

**YORK HAVEN BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020- 1

**AN ORDINANCE OF YORK HAVEN BOROUGH, YORK COUNTY, PENNSYLVANIA,
RELATING TO RENTAL LICENSING, MAINTENANCE, AND INSPECTION OF
RESIDENTIAL RENTAL PROPERTY**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Borough Council of the Borough of York Haven, York County, Pennsylvania (the "Municipality"), as follows:

SECTION 1: Title. This Part shall be known and may be referred to as the "Rental Licensing, Maintenance and Inspection of Residential Rental Property Ordinance of the Borough of York Haven." Such provisions of this Part shall apply to all existing residential rental structures and constitute the minimum requirements and standards for rental premises and to provide for a systematic inspection program, licensing and for the administration, enforcement and penalties for a violation thereof.

SECTION 2: Purpose. This Part shall be construed to secure its expressed intent, which is to protect public safety, health and welfare of Borough citizens, in so far as they are affected by the continued occupancy and maintenance of rental structures and rental premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein and by reference. This Part shall establish the rights and obligations of owners and occupants of residential rental units in the Borough and to encourage owners and occupants to maintain and improve the quality of rental housing within the Borough. There is a growing concern in the Borough regarding the maintenance of residential rental units. The Borough is aware that there is a greater incidence of maintenance problems with non-owner-occupied properties as compared to owner-occupied properties. Borough police records evidence a greater number of disturbances at residential rental units than other properties in the Borough.

SECTION 3: Definitions. Definitions of the International Property Maintenance Code are adopted in its entirety, with the addition of the following definitions:

BOROUGH: The Borough of York Haven, York County, Pennsylvania.

CODE ENFORCEMENT OFFICER: A person, or persons or official designated by the Borough to enforce this Part, including the performance of inspections and issuance of citations and violations.

CODES: Any state or local code or ordinance adopted, enacted or in effect in and for the Borough including, but not limited to, the International Property Maintenance Code and the codes referenced therein, the Building Code and the general nuisance ordinance and any other recommended code, rules or regulations recommended by the Building Code or other enforcement officer of the Borough, adopted by the Borough through resolution.

COUNTY: The County of York.

DISRUPTIVE CONDUCT: Any act by an occupant of a residential rental unit or by a person present at a residential rental unit who, while at the residential rental unit, is involved in an incident involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as disorderly conduct in the Pennsylvania Crimes Code or which otherwise injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the gathering. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Code Enforcement Officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The occupant and the owner and, if applicable, the manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT: A written report of disruptive conduct to be completed by a police officer, Code Enforcement Officer or other authorized Borough Official who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Borough.

DORMITORY UNITS: A form of transient lodging in a building or facility consisting of one room or rooms connected together constituting a separate and independent housekeeping established for occupancy of unrelated individuals occupying a single unit. Often used for educational institutional settings.

FAMILY: Shall be considered no more than three persons, unrelated to all others by blood, marriage, adoption or legal foster relationship.

GROUP QUARTERS: Any dwelling or portion thereof which is designed or used for three or more persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters shall include, but not be limited to fraternity, and sorority houses, dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

GUEST: Any person who shares a dwelling unit in a nonpermanent status for no more than 30 days in a one-year period.

LANDLORD: An owner or person who acts as an agent for the owner of any parcel of real estate located in the Borough of York Haven or an owner or person who acts as agent for the owner of any improvements on real estate or any building located in the Borough of York Haven; this shall include a manager of a rental unit or units.

MULTIPLE-FAMILY DWELLING: A building designed and occupied as a residence for two or more families living independently of each other and doing their own cooking, including apartment houses, rowhouses or townhouses.

OCCUPANT: Any person over one year of age residing and sleeping in a residential rental unit with the Borough.

OWNER: The person(s) who holds record title and/or the equitable owner under an agreement of sale of a property upon which a residential rental unit is located or maintained. In the case that more than one person owns the unit, all such persons shall have all of the rights, duties and responsibilities of an owner under this Part.

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.

PREMISES: A lot, plot or parcel of land, together with any improvements, thereon erected.

