

**BOROUGH OF MONTOURSVILLE
LYCOMING COUNTY, PENNSYLVANIA**

ORDINANCE NO. 443

AN ORDINANCE OF THE BOROUGH OF MONTOURSVILLE, LYCOMING COUNTY, PENNSYLVANIA, AMENDING CHAPTER 114, "PROPERTY MAINTENANCE", OF THE CODE OF THE BOROUGH OF MONTOURSVILLE, PENNSYLVANIA, ADOPTED MARCH 3, 1997, AS ORDINANCE NO. 370 AS AMENDED, BY ADDING A NEW ARTICLE II TO CHAPTER 114 TO BE ENTITLED "RENTAL INSPECTIONS"; DEFINING AND REGULATING NON-OWNER OCCUPIED RESIDENTIAL UNITS; PROVIDING FOR INSPECTION OF NON-OWNER OCCUPIED RESIDENTIAL UNITS; REQUIRING INSPECTIONS OF PROPERTIES; SETTING STANDARDS FOR INSPECTIONS; REGULATING THE TIMING OF INSPECTIONS; REQUIRING NOTICE PROCEDURE; AND PRESCRIBING PENALTIES FOR VIOLATION.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough Montoursville, Lycoming County, Pennsylvania, as follows:

SECTION I

The following article shall be added to Chapter 114, Property Maintenance, as follows:

**ARTICLE II
RENTAL INSPECTIONS**

§114-10: PURPOSE.

- a. This Ordinance shall be known as the "Montoursville Rental Inspection Ordinance."
- b. The Borough of Montoursville has experienced problems with the maintenance and safety of non-owner occupied properties and has concerns about the health, safety and welfare of occupants of these non-owner occupied properties within the Borough. The purpose of this Ordinance is to enhance the safety of non-owner occupied properties through a system of inspection, which focuses on compliance with the property maintenance codes governing existing structures.

§114-11: DEFINITIONS.

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

- a. "Borough" means the Borough Council of the Borough of Montoursville, Lycoming County, Pennsylvania.
- b. "Board of Appeal" shall mean Property Maintenance Board of Appeals of the Borough of Montoursville, as appointed.
- c. "Certificate of Inspection" means certificate issued by the Code Official indicating that the rental unit is in compliance with this ordinance for a specified time.
- d. "Code" means the Code of the Borough of Montoursville, adopted March 3, 1997 as Ordinance No. 370, as amended, and the Montoursville Borough Zoning Ordinance, adopted on July 6, 2009 as Ordinance No. 438, as amended.
- e. "Code Official" means the individual, individuals or third party contactor designated by the Borough to administer and enforce this Ordinance.
- f. "Owner" means any person, co-partnership, association, corporation, or fiduciary having legal, or equitable title, or any interest in any real property. Whenever used in any clause prescribing or imposing a penalty, the term "Owner," as applied to co-partnership and associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
- g. "Residential Unit" means any structure or structurally enclosed area used or intended to be used as a living quarters for one or more individuals.
- h. "Regulated Rental Unit" means a residential unit occupied by other than the Owner and/or the Owner's family.
- i. "Non-Regulated Residential Unit" means a single residential unit occupied by the Owner and/or the Owner's family.
- j. "Structure" means that which is built or constructed or a portion thereof.

§114-13: CERTIFICATE OF INSPECTION REQUIRED FOR OCCUPANCY.

No Regulated Rental Unit shall be occupied unless the owner or designated agent obtains and keeps a current certificate of inspection on file as required by the provisions of this Ordinance.

§114-14: INSPECTION REQUIREMENTS.

Regulated Rental Units shall be subject to inspection in accordance with the provisions of this Ordinance.

