

BOROUGH OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. 4-15

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF MOUNT JOY, CHAPTER 195, PROPERTY MAINTENANCE, TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE/2009 WITH CERTAIN CHANGES AND ADDITIONS AS THE MOUNT JOY BOROUGH PROPERTY MAINTENANCE CODE.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Borough of Mount Joy, Chapter 195, Property Maintenance, shall be deleted in its entirety and a new Chapter 195, Property Maintenance, shall be inserted which shall provide as follows:

**Chapter 195
Property Maintenance**

§195-1. Short Title.

This Chapter shall be known and may be cited as the Mount Joy Borough Property Maintenance Code.

§195-2. Adoption of Property Maintenance Code.

A certain document, copies of which have been and are presently on file in the Office of the Secretary of the Borough of Mount Joy, Lancaster County, Pennsylvania, being marked and designated as "International Code Council, Inc., International Property Maintenance Code/2009," be and is adopted as the Property Maintenance Code of the Borough of Mount Joy, creating a code of property maintenance regulations for the protection of public health, safety and welfare as herein provided. Each and all of the regulations of the International Property Maintenance Code/2009, except as provided in §195.3, are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, enumerated in §195-3.

§195-3. Deletions, Additions And Insertions.

Changes from the International Property Maintenance Code/2009 to the Property Maintenance Code of the Borough of Mount Joy are as follows:

A. Section 101.1 shall be amended by inserting "Borough of Mount Joy, Lancaster County, Pennsylvania."

B. Section 103.5 shall provide as follows:

103.5. Fees. The fees for activities and services performed by the Code Official in carrying out his responsibilities under this Code and for appeals shall be established by resolution or ordinance of Borough Council.

C. Section 106.3, Prosecution of Violation, shall be amended to provide as follows:

106.3. Prosecution of Violation. If the Code Official has served a notice of violation and the notice of violation is not complied with within the time specified in such notice, or if the Code Official determines that there is insufficient time to serve a notice of violation or that such notice of violation will have no practical or beneficial effect, the Code Official shall notify Borough Council of the violation and shall request Borough Council to authorize institution of enforcement proceedings against the violator and/or authorize the Borough Solicitor to institute the appropriate proceedings at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or any order or direction made pursuant thereto. If the Code Official or if any police officer observes a violation of Section 302 or Section 308 of this Code, in addition to the foregoing such Code Official or police officer is hereby empowered to institute summary criminal proceedings against the violator.

D. Section 106.4 shall provide as follows:

106.4. Penalty. Any person who shall violate a provision of this Code; or who shall fail to comply with any of the requirements thereof; or who shall use, maintain or alter a lot, building or structure in violation of any approved plan or directive of the Code Official or of any order, permit or certificate issued under the provisions of this Code; or who shall violate any order of the Code Official; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the Code Official shall be liable upon summary conviction therefor to fines and penalties of (a) not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus all costs of prosecution for a first offense, (b) not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) plus all costs of prosecution for a second offense, and (c) not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) plus all costs of prosecution for a third or subsequent offense, which fines and penalties may be collected as provided by law. Costs of prosecution shall include the

Borough's attorneys' fees as authorized by Section 3321(a)(5) of the Borough Code. All fines and penalties collected for violation of this Code shall be paid over to the Borough Treasurer. Each day that a violation continues and each section of this Code which is violated shall be deemed a separate offense. This Code may also be enforced by an action in equity brought in the Lancaster County Court of Common Pleas.

E. Section 107.3 shall provide as follows:

107.3. Method of Service. Service of said notice shall be made upon the owner or occupant of the said premises in any of the following manners: by delivering the same to such owner or occupant personally or by delivering the same to and leaving it with any adult person in charge of the said premises or by affixing the same in a conspicuous position upon said premises or by sending said notice by certified or registered mail addressed to the owner at the last known address with return receipt requested. Such procedures shall be deemed the equivalent of personal notice.

F. Insert new Sections 107.7 through 107.7.4 which shall provide as follows:

107.7. Notice to Abate Health Hazard or Public Nuisance. It shall be the duty of the Code Official to cause a notice to be served upon the owner or occupant of any premises whenever property is maintained so as to constitute a health hazard or a public nuisance and to require abatement of the health hazard or public nuisance within ten (10) days from the date of service of such notice or such other time period as may be set forth in the notice. Service of such notice shall be as provided in Section 107.3.