RENTAL UNIT: Any space used for human occupancy, whether a rooming unit or a dwelling unit, for let or rent, located within a building used for residential use and occupancy, that is rented for human occupancy under either a written or oral lease or other rental agreement, regardless of the term of the rental or lease, and that is occupied by persons other than one occupied solely by owner and members of the owner's family. For purposes of this Part, the term "rental unit" shall include units within a motel or hotel rented by the week or by the month, but exclude units within the motel or hotel rented by the day for transient occupancy. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, 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 relative of the owner also resides in the structure. A residential rental unit includes dwelling units under lease to purchase agreements or long-term agreements of sale (greater than six months).

RESIDENTIAL RENTAL LICENSE: A document issued by York Haven Borough to the owner of a residential rental unit.

ROOMING HOUSE: Any dwelling or that part of any dwelling containing one or more rooming units, and/or one or more dormitory rooms.

ROOMING UNIT: 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 purposes.

SECTION 4: Responsibilities of Owners and Occupants. Every owner will make tenants aware of tenant responsibilities outlined in this section with a written copy of these items.

A. Owner Responsibilities

1. No owner or other person shall occupy or let to another person any rental property unless it and the premises are clean, sanitary, and in a good and safe condition, and comply with all applicable codes and provisions of state and local laws and regulations.
2. Every owner of a rental property containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
3. Every owner of a rental property containing two or more dwelling units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of rental property of a single-family dwelling, it shall be the responsibility of the occupant to furnish such facilities or containers.
4. Each owner is responsible to provide trash and recyclable collection and disposal services, as may be required by the Borough, and instruct tenants of the method of trash and recyclable collection (e.g., curbside or dumpster) and, if applicable, the day of week of trash and recyclable pickup.
5. Notwithstanding the provisions of Subsection 1B(4) of this section, whenever infestation is caused by failure of the owner to maintain a rental property unit in a rodent-proof or reasonable insect-proof condition, extermination thereof shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any rental property or in the shared or public parts of any rental property containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
6. Each owner is responsible to be aware of, and to act to eliminate disruptive conduct in all residential rental units.
7. Each owner is responsible to employ policies and to manage the residential rental units under his/her control in compliance with the provisions of this Part, Borough codes and applicable state laws.

8. Each owner is responsible to pay or insure payments of all real estate taxes, sewer fees, and trash collection fees to insure that such vital utilities are provided.
9. Each owner is responsible to obtain and maintain a residential rental license for each residential rental unit that they own.
10. Each owner is responsible to provide the Borough, within 30 days of occupancy, of the names of all tenants of the residential rental unit, notify the Borough of changes in the occupancy of the residential rental unit, and notify the Borough of any special needs of any tenant under the Americans With Disabilities Act or other applicable laws.
11. Each owner is responsible to provide each tenant of a residential unit with a disclosure statement containing the requirements of this Part, including the provisions relating to disruptive conduct. Providing a copy of this Part to each tenant will satisfy this requirement.
12. Each owner is responsible to take all actions necessary to insure that each residential rental unit is occupied by only one family.
13. Each owner is to require a written rental agreement for each residential rental unit.

B. Tenant Responsibilities.

1. Every occupant of a rental property shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit, and premises thereof that he occupies and controls.
2. Every occupant of a rental property shall store and dispose of all refuse in a clean, sanitary and safe manner.
3. Every occupant of a rental property shall store and dispose of all his garbage and any other organic waste, which might provide food for insects and/or rodents, in a clean, sanitary and safe manner, and if a container is used for storage pending collection, it shall be rodent-proof, insect-proof and watertight. Occupants of a single-family dwelling shall be responsible for providing containers for the sanitary and safe storage and/or disposal of rubbish and garbage.
4. Every occupant of a rental property or of a dwelling unit in a structure containing more than one dwelling unit shall be responsible for the extermination of insects and rodents on the premises whenever such occupant's unit is the only one infested.

SECTION 5: Disruptive Conduct.

