

# **Chapter 11**

## **Housing**

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**Part 1****Landlord Occupancy Reports****§11-101. Purposes.**

This Part is enacted to provide for the uniform and equitable distribution of the tax levies in the Borough of Ivyland and upon the inhabitants thereof and to promote the health, safety, morals and general welfare of the inhabitants of the Borough of Ivyland. (Ord. 1990-4, 12/5/1990, §101)

**§11-102. Definitions and Interpretations.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

*Business unit*—a parcel of real estate, with or without improvements located thereon, utilized by any person or persons for any nonresidential activity or purpose.

*Dwelling unit*—one or more rooms used for living and sleeping purposes arranged for occupancy by one family or by one or more persons.

*Landlord*—a lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Borough of Ivyland, or a lessor, or person who acts as agent for the lessors, of any improvements on real estate or any building located in the Borough of Ivyland.

*Person*—any individual, partnership, association, firm or corporation.

*Tenant*—a person who has entered into a lease agreement with a landlord, either by himself or with others, whether oral or written, for a dwelling unit or a business unit, where such person or persons occupy the unit for a period exceeding 30 days.

(Ord. 1990-4, 12/5/1990, §102)

**§11-103. Reports by Landlords.**

Within 30 days from the effective date of this Part, each landlord shall submit to the Borough Secretary a report form supplied by the Borough Secretary, which includes the following information:

- A. A list of the dwelling units and business units owned by the landlord, located within the Borough of Ivyland limits, whether occupied or not occupied.
- B. The address of each dwelling unit and business unit.
- C. A brief description of each dwelling unit or business unit.
- D. Whether or not said dwelling unit or business unit is inhabited or utilized by tenants.
- E. The name of the tenant or tenants utilizing the aforementioned dwelling unit or business unit, if any.

(Ord. 1990-4, 12/5/1990, §103)

**§11-104. Reports by Persons upon Becoming Landlords.**

After the effective date of this Part, any person who becomes a landlord of any parcel of real estate or any improvement on real estate or building located in the Borough of Ivyland by agreement of sale, by deed, or by any other means, shall, within 30 days thereafter, report to the Borough Secretary the information and data set forth in §11-103 above, and on forms to be provided by the Borough Secretary.

*(Ord. 1990-4, 12/5/1990, §104)*

**§11-105. Reports of Changes in Use or Occupancy.**

After the effective date of this Part, each and every landlord of property within the Borough of Ivyland shall report to the Borough Secretary on a report form to be supplied by the Borough Secretary, any change in the use or occupancy of any dwelling unit or business unit owned by such landlord. The reported change shall include the name or names of new tenants of such dwelling unit or business unit, the date when such change was effected, and the forwarding address of the old tenant or tenants if known. A landlord of a hotel, inn or boarding house shall not be required to report a person as a “tenant” until that person has resided in such landlord’s establishment for a period exceeding 30 days. In the event that a dwelling unit or business unit was used or utilized by a tenant and then becomes vacant, this change shall also be reported to the Borough Secretary. All reports required by this Section shall be made within 10 days after a landlord has knowledge that such a unit has had a change in occupancy or has become vacant.

*(Ord. 1990-4, 12/5/1990, §105)*

**§11-106. Duties of the Borough Secretary.**

The Borough Secretary, under the authority of this Part, shall:

A. Maintain on file at the Borough office the names of the landlords owning dwelling units and business units in the Borough of Ivyland, said list to include the names of the current tenants of said dwelling units and business units.

B. Maintain a supply of forms for landlords to use in making reports to the Borough Secretary as required by §§11-103–11-105 of this Part.

C. Notify the Chief of Police and the Fire Chief of the Borough of Ivyland of the address and description of any dwelling unit or business unit that is vacant, unoccupied and not in use.

