

Article IV — Miscellaneous

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Article IV – Miscellaneous

§ 36-401 Fees.

Each Landlord shall pay the following fees in connection with the administration of this Chapter:

(a) **Initial Registration.** The fee for the initial registration of a Residential Rental Unit under this Chapter shall be One Hundred Fifty Dollars (\$150.00) *provided* that if the exception for new construction in § 36-203(d) applies, the fee for the initial registration shall be Ten Dollars (\$10.00).

(b) **Annual Renewal.** The fee for the renewal of a registration for a new calendar year shall be One Hundred Fifty Dollars (\$150.00), if paid when due and One Hundred Seventy-five Dollars (\$175.00) if more than thirty (30) calendar days late. However, there shall be no fee for the renewal of a registration for calendar year 2018 if the initial registration of the Residential Rental Unit occurred during 2017.

(c) **Registration Transfer.** The fee for the transfer of a registration to a successor owner shall be Ten Dollars (\$10.00).

(d) **Reinspections.** The fee for any reinspection under § 36-204(d) shall be One Hundred Forty Dollars (\$140.00).

(e) **Miscellaneous.** All fees under this Section shall be payable to the Borough. All fees shall be paid in full before the registrations are issued, renewed, or transferred, and before inspections are made which are necessary for the issuance or renewal of a registration. If the failure of a person to pay any required fees results in his/her/its failure to obtain a required inspection and/or registration, any resulting violations of this Chapter shall subject the person to the applicable penalties of § 36-402.

[Ords. 538 05-10-2017, 539 07-12-2017, 583 12-27-2023]

§ 36-402 Violations and Penalties.

(a) **Civil Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a civil penalty of One Hundred Dollars (\$100.00).

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Chapter to the Borough Manager. The Borough Manager shall serve notice of the violation(s) upon the person determined to have violated this Chapter in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Chapter is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Borough Manager shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(b)(4), 8 PA. CONS. STAT. § 3321(b)(4), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Chapter in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) Separate Offenses. Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense, and each violation with respect to a separate Residential Rental Unit shall constitute a separate offense.

(e) Equitable Remedies. In addition to or in lieu of enforcement of this Chapter through a civil action, the Borough may enforce this Chapter through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

[Ord. 538 05-10-2017]

§ 36-403 No Waiver.

The failure of the Borough to insist on timely performance or compliance by any person with the requirements of this Chapter shall not constitute a waiver of the Borough's right to later insist on timely performance or compliance by that person or any other person. The failure of the Borough to enforce any provision of this Chapter on any occasion shall not operate as a waiver or estoppel of its right to enforce any provision of this Chapter on any other occasion. Nothing in this Chapter shall restrict or prevent the Borough from enforcing any Codes or other ordinance requirements not contained in this Chapter to the same extent as if this Chapter had not been enacted. This Chapter regulates the ability of an owner to rent or otherwise permit the occupancy of his/her/its property by others for residential purposes. The Codes regulate the condition of a property itself and are separately enforceable in accordance with their own terms, regardless of whether the property contains a Residential Rental Unit.

[Ord. 538 05-10-2017]