

Chapter 141
REAL ESTATE REGISTRY

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[HISTORY: Adopted by the Council of the Borough of Berwick 11-24-1999 by Ord. No. 99-6. Amendments noted where applicable.]

GENERAL REFERENCES

Housing rehabilitation — See Ch. 20.	Health regulations — See Ch. 108.
Building construction and fire prevention — See Ch. 20.	Peace and good order — See Ch. 130.

§ 141-1. Title.

This chapter shall be known as the Borough of Berwick "Landlord Registration Ordinance."

§ 141-2. Definitions.

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

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer or the designee of the Code Enforcement Officer of the Borough of Berwick.

OWNER — The individual, entity or firm who is listed as the owner of a parcel of real estate in the Borough of Berwick as determined by the most recent deed to the parcel of real estate.

RESIDENTIAL RENTAL UNIT — Any structure within the Borough of Berwick which is occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel of real estate receives any value, including but not limited to money, for the exchange of services.

§ 141-3. Registration.

- A. Every owner of a residential rental unit must register the unit with the Code Enforcement Officer within 30 days after the effective date of this chapter.
- B. Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of

the Borough of Berwick within 30 days of the completion of the conversion of the unit or units or within 30 days of the time when any rent, including the exchange of other services for the unit or units, is obtained or within 30 days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.

- C. Any individual, entity or firm which purchases a residential rental unit must register the rental unit within 30 days after the purchase or transfer of the unit.
- D. The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within 30 days of any changes of that information set forth below.
- E. Registration information will include the following:
 - (1) Owner name, address, phone number.
 - (2) Agent name, address, phone number.
 - (3) Property address and number of units.
 - (4) Maximum occupancy per unit.
 - (5) Emergency phone number.
 - (6) Actual number of occupants.
 - (7) Names and addresses of current tenants.
- F. Notwithstanding any other provisions of this chapter, it is understood and agreed that the names and addresses of any tenants shall not be disclosed by any borough personnel in the event that the tenants are covered by an Order of Court requiring that their names and addresses be kept confidential.

§ 141-4. Yearly inspections.

- A. The owner of a residential rental unit shall inspect all units once a year using the Inspection Report attached as Exhibit A.¹ The Inspection Report shall be signed and dated by the owner of the residential rental unit and shall in addition be signed by all the tenants named on the lease at the time of the inspection.
- B. The Inspection Report shall be made available to the Code Enforcement Officer or designee upon demand. Further, copies of the Inspection Report shall be filed with the Code Enforcement Officer of the Borough of Berwick immediately upon completion.

§ 141-5. Property noncompliance.

Any owner of any residential rental unit who is convicted of violating this chapter or any other Berwick Borough Code concerning property maintenance at least one time in any twelve-month period will be subject to the provisions of § 141-6, Inspections, set forth below.

¹ Editor's Note: Said Inspection Report form is on file in the borough offices.

§ 141-6. Inspections.

- A. Any parcel of real estate containing a residential rental unit which has been found to be in noncompliance with this chapter shall be subject to inspection by the Code Enforcement Officer or his designee as follows:
- (1) Each residential rental unit referred to in § 141-5 shall be inspected one time each year. It is understood, however, that only the particular residential rental unit which contains a violation of this chapter shall be inspected as set forth above.
 - (2) In addition, each residential rental unit, as set forth in § 141-5 of this chapter, shall be inspected each time one of the residential rental units is vacant.
- B. In the event of a violation, a residential rental unit cannot be occupied unless the unit is approved as meeting the criteria of this chapter and any other applicable codes of the Borough of Berwick as determined by the Enforcement Officer or his designee.
- C. If after inspection of one or more of the residential rental units as set forth in § 141-5, the Code Enforcement Officer determines that there are violations of any codes of the Borough of Berwick, the Code Enforcement Officer shall provide a Notice of Violation which shall at a minimum set forth the following:
- (1) Street address of the property.
 - (2) Date of the inspection.
 - (3) Name of the inspector.
 - (4) List of violations.
- D. If, after a violation as set forth above, a parcel of real estate containing residential rental units has no violations of applicable codes of the Borough of Berwick for a period of two years, said property shall then be deemed to be back in compliance with the terms and conditions of this chapter and shall not then be subject to the inspections set forth in this section until there are other violations as defined in § 141-5 of this chapter.
- E. If a parcel of real estate in noncompliance with the terms and conditions of this chapter or other ordinances of the Borough of Berwick is sold, then the parcel of real estate shall remain in noncompliance until the sooner of the following has occurred:
- (1) The original two-year period with no violations passes with no further violations; or
 - (2) If six months passes after purchase by the new owner with no violations of any ordinances of the Borough of Berwick.
- F. All owners of any real estate containing or upon which are erected any residential rental units which are in noncompliance with this chapter and who desire to sell the parcel of real estate shall notify the purchasers, in writing, prior to the sale of the parcel of real estate that the parcel of real estate is in noncompliance of the terms and conditions of this chapter. Further, any property owner selling a parcel of real estate upon which is erected a residential rental unit or units which are found to be in noncompliance under the terms and conditions of this chapter shall notify the Code Enforcement Officer, in writing, within 30 days prior to closing on the sale of said parcel of real estate.

- G. All owners of any parcels of real estate containing residential rental units shall permit access to the property so that the Code Enforcement Officer of the Borough of Berwick or his designee shall be able to complete all inspections necessary to determine compliance with this chapter and any other applicable ordinances of the Borough of Berwick.
- H. For the purpose of enforcing this chapter, the Code Enforcement Officer or designee may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection or otherwise enforcing the terms and conditions of this chapter.

§ 141-7. Reinspection.

- A. The Code Enforcement Officer may reinspect any property subject to a notice of violation upon expiration of the time to accomplish repairs or upon notice from the owner that the violations have been rectified.
- B. The owner of any property containing or upon which is erected a residential rental unit shall pay a \$35 fee for each and every reinspection to cover the cost of a reinspection each time a reinspection is required under the terms of this chapter or each time a reinspection is requested by the Code Enforcement Officer to determine compliance with this chapter or any other applicable ordinances of the Borough of Berwick.

§ 141-8. Enforcement; violations and penalties.

- A. This chapter shall be enforced by the Code Enforcement Officer, or his designee, of the Borough of Berwick.
- B. Penalties.
 - (1) First offense. Any owner of a residential rental unit violating any provisions of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$100 for each and every offense.
 - (2) Second offense. Any owner of a residential rental unit violating any provisions of this chapter the second time in a twelve-month period shall be sentenced to pay a fine of less than \$100 nor more than \$200.
 - (3) Third offense. Any owner of a residential rental unit violating any provisions of this chapter the third time in a twelve-month period shall be sentenced to pay a fine of not less than \$150 nor more than \$300 or shall be imprisoned for a period of not more than 90 days, or both.
 - (c) Fines as imposed through this chapter shall be collectible as allowable by law.
 - (d) Each day during which any owner of a residential rental unit violates any provision of this chapter shall constitute a separate offense.
 - (e) This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Borough of Berwick or its agents or representatives to such equitable or other remedies as may otherwise be available with or without process of law.