- a. Purpose. Inspections required by this Ordinance shall be for the purpose of determining compliance with the provisions of the Code in effect on the date of inspection.
- b. Inspectors. Inspections required by this Ordinance shall be conducted by the Borough's designated Code Official(s).
- c. Inspection Standards. In order for an owner to obtain and/or retain a Certificate of Inspection, Regulated Rental Units shall comply with all applicable portions of the Code.
- d. Timing of Inspections/Renewals.
 1. On or after the effective date of this Ordinance, prior to any Non Regulated Residential being converted to use as a Regulated Residential Unit, the Owner of the Unit shall contact the Borough and submit an Application for Inspection and a Certificate of Inspection shall be obtained from the Borough in accordance with this Ordinance prior to occupancy of such Non Regulated Residential unit by anyone other than the owner or the owner's family, and subsequent inspections shall occur as set forth in Subparagraph (d)(2).
 2. The Code Official shall notify the owner of a Regulated Residential Unit of a pending inspection. The owner shall contact the Code Official and schedule an inspection within 30 days from the receipt of the notice. A Certificate of Inspection issued for a Regulated Residential Unit shall expire three (3) years after the date of issuance and Regulated Residential Units shall be re-inspected prior to the expiration date on Certificate of Inspection.
 3. Any property that has been inspected as set forth in Subparagraph (d) (2) and subsequently becomes vacant for a period of one year must be re-inspected prior to occupancy as a regulated residential unit.
- e. Exceptions.
 1. Any Regulated Residential Unit that is subject to an inspection by any other Governmental Agency which inspection standards are equal to or greater than the Borough's Code. Nothing contained in this exception shall be deemed to exclude the property from being subject to any of the Borough's Codes.

§114-15: ISSUANCE OF CERTIFICATE OF INSPECTION.

- a. General Provision. Upon the date of the completion of an inspection of a Regulated Residential Unit in which no violations of the Code are found or on the date that any such violations have been corrected, the Borough shall issue a Certificate of Inspection for the Regulated Residential Unit. The Certificate of Inspection shall be kept on file by the owner or designated agent and made available to the Code Official upon request.
- b. Report of Inspection and Appeals. Any violations of the Code found by the Code Official during an inspection or re-inspection shall be documented by the Code Official on a Report of Inspection in sufficient detail to allow the owner to correct the violation. The Report of Inspection shall be provided to the owner within fifteen (15) days of the date of inspection. Any appeal from the Report of Inspection shall be filed and heard in the manner provided for in Section 114-20 of this Ordinance.
- c. Multi-Unit Structures. Each unit in a multi-unit structure which meets the definition of a Regulated Rental Unit shall be considered to be a separate Regulated Rental Unit. Units within a structure which are in compliance with the Code may continue to be occupied if, in the opinion of the Code Official, other portions of the structure or units therein which either do not apply or have not passed inspection do not create a hazard to the health and safety to the persons occupying the units in compliance with the Ordinance.
- d. Compliance with Code. The issuance of a Certificate of Inspection does not relieve the property owner of the responsibility of maintaining a structure or Regulated Rental Unit in accordance with the Code.
- e. Forms. The Application for Inspections, Certificate of Inspection, Notice of Transfer, Report of Inspection and any other forms and documents necessary to administer the requirements of this Ordinance shall be in such form as shall be approved, from time to time, by the Borough.

§114-16: NOTICE REQUIREMENT.

- a. Newspaper advertisement. The Borough shall, each year, cause notice of this Ordinance to be published two times in a newspaper of general circulation within the Borough. The first notice shall be published during January of each calendar year except in the year of enactment when the first notice shall be published within 30 days of the date of enactment. The second notice shall be published during October of each calendar year. The notice shall set forth the general requirements of the Ordinance, that inspection may be required before a Regulated Residential Unit is occupied and where a copy of the Ordinance may be obtained.

- b. Written notice must be given to the property owner or agent prior to an inspection. The property owner or agent shall provide the tenant with reasonable notice of the inspection.

§114-17: TRANSFER OF CERTIFICATE OF INSPECTION.

A Certificate of Inspection issued hereunder is transferable to any person or entity who acquires ownership of a Regulated Residential Unit for the unexpired portion of the three-year term for which the Certificate was issued. The new Owner of the Regulated Residential Unit shall file a Notice of Transfer of the Certificate of Inspection with the Borough within 30 days of the date of sale or transfer of ownership. A Certificate of Inspection shall terminate upon failure to file a Notice of Transfer within 30 days of the date of sale or transfer of ownership of the Regulated residential unit.