107.7.1. Performance of Work Upon Noncompliance with Notice. In the event that the owner or occupant shall refuse or neglect to abate such health hazard or public nuisance within the time period as required by such notice, or in the event that the owner or occupant shall perform action necessary to eliminate the health hazard in a negligent or incomplete fashion, the Code Official may cause such condition to be eradicated and/or removed, or take action necessary to eliminate such health hazard or nuisance of which the owner or occupant has been notified, keeping an account of the expenses of inspecting the premises, service of notice and abating the health hazard and nuisance. All such costs and expenses shall be charged to and paid by the owner or occupant.

107.7.2. Collection of Costs. All costs and expenses the Borough incurs in the abatement of such health hazards and public nuisances shall be a lien upon the premises. The Borough may bill the property owner for all costs and expenses, plus an administrative fee of 10 percent of such costs and expenses. If such bill is not paid within thirty (30) days, the Borough Solicitor shall file a municipal claim and/or civil action for such costs and expenses and administrative fee, together with a penalty of ten (10%) percent of the costs and expenses, and for allowable attorneys' fees, in the manner provided by law for the collection of municipal claims and/or the filing of civil actions.

107.7.3. **Service Fees for Reoccurring Violations.** When a property has been declared a "public nuisance" due to refuse accumulation, insect, vermin or rodent infestation, lack of required utilities, facilities, equipment or other property maintenance violations, deemed a detriment to the occupants of a property or the public-at-large and/or cause a blighting condition, the Code Official will notify the responsible party. In the event of a reoccurrence of the violation within a twelve-month period, a service charges established by Borough Council by ordinance or resolution will be assessed against the responsible party. Repeat offender service fees shall be payable to the Borough within 15 days of receipt of the Borough invoice setting forth the service fee. Upon failure to timely pay said fee, the Borough may institute appropriate action against the offender to recover both the service fee and any related administrative fees.

107.7.4. **Public Safety Official Notice and Quick Ticket Procedures.** In addition to other enforcement mechanisms available to the Borough under this Code, the Code Official is authorized to issue Public Safety Official Notices for Property Maintenance Code violations and Quick Tickets for violations regarding high weeds and grass, garbage, rubbish and animal waste. The fines for the above-referenced violations shall be payable within 15 days. Repeat offenders shall be subject to additional penalties. Failure to pay the Quick Ticket within 15 days may result in a summary citation being issued through the local magisterial district judge's office. Borough Council shall approve Quick Ticket forms and penalty amounts by resolution.

G. Section 110.3 shall provide as follows:

110.3. **Failure to Comply.** Whenever the owner of a property fails to comply with a demolition order within the time period prescribed, the Code Official shall request the Borough Solicitor to institute an action at law or in equity against the property owner to obtain an order authorizing the Code Official to raze and remove such structure or contract for the razing and removal of such structure at the expense of the owner of the property. At the completion of such razing and removal, the Borough Solicitor shall file a municipal claim as a lien against the property in the amount of the Borough's costs plus a penalty of ten (10%) percent of such costs and for allowable attorneys' fees. The Borough Solicitor may also institute any proceedings at law or in equity to provide for the collection of the Borough's costs and expenses.

H. Section 110.4 shall be deleted in its entirety.

I. Section 111, Means of Appeal, shall be deleted in its entirety. A new Section 111, Appeals, shall be inserted which shall provide as follows:

111.1. **Appeals.** An appeal from any decision of the Code Official may be taken to Borough Council. Such appeal shall be made in writing within ten (10) 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. In making a decision, Borough Council may vary or modify any provision of this Code where there are practical difficulties in the way of executing the strict letter of the law so that the spirit of the law shall be observed, public safety secured, and substantial justice done. Such variation or modification shall be the minimum necessary in order to grant relief. Borough Council shall render a written decision, copies of which shall be provided to the Code Official and the appellant.

J. Section 112.4 shall be deleted in its entirety.

K. Section 202, General Definitions, shall be amended by inserting the following definitions:

Abate/Abatement: When used in connection with lead-based coating, the reduction of, removal of, or encapsulation of lead, followed by thorough cleanup and post-cleanup treatment, from the surfaces and sources that promote exposure resulting in the possibility of lead toxicity or poisoning, which abatement shall be in a manner approved or determined to be appropriate by the Code Official. The methods of abatement and subsequent disposal of lead shall not present a hazard to health from fumes, dust or vapors by inhalation, ingestion or absorption through the skin and mucous membranes and shall be in accordance with all applicable laws, ordinances, regulations and safety standards of the Borough, the state and federal agencies.