- A. Police officers, the Code Enforcement Officer or other authorized Borough Official shall investigate alleged incidents of disruptive conduct. The police officer, Code Enforcement Officer or other authorized Borough Official conducting the investigation shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct. The information filed in the disruptive conduct report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and the factual basis for the disruptive conduct described in the disruptive conduct report. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner and, if applicable, the manager, within 30 days of the occurrence of the alleged disruptive conduct.
- B. The occupant or the owner and, if applicable, the manager, shall have 15 days from the date of receipt of the disruptive conduct report to appeal the disruptive conduct report. The appeal shall be made in writing and submitted to the Borough of York Haven.
- C. After three disruptive conduct incidents in any twelve-month period by an occupant documented by disruptive conduct reports, the owner and, if applicable, the manager shall have 30 days from the date of the receipt of the third disruptive conduct report, or 15 days from the date of the appeal decision affirming the violation, whichever is earlier, to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the residential rental license. The residential rental units involved shall not have its residential rental license reinstated until the reinstatement fee, as set by resolution of the Borough Council, is paid, and the disruptive occupants have been evicted, the district justice has ruled in the occupant's favor, the district justice has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not reoccupy any residential rental units on the same premises involved for a period of at least one year from date of eviction. This Subsection is not intended to limit or inhibit the owner and, if applicable, the manager's right to initiate eviction actions prior to the issuance of the third disruptive conduct report in a twelve-month period.
- D. The disruptive conduct report shall count against all occupants of the residential rental unit. More than one disruptive conduct report filed against the occupants of a residential rental unit in a twenty-four-hour period shall count as a single disruptive conduct report for the purpose of this section. The Code Enforcement Officer or other authorized Borough official shall maintain a list of the names of all occupants evicted as a result of this section. The names shall remain on the list for a period of three years.

SECTION 6: Minimum Standards. No person shall occupy as owner or occupant or let to another for occupancy any rental property for the purpose of living therein, which does not comply with the following requirements:

- A. Handrails. Structurally sound handrails shall be provided for any steps containing three risers or more. If steps are not enclosed, handrails and balusters spaced no more than four inches apart shall be provided. Porches and/or balconies located more than three feet

higher than the adjacent area shall have structurally sound protective handrails 34 inches to 38 inches high and, if unenclosed, balusters spaced no more than six inches apart.

B. Light and Ventilation.

1. Every bathroom and water closet compartment and non-habitable room used for food preparation shall be equipped with a suitable window and or ventilation system in working condition.
2. Every public hall and stairway in every multiple-family dwelling unit shall be adequately lighted by natural or electric lights at all times so as to provide in all parts thereof at least six footcandles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two dwellings may be supplied with conveniently located light switches controlling an adequate lighting system, which may be turned on when needed, instead of full-time lighting.

C. Thermal Standards.

1. Every rental unit shall have heating facilities which are properly installed and are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every rental unit located therein to a temperature of at least 68° F. at a distance of 18 inches above floor level under ordinary winter conditions.

SECTION 7: Sanitary Maintenance of Structural Elements. No person shall occupy as owner or occupant or let to another for occupancy a rental property, for the purpose of living therein, which does not comply with the following requirements:

- A. Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weather-tight, water-tight and damp-free and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment, using nontoxic material where readily accessible to children. Walls shall be capable of affording privacy for the occupant. Every rental property and the premises on which it is located, shall be graded, drained, free of standing water and maintained in a clean, sanitary and safe condition.
- B. Every window, exterior door and basement hatchway or similar device shall be kept rodent-proof and reasonably watertight and weather-tight and shall be kept in working condition and good repair.
 1. During that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door opening directly from a rental unit to outside space shall have supplied properly fitting screens having at least 16-mesh and a self-closing device; and every window or other device with

openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; except that such screen shall not be required during such period in rooms deemed by the Codes Enforcement Officer to be located high enough in the tipper stories of a building as to be free from such insects and in rooms located in areas of the Borough which are deemed by the Codes Enforcement Officer to have so few insects as to render screens unnecessary.

