

# **Chapter 11**

## **Housing**

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**Part 1****Tenant Occupancy Reports****§11-101. Purposes.**

This Part is enacted to provide for the uniform and equitable distribution of the tax levies in the Borough of North York and upon the inhabitants thereof and to promote the health, safety, morals and general welfare of the inhabitants of the Borough.

(*Ord. 75-1, 5/11/1975; as revised by Ord. 88-1, 2/1/1988*)

**§11-102. Definitions and Interpretation.**

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

*Business unit* - a parcel of real estate, with or without improvements located thereon utilized by any person or persons for any commercial activity or purpose.

*Dwelling unit* - one or more rooms used for living and sleeping purposes arranged for occupancy by one family or by one or more persons.

*Landlord* - a lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Borough of North York, or a lessor, or person who acts as agent for the lessor, of any improvements on real estate or any building located in the Borough of North York.

*Person* - any individual, partnership, association, firm or corporation.

*Tenant* - a person 18 years or older, who has the use, either by himself or with others, of a dwelling unit or a business unit owned by a person other than himself, for a period exceeding 15 days. [*Ord. 2006-3*]

(*Ord. 75-1, 5/11/1975; as revised by Ord. 88-1, 2/1/1988; and as amended by Ord. 2006-3, 7/10/2006*)

**§11-103. Reports by Landlords.**

On or before February 1 of each year, each landlord shall submit to the Borough Secretary, a report form supplied by the Borough Secretary, which includes the following information: [*Ord. 12/21/2000*]

A. List of the dwelling units and business units owned by the landlord, located within the Borough limits, whether occupied or not occupied.

B. Address of each dwelling unit and business unit.

C. Brief description of each dwelling unit or business unit.

D. Whether or not said dwelling unit or business unit is inhabited or utilized by tenants.

E. Names of the tenant or tenants utilizing the aforementioned dwelling unit or business unit, if any.

(*Ord. 75-1, 5/11/1975; as revised by Ord. 88-1, 2/1/1988; and as amended by Ord. 12/21/2000, §13*)

**§11-104. Reports by Persons Upon Becoming Landlords.**

After the effective date of this Part, any person who becomes a landlord of any parcel of real estate or any improvement on real estate or building located in the Borough of North York by agreement of sale, by deed, or by any other means, shall, within 15 days thereafter, report to the Borough Secretary the information and data set forth in §11-103 above, and on forms to be provided by the Borough Secretary.

(*Ord. 75-1, 5/11/1975; as revised by Ord. 88-1, 2/1/1988; and as amended by Ord. 2006-3, 7/10/2006*)

**§11-105. Reports of Changes in Use or Occupancy.**

After the effective date of this Part, each and every landlord of property within the Borough shall report to the [authorized official] on a report form to be supplied by the Borough Secretary, any change in the use or occupancy of any dwelling unit or business unit owned by such landlord. The reported change shall include the name or names of new tenants of such dwelling unit or business unit, the date when such change was effected, and the forwarding address of the old tenant or tenants if known. A landlord of a hotel, inn or boarding house shall not be required to report a person as a "tenant" until that person has resided in such landlord's establishment for a period exceeding 15 days. In the event that a dwelling unit or business unit was used or utilized by a tenant and then becomes vacant, this change shall also be reported to the Borough Secretary. All reports required by this section shall be made within 10 days after a landlord has knowledge that such a unit has had a change in occupancy or has become vacant.

(*Ord. 75-1, 5/11/1975; as revised by Ord. 88-1, 2/1/1988; and as amended by Ord. 2006-3, 7/10/2006*)

**§11-106. Duties of the Borough Secretary.**

The Borough Secretary, under the authority of this Part, shall:

A. Maintain on file at the Borough office, the names of the landlords owning dwelling units and business units in the Borough of North York, said list to include the names of the current tenants of said dwelling units and business units.

B. Maintain a supply of forms for landlords to use in making reports to the authorized official as required by §§10-103, 10-104 and 10-105 of this Part.

C. Notify the Chief of Police and the Fire Chief of the Borough of the address and description of any dwelling unit or business unit that is vacant, unoccupied and not in use.