Borough: The Borough of Mount Joy, Lancaster County, Pennsylvania.

Borough Council: The governing body of the Borough.

Exposed Surface: When used in connection with lead-based coatings, all interior surfaces of a dwelling or other structures which may be occupied by children and those exterior surfaces of such dwelling or structures which are readily accessible to children under six years of age, such as stairs, decks, porches, railings, windows, doors and sidings. Any yard or other area in the vicinity of a dwelling or structure including without limitation any soil, yard or other area which may be subject to contamination from flaking or peeling lead-based coatings or any other source of lead is also considered an exposed surface.

Lead-Based Coating: Any paint, varnish, glaze or other applied liquid surface coating and putty or plaster which contains a quantity of lead in excess of 0.6 milligrams per square centimeter of surface.

Police Department: The Mount Joy Borough Police Department or any successor Police Department providing police protective services within the Borough.

Police Officer: A member of the Police Department.

Recognized Method of Analysis: Any recognized method of lead detection and analysis which results in measurement of lead in milligrams in a square centimeter of a particular area, including without limitation a radio isotope x-ray fluorescent analyzer for in-place determination of lead content.

Vehicle, hazardous: A vehicle, including but not limited to an automobile, bus, van, truck, recreational vehicle or trailer, which:

1. Contains one or more broken windows or one or more missing doors or a missing trunk or hood which allow entry into the vehicle by children or vermin; or
2. Is structurally unstable or supported by blocks, jacks or other devices which may slip or move, presenting a danger to passers-by; or
3. Is parked upon property in such a manner as to obstruct the vision of drivers or interfere with the free movement of pedestrians or traffic or create a fire hazard.

L. Insert a new Section 301.4 which shall provide as follows:

301.4. Interference with Compliance. No person shall take or cause any person to take any action which creates a condition which results in a premises violating any requirement of this Code, including but not limited to the tampering with water service or sewer service or facilities, depositing of rubbish or garbage or any other discarded materials on a premises, removal of fire extinguishers, and blocking exits. Notwithstanding the foregoing, it shall not be a violation of this Code for the supplier of public water service to cease service for non-payment of water or sewer rates or charges in accordance with applicable laws and procedures.

M. Section 302.4 shall provide as follows:

302.4. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens, protected wild flowers and wetlands.

Borough Council, the Code Official or any officer or employee of the Borough designated for this purpose is hereby authorized to give notice, by personal service, by United States mail or by posting the property, to the owner of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of this Code, directing and requiring such owner to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Code, within ten (10) days after the issuance of such notice or such other time period as may be set forth in the notice. In case any person shall neglect, fail or refuse to comply with such notice, within ten (10) days after the issuance of such notice or such other time period as may be set forth in the notice, Borough authorities may remove,

trim or cut such grass, weeds or vegetation, and the cost thereof, together with a penalty of ten (10%) percent of such cost, and allowable attorneys' fees may be collected by the Borough from such person in the manner provided by law.

If Borough Council, the Code Official or any officer or employee of the Borough has given notice under this Section in the calendar year and the owner did not comply with the notice within the required ten (10) days, the Borough shall not be required to give additional notice to the owner before the Borough removes, trims or cuts grass, weeds or vegetation on the property in that same calendar year, and the Borough may collect the cost thereof, together with a penalty of ten (10%) percent of such cost, and allowable attorneys' fees from such person in the manner provided by law.

N. Section 302.8 shall be amended to provide as follows:

302.8. Vehicles. Except as provided in other regulations, the parking and storage of vehicles, including but not limited to automobiles, buses, vans, trucks, recreational vehicles, and trailers, shall be limited as provided herein.

302.8.1. Licensed and Inspected Vehicles. Vehicles which have both a current license and a current inspection may be stored upon a premises in accordance with the requirements of the Borough Zoning Ordinance and other applicable ordinances and regulations unless such vehicles are hazardous vehicles as defined herein.

