the International Property Maintenance Code, 2018 are hereby revised, removed, replaced, and/or modified as follows:

**101.1 Title.** These regulations shall be known as the "Residential Rental Dwelling Unit Code of the Borough of Newburg," hereinafter referred to as "this Code" or "the Code."

**101.2 Scope.** The provisions of this Code shall apply to properties within the Borough of Newburg to the extent delineated as follows:

1. All Residential Rental Dwelling Units, structures, or properties shall comply with any and all provisions of this code. If a Residential Rental Dwelling Unit is located in the same structure as any other use, the whole structure shall comply with Sections 301, 302, 303, 304, 306, 307, 308, and 507 of this code, and the Residential Rental Dwelling Unit shall comply with all provisions of this code
2. This code does not apply to owner-occupied residential units or nonresidential uses except as provided for above in Section 101.2(1).

The provisions of this code constitute minimum requirements and standards for the properties, owners, owner's agents, and occupants regulated by this code, which requirements and standards are enacted to protect the health, safety, and welfare of the residents of the Borough.

**104.1 Interpretation.** The Code Official is hereby authorized and directed to enforce the provisions of this code and shall have the authority to interpret and implement the provisions of this code.

**106.3 Prosecution of Violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense. If the notice

of violation is not complied with, the Code Official may institute the appropriate proceedings at law or in equity to retrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any corrective action taken by the authority having jurisdiction over such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**106.4 Violation 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 less than \$100 nor more than \$1000, plus costs of prosecution and reasonable attorneys fees; in default of payment of said fine and cost, said person may be subject to imprisonment for a term not to exceed 30 days. Each day that a violation continues shall be deemed a separate offense.

**106.7 Violations as public nuisances.** Any property regulated by this code that is in violation of this code may be considered a public nuisance and be abatable as such in accordance with 8 Pa.C.S.A. § 32A03.

#### **107.2 Form.**

Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 109.3.

**111.2 Membership of Board.** The Code Appeals Board (the "Board") shall consist of three (3) members who shall be appointed by the Borough Council. Each member shall have been a resident of the Borough for at least one year prior to appointment and may hold elected office. The terms of office of the members of the Board shall be three (3) years; provided, however, that the terms of office shall be fixed so that the term of one member shall expire each year.

**111.3 Notice of Meeting.** The Board shall meet at its regularly scheduled meeting or at a special meeting upon the call of the Chairman, notice of which shall be published in accordance with the requirements for publishing public notice in accordance with the Sunshine Act. (65 Pa.C.S. §701-716).

**111.4.1 Procedure.** The Board shall conduct the public hearing in accordance with the Local Agency Law adopted by the Commonwealth of Pennsylvania (2 Pa.C.S. §105).

**111.6 Board decisions.** The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of a quorum on the Board members.

**111.6.2 Administration.** The Code Official shall take immediate action in accordance with the decision of the Board, unless properly appealed to a court of appropriate jurisdiction.

**111.7 Court review.** Any person aggrieved by an adjudication of the Board of Appeals who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals by or pursuant to Pennsylvania law.

**111.9 Extension of time.** The Board shall have the ability to grant extensions of time for the completion of repairs or maintenance required by this code upon a hearing held in accordance with this code; provided, however, that for correction orders issued as a result of inspections occurring in the months of November through February, which correction orders require exterior corrections such as, but not limited to, exterior painting or the repair/replacement of sidewalks, which corrections cannot be completed due to weather conditions, the Code Official may grant an extension, which shall not extend the time for completion further than May 31.

**202 General Definitions.** The following definitions shall be added or amended. The definitions in the code not referenced below shall remain in full force and effect.

**CERTIFICATE OF COMPLIANCE.** The certificate issued by the code official that evidences inspection under the provisions of this Ordinance.

**CODE OFFICIAL.** The person or persons authorized by the Borough to determine compliance with the provisions of this Ordinance and to enforce the same. The Code Official may be either a third-party company appointed by Borough Council or an individual employed and/or appointed by the Borough.

