ORDINANCE NO. 728

AN ORDINANCE OF THE BOROUGH OF SELLERSVILLE, BUCKS COUNTY, PENNSYLVANIA, REPEALING CHAPTER 116 OF THE CODE OF THE BOROUGH OF SELLERSVILLE AND REPLACING IT WITH REQUIREMENTS FOR THE LICENSING AND INSPECTION OF CERTAIN RESIDENTIAL RENTAL UNITS.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Sellersville Borough, Bucks County, that the Code of the Borough of Sellersville (the “Code”) is hereby amended as follows:

SECTION 1. Amendment to Code

Chapter 116 of the Code ("Rental Property") is hereby repealed in its entirety and replaced with the following new Chapter 116 entitled “Residential Rental Units – Licensing and Inspection”:

§ 116-1. Purpose.

The purpose of this chapter and the policy of Sellersville Borough shall be to protect and promote the public health, safety and welfare of its residents relating to the owners and occupants of certain residential rental units within the Borough and to encourage owners and tenants to maintain and improve the conditions of rental housing within the Borough. This chapter provides for a systematic licensing and inspection program for residential rental units.


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

APPLICABLE CODES – all federal, state, and local laws (statutory, common law, or otherwise), ordinances, codes, rules, regulations, orders, judgments, decrees, rulings, and other similar requirements that relate to the fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. This includes, but is not limited to, the following which are in effect as of the effective date of this chapter: The Uniform Construction Code, the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical Code, the International Building Code, and any amendments or supplements to any of the above.

BOARDINGHOUSE - a building arranged or used for lodging, with or without meals, for compensation, for more than three boarders.

BOROUGH - the Borough of Sellersville, Bucks County, Pennsylvania.

CODE ENFORCEMENT OFFICER - a person designated by Sellersville Borough Council to administer and enforce this chapter, or such person’s agent, employee, or designee.
DORMITORY - a building arranged or used for lodging more than three individuals and associated with a parent institutional use.

DWELLING - a building designed and constructed for residential purposes in which people live.

A. MULTIPLE DWELLING - a detached building consisting of three or more dwelling units and used exclusively for occupancy by not more than one family in each dwelling unit.

B. TOWNHOUSE DWELLING - a dwelling consisting of three or more attached buildings, each of which is used exclusively for occupancy by one family.

DWELLING UNIT - any structure or part thereof let for rent and occupied or to be occupied as living quarters for one family, except for structures or parts thereof occupied solely by the owner and members of the owner’s family.

FAMILY - one person or two or more persons related by blood, foster relationship, marriage or adoption and, in addition, any domestic servants or guests thereof, or one or more persons, who need not be so related, not to exceed the average numerical size of all families then residing within an eight-hundred-foot radius of the site of occupancy by the non-blood-related family and in addition, domestic servants or guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A group of six or more persons who are not within the second degree of kinship shall not be deemed to constitute a family. A roofer, boarder or lodger shall not be considered a member of the family. Sororities, fraternities and clubs shall not be considered a single housekeeping unit.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include six or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said tenants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

GUEST - any person present at any residential rental unit with the actual or implied consent of the occupant thereof.

HOTEL UNIT - a building other than a rooming house, boardinghouse or dormitory arranged or used for sheltering, sleeping or feeding, for compensation, of eight or more persons and in which no provision is made for cooking in any individual room or suite to be used for living and sleeping only on a transient basis for a period of less than thirty consecutive days.

MANAGER - a person retained by an owner to be responsible for one or more residential rental units.

NEW OR UNOCCUPIED RESIDENTIAL RENTAL UNIT - (i) any residential rental unit not occupied by a tenant as of the effective date of this chapter; (ii) any residential rental unit constructed on or after the effective date of this chapter; and (iii) any dwelling converted to a residential rental unit on or after the effective date of this chapter.
OWNER - the person who holds record title and, if applicable, the equitable owner of a residential rental unit. If more than one person owns the residential rental unit as joint tenants, tenants in common, tenants by the entireties, or tenants in co-partnership, each such person shall be considered an owner and shall have all of the duties of an owner under this chapter.

PERSON - a natural individual, unincorporated association, partnership, corporation, estate, trust or any other legally recognized entity, and the members of such partnership and the officers of such corporation.

PERSONAL CARE HOME - a premises in which food, shelter, and personal assistance or supervision are continually provided for four or more adults who are not relatives of the owner or operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration and which meets regulations of any applicable government licensing agency.

PRE-EXISTING RESIDENTIAL RENTAL UNIT - any residential rental unit that is occupied by a tenant as of the effective date of this chapter.

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

RESIDENTIAL RENTAL LICENSE - a license issued by the Borough under this chapter upon the satisfaction of all requirements for the issuance of such license.

