

BOROUGH OF FLEETWOOD
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 661

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF FLEETWOOD CODE OF ORDINANCES BY REPEALING CHAPTER 223 TITLED "RENTAL PROPERTY" AND CHAPTER 224 TITLED "COMMERCIAL REGISTRATION AND INSPECTION", CREATING A NEW CHAPTER TITLED "BUSINESS PRIVILEGE LICENSE"; ESTABLISHING BUSINESS PRIVILEGE LICENSING REQUIREMENTS FOR BUSINESSES LOCATED WITH THE BOROUGH, INCLUDING DEFINITIONS AND REGULATIONS REGARDING LICENSES, APPLICATIONS AND NOTIFICATION OF CHANGES, TERMS, FEES, INSPECTIONS, LICENSE REVOCATIONS, INJUNCTIVE RELIEF, PENALTIES, COLLECTIONS, NON-EXCLUSIVE REMEDIES, AND RIGHTS OF ENTRY.

BE IT ENACTED AND ORDAINED by the Borough of Fleetwood, Berks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same:

SECTION 1. Chapter 223 titled "Rental Property" and Chapter 224 titled "Commercial Registration and Inspection" of the Borough of Fleetwood Code of Ordinances are hereby repealed in their entirety.

SECTION 2. Borough Council hereby creates a new Chapter titled "Licenses" and establishes business privilege licensing requirements for businesses located within the Borough of Fleetwood, as follows:

CHAPTER ____ BUSINESS PRIVILEGE LICENSE

ARTICLE I

DEFINITIONS

§ 223-1. **Definitions.** In the construction of this Ordinance, the following definitions shall apply unless their application frustrates the purpose of the Ordinance.

A. **Agent.** Any individual, partnership, limited partnership, association, firm, corporation, or other legal entity located within a fifty (50) mile radius of the Borough of Fleetwood, authorized to accept notices, service of process and violations of this Ordinance.

B. **Application.** The License Applications for rental properties or commercial businesses as may be adopted and amended by Borough Council from time to time.

C. **Borough.** The Borough of Fleetwood, Berks County, Pennsylvania.

D. **Borough Code of Ordinances.** The Code of Ordinances adopted by the Borough Council of the Borough of Fleetwood, including the then-current building, fire and construction codes.

E. **Building Inspector.** The Building Inspector authorized by the Borough of Fleetwood. For the purposes of this Ordinance, the Building Inspector shall include the Codes Official, Code Enforcement Officer and the Chair of the Borough Council Codes & Enforcement Committee, and any and all individuals who shall be an assistant or designee thereof.

F. **Business.** Any activity carried on or exercised for gain or profit within the Borough of Fleetwood including, but not limited to, (1) the sale of merchandise or other tangible personalty; (2) the performance of services; (3) the lease or rental of residential and commercial real estate; and (4) all other activity, whatsoever, carried on or exercised for gain or profit within the Borough of Fleetwood.

G. **Certified Code Official.** A person who may legally engage in any aspect of UCC enforcement who holds UCC certification in each category of work that they perform.

H. **Family.** Two (2) or more persons related by blood, marriage, adoption, union, foster relationship or legal custody living together in a single household unit and sharing cooking facilities, where such family members shall be in relation within three (3) degrees of consanguinity (i.e., parents, children, siblings, grandparents, grandchildren, aunts, and uncles).

I. **Home Based Business.** A location primarily used as a residence where business is conducted specifically by the individuals who are residents of the residential property and the business purpose is ancillary to the residential purpose. A Home Based Business shall not include a residence where a business is conducted and there are separate apartments which are offered for rent.

J. **Inspection Checklist.** The inspection checklists for rental properties or commercial businesses as may be adopted and amended by Borough Council from time to time.

K. **License.** The Business Privilege License issued by the Borough of Fleetwood to a individual, partnership, limited partnership, association, firm, corporation, or other legal entity to conduct or continue to conduct any business, permanent or temporary, within the Borough.

L. **Licensee.** The individual, partnership, limited partnership, association, firm, corporation, or other legal entity engaging in business in the Borough of Fleetwood to whom the Business Privilege License has been issued.

M. **Licensed Property.** A location primarily used for business purposes for which the Business Privilege License has been issued.

N. **Work at Home Business.** A location primarily used as a residence where the only individuals performing business efforts are the residents where the business is conducted. Work at Home Business shall include efforts that would never have a business invitee at the location and where the main effort of the business is conducted elsewhere, the only connection to the real estate is that a resident of the real estate is physically located in that venue when they are working remotely.

