

SPRING GROVE BOROUGH

ORDINANCE NO. 3-2008

AN ORDINANCE ESTABLISHING REGULATIONS, LICENSING AND INSPECTIONS FOR RENTAL PROPERTIES AND HOUSING OCCUPANCY WITHIN SPRING GROVE BOROUGH, MINIMUM STANDARDS FOR RENTAL PROPERTIES, VIOLATIONS AND PENALTIES AND APPEALS.

The Borough Council of Spring Grove Borough, York County, Pennsylvania, enacts and ordains as follows:

Section 1. The Borough Council of Spring Grove, York County, Pennsylvania hereby adopts the following Rental Properties Maintenance and Housing Occupancy Ordinance, as follows:

RENTAL PROPERTIES MAINTENANCE AND HOUSING OCCUPANCY.

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| § 101. Title. | § 110. Action upon finding violations. |
| § 102. Definitions; word usage. | § 111. License. |
| § 103. Responsibilities of Owners and occupants. | § 112. Rules and regulations. |
| § 104. Minimum Property Maintenance Code Standards for Rental Property | § 113. Notice of violation. |
| § 105. Maximum density and minimum space, use and location requirements. | § 114. Fees and charges. |
| § 106. Rooming Houses and Rooming Units. | § 115. Violations and penalties. |
| § 107. Fire Safety Requirements | § 116. Appeals. |
| § 108. Inspections, Licensing and enforcement. | § 117. Inspection, licensing and cancellation fees. |
| § 109. Notification of transfer of Ownership | § 118. Mandatory Inspection upon change of tenant |
| | § 119. Conflict with other provisions |

§ 101. Title.

This chapter shall be known and may be cited as the “Rental Properties Maintenance and Housing Occupancy Ordinance of the Borough of Spring Grove.”

§ 102. Definitions; word usage.

A. Definitions. As used in this chapter, the following terms shall have the meaning indicated:

ACCESSORY STRUCTURE – A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

APPROPRIATE AUTHORITY – That person within the governmental structure of the corporate unit charged with the administration of the appropriate ordinance.

APPROVED – Approved by the local or state authority having such administrative authority.

ASHES – The residue from the burning of combustible material.

BOROUGH - The Borough of Spring Grove.

CHIMNEY – A vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one or more flues for the purpose of removing products of combustion from solid, liquid or gas fuel.

CODES ENFORCEMENT OFFICER – The individual, entity or any assistants thereof authorized by the Spring Grove Borough Council to inspect properties and any other duties set forth in this chapter.

DWELLING – Any enclosed space which is wholly or partly used or to be used for living or sleeping by human occupants.

DWELLING UNIT – Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by human occupants.

EXTERMINATION – The control and elimination of insects, rodents or other pests by eliminating their harborage places; removing or making inaccessible materials that may serve as their food; by poisoning; spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

FLUSH WATER CLOSET – A toilet bowl flushed with water under pressure with a water sealed trap above floor level. Such toilet bowls shall have a smooth, easily cleanable surface.

GARBAGE – Animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

GUEST – Any person who shares a dwelling unit in a nonpermanent status for no more than 30 days.

HABITABLE ROOM – A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding laundries, furnace rooms, pantries and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, storage spaces and workshops, hobby and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.

INFESTATION – The presence within or around a dwelling of any insects, rodents or other pests.

KITCHEN – Any room containing any and all of the following equipment of the area of a room within three feet of such equipment: sink and/or other devices for dishwashing, stove or other devices for cooking, refrigerator or other devices for cool storage of food, cabinets and/or shelves for storage of equipment and utensils and counter or table for food preparation.

LICENSE – The document issued by the Borough of Spring Grove demonstrating permission to operate a Rental Property in the Borough.

MULTIPLE DWELLING – Any dwelling containing two or more dwelling units or rooming units, or two or more of any combination of dwelling and rooming units.

OCCUPANT – Any person living, sleeping, cooking or eating in or actually having possession of a dwelling unit or a rooming unit; except that in dwelling units, a guest will not be considered an occupant.

OPERATOR – Any person who has charge, care, control or management of a building or part thereof in which dwelling units or rooming units are let.

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; that is recorded in the official records of the state, county or municipality as holding title to or an interest in the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON – Any individual, corporation, partnership or any other group acting as a unit.

PLUMBING – All of the following supplies, facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, incinerators, waste pipes, water closets, sinks, dishwashers, lavatories, bathtub, shower baths, shower stalls, clothes-washing machines, catch basins, drains, vents and any other similar supplies and fixtures, together with all connections to water, sewer or gas lines and water pipes and lines, including those utilized in conjunction with air-conditioning equipment.

