

AN ORDINANCE OF THE BOROUGH OF YOE, YORK COUNTY, PENNSYLVANIA, ENACTING A PROPERTY MAINTENANCE CODE AND HOUSING OCCUPANCY CODE; FOR ALL RENTAL PROPERTIES, BUILDINGS AND STRUCTURES LOCATED IN THE BOROUGH; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; PROVIDING FOR LICENSING AND INSPECTIONS; PROVIDING FOR ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATIONS THEREOF.

ORDINANCE NO. 2003 - 11

WHEREAS, in order to preserve the health, safety and welfare of the citizens of Yoe Borough, the Borough Council of the Borough of Yoe has determined that it is appropriate to enact an ordinance to provide for proper maintenance, repair and inspection of rental properties located within the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF BOROUGH OF YOE, YORK COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1: SHORT TITLE.

This Ordinance shall be known as the "Property Maintenance Code of Yoe Borough, York County, Pennsylvania."

SECTION 2: ADOPTION.

That a certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of Yoe, being known and designated as the 1998 INTERNATIONAL PROPERTY MAINTENANCE CODE as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Yoe, in the Commonwealth of Pennsylvania; for the control of buildings and structures as herein provided; and each and all or the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set forth in this ordinance, with

the additions, insertions, deletions and changes, if any, prescribed and adopted in Section 3 of this ordinance.

SECTION 3: THE FOLLOWING SECTIONS ARE HEREBY REVISED:

1. Section 101.1. Insert: Borough of Yoe;
2. Section 103.6. Insert: Determined by Resolution;
3. Section 111 Delete In Its Entirety: Replace with Section 7 of this ordinance;
4. Section 302.8 Insert: no currently unregistered or uninspected motor vehicle;
5. Section 303.15. April 1 to October 1;
6. Section 602.3. October 1 to April 1; and
7. Section 602.4. October 1 to April 1.

SECTION 4:

That Ordinance Number _____ of the Borough of Yoe entitled Property Maintenance Code of Yoe Borough and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5:

Licensing of Rooming Houses, Multi-Family Dwellings, Tenant Occupied Single Family Dwellings or Rental Properties.

- A. No person, corporation or business shall operate for compensation, a rooming house, multi-family dwelling, tenant occupied single family dwelling or rental properties without first obtaining from the Borough of Yoe a license to operate such enterprise.
- B. The Code Official shall, upon receipt of an application for a license, inspect the property, and if the property is in compliance with the ordinance, the Borough shall issue the license applied for within a sixty (60) day period.
- C. Every license shall specify the maximum number of occupants allowed to occupy the structure.

D. Every license granted here under shall terminate on the last day of the 12th month in which it was issued, unless sooner revoked.

E. No license required by this section shall be transferable unless the new owner or agent shall give notice in writing to the Borough Secretary within ten (10) days after the transfer in any matter or ownership or control of the interest in such property. Such notice shall include the name and address of the person, corporation or business succeeding ownership or control.

SECTION 6: INSPECTIONS.

A. After initial licensing and inspection, all licensed units shall be inspected by the Code Official on a regular basis or by complaint, at least once in every 24 month period to assure that there are no violations of the Code in existence. The owner or agent will provide access to the property for inspection. The inspection will take at a mutually agreed upon time and date, between the Code Official and the owner or agent. Whenever possible, owners or agents will notify the Borough so inspections will take place when the rental units are vacant. If after arranging for an inspection, access to a property is denied and the inspection cannot be conducted; the owner or agent will be charged an additional inspection fee to cover the Borough's cost and inconvenience.

B. Whenever the Code Official determines that there exists any violation of this Code, the Code Official will notify the owner or agent in writing that unless the Notice of Correction is complied with, the license may be revoked. The written notice will advise the owner or agent of the changes necessary to constitute compliance with the Code and include a time limit to complete the required changes.

After the expiration of time for compliance as stated on the Notice of correction, a re-inspection shall be made to determine compliance.

C. If the violation has not been corrected and no appeal is pending, the Code Official may revoke the license and shall serve written notice upon the owner or agent of such action.

D. Any person, corporation or business whose license has been revoked or whose application for a license has been denied, may appeal to the Borough Council as provided in this ordinance.

SECTION 7: APPEALS.

A. Any agent or owner aggrieved by a determination of violation issued by the Code Official, the Borough Secretary, or the Borough Solicitor may appeal the

determination to the Borough Council on an appeal form, which may be obtained from the Code Official or the Borough Secretary.

- B. The appeal must be filed with the Borough Secretary not later than fifteen (15) days after the date of the determination of violation.
- C. The appellant shall pay an appeal fee at the time the appeal is filed. The Borough Council shall set the amount of the appeal fee by resolution.
- D. The Borough Council shall hear the appeal at its next regularly scheduled meeting after the date of filing of the appeal or at a special meeting. Notice of the time, date, and place of the hearing shall be sent by ordinary mail to the appellant or the appellant's attorney of record not less than ten (10) days prior to the date and time of the hearing.
- E. The burden of proof shall be on the Code Official to establish a violation of the Ordinance. The determination of the Code Official shall be affirmed if supported by substantial evidence. Formal rules of evidence shall not apply so long as the decision of the Borough Council is based on reliable information, but the decision of the Borough Council may not be based solely on hearsay evidence.

SECTION 8: PENALTIES AND FEES.

- A. Licensing and inspection fees will be established by Borough Council from time-to-time in accordance with resolution duly adopting same. Failure to provide appropriate fees will constitute a violation of this Ordinance.
- B. Any owner or agent who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred (\$600.00) dollars plus costs and, in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues, it shall continue a separate offense under this Ordinance.

By enacting this Ordinance, the Borough hereby repeals any and all Ordinances heretofore adopted which are inconsistent herewith.

ENACTED AND ORDAINED this 11 day of November, 2003.

ATTEST:

YOE BOROUGH COUNCIL

Ann Skerron
Secretary

Paul C. Spon
President

APPROVED:

John B. Jurek
Mayor