**CODES.** Any codes and ordinances of the Borough of Newburg and the Commonwealth of Pennsylvania, and any rules and regulations promulgated thereunder.

**DWELLING UNIT.** One or more rooms in a structure designed primarily for occupancy by one or more persons, for living, sleeping and habitation purposes and having its own kitchen and sanitation facilities.

**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 owner (as defined below) or persons or part of the same real estate parcel.

**NURSING HOME OR CONVALESCENT HOME.** A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

**OWNER.** Any person, agent, operator, firm, corporation, partnership, limited liability company, limited liability partnership, association, other entity, property management group, trust, or fiduciary holding or having legal, equitable or other interest in any real property or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this Part in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer, trustee and other individual having an interest in the entity, controlling or otherwise. The term Owner shall also include Owner's Agent.

**OWNER'S AGENT.** An individual or firm designated by the owner of real property, in writing, to the Borough, who shall reside on the premises or within a forty-mile radius of the Borough of Newburg, a map of which is available for inspection in the Borough office, and who shall be legally responsible for the operation of the rental property in compliance with all of the provisions of the codes and ordinances of the Borough of Newburg and the Commonwealth of Pennsylvania and who shall be responsible for providing legal access to the property for the purposes of making inspections of said premises to ensure compliance with said ordinance(s) and laws.

**PERSON.** An individual, corporation, partnership, trust, or any other group or entity acting as a unit.

**RESIDENTIAL RENTAL DWELLING UNIT.** Dwelling unit not occupied by Owner thereof.

**STRUCTURE.** Any human-made object having an ascertainable stationary location on or in land or water, whether affixed to the land or not.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds, grass or other uncultured vegetation not edible or planted for some useful or ornamental purpose, more than six (6) inches in height. All premises and exterior property shall be maintained free from trees, shrubs, hedges or other vegetation that overhangs sidewalks or other pedestrian walkways at a height of less than eight feet. All premises and exterior property shall be maintained free from trees, shrubs or other vegetation that overhangs a road right-of-way at a height of less than 12 feet, measured from the street surface at the curb. All noxious weeds shall be prohibited.

Upon failure of the Owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, he or she shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the Borough of Newburg shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. Noxious weeds shall be those listed on the noxious weed control list found at 7 Pa. Code § 110.1.

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative, unlicensed or unregistered motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designated and approved for such purposes.

**304.14 Insect screens.** During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screen of not less than 16 mesh per inch (16 mesh per 25 mm), and every hinged screen door used for insect control shall have a self-closing device in good working condition.

**308.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, which includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

1. Junk, trash or debris including but not limited to all waste, refuse and discarded materials having only a junk or salvage value, and garbage not contained in a safe sanitary and orderly manner in a proper container for collection.
2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
3. Maintaining or causing to be maintained upon any unenclosed porch or exterior attachment, which faces a regularly traveled thoroughfare, furniture, other than furniture designed for exterior use, which is commonly intended for use inside a dwelling, including but not limited to upholstered sofas, chairs, davenports, beds, divans and the like.

(Section 308.3.1, Garbage facilities, is deleted).

#### **506.1 General.**

All plumbing fixtures shall be properly connected to a public sewer system.

#### **602.3 Heat supply.**

Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of October 15 to May 15 to maintain a minimum temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

#### **602.4 Occupiable workspaces.**

Indoor occupiable workspaces shall be supplied with heat during the period from October 15 to May 15 to maintain a minimum temperature of 65 degrees Fahrenheit during the period the spaces are occupied.



**Exceptions:**

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**SECTION 7. Modes of Ingress and Egress**

This Ordinance expressly adopts the following standards, as outlined in Chapter 7 of the International Property Maintenance Code, 2018, governing the requirements for each unit pertaining to ingress and egress.

**702.1 General.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

**702.2 Aisles.**

The required width of aisles in accordance with the International Fire Code shall be unobstructed.