RESIDENTIAL RENTAL UNIT - (i) a rooming unit; or (ii) a dwelling unit. Each individual townhouse dwelling, each single family home, each individual apartment unit, each individual unit in a multiple dwelling, and each rooming unit shall be considered a separate residential rental unit. If a structure contains a rooming unit or if any portion of the structure is let for rent, it shall be considered a residential rental unit whether or not the owner or a member of the Owner's family also resides in the structure. A residential rental unit shall not include a hotel unit or a personal care home. A residential rental unit includes dwelling units under lease-purchase agreements with a term of more than six months.

ROOMER, BOARDER or LODGER - a person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging and/or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified, for the purposes of this chapter, not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment (i.e., motel, hotel, tourist home).

ROOMING UNIT - a portion of a dwelling unit including any room or group of rooms forming a single habitable unit let for rent and used or intended to be used for living and sleeping but not for cooking purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit.

TENANT - any person over one year of age living and sleeping in a residential rental unit or having actual possession of a residential rental unit.
§ 116-3. Applicability.

This chapter shall apply to owners of all residential rental units located in the Borough.

§ 116-4. Duties of Owners of Residential Rental Units.

It shall be the duty of every owner of a residential rental unit to:

A. Keep and maintain all residential rental units in compliance with all applicable codes.

B. Keep and maintain all premises containing a residential rental unit in a good and safe condition.

C. Pay or ensure payment of all Borough real estate taxes, sewer fees, water fees, and trash fees to ensure that such vital utilities are provided.

D. Apply for, obtain, and maintain a residential rental license for each residential rental unit in a timely manner.

E. Notify the Borough of a sale or transfer of a licensed residential rental unit within ten days of such sale or transfer.

F. Provide each tenant with information and regulations as to the collection of trash and recyclables.

G. Provide each tenant with a disclosure statement containing the material requirements of this chapter. Providing a copy of this chapter to each tenant will satisfy this requirement.

H. Take all actions necessary to ensure that each residential rental unit is occupied by only one family.

I. Retain a manager when this chapter requires that a manager be retained.

§ 116-5. Duties of Tenants of Residential Rental Units.

It shall be the duty of every tenant of a residential rental unit to:

A. Comply with all applicable obligations of this chapter and all applicable codes.

B. Conduct himself/herself and require other persons including, but not limited to, guests on the premises and within their residential rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of occupants of adjacent or nearby dwellings.

C. Use the residential rental unit for no purpose other than as a residence.
D. Allow the Code Enforcement Officer to inspect the residential rental unit at all reasonable times.

E. Not allow persons other than those identified on the lease to reside in the residential rental unit.

F. Not allow the residential rental unit to be occupied by more than one family.

G. Keep hallways and entryways clear for safe ingress and egress.

§ 116-6. Retention of Manager.

Any owner of a residential rental unit who resides or, in the case of a business entity, has a principal place of business, more than thirty miles from the Borough's municipal boundary, shall employ or retain a qualified property manager who resides or, in the case of a business entity, has a principal place of business, no more than thirty miles from the Borough's municipal boundary. The owner or property manager shall also designate an alternate property manager to be contacted when the owner or property manager is unavailable for any reason. The owner shall notify the Code Enforcement Officer in writing within thirty days of any change in property manager or alternate property manager. The employment or retention of a property manager and alternate property manager shall in no way relieve the owner of a residential rental unit of the responsibilities and duties set forth in this chapter.

§ 116-7. Application for a Residential Rental License.

Every owner of a residential rental unit shall fully and accurately complete an application for a residential rental license on a form supplied by the Code Enforcement Officer. Such application shall be signed by the owner and, if applicable, the property manager, and submitted to the Code Enforcement Officer with the prescribed application fee. If the application is incomplete, the Code Enforcement Officer shall, within five business days, return the submission to the owner indicating the deficiencies. Upon receipt of a properly completed application and the prescribed application fee, the Code Enforcement Officer shall schedule a property inspection as set forth in Section 116-9 of this chapter.

§ 116-8. Time for Application for a Residential Rental License.

A. New or Unoccupied Residential Rental Unit. The owner of any new or unoccupied residential rental unit shall submit an application for and be issued a residential rental license before entering into a lease or other similar agreement with a tenant, or allowing a tenant to occupy any residential rental unit.

B. Pre-existing Residential Rental Unit. The owner of any pre-existing residential rental unit shall submit an application for a residential rental license on or before December 31, 2019.

§ 116-9. Inspections.