PREMISES – A lot, plot or parcel of land, easement or public way, including any structures thereon.

PROPERTY MAINTENANCE CODE – The ICC International Property Maintenance Code, 2006 Edition, as adopted, amended and revised from time to time by the Borough. All subsequent editions of the property maintenance code adopted by the Borough shall be included hereunder.

REFUSE – All putrescible and nonputrescible solids (except body wastes), including garbage, rubbish, ashes and dead animals.

RENTAL PROPERTY – Any dwelling, dwelling unit, rooming house or rooming unit occupied by tenant or tenants.

RENTAL PROPERTY AGENT – A person designated by the Owner of a Rental Property to be responsible for said Rental Property as more fully set forth herein.

RESIDENT – An individual who is domiciled in the Borough of Spring Grove or, in the case of a nonindividual, any entity with its principal place of business and mailing address in the Borough of Spring Grove.

ROOMING HOUSE – A building containing a single owner occupied dwelling unit and guest rooms, where lodging is provided with or without meals for compensation. Businesses commonly referred to as “bed and breakfast inns” are included in this definition.

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.

RUBBISH – Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SAFETY – The condition of being free from danger and hazard which may cause accidents or disease.

SPACE HEATER – A self-contained, heating appliance of either the circulating type or the radiant type and intended primarily to heat only one room.

SUPPLIED – Paid for, furnished by, provided by or under control of the Owner or operator.

TENANT – Any person other than the owner who occupies, resides, or is entitled to occupy or reside in any dwelling or dwelling unit with the permission, express or implied, of the owner or operator of such dwelling or dwelling unit, regardless of whether there is any written or verbal lease therefor or no lease, and regardless of whether such person pays rent or other compensation or consideration to the owner or operator of such dwelling or dwelling unit for the occupancy or right to occupy or reside in such dwelling or dwelling unit.

ZONING ORDINANCE – The Spring Grove Borough Zoning Ordinance, as amended.

B. Word usage.

a. Words used herein but not specifically defined shall have the same meaning as defined in the Spring Grove Borough Property Maintenance Code. Any words not defined herein or in the Property Maintenance Code shall carry the common meaning as defined in the dictionary.

b. In this chapter, words used in the singular include the plural, and the plural includes the singular; the masculine gender includes the feminine and the feminine the masculine.

c. Meaning of certain words. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” “premises,” “structure” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.”

§ 103. Responsibilities of Owners and Occupants.

A. No Owner or other person shall occupy or let to another person any Rental Property unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the Commonwealth of Pennsylvania and the Borough.

B. 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.

C. 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.

D. Every Occupant of a Rental Property shall store and dispose of all rubbish in a clean, sanitary and safe manner.

E. 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.

F. Every Owner of a Rental Property containing three 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 that is a single-family dwelling, it shall be the responsibility of the Occupant to furnish such facilities or containers.

G. Every Occupant of a Rental Property or of a Dwelling Unit in a Dwelling containing more than one Dwelling Unit shall be responsible for the extermination of insects and rodents on the premises whenever such Occupant’s Dwelling Unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the Owner to maintain a Dwelling in a rodent-proof or reasonable insect-proof condition,

extermination 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.

H. Every Owner of a Rental Property shall keep all plumbing fixtures therein in operable condition.

I. From October 1 until April 30 in every Rental Property when the control of supplied heat is the responsibility of a person other than the Occupant, a temperature of at least 68° F. shall be maintained in all habitable rooms, bathrooms and water closet compartments.

J. Every Owner of a Rental Property who resides more than twenty (20) miles from the Borough municipal limits shall designate in writing to the Borough a Rental Property Agent. The Rental Property Agent shall have the authority to act on behalf of the Owner and shall accept service for all notices to be provided hereunder. The use of the word Owner and Rental Property Agent herein shall be interchangeable. The Rental Property Agent shall be liable for any violation of this Part and shall be subject to prosecution hereunder as if he were the Owner, provided however, that Owner shall be and remain liable for violations of this Chapter whether or not a Rental Property Agent has been appointed and designated.

K. Every Owner of a Rental Property shall conspicuously display within the Rental Property the current License.

§ 104. Minimum Property Maintenance Code Standards for Rental Property.

No person shall occupy as Owner or Occupant or let to another for occupancy any Rental Property, for the purpose of living, which does not comply with the minimum standards set forth in the Property Maintenance Code. Such minimum standards shall include but not be limited to handrails and guard rails, light and ventilation, thermal and sanitary maintenance of structural elements.

§ 105. Maximum density and minimum space, use 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 space, use and location requirements set forth in the Borough's Zoning Ordinance.