§114-18: RESPONSIBLE PARTY.

The Owner of any Regulated Residential Unit shall be responsible for compliance with the provisions of this Ordinance.

§114-19: VIOLATIONS AND SUSPENSION OR REVOCATION OF CERTIFICATE OF INSPECTION.

a. General.

1. Depending on the severity and/or number of violations of the Code, the Borough may initiate action against an owner that may result in a Notice of Violation and/or suspension or revocation of a Certificate of Inspection for violating any provisions of this Ordinance that impose a duty upon the Owner and/or for failing to regulate the breach of duties by occupants as provided herein, subject to the right of appeal pursuant to Section 114-20.
2. In order for an Owner to obtain or retain a Certificate of Inspection, the property owner has the responsibility for maintaining the structure and/or Regulated Rental Unit in accordance with the Code.
3. Administration, inspections and notifications utilized in the enforcement of this Ordinance shall be conducted in accordance with the procedures set forth in the current version of the International Property Maintenance Code or other such Property Maintenance Code subsequently adopted by the Borough.

b. Borough's Options.

1. Notice of Violation: violation(s) of the Code or this Ordinance shall result in the issuance of a Notice of Violation by the Code Official in accordance with procedures contained in the current version of the International Property Maintenance Code or other such Property Maintenance Code subsequently adopted by the Borough.
 2. Suspension: a Certificate of Inspection may be suspended upon the issuance of a Notice of Violation. Notification of the suspension of the Certificate shall be included in the Notice. Upon failure of the Certificate holder to correct the violations set forth in the Notice in the time period therein specified, the Certificate of Inspection may be revoked. A suspended Certificate of Inspection shall be reinstated at the time the violation(s) cited in the Notice are corrected. Suspension of a Certificate shall not result in eviction of the occupants of the Unit.
 3. Revocation: should an owner fail to correct the violations set forth in a Notice of Violation in the time period therein specified or should the Code Official determine that a structure or unit is unsafe or unfit for occupancy, the Certificate of Inspection may be revoked and the owner shall be notified of the immediate loss of the right to rent the unit(s) in question. Upon revocation of a Certificate of Inspection, the owner shall take immediate action to evict the occupants of the unit(s).
- c. Grounds for taking action. Any of the following may subject an owner to actions as provided for in this Ordinance:
1. Failure to abate a violation of this Ordinance that applies to the premises within the time directed by the Borough.
 2. Refusal to permit the inspection of the premises by the Borough, as provided for in this Ordinance.
 3. Failure to take steps to remedy and prevent violations of this Ordinance by occupants of regulated residential unit as provided for in Section 114-19 of this Ordinance.

§114-20: MEANS OF APPEAL.

Any person affected by any Notice or Order which has been issued in connection with the enforcement of any provision of this Ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Appeal. Appeals shall be filed and appeal hearings conducted in accordance with the procedures set forth in the current version of the International Property Maintenance Code or other such Property Maintenance Code subsequently adopted by the Borough.

§114-21: VIOLATIONS AND PENALTIES.

The Owner of any Regulated Residential Unit who has violated or permitted the violation of this Ordinance shall be subject to the General Penalty provisions of the Code of the Borough of Montoursville.

§114-22: FEES AND FEE SCHEDULE.

The Borough is authorized to assess fees upon owners of Regulated Rental Units for inspections, re-inspections, issuance of Certifications of Inspection and Reports of Inspections and other administrative actions necessary to implement this Ordinance. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by the Borough Council by resolution from time to time.

SECTION II

Severability

The provisions of this Ordinance are severable and if any section, sentence, clause or part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough of Montoursville that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III

Applicability

Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.

SECTION IV

Effective Date

This ordinance shall become effective immediately and shall continue on a calendar year basis, thereafter, without annual reenactment.

DULY ENACTED AND ORDAINED this 3rd day of May, 2010, by Borough Council of the Borough of Montoursville, Lycoming County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF MONTOURSVILLE

By: Lenora Georges

Lenora Georges
Borough Secretary

By: Robert C. Brobson

Robert C. Brobson
Council President

APPROVED this 3rd day of May, 2010.

By: John Dorin

John Dorin, Mayor