A. Upon receipt of a completed application for a residential rental license and the applicable fee, the Code Enforcement Officer shall contact the owner and, if applicable, the tenant, and schedule an inspection of the residential rental unit. Initial inspections of pre-existing residential
rental units will occur during the 2020 calendar year in accordance with a phased-in systematic
inspection program to be prepared by the Code Enforcement Officer. Initial inspections of new or
unoccupied residential rental units will occur as soon as administratively feasible after filing a
completed application for a residential rental license.

B. The Code Enforcement Officer is also authorized to inspect any residential rental unit at
any reasonable time in response to a complaint that an alleged violation of this chapter or any
applicable codes has been committed.

C. The Code Enforcement Officer is also authorized to inspect any residential rental unit at
any reasonable time if the Code Enforcement Officer has probable cause to believe there has been
a violation of this chapter or any applicable codes.

D. All owners of residential rental units, and all tenants occupying residential rental units,
shall permit access to the premises in order to allow inspections by the Code Enforcement Officer
to determine compliance with this chapter and with all applicable codes. The penalty for not
allowing an inspection shall be the denial of a residential rental license, or, if a residential rental
license has been issued, the revocation of that residential rental license.

E. Upon the refusal of entry to permit an inspection by the Code Enforcement Officer, the
Code Enforcement Officer may seek to obtain an administrative warrant by a competent authority
for the purpose of compelling an inspection or otherwise enforcing the terms of this chapter.

§ 116-10. Results of Inspections.

A. The Code Enforcement Officer shall prepare a written report containing the results of all
inspections conducted pursuant to Section 116-9 of this chapter.

B. If an inspection is conducted pursuant to Section 116-9 A. of this chapter and the Code
Enforcement Officer determines that the residential rental unit is in compliance with all applicable
codes, the Code Enforcement Officer shall, subject to the owner’s satisfaction of the additional
requirements set forth in Section 116-13 of this chapter, issue a residential rental license to the
owner.

C. Upon completion of any inspection conducted pursuant to Section 116-9 of this chapter,
if the Code Enforcement Officer determines that the residential rental unit is not in compliance
with all applicable codes, the Code Enforcement Officer shall issue a notice of violation pursuant
to Section 116-11 of this chapter and, if appropriate, commence enforcement actions under the
procedures set forth in the applicable codes.


A. Whenever the Code Enforcement Officer determines that a residential rental unit is not
in compliance with all applicable codes, the Code Enforcement Officer shall issue a notice of
violation to the owner of the residential rental unit, setting forth the alleged noncompliance and
directing the owner to correct such noncompliance. The notice of violation shall:

(1) be in writing;
(2) describe the alleged noncompliance and the applicable codes;

(3) identify the residential rental unit where the noncompliance is alleged to exist; and

(4) provide a reasonable time for the correction of any alleged noncompliance. The time to cure such alleged noncompliance shall take into account the seriousness of the alleged noncompliance. The Code Enforcement Officer may, in his or her sole discretion, grant an extension of time to cure the alleged noncompliance upon the written request of the owner for good cause and provided that the owner is exercising due diligence and is unable to cure the alleged noncompliance through no fault of the owner.

B. All notices of violation shall be served either personally or by certified mail at the last known address of the owner and, if applicable, the manager. Service of a notice of violation upon a manager shall be deemed to be service upon the owner. The notice of violation shall also be posted at the residential rental unit.

C. If the owner fails or refuses to timely correct any alleged noncompliance, the Borough may, at its option, cause such noncompliance to be corrected by the Borough, and the cost thereof, with a penalty of 10%, shall be collected from the owner in the manner provided by law, including the imposition of a municipal lien upon the premises.

§ 116-12. Reinspection.

A. The Code Enforcement Officer shall reinspect the residential rental unit subject to a notice of violation upon expiration of the time to cure noncompliance or upon written notice from the owner that the alleged noncompliance has been cured.

B. If, upon a reinspection after a notice of violation has been issued following an inspection under Section 116-9 A. of this chapter, the Code Enforcement Officer determines that any alleged noncompliance has been cured, the Code Enforcement Officer shall, subject to the owner's satisfaction of the additional requirements set forth in Section 116-13 of this chapter, issue a residential rental license to the owner.

C. The owner of the residential rental unit subject to a notice of violation shall pay a reinspection fee as set from time to time by resolution of Borough Council for each reinspection required under this Ordinance, or each reinspection requested by the Code Enforcement Officer to determine compliance with this chapter or any applicable codes.


No residential rental license shall be issued to any owner of a residential rental unit who is not current on Borough real estate taxes, sewer fees, trash collection fees, permit fees, inspection fees, or who has unpaid municipal claims.