(*Ord. 75-1, 5/11/1975; as revised by Ord. 88-1, 2/1/1988*)

**§11-107. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 75-1, 5/11/1975; as revised by Ord. 88-1, 2/1/1988; as amended by Ord. 91-6,*

6/10/1991; by *Ord. 12/21/2000*, §§13, 24; and by *Ord. 2006-3*, 7/10/2006)



**Part 2****Rental Properties Maintenance and Housing Occupancy Code  
of the Borough of North York****§11-201. Definitions.**

1. As used in this Part, the following terms shall have the meaning indicated:

*Accessory structure* - a detached structure located on or partially on any premises which is not used or not intended to be used for living or sleeping by human occupants.

*Appropriate authority* - that person within the governmental structure of the corporate unit charged with the administration of the appropriate code.

*Approved* - approved by the local or state authority having such administrative authority.

*Ashes* - the residue from the burning of combustible material.

*Central heating system* - a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

*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.

*Dormitory* - a room in any dwelling used for sleeping purposes by two or more unrelated persons.

*Dwelling* - any enclosed space which is wholly or partly used to be used for living or sleeping by human occupants; provided that "temporary housing" as hereinafter defined, shall not be regarded as a dwelling.

*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.

*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.

*Family* - one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person. In the event that this definition is inconsistent with and State or Federal law relating to housing or disability, the definition contained in the State or Federal law shall supersede this definition and prevail.

*Flush water closet* - a toilet bowl flushed with water under pressure with a waste sealed trap above the floor level. Such toilet bowls shall have a smooth, easily cleanable surface.

*Egress* - a going out, emergence, the right to go out, a way cut, exit.

*Garbage* - the animal and vegetable waste resulting from the handling,

preparation, cooking, serving and non-consumption of food.

*Guest* - any person who shares a dwelling unit in a nonpermanent stags 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.

*Heated water* - water heated to a temperature of not less than 120° F.

*Household* - a family and/or one or more unrelated persons, who share the same dwelling and use some or all of its cooking and eating facilities, including servants and not more than two boarders.

*Housing inspector* - the individual or entity authorized by North York Borough Council to inspect properties and any other duties set forth in this Part.

*Infestation* - the presence within or around a dwelling of any insects, rodents or other pests.

*Kitchen* - any room containing any or all of the following equipment or 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.

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

*Multiple dwelling* - any dwelling containing more than two dwelling units and/or rooming units.

*Occupant* - any person, over one year of age, 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 left.

*Ordinary summer conditions* - a temperature of 10° F. below the highest recorded temperature in the locality for the prior 10-year period.

*Ordinary winter conditions* - a temperature of 15° F. above the lowest recorded temperature in the locality for the prior 10-year period.

*Owner-*

- (1) Any person who, alone or jointly or severally with others:
  - a) Shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof.
  - b) Shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner, or an executor, administrator, trustees or guardian of the estate of the owner.
- (2) Any such person thus representing the actual owner shall be bound



to comply with provisions of this Part and of rules and regulations adopted pursuant thereto to the same extent as the were the owner.

*Permissible occupancy* - the maximum number of persons permitted to reside in a dwelling unit or rooming unit.

*Person* - includes any individual, firm, corporation, association or partnership.

*Plumbing* - includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water, sewer or gas lines.

*Privacy* - the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

*Premises* - a plotted lot or part thereof or unplotted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure or other structure thereon.

*Refuse* - all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

*Rental property* - any dwelling or dwelling unit, commercial, institutional or industrial premises, occupied by a tenant or tenants under a lease, written or oral, with the owner. [Ord. 2006-3]

*Resident* - an individual who is domiciled in the borough or North York, or in the case of a non-individual, an entity with its principal place of business and mailing address in the Borough of North York.

*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.

*Rubbish* - non-putrescible solid wastes (excluding ashes) consisting of either:

(1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood.

(2) Noncombustible wastes such as tin cans, glass and crockery.

*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 the control of the owner or operator.

*Temporary housing* - any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

*Tenant* - any person other than the owner who occupies, resides, or is entitled

to occupy or reside in any dwelling or dwelling unit, commercial, institutional or industrial premises, 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 therefore 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. [Ord. 2006-3]

2. In this Part, 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.

(Ord. 6/5/2000; as amended by Ord. 2006-3, 7/10/2006)

### **§11-202. Responsibilities of Owners and Occupants of Rental Properties.**

1. 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.