302.8.2. Unlicensed or Uninspected Vehicles. Vehicles which do not have both a current license and a current inspection may be stored within a completely enclosed structure on any premises. Vehicles which do not have both a current license and a current inspection shall not be stored outside of a completely enclosed structure on a premises for more than fifteen (15) days unless the owner of the premises has obtained a permit as set forth below. Except as provided below, prior to the unenclosed storage of any vehicle which does not have both a current license and a current inspection on any premises in excess of fifteen (15) days, the owner of the premises shall obtain a permit from the Code Official for the storage of such vehicle. The Code Official shall determine that the vehicle which does not have both a current license and a current inspection is not a hazardous vehicle and that the proposed storage shall not constitute a nuisance prior to the issuance of a permit. Such permit shall authorize the storage of the vehicle which does not have both a current license and a current inspection for a period of ninety (90) days. The owner shall have the right to appeal a denial of a permit by the Code Official as provided in Section 111 herein. Storage of a n unlicensed or uninspected vehicle without obtaining a permit as required herein shall constitute a violation of this Code. The Code Official and/or the Police Department may order the removal of an unlicensed or uninspected vehicle using the procedure set forth in Section 302.8.3. Exceptions: The operator of a motor vehicle towing or repair establishment shall be permitted to store unlicensed or uninspected motor vehicles for a period of not more than ninety (90) days and operators of agricultural operations shall be permitted to store unlicensed or uninspected agricultural vehicles which are

part of an active agricultural operation.

302.8.3. Hazardous Vehicles. No person who owns a hazardous vehicle shall park, place, deposit or permit the parking, placement or depositing of the hazardous vehicle on any property. No property owner shall permit any hazardous vehicle to remain on a premises. If any hazardous vehicle is parked or placed upon a premises, the Code Official and/or the Police Department shall notify the owner or occupant of the premises of the duty to remove the hazardous vehicle. The Code Official and/or the Police Department shall post upon the hazardous vehicle in a conspicuous place a notice directing the removal of the hazardous vehicle within ten (10) days. Should the vehicle not be removed, the Code Official and/or the Police Department shall serve a second notice which shall be in writing and shall provide a time limit not to exceed five (5) days within which the hazardous vehicle has to be removed. Said notice shall be served as provided in Section 107.3 herein and shall additionally be posted upon the hazardous vehicle. If the owner of the premises fails to remove the hazardous vehicle, the Borough may take action to abate the health and/or safety hazard resulting from the hazardous vehicle in the manner provided in Sections 107.7.1 and 107.7.2 herein.

- O. A new Section 302.10 shall be added which shall provide as follows:

302.10. Used Vehicle Parts and Tires. No person shall place, deposit or permit the placement or depositing of used vehicle parts or tires outside of an enclosed structure on any property.

- P. Section 304.2, Protective Treatment, shall be amended by adding the following sentence to the existing Section:

If exterior painted surfaces contain lead levels as set forth in Section 305.7 herein, all requirements of Section 305.7 shall be met.

- Q. Section 304.14, Insect Screens, shall be amended by inserting "April 15" and "October 1" into the appropriate places.

- R. A new Section 305.7 shall be added which shall provide as follows:

305.7. Lead-Based Coatings. Any source of lead, including without limitation a lead-based coating, shall be considered a health hazard to a child under six (6) years of age who has demonstrated an elevated blood level (which for the purposes of this Code shall be considered to be a level equal to or greater than 10 micrograms per deciliter or any future standard established by the United States Public Health Service Centers for Disease Control) if,

1. It exists in or about a dwelling or other structure in which a child under six (6) years of age who has demonstrated an elevated blood lead level commonly resides or visits; and

2. It is determined to be on any flaking, peeling, non-intact deteriorated surface or on any exposed surface or in any soil or dust found in or about the dwelling or structure or in any rugs, carpet or other surface coverings in or about the dwelling or structure; and
3. It contains a quantity of lead in excess of 0.6 milligrams per square centimeter of surface when measured by a recognized method of analysis.

305.7.1. **Notices.** Sources of lead, including lead-based coating areas, must be marked with warnings immediately upon positive testing, and notice of these areas shall be given to the occupant at the time of testing to avoid further child poisoning.