§ 116-14. Unlawful to Lease a Residential Rental Unit Without a Residential Rental License.
It shall be unlawful for any owner of a residential rental unit to enter into a lease or other similar agreement with a tenant, or allow a tenant to occupy any residential rental unit before making a timely application for and being issued a residential rental license. Provided, however, that it shall not be unlawful for any owner of a pre-existing residential rental unit to continue to allow a tenant to occupy such residential rental unit without a residential rental license so long as such owner has timely applied for a residential rental license and has timely complied with all requirements of the Code Enforcement Officer and the provisions of this chapter.


A. Unless revoked under Section 116-17 of this chapter, a residential rental license shall expire upon the first to occur of the following: (i) the expiration of three years from the date of issuance; or (ii) the sale or transfer of the residential rental unit.

B. No later than sixty days prior to the expiration of a residential rental license under Section 116-15 A. (i) of this chapter, the owner of a residential rental unit shall apply for a new residential rental license pursuant to Section 116-7 of this chapter. Thereafter, the residential rental unit shall be subject to the inspection(s) set forth in this chapter.

C. No later than thirty days following the expiration of a residential rental license under Section 116-15 A. (ii) of this chapter, the new owner of a residential rental unit shall apply for a new residential rental license pursuant to Section 116-7 of this chapter. Thereafter, the residential rental unit shall be subject to the inspection(s) set forth in this chapter.

§ 116-16. Display of Residential Rental License.

The owner of a residential rental unit shall post a copy of the residential rental license, and ensure that it remains posted throughout the rental term, in the residential rental unit.

§ 116-17. Revocation of Residential Rental License.

A. The Code Enforcement Officer shall revoke a residential rental license for any of the following reasons:

(1) the owner of a residential rental unit has any unpaid Borough real estate taxes, sewer fees, trash collection fees, permit fees, inspection fees, or municipal claims;

(2) the owner of a residential rental unit fails to timely correct any noncompliance identified in a notice of violation;

(3) the owner of a residential rental unit has not complied with any of the obligations applicable to owners under this chapter.

B. The Code Enforcement Officer shall provide written notice to the owner of a residential rental unit that the residential rental license has been revoked. The written notice shall (i) identify the residential rental unit; (ii) the reasons for the revocation; and (iii) inform the owner of the right to appeal the revocation to Borough Council.
C. The Code Enforcement Officer may reinstate a residential rental license if the owner corrects the reason for the revocation and has paid the reinstatement fee as set from time to time by resolution of Borough Council.


This chapter shall be enforced by a criminal action in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal procedure. A person convicted of violating this chapter shall be sentenced to pay a fine not to exceed $1,000 per violation, plus court costs and reasonable attorney’s fees incurred by the Borough of Sellersville, or to imprisonment for not more than 90 days, or both. Violations of more than one provision of this chapter shall constitute separate violations. Each day that a violation of any provision of this chapter continues or occurs shall constitute a separate violation.


The penalty provisions in this chapter and the revocation procedures shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough. The remedies and procedures in this chapter shall not supplant or replace the remedies and procedures available to the Borough in the case of a violation of any applicable codes, whether or not such applicable code is referenced in this chapter and whether or not an ongoing violation of such of other applicable code is cited as the underlying grounds for a finding of a violation of this chapter.

§ 116-20. Joint and several responsibility.

If any residential rental unit is owned by more than one owner, each owner shall be jointly and severally subject to prosecution under Section 116-18 of this chapter and shall be jointly and severally liable for any monetary fines, costs, and penalties.


An appeal from any decision of the Code Enforcement Officer shall be taken to Borough Council. The appeal shall be in writing and filed with the Borough Secretary no later than ten days after such decision is made. The appeal shall include a detailed statement of the grounds for the appeal, including the reasons why the Code Enforcement Officer’s decision should be overturned, and a statement of the requested relief. The appeal shall be submitted on a form supplied by the Code Enforcement Officer and shall be accompanied by an appeal fee as set from time to time by resolution of Borough Council. Borough Council shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§ 751, et seq. The Borough Manager/Secretary shall schedule a hearing to be held at the next regularly scheduled public meeting of Borough Council not less than ten days from the date on which the appeal is filed. Borough Council’s written adjudication shall be rendered at a public meeting no later than forty-five days after the hearing.

SECTION 2. Repealer

All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed.
SECTION 3. Severability

If any part of this Ordinance is for any reason held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Effective Date

This Ordinance shall become effective immediately.

ORDAINED and ENACTED this 12th day of August, 2019, by Sellersville Borough Council.

ATTEST: BOROUGH OF SELLERSVILLE

David J. Rivet Lois A. Dodson
Secretary of Borough Council President of Borough Council

APPROVED this 12th day of August, 2019

Thomas C. Hufnagle, Mayor