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 occupant of a rental property shall maintain in a clean and sanitary condition that part of those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

4. Every occupant of a rental property shall store and dispose of all rubbish in a clean, sanitary and safe manner.

5. 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.

6. 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 single-family dwellings, it shall be the responsibility of the occupant to furnish such facilities or containers.

7. Every occupant of a rental property containing a single dwelling unit shall be responsible for the extermination of insects and/or rodents on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his 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 reasonably insect-proof condition, extermination shall be the responsibility of the owner whenever infestation exist 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.

8. Every owner of a rental property shall keep all plumbing fixtures therein in operable condition.

9. 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 at a distance of 18 inches above the floor level. [Ord. 2006-3]

(Ord. 6/5/2000; as amended by Ord. 2006-3, 7/10/2006)

**§11-203. Minimum Standards for Handrails.**

No person shall occupy as owner or occupant or to another for occupancy any rental property, for the purpose of living, which does not comply with the following requirements: Structurally sound handrails shall be provided of any steps containing three risers or more. If steps are not enclosed, handrails and balusters spaced no more than 6 inches apart shall be provided. Porches and or balconies located more than 3 feet higher than the adjacent area shall have structurally sound protective handrails 30 inches to 36 inches high and, if unenclosed balusters spaced no more than 6 inches apart.

(Ord. 6/5/2000)

**§11-204. Minimum Standards for Light and Ventilation.**

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. Every bathroom and water closet compartment and non habitable room used for food preparation shall be equipped with a window and or ventilation system in working condition, which is approved by the appropriate authority.

B. Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric lights at all times so as to provide in all parts thereof at least 6 foot candles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two dwelling 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.

(Ord. 6/5/2000)

**§11-205. Minimum Thermal 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. Every dwelling 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 compartment in every dwelling unit located therein to a temperature of at least 68° F. at a distance of 18 inches above floor level under ordinary winter conditions.

B. No owner or occupant shall install, operate or use an unvented space heater employing a flame unless the same contains a functioning automatic oxygen sensor.

(Ord. 6/5/2000)

**§11-206. Sanitary Maintenance of Structural Elements.**

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. Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weathertight, watertight 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 the 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 premises 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 weathertight 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, ever; door opening directly from a dwelling 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 housing inspector to be located high enough in the upper 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 housing inspector 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 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 plumbing fixture and water and waste pipe shall be properly installed in accordance with the Borough ordinances and maintained in good sanitary working condition.

H. 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.

I. 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 Part shall be constructed and installed in conformance with the appropriate statutes, ordinance and regulation of the Borough and the Commonwealth of Pennsylvania.

J. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Part to be removed from or shut off from or discontinued for any occupied rental property let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process of during temporary emergencies when discontinuance of service is approved by the appropriate authority.

K. 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 (NFPA).

*(Ord. 6/5/2000)*

**§11-207. Maximum Density, 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 following requirements:

A. Not more than one family, plus one occupant unrelated to the family, except for guest or domestic employees, shall occupy a dwelling unit unless a permit for a rooming house has been granted by the appropriate authority.

B. In the case of rental properties which contain attached or detached garages, garage space must be rented with the dwelling unit to insure adequate off street parking in accordance with the Borough Zoning Ordinance [Chapter 27] requirements and may not be rented to non-tenant of the property unless adequate parking spaces exist.

*(Ord. 6/5/2000)*

**§11-208. 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 dormitory room and/or rooming unit in any rooming house which is not in compliance with the provisions of this Part. No owner or other person shall occupy or let to another person any rooming unit or dormitory room unless it is clean and sanitary and complies with all applicable requirements of the Borough of North York including the following:

A. No person shall operate a rental property 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 Part and of any rules and regulations adopted pursuant thereto. The permit shall be transferable. Every person holding such a permit shall give notice, in writing to the appropriate authority within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership control of such rooming house.

B. At least one flush water closet, lavatory basin and bathtub or shower, propel, connected to a water and sewer system approved by the housing inspector 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 provided that:

(1) In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1.2 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 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 unit shall have operating lock to ensure privacy.

D. Unless exempted by the housing inspector 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.

E. Structurally sound handrails shall be provided on any steps containing three risers or more. If steps are not enclosed handrails and balusters space no more than 6 inches apart shall be provided. Porches and/or balconies located more than 3 feet higher than the adjacent areas shall have structurally sound protective

handrails 30 inches to 36 inches high and if unenclosed, balusters spaced no more than 6 inches apart shall also be provided.