§ 106. Rooming Houses and Rooming Units.

No Person shall operate a Rooming House or shall occupy or let to another for occupancy any Rooming Unit in any Rooming House which is not in compliance with the provisions of this chapter. No Owner or other person shall occupy or let to another person any Rooming Unit unless it is clean and sanitary and complies with all applicable requirements of the Borough including the following:

A. No Person shall operate a Rooming House unless he holds a valid occupancy permit issued by the appropriate authority in the name of the operator and for the specific Dwelling or Dwelling Unit. The Operator shall apply to the appropriate authority upon compliance by the Operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto. The permit shall not be transferable.

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 Rooming House, including members of the Operator's family wherever they share the use of said facilities.

§ 107. Fire Safety Requirements

A. Every dwelling unit with the exception of those heated primarily with electric heat shall consist of at minimum one (1) functioning carbon monoxide detector. The Owner shall provide a carbon monoxide detector that is either separate from the required smoke alarm(s) or is part of a combined unit. All carbon monoxide detectors shall be tested in accordance with the manufacturer's instructions. The Occupant shall have the duty and responsibility to notify the owner of any defect(s). The Owner shall have the duty and responsibility of remedying any defect after receiving notice of the defect. All carbon monoxide detectors shall be kept in proper working condition at all times and shall be replaced after being in service for a period of ten years or becoming defective/inoperable, whichever comes first.

B. Every dwelling unit shall consist of at minimum one (1) functioning fire extinguisher. Any dwelling unit shall have a portable fire extinguisher with a minimum rating of 2-A:10-B:C. The Owner shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to occupants without subjecting the occupants to possible injury. The Owner shall assure that portable fire extinguishers are maintained in a fully charged and operable condition and kept in their designated places at all times except during use. Fire extinguishers shall be clearly located where they will be readily accessible and immediately available in the event of fire.

§ 108. Inspections, Licensing and Enforcement.

A. The Codes Enforcement Officer is hereby authorized and directed to inspect and License all Rental Property subject to the provisions of this chapter.

B. The Codes Enforcement Officer shall inspect each Rental Property in the Borough to determine compliance with this chapter once every two years pursuant to a reasonable schedule to be established by such officer, or in response to a complaint that an alleged violation of the provisions of this chapter 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 chapter or any rules and regulations pursuant thereto has been committed, or upon the transfer of ownership of the entire property.

C. The Codes Enforcement Officer is authorized and directed to make inspections at any reasonable hour to determine compliance with this chapter. 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 any Rental Property subject to this chapter 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 Rental Property subject to this chapter may agree to an inspection by appointment at a time other than the hours provided by this chapter. The Owner, agent or person in charge must be present at all times during the inspection.

F. The Owner or Occupant or other person in charge of a 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 of a Rental Property subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the Rental Property or premises where inspection is authorized by this part is sought, the Codes Enforcement Officer and the Borough are authorized to seek in a court of competent jurisdiction an order that such person in charge cease and desist with such interference. Such person may also be liable for such fines and criminal penalties as set forth in other sections of this chapter.

H. The Codes Enforcement Officer and the Borough shall have the authority to institute any action permitted by law to enforce the provisions of this chapter.

I. Any inspection scheduled pursuant to any provision of this Part may be canceled one time by contacting the Borough Office during normal business hours at least 48 hours in advance of the scheduled inspection. Failure to comply with these procedures for canceling, or canceling the inspection more than one time, will result in the imposition of a cancellation fee.

§ 109. Notification of transfer of Ownership.

Every Person owning a Rental Property shall give notice, in writing, to the Codes Enforcement Officer within 24 hours after having transferred or otherwise disposed of the legal control of any 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.

§ 110. Action upon finding violations.

Whenever, upon inspection of the Rental Property or of the records required to be kept by this chapter, the Codes Enforcement Officer finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, the Codes Enforcement Officer or the Borough shall serve the Owner or other person in charge with notice of such violation in a manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within the time provided, the Owner shall be subject to penalties provided by this part.

§ 111. License.

A. Every person proposing to operate a Rental Property approved by the Borough for such purpose shall be required to license said Rental Property prior to any Tenant occupying said Rental Property. All Rental Properties legally in existence on the effective date of this ordinance shall have 180 days to obtain a License for said Rental Property. Thereafter, the continued operation of a Rental Property without a License shall be considered a violation of this Part.

B. No License shall be issued by the Borough until all Borough taxes, permit fees, inspection fees, sewer fees, refuse fees and any other municipal claims are paid in full and are current with no delinquency.