2. Every window located at or near ground level used, or intended to be used for ventilation and every other opening located at or near ground level, which might provide an entry for rodents, shall be supplied with adequate screens or such other devices as will effectively prevent their entrance.
- C. Every rental property and the premises on which it is located shall be maintained so as to prevent and eliminate rodent harborage.
 - D. All fences provided by the owner or agent on the premises, and/or all fences erected or caused to be erected by an occupant, shall be constructed of manufactured metal fencing material, wood, masonry or other inert material. Such fences shall be maintained in good condition, uniform in height throughout, and any wood material shall be protected against decay by use of paint or other preservative. Such fences shall be maintained in good repair. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances and regulations of the Borough and Commonwealth of Pennsylvania. Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.
 - E. Accessory structures present or provided by the owner, agent or tenant-occupant on the premises of a rental property shall be structurally sound, be designed to prevent rodent harborage and be maintained in good repair and free of vermin by the owner, agent or occupant or such structure shall be removed from the premises. The exterior of such structure shall be made weather-resistant through the use of decay-resistant material or the use of paint or other preservatives.
 - F. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads.
 - G. Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
 - H. Every plumbing fixture and pipe, every chimney, flue and smoke pipe and every other facility, piece of equipment or utility which is present in a dwelling or dwelling unit or which is required under this chapter shall be constructed and installed in conformance

with the appropriate statutes, ordinances and regulations of the Borough and the Commonwealth of Pennsylvania.

- I. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Part to be removed from, shut off from, or discontinued for any occupied rental property, let or occupied by such person or entity, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the appropriate authority.
- J. All construction and materials, ways and means of egress and installation and use of equipment shall conform to applicable state and local laws dealing with fire protection.

SECTION 8: Maximum Density and Location Requirements. No person shall occupy or let to be occupied any rental property for the purpose of living therein unless there is compliance with the following requirements:

- A. Not more than one family, except for guests or domestic employees, shall occupy a dwelling unit unless a license for a rental property has been granted by the Borough of York Haven.
- B. In the case of rental properties which contain attached or detached garages, garage space must be leased with the dwelling unit to insure adequate off-street parking.

SECTION 9: Group Quarters, Rooming Houses, Dormitory Rooms and Rooming Units.

No person shall operate a rental property rooming house or shall occupy or let to another for occupancy any rental property group quarters, dormitory room and/or rooming unit in any rooming house which is not in compliance with the provisions of this section. No owner or other person shall occupy or let to another person any group quarters, rooming unit or dormitory room unless it is clean and sanitary and complies with all applicable requirements of the Borough of York Haven, including the following:

- A. No person shall operate a rental property group quarters or rooming house unless said person holds a valid rental license issued by York Haven Borough in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to York Haven Borough upon compliance by the operator with the applicable provisions of this section and of any rules and regulations adopted pursuant thereto. The license shall not be transferable. Every person holding such a license shall give notice, in writing, to York Haven Borough within 30 days or as outlined herein after having sold, transferred given away or otherwise disposed of an ownership interest in or control of any group quarters or rooming house. Such notice shall include the name and address of the person succeeding to the ownership control of such group quarters or rooming house.
- B. At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Codes Enforcement Officer and in good working condition, shall be supplied for each six persons or fraction thereof residing

within a group quarters or rooming house, including members of the operator's family wherever they share the use of said facilities, provided that:

1. In a group quarters or rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1.2 of the required number of water closets.
2. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.
3. Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.
4. No such facilities shall be located in a basement.

C. The following provisions shall apply in all rental property, group quarters and rooming houses:

1. Cooking in dormitory rooms and rooming units is prohibited.
2. Communal cooking and dining facilities in a rooming house are prohibited.
3. Access doors to rooming units shall have operating locks to ensure privacy.

D. Unless exempted by the Codes Enforcement Officer in writing, the operator of every rental property, rooming house shall change supplied bed linen and towels therein at least once a week and prior to the letting of any room to any occupant, and the operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

SECTION 10: Rules and Regulations. The Borough of York Haven elects to administer and enforce the provisions of the International Property Maintenance Code (IPMC), as published by the International Code Council, Inc.

SECTION 11: Residential Rental Units Licensing.