305.7.2. **Abatement of Health Hazard.** If it is determined that there exists a health hazard under Section 305.7, the owner shall be responsible to abate the hazard within such time as specified by the Code Official. The owner and/or occupant of the premises shall bear the cost of abatement and shall present a written plan of abatement to the Code Official for review and approval prior to initiating said abatement. The owner and/or occupant of the premises shall abate the health hazard in accordance with the approved plan, shall completely perform all steps of such approved plan, and shall perform the work set forth in the approved plan in a good and workmanlike fashion. The owner and/or occupant of the premises shall submit proof satisfactory to the Code Official of abatement promptly upon completion.

- S. Section 308, Rubbish and Garbage, shall be amended by adding new Sections 308.4, Notices of Violation, and 308.5, Enforcement, which shall provide as follows:

308.4. Notices of Violation. Borough Council, the Code Official or any officer or employee of the Borough designated for this purpose is hereby authorized to give notice, by personal service, by United States mail or by posting the property, to the owner of any premises on which there exist accumulations of rubbish or garbage remaining in violation of the provisions of this Code, directing and requiring such owner to remove such accumulations of rubbish or garbage so as to conform to the requirements of this Code, within five (5) days after the issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice within five (5) days after the issuance of such notice or such other time period set forth in the notice, Borough authorities may remove or arrange for the removal of such accumulations of rubbish or garbage, and the cost thereof, together with a penalty of ten (10%) percent of such cost, and allowable attorneys' fees may be collected by the Borough from such person in the manner provided by law.

If Borough Council, the Code Official or any officer or employee of the Borough has given notice under this Section in the calendar year and the owner did not comply with the notice within the required five (5) days or such other time period set forth in the notice, the Borough shall not be required to give additional notice to the owner before the Borough removes or arranges for the removal of accumulations of rubbish or garbage on the property in that same calendar year, and the Borough may collect the cost thereof, together with a

penalty of ten (10%) percent of such cost, and allowable attorneys' fees from such person in the manner provided by law.

308.5. **Enforcement.** The Code Official or any police officer shall be authorized to institute summary criminal proceedings against any person who fails to comply with the requirements of this Section 308 prohibiting accumulations of rubbish or garbage and requiring proper storage and disposal of rubbish and garbage. The failure to maintain exterior premises and property and the interior of a structure free from accumulation of rubbish and garbage and/or the failure of any person to comply with the requirements of Sections 308.2 and 308.3 of this Code is a violation of the provisions of this Code, whether or not Borough Council, Code Official, or other officer or employee of the Borough provides the notice set forth below. Any police officer and the Code Official may institute summary enforcement proceedings pursuant to Section 106 of this Code. Such prosecution shall not prevent the Borough from also proceeding under the provisions of Section 308.4 to abate nuisance conditions on the premises.

T. Section 507.1, General, shall be amended to provide as follows:

507.1. **General.** Drainage of roofs and paved areas, yards, courts, and other open areas on the premises shall not be discharged in a manner which creates a nuisance. Without limiting the foregoing, drainage of storm waters from any source shall not be directed into any drain connecting with any public sewer system, any individual or community sewage disposal system, any cesspool, or any absorption area for a sewage disposal system. Drainage water from any source shall not be directed on to the cartway of a public street or discharged in such a manner that water accumulate on the cartway of a public street.

U. Section 602.3, Heat Supply, shall be amended by inserting "October 1" and "April 15" into the appropriate places.

V. Section 602.4, Occupiable Work Spaces, shall be amended by inserting "October 1" and "April 15" into the appropriate places.

W. A new Chapter 9, Leasing of Residential Properties, shall be added, which shall provide as follows:

Chapter 9
Leasing of Residential Properties

Section 900.0 General

900.1. **Scope:** The provisions of this chapter shall govern the leasing of all residential dwelling units.

900.2. **Responsibility:** The owner of the structure shall be responsible for compliance with the requirements of this chapter. If the structure is managed by a person other than the

owner, the manager shall also be responsible for compliance with the requirements of this chapter.

900.3. Definitions: For the purposes of this chapter, the following terms shall have the meanings set forth below:

Landlord: A person who owns or manages and who leases or offers for lease residential rental units to occupants for consideration, monetary or otherwise.

Manager: A person retained by an owner to be responsible for one or more residential rental units within the Borough.