*(Ord. 1990-4, 12/5/1990, §106)*

**§11-107. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 1990-4, 12/5/1990, §107; as amended by Ord. 2011-3, 11/9/2011)*

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**Part 2****Occupancy Certificates****§11-201. Purpose.**

The purpose of this Part is to protect the public health, safety and welfare by controlling and regulating the occupancy of both leased properties and properties in which title of ownership is transferred, in order to ensure that said properties and any use thereof will in no way adversely affect the public health, safety or welfare of any individual or the community as a whole.

(Ord. 2001-5, 10/10/2001, §1)

**§11-202. Definitions.**

Where the following words are used in this Part, they shall be defined as follows:

*Building Inspector*—any of the following person or persons, either singly or in combination, who shall serve at the pleasure of Borough Council to make the proper occupancy inspections:

- A. The Building Inspector of the Borough of Ivyland.
- B. A member of the Public Safety Committee of Council.
- C. The BOCA Code Enforcement Official.

D. Any other person that the Borough Council, by resolution, may designate from time to time.

*Business*—any building, building structure, temporary building or temporary building structure in which any portion of the building, building structure, temporary building or temporary building structure is wholly or partly used for any enterprise, mercantile transaction, occupation or endeavor.

*Dwelling*—a building structure, including temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants, including single-room units and multi-room units.

*Dwelling unit*—any building, building structure, temporary building or temporary building structure, including but not limited to temporary housing, which is wholly or partly used or intended to be used for living or sleeping by a human occupant or human occupants, including single-room dwelling units and multi-room dwelling units.

*Multi-room dwelling unit*—any group of rooms forming a single habitable unit used or intended to be used for living and sleeping as well as for cooking and eating purposes.

*Owner*—any person, firm, corporation, association, partnership or other legal entity which alone, jointly severally with others holds legal or equitable title to any building within the Borough of Ivyland.

*Person*—any individual or group of individuals.

*Single-room dwelling unit*—any room forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(*Ord. 2001-5, 10/10/2001, §2*)

**§11-203. Occupancy Certificate Required Prior to Lease or Sale.**

1. Each and every time a business or dwelling unit, including a single-room dwelling unit or a multi-room dwelling unit, is rented, leased or sold, the owner and/or the executor, administrator, guardian or representative of a deceased or incompetent owner and/or president of any corporation which is the owner and/or all joint owners shall apply for and obtain by no later than 72 hours prior to occupancy or sale, an occupancy certificate from the Building Inspector of the Borough of Ivyland. The application for an occupancy certificate may be made by an agent of the person or persons whose responsibility it is to obtain the occupancy certificate.

2. An applicant for a certificate of occupancy shall inform the renter, lessee, or buyer of said property of the result of the inspection, prior to the lease, rental, or sale.

3. Should an inspection result in the denial of a certificate of occupancy, the lease, rental or sale may still take place; however, no one shall occupy the premises until another inspection by the Building Inspector is made and a certificate of occupancy is issued.

4. In the event that the premises are occupied when a certificate of occupancy is denied, depending on the particular defective condition and in the sole discretion of the Building Inspector, the Building Inspector may allow occupancy to continue for a reasonable amount of time, but in no event shall it exceed 90 days.

(*Ord. 2001-5, 10/10/2001, §3*)

**§11-204. Minimum Standards for Certificate of Occupancy.**

No occupancy certificate shall be issued for any business or dwelling unit or building, single room unit or multi-room dwelling unit unless the business or dwelling unit or building complies with the Housing Standards Code of the Borough of Ivyland.

(*Ord. 2001-5, 10/10/2001, §4*)

**§11-205. Inspections; Fees.**

1. Prior to issuing an occupancy certificate, the Building Inspector shall inspect the business or dwelling unit or building to determine whether or not it complies with the requirements as set forth in this Part. When the unit meets the requirements an occupancy certificate shall be issued for such fee as may be established from time to time by resolution by Borough Council. [*Ord. 2011-3*]

2. Any person or persons authorized to make occupancy inspections, as defined in §11-102 as the Building Inspector, shall enjoy all the privileges, rights and immunities which would inure to the Building Inspector of the Borough of Ivyland.