**702.3 Locked doors.**

Means of egress doors shall be readily openable from the side which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

**702.4 Emergency escape openings.**

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

## **SECTION 8. Smoke Detectors/Carbon Monoxide Detectors**

### **General.**

An approved carbon monoxide (hereinafter "CO") detector shall be installed in all Dwelling Units when a fossil fuel or solid fuel appliance is utilized as the primary or supplemental heat source.

There are several options for the installation of these devices:

1. If the Dwelling Unit or guestroom contains a fuel-burning appliance or has an attached garage, a CO detector is required to be provided in the immediate vicinity of the sleeping rooms.
2. If ductwork or ventilation shafts to a room containing a fuel-burning appliance or to an attached garage connect the Dwelling Unit or guestroom, a CO detector is required to be provided in the immediate vicinity of the sleeping rooms.
3. If the installation of the CO detectors is not triggered by Subsection 1 or 2 above, but the building contains a fuel-burning appliance or has an attached garage, common-area CO detectors are required to be installed in the immediate vicinity of the room containing the fuel-burning appliance and in the immediate vicinity of any ventilation shaft on the floor containing the fuel-burning appliance and within two stories above and below. Common-area CO detectors must be interconnected or monitored. As an alternative, CO detectors can be installed in each unit on the floor, two floors above and below.

Approved detectors will be listed in accordance with UL-2034.

### **Fire Extinguishers.**

Each Dwelling Unit shall have a readily accessible fire extinguisher.

### **Smoke Detector.**

Each Dwelling Unit shall have a functioning smoke detector.

### **Removal of battery.**

Removal of the battery or power source from the CO alarm, making the detector inoperable, is a violation of this code and subjects that Person to the violation penalties.

## **SECTION 9. Compliance.**

### **9.1 Certificate of Compliance required.**

No person shall let for rent or occupy any Residential Rental Dwelling Unit within the Borough of Newburg unless such person has registered the property and received a valid Certificate of Compliance, issued by the Code Official in accordance with this code, for the specified Residential Rental Dwelling Unit.

Issuance of a Certificate of Compliance shall represent compliance with the inspection requirements of this Ordinance but shall not denote compliance with any other codes.

### **9.2 Property subject to registration and license requirement.**

A Certificate of Compliance shall be obtained by the Owner(s) having a legal or equitable interest in the property or the Owner's Agent for the following forms of Residential Rental Dwelling Units:

1. Single-family dwellings.
2. Any number of single-family dwelling units.
3. Hotels having more than six rooms; unless principally providing only overnight lodging.
4. Motels having more than six rooms; unless principally providing only overnight lodging.
5. Group housing.
6. Any and all combinations of the forms of residential rental premises listed above.
7. Group home, nursing home or convalescent home: Registration and licensing are required, and all applicable fees are required; however, an inspection of a group home, nursing home or convalescent home is not required, provided that a copy of a current approved inspection report from the regulating federal or state agency is provided at the time of registration or renewal of registration.

### **9.3 Registration of rental units.**

The registration of Residential Rental Dwelling Units shall be made on a form furnished by the Code Official or Borough Secretary on a form report entitled "Status of Occupancy Report" and shall be completed in accordance with any instruction(s) which may be given by the Code Official.

Completed forms shall be delivered by the Owner or the Owner's Agent to the Borough Secretary. The information provided on the form shall include, but not be limited to, the following information:

1. The name, address, and telephone number of the owner or owners of the rental unit.
2. The name, address, and telephone number of the local agent or agents.
3. The address of the residential rental property being registered.
4. The type of residential rental property being registered.
5. The number of rental units located at the residential rental property being registered.
6. If the residential rental property is a Group Home, Nursing Home or Convalescent Home, a copy of a current approved inspection report from the regulating federal or state agency must be furnished.
7. The name of the tenant(s) who will occupy the rental unit(s).

\*If no such form is provided by the Borough, the lack of a Borough generated form shall not excuse the obligation of the Owner to provide the information required herein.

#### **9.4 Certificate of Occupancy Fee.**

The Borough of Newburg is authorized to charge a yearly fee for the Certificate of Occupancy. The yearly fee is to be established by resolution of the Borough Council.