A. Every person proposing to operate a rental property approved by the Borough of York Haven for such purpose shall apply for a residential rental license with the Borough, which shall be valid until June 30 of the calendar year following the year in which the license was issued. The owner and, if applicable, the manager of each residential rental unit shall continue to apply for an annual residential rental license, which shall be valid from July 31 until June 30 of the next calendar year. Such license must be obtained no later than June 30 of each year.

- B. The Borough shall issue a residential rental license if the owner provides the name, address and phone number of the individual, or business (if applicable) responsible for managing the unit(s), pays the licensing fee, as set by resolution, submits a complete and accurate occupant listing for each residential rental unit by December 31 of the prior year and is not currently delinquent on real estate taxes, water/sewer fees and trash collection fees for the residential rental units and meets all other zoning, ordinance and legal requirements for such issuance.
- C. The Borough shall deny and may revoke a residential rental license if the owner does not provide the name, address and phone number of the individual or business (if applicable) responsible for managing the unit(s) and/or does not pay the annual licensing fee and obtain a license, and/or is not current on real estate taxes, water/sewer fees or trash collection fees for the residential rental units, and/or does not submit a complete and accurate occupant listing for residential rental units by December 31 of the prior year or within one month after a change in the identity of the occupants of the residential rental units, and/or does not pay for and comply with the rental inspection requirements of this Part, and/or does not correct a code violation within the time frame cited by the Code Enforcement Officer, and/or has not complied with the disruptive conduct provisions of this Part. Licensing fees as set forth herein shall be set by resolution of the York Haven Borough Council.
- D. The Borough shall deny and may revoke a residential rental license if the following occur within the licensed residential rental unit or on the premises:
1. Failure to take action to evict occupants of a residential rental unit where the disruptive conduct provisions of this Part require such action.
 2. Occurrence of three violations of this Part and/or of any other Borough codes or ordinances that apply to the residential rental unit or premises during the term of the license. Before an occurrence may be considered a violation, there must be either:
 - i. A summary conviction; or
 - ii. The Code Enforcement Officer or other Borough Official must send the owner a written notice of the violation within 30 days of the incident and the period for the owner to file an appeal from the determination of the Code Enforcement Officer or other Borough Official must have expired.
- E. The Borough shall forward written notice to the owner if the Borough will deny, refuse to renew or revoke a residential rental license. The notification shall:
1. Identify the residential rental units;
 2. The grounds for the denial, nonrenewal or revocation, including the factual circumstances and the Section of this Part supporting such determination; and

3. Informing the owner of the right to appeal the denial, nonrenewal or revocation of the residential rental license to Borough Council under this Part.
- F. The Borough may reinstate a residential rental license if the owner or manager corrects the reason for the revocation of the residential rental license and has paid the residential rental license reinstatement fee, as set by resolution of the York Haven Borough Council.
- G. All owners of rental properties failing to obtain a residential rental license at the Borough Office each year by June 30 for the upcoming year may be required to pay a penalty fee for every month a residential rental license is not obtained, in accordance with the fee schedule set forth by Borough Council.

SECTION 12: Exemption From Licensing Requirements.

- A. All property owned by the county or any housing authority created by the county which is inspected annually by those agencies to assess conformance with federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of Housing and Urban Development or the Pennsylvania Housing Finance Agency, regardless of the occupants, shall be exempt from the licensing provisions of this Part.
- B. The licensing provisions of this Part shall not apply to hospitals.
- C. If, in response to a complaint, an exempt unit is found to be in violation of a code(s), the owner and, if applicable, the manager shall correct the violation(s) within the time frame cited by the Borough Official. If the violation(s) is/are not corrected, the unit shall lose its exemption until the violation(s) is/are corrected. If three verified complaints are received in any twelve-month period, the unit shall lose its exemption from the requirement to obtain a license for a period of five years.

SECTION 13: Notification of Transfer of Ownership. Every person owning a rental property shall give notice, in writing, to York Haven Borough within 30 days after having transferred or otherwise disposed of the legal control of any licensed rental property. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such rental property.