Other terms are defined throughout the text of this Ordinance and shall have the meanings respectively ascribed to them.

ARTICLE II

BUSINESS PRIVILEGE LICENSE

§ 223-2. License Required.

Every Person desiring to conduct or continue to conduct any Business, permanent or temporary, within the Borough, including leasing rental property to a Family member, shall obtain from the Borough a License prior to commencement of Business or within thirty (30) days of a change in any element of operation of the Business or use of the property. Where more than one (1) place of Business is conducted at a location, a separate License shall be obtained for each place of business.

Home-Based Businesses or Work at Home Businesses shall not be required to obtain a License.

Any License issued to a Licensee which is valid at the time of enactment of this Ordinance shall remain valid for the period up to the time the Licensee is required to submit a new Application as provided under §223-3 of this Ordinance, unless sooner revoked.

§ 223-3. Application, Notification of Changes.

Any Person desiring to conduct Business or continue to conduct any Business within the Borough after the License shall expire, shall file with the Borough an Application on a form prepared and provided by the Borough.

Any Person desiring to conduct business within the Borough engaged in the business of leasing or subleasing real estate within the Borough, that Person shall provide a list of his or her tenants, along with his or her Application, or upon request by the Borough. A License will not be issued until all information in the Application is complete including, if required, a current list of tenants and payment of the requisite fee.

All Licensees leasing or subleasing real estate within the Borough and who hold a License are obligated to notify the Borough of any changes of tenancy in their Licensed Property during the course of the term of the License.

The Application shall be submitted to the Borough on or before the 1st day of April of each required year on the following basis, or within thirty (30) days of a change in any element of operation of the Business, including but not limited to a change in tenant information, change of owner information, or a change of property manager. Persons desiring to conduct Business at a location with an even-numbered street address shall submit the Applications in even years beginning January 1, 2026, and Persons desiring to conduct Business at a location with an odd-numbered street address shall submit the Applications in odd years beginning January 1, 2027.

§ 223-4. Agent.

All Applicants not residing within fifty (50) miles of the Borough shall be required to designate

on the Application an Agent located within a fifty (50) mile radius of the Borough for receipt of service of all notices and for service of process.

§ 223-5. Term.

A License shall be effective from the date issued and shall be valid for the period up to the time the Licensee is required to submit a new Application as provided under this Ordinance, unless sooner revoked.

§ 223-6. Fees.

The License fee, for each initial License and for each renewal of the License, shall be in an amount as established from time to time by resolution of Borough Council and shall be submitted with the Application or within thirty (30) days of a change in any element of operation of the Business or use of the property. Failure to pay the License fee when due shall result in a penalty in an amount as established from time to time by resolution of Borough Council, which penalty shall be added to the License fee due.

Any Person leasing rental property to a Family member shall not be required to pay a License fee.

The License fee paid shall include one (1) hour inspection time. Any additional inspection time will be invoiced in accordance with the fee schedule adopted by the Borough from time to time. One (1) follow-up inspection to verify that prior inspection deficiencies have been corrected shall be included in the License fee.

§ 223-7. Inspections.

1. Every Licensee who conducts Business in the Borough shall comply with all provisions of the applicable Inspection Checklist.

2. After submitting an Application to the Borough, and paying the appropriate License fee, an inspection of the property where the Business will be located will be scheduled by the Borough no sooner than forty-eight (48) hours of scheduling the inspection. The inspection must occur by September 1st of the year the Application and License fee are received by the Borough. Each property with an even numbered street address shall be inspected in even years, and each property with odd numbered addresses shall be inspected in odd years.

3. The Building Inspector or his or her designee shall inspect all property to ensure compliance with the law as outlined in this Ordinance. The property shall be inspected for compliance with the specific Inspection Checklist. Any obvious structural or safety issues may be referred to an appropriate Certified Code Official as required in the sole opinion of the Building Inspector. In the event that the property passes all items of the inspection, a License shall be issued

4. Repairs must be corrected within thirty (30) days of issuance of the notice of repairs. A re-inspection shall occur to verify compliance with the specific Inspection Checklist. In the event that the property fails to pass an inspection, the Applicant shall have an

additional thirty (30) days to make the repairs. Each re-inspection after the initial follow-up inspection will require an additional inspection fee in an amount as established from time to time by resolution of Borough Council. Once the property passes all items of re-inspection, a License shall be issued.