For a new unit, the Certificate of Occupancy fee shall be paid at the time of the issuance of the certificate.

Yearly Certificate of Occupancy fees shall be paid by April 1<sup>st</sup> of each year.

#### **9.5 Change in Occupancy.**

Any change in the occupancy of any Residential Rental Dwelling Unit or in the identity of the Occupant from that shown in the report of the Owner as required in 901.2 above, shall be reported by Owner(s) to the Borough Secretary within ten (10) days after such change. It is intended hereby that the Owner(s) shall report, to the Borough Secretary, the identity of a new Occupant of a Residential Rental Dwelling Unit or if a Residential Rental Dwelling Unit becomes vacant.

## **9.6 Timing.**

Within thirty (30) days following the effective date of this Code, all Owner's of Residential Rental Dwelling Units existing on the effective date of this Code shall register the Residential Rental Dwelling Units in accordance with Section 901.3 hereof. An Owner applying for a Certificate of Compliance for a Residential Rental Dwelling Unit not existing on the effective date of this code, must register the residential rental property before the property is occupied as a rental property, and any rental occupancy of the property is a violation of this code.

## **9.7 Certificate of Compliance.**

Upon receipt of the fully completed registration form and payment of the appropriate registration fee, the Code Official shall schedule an inspection of the premises within thirty (30) days of receipt of a completed registration form. Prior to receiving a Certificate of Compliance, the residential rental property must fully comply with the provisions of this Ordinance and the codes, as determined by the Code Official. Occupancy of the residential rental property prior to receiving a Certificate of Compliance shall be a violation of this code.

## **9.8 Display of Certificate of Compliance.**

The current Certificate of Compliance shall be displayed on the property and available for inspection by the Code Official. Further, a copy of the Certificate of Compliance shall be supplied to the current Occupant.

## **9.9 Inspections.**

1. Prior to occupancy and prior to issuance of a Certificate of Compliance, each Residential Rental Dwelling Unit shall be inspected by the Code Official, and for such purpose and for any re-inspection required hereunder, the Owner shall provide access to the Code Official. A unit where inspection access is denied shall not be issued a Certificate of Compliance until inspection access is provided.
2. For each rental unit within the Borough that has been granted a Certificate of Compliance, the Borough shall re-inspect each unit every three (3) years following the initial issuance of the Certificate to verify continuing compliance. These re-inspections shall take place between January 1 and March 30.

3. In accordance with the provisions set forth above in Section 901.3.1, the Borough shall also have the authority to inspect the rental unit upon a change in occupancy.
4. The Owner or Owner's Agent shall be responsible for the fees and costs for the inspection as stated in section 103.5 of this code; unless section 901.5, subsection 4 applies.
5. All inspections conducted under the authority of this Chapter shall determine compliance with this Ordinance and all codes incorporated therein.
6. Inspections may also occur if an Occupant files a complaint in writing signed by the Occupant at the Borough Office or with the Code Official. The Owner or Owner's Agent shall be notified of the complaint and the Owner or the Owner's Agent may be present for the inspection. If no violation(s) of this Code is found to exist by the Code Official, the Occupant who filed the complaint shall be responsible for the cost of the inspection. If a violation of this code is found by the Code Official in the course of the inspection, the Owner or Owner's Agent shall be responsible for the cost of the inspection.
7. Reservation of the Right of Borough Inspection. Notwithstanding the provisions above, the Borough reserves the right at any time to inspect any premises to verify compliance with the provisions of the Part of any independent or government agency inspection, the Borough inspection shall be made without charge. If, because of the Borough inspection, violations of the provisions of this Part are determined, additional inspections necessitated by such noncompliance shall be at the expense of the Owner.

## **OWNERSHIP**

**9.10** Owner's Agent. Every Owner who is not a full-time resident of the Borough, and/or who does not live or work within forty (40) miles of the boundaries of the Borough, shall declare an Owner's Agent who shall reside in an area that is within forty (40) miles from the Borough. If the Owner is a corporation, an Owner's Agent shall be required if an officer of the corporation does not reside or work within forty (40) miles of the Borough of Newburg. If the Owner is a partnership, an Owner's Agent shall be required if a partner does not reside or work within forty (40) miles of the Borough. The Owner's Agent shall perform the same function as a manager.