*(Ord. 6/5/2000)*

**§11-209. Housing Inspector.**

The housing inspector is hereby authorized and directed to inspect rental property, rooming houses including all commercial, institutional, industrial properties, and all other rental properties subject to the provisions of this Part.

*(Ord. 6/5/2000; as amended by Ord. 2006-3, 7/10/2006)*

**§11-210. Inspections; Authority of the Housing Inspector.**

1. The housing inspector is hereby authorized and directed to make inspections pursuant to this Part or in response to a complaint that an alleged violation of the provisions of this Part or of applicable rules or regulations pursuant thereto has been committed or when the housing inspector has valid reason to believe that a violation of this Part or any rules and regulations pursuant thereto had been committed.

2. The housing inspector is authorized and directed to make inspections at any reasonable hour to determine compliance with this Part. For this purpose the housing inspector is authorized to enter and examine any rental property or rooming house, yard or part or either and every owner, operator, occupant or agent shall give the housing inspector free access to it. Inspection may be postponed and/or rescheduled due to illness or other emergency or unforeseen circumstance.

3. The housing inspector is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, dormitory rooms, and all other rental property subject to this Part for the purpose of determining whether there is compliance with its provisions. *[Ord. 2006-3]*

4. The housing inspector and the owner or occupant or other person in charge of a dwelling, dwelling unit, rooming house, rooming unit, or dormitory 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 or person in charge must be present at all times during the inspection.

5. The owner or occupant or other person in charge of a rental property dwelling, dwelling unit, rooming house, or dormitory room upon presentation by the housing inspector of proper identification shall give the housing inspector entry and free access to every part of the dwelling, dwelling unit, rooming house, dormitory room or to the premises surrounding any of these. Before making inspections within a contiguous area, the housing inspector shall first consult with organizations representative of property owners and other residents of such contiguous area, if any such organization exist.

6. If any owner or occupant or other person in charge of a rental property dwelling, dwelling unit, rooming unit, dormitory room or a multiple dwelling or rooming house 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 Department of Housing 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. 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 any part of the dwelling unit or premises where inspection is authorized by this Part is sought, the housing inspector is authorized to seek in a court of competent jurisdiction and 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 Part.

7. The housing inspector and the Borough shall have the authority to institute any action permitted by law to enforce the provisions of this Part.

*(Ord. 6/5/2000; as amended by Ord. 2006-3, 7/10/2006)*

### **§11-211. Inspection of Rental Properties and Rooming Houses.**

1. Every person owning a rental property rooming house or other rental property shall give notice, in writing, to the housing inspector within 24 hours after having transferred or otherwise disposed of the legal control of any licensed rooming house or rental property. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such rooming house or rental property.

2. Every owner or other person in charge of a rental property or rooming house shall keep or cause to be kept records of all request 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 housing inspector 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.

3. Whenever, upon inspection of the rental property or rooming house or of use records required to be kept by this Part, the housing inspector finds that conditions or practices exist which are in violation of the provisions of this Part or of any applicable rules and regulations pursuant thereto, the inspector shall serve the owner or other person in charge with notice of sue, 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.

4. Every person proposing to operate a rental property or rental property rooming house approved by the Borough for such purpose shall be required to register said rental property or rental property rooming house.

*(Ord. 6/5/2000)*

### **§11-212. Rules and Regulations.**

The housing inspector is hereby authorized to make, adopt, revise and amend such rules and regulations as it deems necessary for the carrying out of the purpose of this Part subject to prior approval of Borough Council.

*(Ord. 6/5/2000)*

### **§11-213. Notice of Violation.**



1. Whenever the housing inspector determines that any dwelling, dwelling unit or rooming house 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 thereto, he 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:

A. Be in writing.

B. Set forth the alleged violations of this Part or if applicable rules and regulations issued pursuant thereto.

C. Describe the dwelling, dwelling unit, rooming unit, or premises where the violation are alleged to exist or to have been committed.

D. 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 housing inspector may, in the inspector's sole and absolute discretion, give one additional extension of time provided the property owner is exercising due diligence and the inability to make the correction is through no fault of the property owner.

E. Be served upon the owner or occupant or other person in charge of the dwelling, dwelling unit, rooming unit, 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 dwelling, dwelling unit, rooming unit or premises described in the notice or by causing such notice to be published in a newspaper for 3 consecutive days.