Owner: The person who holds record title and/or the equitable owner under an agreement of sale of a property upon which a residential rental unit is erected or maintained. If more than one person owns the residential rental unit as joint tenants, tenants in common, tenants by the entireties, or tenants in co-partnership, each such person shall be considered an owner and shall have all of the duties of an owner under this Chapter.

Residential Rental Unit: (i) a rooming unit or (ii) a dwelling unit let for rent or (iii) an other-than-owner-occupied residential unit. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, each individual residential unit in a mixed use 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 shall not include a hotel unit. A residential rental unit includes dwelling units under lease-purchase agreements, or long-term [greater than six (6) months] agreements of sale.

Rooming Unit: a portion of a dwelling unit including 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. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit.

Section 901.0 Reports by Owners

901.1 Required reports: Each landlord who owns, rents or has available one or more residential rental units shall submit to the Code Official, on a form provided by the Code Official, the following information:

1. The residential rental units owned by the owner located within the Borough, whether presently occupied or unoccupied.
2. The complete address of each such residential rental unit and a description of the

residential rental unit.

3. Whether or not said residential rental unit is occupied and, if so occupied, the names of all of the occupants of the residential rental unit, specifying whether each such occupant is over 18 years of age. Submission of a copy of the lease agreement, if it includes this information, will be satisfactory.
4. The name, address, phone number and e-mail address of the owner and the name, address, phone number and e-mail address of the manager if the owner is required to appoint a manager by Section 904.1. If the owner is required to appoint a manager by Section 904.1, the owner and the manager shall sign a statement by which the owner designates that manager and authorizes the manager to accept service of notices from the Borough.

901.2. Reports by persons upon becoming landlords: Any person who becomes a landlord who owns, rents or has available one or more residential rental units shall submit to the Code Official, on a form provided by the Code Official, within 30 days thereafter, the information set forth in Section 901.1 above.

901.3. Reports by persons upon change in occupancy: Each time there is a change in the occupancy of a residential rental unit, the landlord shall submit to the Code Official, on a form provided by the Code Official, within 30 days thereafter, the information set forth in Section 901.1 above. A change in occupancy shall include the residential rental unit becoming vacant.

Section 902.0 Licensing of Residential Rental Units

902.1 Requirement to license: All landlords shall obtain a license from the Code Official, on an annual basis, for each residential rental unit. Annual licenses shall be valid for the period of January 1 to December 31. Failure to obtain a license for any residential rental unit shall be a violation of this chapter.

902.2 License fee: The landlord of the residential rental units shall pay the annual license fee set by resolution or ordinance of Borough Council upon application for the annual license for such residential rental unit.

Section 903.0 Inspections

903.1 Inspections: All residential rental units shall be subject to inspection by the Code Official in accordance with a schedule for regular inspection of all rental units, which schedule shall provide for the inspection of all rental units at least once every four years, whenever the tenant of the rental unit changes or if a complaint concerning the residential rental unit is received or if the Code Official otherwise determines that a violation of this Code may exist. The landlord of each residential rental unit shall make suitable arrangements with the Code Official for such inspections.

Section 904.0 Appointment of Manager

904.1 Requirement to Appoint Manager: No residential rental unit license shall be issued to any owner residing outside of the County unless the owner provides the Code Official with the name, mailing address and telephone number of a manager residing or working within the County, authorized to accept service of process on behalf of the owner. For the purpose of this Chapter, a post office box is not acceptable for the manager's address. This designation shall not be valid unless signed by the owner and the manager designated to act on behalf of the owner. The owner shall notify the Code Official within thirty (30) days of any change in manager.

Section 2. It is the intention of Borough Council that the requirements of this Ordinance shall supplement and shall not repeal any existing regulations, except to the extent that this Ordinance irreconcilably conflicts with such other ordinance. Where this Ordinance imposes greater regulations upon the maintenance of structures or land or any other matter governed by this Ordinance, the provisions of this Ordinance shall control. Where another ordinance, currently in effect or enacted in the future, provides greater regulations on the maintenance of structures or land or any other matter governed by this Ordinance, such other ordinance shall control.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, 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 or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of Borough Council that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force from and after its approval as provided by law.

DULY ORDAINED AND ENACTED this 6th day of April, 2015, by Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MOUNT JOY
Lancaster County, Pennsylvania

Attest: [Signature]
(Assistant) Secretary

By: [Signature]
(Vice) President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 6th day of April, 2015.

By: [Signature]
Mayor