SECTION 14: Keeping of Records. Every owner or other person in charge of a rental property shall keep or cause to be kept records of all requests for repairs and complaints by tenants, which are related to the provisions of this Part and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the owner, or other person in charge, to the Codes Enforcement Officer or other Borough official for inspection and copying upon demand. Such records shall be admissible in any administrative or judicial proceedings pursuant to the provisions of this Part as prima facie evidence of the violation or the correction of violations of this Part or applicable rules and regulations pursuant thereto.

SECTION 15: Mandatory Inspections.

- A. All properties will be inspected once every year on a recurring basis.
- B. Inspection Process.
 - 1. The Borough will invoice the owner/operator for inspection fees as outlined in this Part and the Fee Resolution. Inspection fees are due by September 30. A penalty fee may be assessed for failure to pay the inspection fee.
 - 2. Owner/operator must contact the Codes Enforcement Officer and make satisfactory arrangements to have the inspection, and any required re-inspections, completed prior to March 31. Owner shall pay all inspection and re-inspection fees incurred, as set forth by resolution of the Borough Council. Failure by the owner to do so shall constitute a violation of this section. Each and every day that a violation continues shall constitute a separate violation of this section, subject to the fines and penalties set forth in this Part.
 - 3. Between April 1 and June 30, Borough will review inspections and identify problem areas.
- C. Any property that is licensed as a rental property for the first time will be inspected prior to occupancy by a tenant. This provision also applies to properties that were previously rental properties but had been removed from the inspection cycle.
- D. Nothing in this Part shall be construed to prevent the Codes Enforcement Officer from inspecting any rental property at any time upon complaint and by invitation by the tenant or the tenant's authorized agent.

SECTION 16: Inspection Enforcement.

- A. The Codes Enforcement Officer is hereby authorized and directed to inspect all rental properties subject to the provisions of this Part, and may be accompanied by the Fire Chief or Assistant Fire Chief or Susquehanna Fire Co. #1 or such other fire company as may be designated as the first due in York Haven Borough.
- B. The Codes Enforcement Officer is hereby authorized and directed to make inspections pursuant to this Part or in response to a complaint that an alleged violation of this Part or of applicable rules or regulations pursuant thereto has been committed or when the Codes Enforcement Officer has valid reason to believe that a violation of this Part, any applicable law, rules or regulations pursuant thereto has been committed.
- C. The Codes Enforcement Officer is authorized and directed to make inspections during normal business hours to determine compliance with this Part. For this purpose, the Codes Enforcement Officer is authorized to enter and examine any rental property, yard

or part, or either, and every owner, operator, occupant or agent shall give the Codes Enforcement Officer free access to it. Inspection may be postponed and/or rescheduled due to illness or other emergency or unforeseen circumstance.

- D. The Codes Enforcement Officer is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rental units, group quarters, rooming houses, rooming units, and dormitory rooms, subject to this Part for the purpose of determining whether there is compliance with its provisions.
- E. The Codes Enforcement Officer and the owner or occupant or other person in charge of a dwelling, dwelling unit, rental unit, rooming house, rooming unit, or dormitory room subject to this Part may agree to an inspection by appointment at a time other than the hours provided by this Part. The owner, agent, lessee or person in charge must be present at all times during the inspection.
- F. The owner or occupant, lessee or other person in charge of any rental property, upon presentation by the Codes Enforcement Officer of proper identification, shall give the Codes Enforcement Officer entry and free access to every part of the rental property or to the surrounding premises.
- G. If any owner or occupant or other person in charge of a rental property subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the Borough may seek, in a court of competent jurisdiction, an order that such owner or occupant or other person in charge cease and desist with such interference. Such person may also be liable for such fines and penalties as set forth in this Part.
- H. The Borough shall have the authority to institute any action permitted by law to enforce the provisions of this Part.
- I. The Borough Official may also inspect residential rental units upon a change in occupancy of the residential rental unit, upon receipt of complaints, upon the occurrence of disruptive conduct at such residential rental unit, or for any other reasonable cause.

SECTION 17: Notice of Violation.