F. Be served upon a resident agent for the receipt of such service of notice designated pursuant to this Part.

G. All rental property dwellings dwelling units, rooming houses, rooming units, dormitory rooms must register at the Borough Office each year between January 1 and January 31. All owners or legal controlling persons must comply with registration providing name of occupant, roomers or person living with the dwelling, dwelling unit, rooming unit or dormitory, and provide the names and address of owner along with other needed information.

2. At the end of the period of time allowed for the correction of any violation alleged, the housing inspector shall re-inspect the dwelling, dwelling unit, rooming unit or premises described in the notice.

3. A. Whenever the housing inspector finds that any dwelling, dwelling unit or rooming unit 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 Inspector shall designate such dwelling as unfit for human habitation. Such designation shall be posted on the dwelling or dwelling unit and shall specify the reason or reasons. It shall be unlawful for any person to remove such notice except as provided in subsection .1.E herein.

B. Any dwelling or dwelling unit 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 housing inspector has removed the designation and given written approval for occupancy.

C. Any person aggrieved by a designation of unfitness for human habitation may appeal to the Housing Appeals Board, as provided in this Part.

*(Ord. 6/5/2000)*

#### **§11-214. Violation and Penalties.**

1. 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 regulations of the Borough shall be complied with where they are applicable.

2. All fees and charges for inspection, as set forth by resolution of Council, shall be paid in advance at the time application thereof is made to the Borough.

3. 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.

4. Any owner or occupant or other person in charge of a rental property who has received notice of a violation of this Part and fails to take the necessary corrective action shall be liable, upon conviction thereof, shall be sentence to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2006-3*]

*(Ord. 6/5/2000; as amended by Ord. 2006-3, 7/10/2006)*

#### **§11-215. Appeals.**

1. Any person aggrieved by a determination of violation issued by the housing inspector may appeal the determination to the Housing Appeal Board on an appeal form which shall be available for the housing inspector.

2. The appeal must be filed with the housing inspector not later than 10 days after the date of the determination of violation.

3. An appeal fee which shall be determined by Borough Council must also be paid by the appellant at the time the appeal is filed. In the event the appeal is successful, this fee shall be refunded to the applicant. No refund shall be paid if the sole determination of the Housing Appeals Board is an extension of time for compliance.

4. The Housing Appeals Board shall meet to hear the appeal not later than 45 days after the appeal is filed. Notice of the time and date and place of the hearing shall be sent by ordinary mail to the appellant or the appellants attorney of record not less than 10 days prior to the date and time of the hearing.

*(Ord. 6/5/2000)*

#### **§11-216. Housing Appeals Board.**

1. The Borough Council shall appoint a Housing Appeals Board consisting of three members, all of whom shall be residents of the Borough of North York. The terms

of Board appointments shall be for 3 years; provided, however, that the terms of appointments shall be fixed so that the terms of one member shall expire on December 31 of each year. Borough Council shall also appoint at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. An alternate shall be seated and act with full power only when a regular member of the Board is absent or unable to vote. The Board shall elect from its members a chairperson and vice-chairperson annually.

2. The burden of proof shall be on the housing inspector to establish a violation of this Part. The determination of the housing inspector shall be affirmed if supported by substantial evidence.

*(Ord. 6/5/2000)*

**§11-217. Inspection Fee.**

An inspection fee to be determined by the Borough Council shall be established by resolution. This fee must be commensurate with the expense incurred by the Borough in connection with the inspection thereof.

*(Ord. 6/5/2000)*

**§11-218. Mandatory Inspection Upon Change of Tenant.**

1. All rental properties lawfully in operation on January 11, 2000, shall be permitted to continue without inspection until the current tenant vacates the property. Prior to renting to a new tenant the owner must contact the housing inspector and make satisfactory arrangements to have an inspection when the unit is vacant and prior to the occupancy of the rental property by the new tenant, unless an inspection had been performed or done in the last 12 months. 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.

2. Nothing in this Part shall be construed to prevent the housing inspector from inspecting any rental property at any time upon complaint and by invitation by the tenant, or tenant's authorized agent.

*(Ord. 6/5/2000)*

**§11-219. 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 this 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 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.

*(Ord. 6/5/2000)*