(*Ord. 2001-5, 10/10/2001, §5; as amended by Ord. 2011-3, 11/9/2011*)

**§11-206. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues

or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2001-5, 10/10/2001, §6; as amended by Ord. 2011-3, 11/9/2011*)





**Part 3****Sex Offender Residency Restrictions****§11-301. Definitions.**

*Child care facility*—a licensed day care center, child care facility or any other child care services facility exempt from licensing pursuant to the laws of the Commonwealth of Pennsylvania.

*Common open space*—the area of land and/or water restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for residents of Ivyland Borough which said open space is regulated, maintained and/or owned by the Borough of Ivyland.

*Community center*—a building and related facilities used for educational, social, cultural or recreational activities.

*Permanent residence*—a place where a person lives, abides, lodges or resides for 14 or more consecutive days.

*Public park or recreational facility*—any recreational facility, playground or park, owned or operated by the Borough or any other governmental agency including, but not limited to, the Centennial School District, the County of Bucks or the Commonwealth of Pennsylvania.

*School*—any public or private school which provides education services to a minor.

*Sex offender*—any person, over the age of 18 years of age, who has been convicted of any crime against a minor identified in 42 Pa.C.S.A. §9795.1 which includes, but is not limited to, kidnapping, luring a child into a motor vehicle, institutional sexual assault, indecent assault, incest, prostitution, receiving sexual materials, sexual abuse of children, unlawful contact with minors, sexual exploitation of children, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault and individuals convicted of any attempt to commit any of the offenses enumerated therein.

*Temporary residence*—a place where a person lives, abides, lodges, or resides for a period of less than 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges or resides and which is not the person's permanent residence.

(Ord. 2008-3, 12/10/2008, §1)

**§11-302. Residency Restriction/Prohibition.**

1. It shall be unlawful for any sex offender to establish a permanent or temporary residence within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities.

2. For the purpose of determining the minimum distance separation the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the sex offender to the nearest outer property line of a school, child care facility, common open space, community center, public park or recreational facilities.

(Ord. 2008-3, 12/10/2008, §2)

**§11-303. Notice to Move.**

Any sex offender who resides on a permanent or temporary basis within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities shall within 45 days of receipt of written notice of the sex offender's non-compliance with this Part, move from said location to a new location, but said location may not be within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities within the Borough. It shall constitute a continuing violation for each day beyond the 45 days the sex offender continues to reside within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities. Furthermore, it shall be a violation each day that a sex offender shall move from one location in the Borough to another that is within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities.

(*Ord. 2008-3, 12/10/2008, §3*)

**§11-304. Exceptions.**

This Part shall not apply to any person who has established residence prior to the effective date of this Part, and it shall not apply if the school, child care facility, common open space, community center, public park or recreational facilities within 1,500 feet of the sex offender's permanent residence was established subsequent to the establishing of the sex offender's permanent residence.

(*Ord. 2008-3, 12/10/2008, §4*)

**§11-305. Exemptions.**

The provisions of this Part shall not be applicable to persons incarcerated in any facilities owned, maintained and/or operated by the County of Bucks.

(*Ord. 2008-3, 12/10/2008, §5*)

**§11-306. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and reasonable attorney's fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2008-3, 12/10/2008, §6; as amended by Ord. 2011-3, 11/9/2011*)

**§11-307. Enforcement.**

The Ivyland Borough Police Department shall be charged with the enforcement of this Part.

(*Ord. 2008-3, 12/10/2008, §7*)

**§11-308. Publication.**

The Borough Secretary is hereby directed by 20 days after the effective date of this Part to have prepared and placed on the Borough website a map of the Borough

depicting the areas where sex offenders are restricted from residing on a permanent or temporary basis.

(*Ord. 2008-3, 12/10/2008, §8*)