- A. Whenever the Codes Enforcement Officer or Borough Official determines that any rental property or the premises surrounding any of these fails to meet the requirements set forth in this Part or in applicable rules and regulations issued pursuant hereto, such officer or the Borough Official shall issue a notice setting forth the alleged failures and advising the owner or occupant or other person in charge that such failures must be corrected. This notice shall:
 - 1. Be in writing.

2. Set forth the alleged violations of this Part or of applicable rules and regulations issued pursuant thereto.
 3. Describe the rental property or premises where the violation is alleged to exist or to have been committed.
 4. Provide a reasonable time for the correction of any violation alleged. The time for compliance shall take into consideration the type and seriousness of the violation and the climatic conditions. The Codes Enforcement Officer or the Borough Official may, in his or her sole and absolute discretion, give one additional extension of time, provided that the property owner is exercising due diligence and the inability to make the correction is through no fault of the property owner.
 5. Be served upon the owner or occupant or other person in charge of the rental property or premises personally, or by certified mail, return receipt requested, addressed to the last known place of residence of the owner or occupant or other person in charge. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting a notice in or about the rental property or premises described in the notice.
 6. Be served upon a resident agent for the receipt of such service of notice designated pursuant to this Part.
- B. At the end of the period of time allowed for the correction of any violation alleged, the Codes Enforcement Officer shall, for a failed inspection, reinspect the rental property described in the notice. The Codes Enforcement Officer shall be responsible for and shall notify the Borough office of all inspections, reinspections, compliance and noncompliance matters, including compliance timelines.
- C. Designation of unfitness.
1. Whenever the Codes Enforcement Officer finds that any rental property constitutes a serious hazard to the health and safety of the occupants or the public because it is dilapidated, unsanitary, vermin-infested or lacking in the facilities and equipment required by this Part and any amendments thereto, the Codes Enforcement Officer shall designate such rental property as unfit for human habitation. Such designation shall be posted on the rental property and shall specify the reason or reasons. It shall be unlawful for any person other than the Codes Enforcement Officer to remove such notice.
 2. Any rental property so designated as unfit for human habitation shall be vacated within 24 hours and shall not again be used for human habitation until the conditions have been eliminated and the Codes Enforcement Officer has removed the designation and given written approval for occupancy.

- D. A fee will be charged for the initial inspection and for each reinspection. The Code Enforcement Officer shall maintain a list of residential rental units and their ownership that have been the subject of prosecution during the preceding five years. Such fees shall be as set forth by resolution of the Borough Council.

SECTION 18: Sale or Transfer of Residential Rental Units. A residential rental license shall not be transferred. In the case of licensed residential rental units that are sold or transferred, the new owner shall seek a residential rental license for each residential rental unit and have each residential rental unit inspected within 60 days.

SECTION 19: Fees and Charges.

- A. **Inspection Fee.** An inspection fee is hereby imposed and shall be paid in advance of the inspection to the Borough, the amount of which may be set from time to time by resolution adopted by the Borough Council. The inspection fee shall be equal to the expenses incurred by the Borough in connection with inspections under this Part and shall include a 10% administrative fee for the costs incurred by the Borough to monitor and administer such Part. Additional inspection fees shall be paid prior to any required re-inspections and as warranted by the other provisions of this Part.
- B. **License Fee.** A license fee shall be paid for issuance of each rental unit license. Such fee shall be paid as a condition of issuance of a rental license. Such fee shall be set from time to time by resolution adopted by the Borough Council.
- C. **Reinstatement Fee.** A reinstatement fee shall be charged for reinstatement after correction or removal of a violation of this Part or other ordinance, rule, regulation or law as applicable herein. Such fee shall be paid as a condition of reinstatement of a rental license. Such reinstatement fee shall be set from time to time by resolution adopted by the Borough Council.
- D. **Appeal Fee.** An appeal fee shall be paid to the Borough or other authorized agent for filing of any appeal to the issuance of a violation hereunder. Such fee shall be set from time to time by resolution adopted by the Borough Council.
- E. All fees and charges for inspection due and unpaid under this Part shall be recovered by the Borough, as other debts due the Borough are now by law recovered, and shall constitute a municipal claim.
- F. **Penalty Fee.** A fee assessed by the Borough of York Haven at the time an owner, individual or business (if applicable) responsible for managing the unit(s) fails to fulfill and comply with the requirements of this Part. Such fee shall be set from time to time by resolution adopted by the Borough Council.
- G. **Collection Letter Fee.** A fee assessed for forwarding to the owner or manager of a rental unit(s) a notice of a violation or delinquency of the provisions of the Part which letter is

initiated through the York Haven Borough Solicitor. Such fee shall be set from time to time by resolution adopted by the Borough Council.