5. If after initial inspection of the property, the Building Inspector determines that further inspection is required, the Building Inspector shall conduct a full inspection of the property based upon the Pennsylvania Uniform Construction Code, the Borough Code of Ordinances, and any other law or regulation of the Commonwealth of Pennsylvania. In the event that the Building Inspector must conduct a full inspection of the Property, an additional inspection fee shall be charged in an amount as established from time to time by resolution of Borough.

6. In lieu of an inspection conducted by the Building Inspector, the Applicant may submit a written certification from a Pennsylvania licensed architect or licensed engineer that states that the property complies with all of the provisions of applicable law and all the items contained in the specific Inspection Checklist.

7. In the event that the property passes all items included in the full inspection, a License shall be issued. In the event that the property does not pass such full inspection, a notice of repairs shall be issued by the Building Inspector to the Applicant.

8. In the event that an Applicant refuses to admit the Building Inspector or his or her designee into the property at the time scheduled for the inspection, then the Application shall be deemed denied and the Applicant shall be required to submit a new Application and License fee to the Borough.

9. Nothing in this Subsection shall be construed to limit the power and authority of the Borough to obtain an administrative search warrant to inspect and/ or make repairs to the property.

§ 223-8. License Revocation.

1. Any License issued by the Borough pursuant to the provisions of this Ordinance may be revoked for good cause by the Borough as the issuing authority upon a finding that one (1) of the following conditions exist:

a. The existence of chronic unsanitary conditions, noise, disturbance or other conditions at, in or attributable to the Licensed Property which causes or tends to create a public nuisance, which may injuriously affect the public health, safety or welfare of others, or which unnecessarily affects the adequate allocation of public safety resources.

b. Repeatedly or purposefully permitting or causing the commission of any act in the operation of Business which is prohibited by any Ordinance, rule or law of the Borough, State or Federal government.

c. Fraudulent practices and misrepresentations in the operation of the Business.

- d. Concealment or misrepresentation in procuring the License.
- e. The Business for which the License was issued has been or is unlawful or prohibited by any code, Ordinance, rule or law of the Borough, State or Federal government.
- f. The License was issued by mistake or is in violation of any of the provisions of this Ordinance.
- g. The Licensed Property has been condemned, declared a fire hazard or declared unsafe for occupancy pursuant to the Borough Code of Ordinances, rule or law of the Borough, State or Federal government. Provided that if the Licensed Property is being leased and the condition of the Licensed Property is not the result of the Licensee as the lessee, the License shall be placed in abeyance until the Business can be relocated and if relocation is in the Borough, the License may be restated in the sole discretion of the Borough.

2. Process for Revocation of Business Privilege License.

- a. Upon receipt of information that action by a Licensee has resulted in an action that is a basis for revocation of the License, the Borough shall conduct an investigation.
- b. Upon a determination by the Borough pursuant to the policies and regulations established in accordance herewith, that the information is founded, the Borough shall so notify the Licensee.
- c. The Licensee shall have the right to request a hearing before Borough Council, which shall serve as the appeals board, to be conducted within sixty (60) days of request of a hearing by Licensee.
- d. Notice of the hearing shall be served by certified mail, return receipt requested and first-class mail to the Licensee at the address shown on the Application. The notice of hearing shall also be posted in a conspicuous place on the Licensed Property.
- e. The notice shall inform the Licensee of the allegations which constitute the basis for the hearing, and shall provide that the Licensee be given the opportunity to appear and be heard at the hearing and has the right to counsel.
- f. The hearing shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §751 *et seq.*
- g. Within thirty (30) days of the conclusion of the hearing, Borough Council shall make a determination as to whether a basis exists to revoke the License.
- h. In the event Borough Council determines that the License shall be revoked, the revocation will be effective immediately.
- i. Notice of the determination of Borough Council shall be delivered to the Licensee in accordance with the requirements set forth herein for service of notice of the

hearing. If the determination is for revocation of the License, the notice of determination shall include a cease of operations order notifying the Licensee that the License has been revoked and all Business activity operating under the License shall cease immediately.

j. Any Licensee whose License has been revoked that continues to conduct Business in violation of said determination shall be subject to the penalties set forth herein for operation of a Business without a License and other remedies at law or equity available to the Borough.

k. No Licensee whose License has been revoked pursuant to this Ordinance shall be eligible for another License to operate a similar Business at the Licensed Property or any location in the Borough until approval is received from Borough Council.