The Owner's Agent shall be the agent of the Owner for service of process and receiving of notices and demands, as well as performing all obligations of the Owner under this Ordinance and under

rental agreements with Occupants. The identity, address and telephone number(s) of the Owner's Agent hereunder shall be provided by the Owner to the Borough and such information shall be kept current and updated as it changes.

**9.11 Transfer of ownership.** If the ownership of a registered Residential Rental Dwelling Unit is transferred, whether it is legal or equitable, the registration and Certificate of Compliance shall be invalid on the date of transfer of ownership, unless the new owner has submitted an application for registration and a Certificate of Compliance within 10 days of the date of transfer, in which case the property, if currently occupied, may continue to be occupied; however, such occupancy shall be contingent upon the new owner receiving a Certificate of Compliance in accordance with this code and codes. If the new owner fails to submit an application for registration and Certificate of Compliance within 10 days of the date of transfer, or the new owner does not receive a Certificate of Compliance in accordance with this code, the property cannot be occupied as a rental property, and any rental occupancy of the property is a violation of this code.

**9.12 Lease-purchase agreements.** Any property that is being occupied and currently subject to a lease-purchase agreement between the Occupants of the property and the Owner of record, and which lease-purchase agreement is recorded in the Recorder's Office of Cumberland County, shall not be subject to the requirements of Chapter 9. The burden of proving a valid lease-purchase agreement under this section shall be on the Owner or Occupant claiming the exemption from the requirements of Chapter 9.

## **VIOLATIONS OF THIS ORDINANCE**

### **9.13 Occupancy without Certificate of Compliance or Registration.**

It shall be unlawful for any Owner or Owner's Agent to allow a Residential Rental Dwelling Unit to be occupied without being registered and holding a valid Certificate of Compliance. Further, it shall be unlawful for any Owner or Owner's Agent to offer for rent, lease, or occupancy unless the Residential Rental Dwelling Unit is currently registered and holds a valid Certificate of Compliance.

### **9.14 Penalties.**

A violation of this Ordinance shall be subject to the penalty provisions of Section 106.4. Further, if an Owner fails to pay any fees under this Ordinance including, but not limited to, those fees set forth under section 103.5, then no Certificate of Compliance shall be issued, and if a Certificate of Compliance had been previously issued, said Certificate of Compliance shall be revoked.

**9.15 Administrative Search Warrant.**

The Code Official may seek an administrative search warrant to ensure that any property regulated by this Ordinance is in compliance with this code

**Section 10. Municipal Liability.**

The issuance of a Certificate of Compliance shall not be deemed, nor construed as, a representation, guaranty, or warranty of any kind by the Borough, or its officials, agents or employees, and shall create no liability upon or duty by the Borough, its officials, agents or employees.

**Section 11. No Enforcement Limitation.**

The issuance of a Certificate of Compliance shall not preclude or otherwise affect the authority of the Code Official from the enforcement of this or any other part of this code or codes, or applicable statute, ordinance, rule or regulation at any time.

**Section 12. Effective Date.**

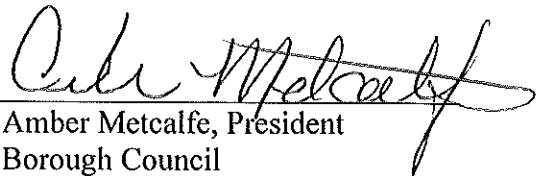
The provisions of this Ordinance and the International Property Maintenance Code, 2018, shall take effect immediately.

**ATTEST:**

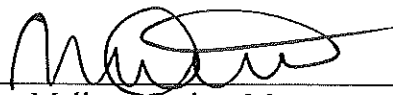


Sara Rhine  
Borough Secretary

**BOROUGH OF NEWBURG**

By:   
Amber Metcalfe, President  
Borough Council

**APPROVED BY:**

By:   
Melissa Negley, Mayor