C. The issuance of a License shall not be considered a representation or warranty that the Rental Property is in compliance with all Borough codes, ordinances, rules and regulations.

D. Said License shall be valid for two (2) years after issue date provided that all other conditions within this ordinance are met.

§ 112. Rules and regulations.

The Spring Grove Borough Council may adopt such rules and regulations, and revisions and amendments thereto, as are deemed appropriate for giving effect to the purpose of this part.

§ 113. Notice of violation.

A. Whenever the Codes Enforcement Officer determines that a Rental Property or the surrounding premises fails to meet the requirements set forth in this part or in applicable rules and regulations issued pursuant hereto, the Codes Enforcement Officer or other Borough designee 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 Dwelling, Dwelling Unit, Rooming Unit 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 seriousness of the violation and the climatic conditions. The Codes Enforcement Officer or other Borough designee may, in his or her sole and absolute discretion, give one additional extension of time, provided that the Owner is exercising due diligence and the inability to make the correction is through no fault of the Owner.

(5) Be served upon the Owner or Occupant or other person in charge of the Rental Property or Dwelling, Dwelling Unit, Rooming Unit or Premises personally, or by mail, 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 dwelling, dwelling unit, rooming unit or premises described in the notice or by causing such notice to be published in a newspaper of general circulation.

(6) Be served upon the Rental Property Agent for the receipt of such service of notice designated pursuant to this part.

B. The Owner of every Rental Property must file with the Borough Office each year between January 1 and January 31 a property registration. All Owners or Rental Property Agents must comply with the registration requirements and provide name of Occupant, roomers or person living within a Rental Property, and provide the names and address of Owner and/or Rental Property Agent along with other needed information.

C. At the end of the period of time allowed for the correction of any violation alleged, the Codes Enforcement Officer shall reinspect the Rental Property described in the notice. Failure to have all violations corrected shall result in the revocation of any License and/or the determination that the Owner is operating a Rental Property without a License and in violation of this Part.

§ 114. Fees and charges.

All fees and charges for licensing and inspection due and unpaid under this chapter shall be recovered by the Borough as other debts due the Borough are now by law recovered, and shall constitute a municipal claim.

§ 115. Violations and penalties.

Any Owner or Occupant or other person in charge of a Rental Property who has received notice of a violation of this chapter and fails to take the necessary corrective action shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 together with the costs of prosecution and, in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days. Each day of continued violation

shall constitute a separate offense.

§ 116. Appeals.

A. Any Person aggrieved by a determination that a Rental Property violates the Property Maintenance Code as applied hereunder may appeal the determination to the Building Appeals Board, as defined and provided for in the Property Maintenance Code.

§ 117. Inspection, licensing and cancellation fees.

A. An annual registration fee shall be imposed and shall include the every two year inspection fee and a licensing fee. An additional inspection fee for any subsequent inspection for the same Rental Property, as a follow-up or other continuation of the initial inspection, shall be imposed. The inspection and licensing fees shall be established by the Spring Grove Borough Council from time to time by resolution.

B. A cancellation fee is hereby imposed in and for the following occurrences: canceling any inspection more than one time where such inspection has been scheduled in accordance with this part, and canceling any scheduled inspection without following the procedures set forth in this part. Cancellation fees shall be established by the Spring Grove Borough Council from time to time by resolution.

§ 118. Mandatory Inspection upon change of tenant.

A. Unless an inspection has been completed in the last six (6) months, prior to renting to a new Tenant, the Owner shall contact the Codes Enforcement Officer and make satisfactory arrangements to have an inspection when the Rental Property or applicable Dwelling Unit or Housing Unit is vacant and prior to the occupancy of the Rental Property by the new Tenant. Failure by the Owner to do so shall constitute a violation of this part. Each and every day that a violation continues shall constitute a separate violation of this part, subject to the fines and penalties set forth in this part.

B. 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 Tenant's authorized agent.

§ 119. Conflict with other provisions.

In any case where a provision of this chapter 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 ordinance, 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 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 and repealed to the extent that they may be

found in conflict with this part.

Section 2: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Council of the Borough of Spring Grove hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 3: All Ordinances or parts thereof that are inconsistent herewith are hereby repealed and amended.

Section 4: Effective Date. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, 2009 from and after the date of its final passage and adoption.

ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF SPRING GROVE THIS 1ST DAY OF DECEMBER, 2008.

ATTEST:

BOROUGH OF SPRING GROVE

Andrew N. Shaffer, Secretary

Richard P. Legore, Council President

EXAMINED AND APPROVED BY ME this 1st day of December 2008

Seal

Dolores J. Aumen, Mayor