3. Process Immediate Revocation Necessary.

Where it is determined that an overriding public or private interest warrants the revocation of a License prior to the undertaking of notice and an opportunity to be heard, the Licensee shall have the right to request a hearing before Borough Council, which shall serve as the appeals board, to be conducted within thirty (30) days of request of a hearing by Licensee and final adjudication must be rendered by Borough Council within thirty (30) days of the conclusion of the hearing.

4. Appeals to Court.

Appeals of any decision of Borough Council regarding revocation of a License shall be in accordance with the Local Agency Law, 2 Pa.C.S.A. §751 *et seq.* Such an appeal shall not serve as a stay in the revocation of a License or other action at law or equity undertaken by the Borough.

§ 223-9. Cease Operations Order.

1. Whenever Business is being conducted in or on any premises without a required License the Borough may issue a cease operations order directing that Business activity to cease immediately until the required License is obtained.

2. The cease operations order shall describe the Business that is being conducted, if known, without the required License and shall state that such Business activity and any other Business activity that requires a License must cease.

3. The cease operations order shall be served on the Licensee as set forth herein for notices of hearing and posted conspicuously at every entrance to the Leased Property in a place clearly visible to the public and shall remain posted until removed by the Borough.

4. The Borough shall promptly notify the Fleetwood Borough Police Department of the issuance of a cease operations order. Upon request, the Fleetwood Borough Police Department may render assistance in the service and enforcement of any cease operations order.

5. No Person with knowledge of a cease operations order shall:

- a. Continue to conduct any Business for which a License is required in or on any premises for which a cease operations order has been issued.
- b. Remove, damage, deface or cover any cease operations order.
- c. Resist or interfere with any inspection or other official in the performance of their duties or the enforcement of any provision of this section.
- d. A cease operations order shall only be removed by the Borough upon compliance with the applicable requirements including payment of a fee if established by Resolution of the Borough.

§ 223-10. Injunctive Relief.

In the case of a violation of this Ordinance, the Borough may cause to be instituted an appropriate proceeding at law or in equity to obtain penalties or to restrain, correct, remove or abate such violation, including but not limited to, the closure of any Business which is not in compliance herewith.

§ 223-11. Penalty.

Any Person who shall conduct, transact or engage in any of the Businesses subject to the License imposed by this Ordinance, who shall fail to obtain a License as required by this Ordinance or who shall operate a Business for which a License has been revoked, shall upon being found liable in a civil enforcement action pay a penalty of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), plus court costs and reasonable attorneys' fees, incurred by the Borough. Each day that a violation of this Ordinance continues shall constitute a separate offense.

§ 223-12. Collections.

Nothing in this Ordinance shall preclude the Borough from directing all fees, invoices or accounts not paid in accordance this Ordinance to be turned over to a collection agency or the Borough solicitor for collection.

§ 223-13. Non-Exclusive Remedies.

The penalty, injunctive relief and collection provisions of this Ordinance and the License denial and revocation procedures provided herein shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough Code or ordinance, whether or not such other code or ordinance is referenced in this Ordinance and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of violation of this Ordinance.

§ 223-14. Right of Entry.

Whenever it is necessary for a Building Inspector to make an inspection to enforce the provisions of this Ordinance, or whenever the Building Inspector has reasonable cause to believe that there exists upon any Licensed Property violations of this Ordinance, the Building Inspector shall have the authority to enter the Licensed Property at all reasonable times to inspect the Licensed Property. The Building Inspector shall present credentials to the occupant and request entry. If entry is refused, the Building Inspector has recourse to every remedy provided by law to secure entry.

SECTION 3. Severability. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions of this Ordinance which may be given effect without the invalid or unconstitutional provision or application, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. Repealer. All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 5. Gender, Singular, Plural. Every word in this Ordinance imparting any particular gender may extend and be applied to any and all other genders, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

SECTION 6. Code of Ordinances. The Borough Code of the Borough of Fleetwood, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Borough Code upon adoption.

SECTION 7. Effective Date. This Ordinance shall take effect on the earliest day and date after enactment permitted by law.


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ENACTED and ORDAINED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania, on this 17th day of November 2025.

BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

By: 
_____ **Council President**

Attest:


_____ **(Assistant) Secretary**

APPROVED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania
this 17th day of November, 2025


_____ **Mayor**

MUNICIPAL CERTIFICATION

I, DOREEN O'NEIL, (Assistant) Secretary, of the Borough of Fleetwood, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 661 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Borough of Fleetwood and was duly enacted and approved as set forth at a regular meeting of the Borough Council held on the 17th day of NOVEMBER, 2025.

Doreen M O'Neil
(Assistant) Secretary

[SEAL]