SECTION 20: Violations and Penalties.

- A. Allowing occupancy of a residential rental unit after the residential rental license has been revoked shall result in a fine of not less than \$500 per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- B. Failure To Seek a Residential Rental License.
 - 1. The Owner or Manager shall be sent a thirty-day notice of violation, warning them of their failure to comply with the terms of this Part. If they do not comply at the end of 30 days, there shall be a fine for each month the violation exists. Each month the violation exists constitutes a separate violation. Such fee shall be set from time to time by resolution adopted by the Borough Council.
- C. Whoever violates any other provision of this Part shall, upon a first offense and conviction, be fined not more than \$1,000 or imprisoned not more than 30 days, or both.
- D. In addition to prosecution of persons violating this Part, the Code Enforcement Officer, or any duly authorized agent of the Borough, may take such civil or equitable actions in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to effect the provisions of this Part. In any proceeding brought under this Part, in addition to any and all fees and penalties provided in this Part, the Borough shall be entitled to collect all costs of prosecution, including attorney's fees.
- E. The provisions of this section and the provisions of this Part governing revocation, suspension or nonrenewal of residential rental licenses shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough, as may be deemed appropriate. The remedies and procedures in this Part are not intended to supplant or replace, to any degree, the remedies provided to the Borough in any other code.
- F. The Borough shall be entitled to be reimbursed for all attorneys' fees, costs and expenses incurred in the enforcement of this Part.
- G. The Borough shall be entitled to be reimbursed for all engineering fees, costs and expenses incurred in the enforcement of this Part.
- H. At any time an owner or individual appointed as a manager of a residential rental unit fails to fulfill and comply with the requirements of this Part after notice thereof, the Borough shall have the authority to revoke the residential rental license(s).

SECTION 21: Appeals.

- A. An appeal from any decision of the Borough Official shall be taken to Borough Council. Such appeal shall be made in writing within 15 days after such decision has been made. The appeal shall be verified by an affidavit, shall state the grounds therefor and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee, which shall be established by ordinance or resolution of Borough Council. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council shall make a prompt decision on such appeal. Borough Council shall render a written decision, copies of which shall be provided to the Code Enforcement Office and the appellant.
- B. Any person aggrieved by any decision of a Police Officer or Code Enforcement Officer in regard to a disruptive conduct report or the revocation of a residential rental license may appeal to Borough Council in accordance with the provisions of this section. Such appeal must be filed, in writing, within 15 days from the date of receipt the disruptive conduct report or notice of revocation.
- C. In the event the appeal is successful, for reasons other than the grant of an extension of time for compliance the appeal fee shall be refunded to the appellant.

SECTION 22: Effect on Other Regulations. The building regulations of the Department of Labor and Industry of the Commonwealth of Pennsylvania for the protection from fire and panic shall take precedence over the provisions of this Part where they are applicable and more stringent. All other ordinances and regulations of the Borough shall be complied with where they are applicable.

SECTION 23: Conflict With Other Provisions. In any case where a provision of this Part is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Borough existing on the effective date of the Part, the provision which establishes a higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where provision of this Part is found to be in conflict with any provision of any other ordinance or code of the Borough existing on the effective date of this Part which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Part shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Part.

SECTION 24: Effective Date. The Ordinance shall become effective five (5) days after date of enactment as provided by law.

ENACTED AND ORDAINED by the York Haven Borough Council this 4th day of May, 2020.

ATTEST:

YORK HAVEN BOROUGH

Danels Bullit
Secretary

By: *Ben E. Arnold*
President

Approved this the 4th day of May, 2020.

By: *[Signature]*
Mayor