BOROUGH OF HIGHSPIRE DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 582 of 2010

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHSPIRE, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 10, PART 1, OF THE BOROUGH CODE OF ORDINANCES BY ADOPTING A RESIDENTIAL RENTAL DWELLING UNIT INSPECTION ORDINANCE.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Highspire, Dauphin County, Pennsylvania, and it is hereby enacted and ordained by the Authority of the same as follows:

Section 1 Legislative Findings The Borough has determined non-owner-occupied dwellings or residential rental dwelling units are frequently maintained at a standard significantly less than owner-occupied dwelling units and that such failure to maintain those residential rental dwelling units can and frequently does result in dwelling units which are unsafe, unsanitary and, in many instances, not maintained to the minimum standards required by the various applicable codes and laws in effect in the Borough of Highspire. Therefore, the Highspire Borough Council determines it to be desirable in the public interest, and consistent with the most recent version of the Highspire Borough Comprehensive Plan, to enact the following provisions providing for the regular and systematic inspection of non-owner occupied dwellings or residential rental dwelling units to insure their continued compliance with applicable Borough Codes.

Section 2 Housing and Neighborhoods As indicated in the most recent version of the Highspire Borough Comprehensive Plan: the majority of Highspire Borough's residential housing are over sixty (60) years old; a number of individual, owner-occupied housing units have been converted to multiple, non-owner-occupied or rental dwelling units; and the number of non owner occupied dwelling units has continued to steadily increase while the number of owner-occupied dwelling units has continued to steadily decrease; the Borough therefore seeks to develop an effective policy and program of enforcement on housing, building, and property maintenance. In addition, the Highspire Borough Comprehensive Plan generally establishes guidance for the infill, replacement, adaptive reuse (conversion), and development of buildings and property, so that such public and private actions fit in with and complement the desired characteristics of established traditional neighborhoods and mixed residential areas of the Borough. Infill, replacement, adaptive reuse (conversion), and redevelopment guidelines generally established in the Highspire Borough Comprehensive Plan clearly define the important, unique, and desirable characteristics, features, and functions that should be retained, enhanced, and promoted, as well as those which should be removed, replaced, reversed, and otherwise addressed with more modern, yet appropriately designed and contextually sensitive standards. Regarding these infill, replacement, adaptive reuse (conversion), and redevelopment standards, consideration should be given to the desired housing, building, and development characteristics and patterns of the many older, established, and traditional core communities, neighborhoods, and areas generally developed before modern zoning, subdivision/land development, housing and building codes and ordinances were in effect. When infill, replacement, adaptive reuse (conversion), and redevelopment does occur, the Highspire Borough Comprehensive Plan indicates it should be undertaken in a manner that is consistent, compatible, complements, and contributes to the overall desirability of the community, neighborhood, area, and surrounding built environment specifically relating to tenure, use, density, height, scale, massing, setback, parking, etc.

Section 3 Short Title This ordinance shall be known and may be cited as The "Borough of Highspire Residential Rental Dwelling Unit Inspection Ordinance".

Section 4 Definitions As used in this ordinance, the following words shall have the following meanings, unless the context clearly indicates otherwise:

Codes: All fire, building, property maintenance, electrical, and plumbing codes, and zoning, subdivision/land development, and other related building, development, property and safety ordinances and codes found in various chapters of the Codified Ordinances of the Borough of Highspire as adopted by the Borough of Highspire from time to time, and any rules and regulations promulgated there-under.

DWELLING UNIT: One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one family.

Owner: Any person, agent, operator, firm, corporation, partnership, limited liability company association, property managements group, or fiduciary having equal, equitable or other interest in any real property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this ordinance in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and limited liability companies, shall mean each partner, and as applied to corporations, the officers, and directors thereof.

Qualified Residential Rental Unit: A residential rental dwelling unit which has been inspected and certified — as complying with all the inspection requirements of this ordinance and for which the annual fee has been paid.

Re-development: Conversion of an existing single family dwelling unit, detached or semi-detached dwelling, other buildings or portions thereof into a residential rental dwelling unit.

Inspection: Visual, non-invasive, non-destructive, observation of all accessible and non hidden areas of the residential rental dwelling unit.

Residential Rental Dwelling Unit: A residential dwelling unit not occupied by the owner thereof. There shall be excluded from this definition - those dwelling units subject to a periodic inspection by a county, state or federal agency or authority at least once every thirty six (36) months providing the other agencies apply standards substantially the same as or more thorough than the Borough codes referenced in the definition of "codes" above.

Borough of Highspire Code Officer: The officer duly designated by the Borough Council to administer the residential rental dwelling unit inspection ordinance program and shall be referred to as the "Highspire Code Officer" and referred to as the "HCO." This term shall also include any other designee as approved by the Borough Council to include the Borough Manager.

Section 5 Inspection Except as provided in this ordinance, it shall be unlawful to occupy or permit other persons to occupy any building or property with a residential rental dwelling unit which has not been properly inspected and certified a qualified residential rental dwelling unit pursuant to the provisions of this Ordinance. Notwithstanding the foregoing, during the initial phase-in period of the residential rental dwelling

unit inspection program contemplated hereby, no building, property, and residential rental dwelling unit shall be considered out of compliance with the inspection requirements of this ordinance until after the initial residential rental dwelling unit inspection has been concluded and the residential rental dwelling unit has been properly certified. However, payment of the annual administration fee shall be required if the building or property is to be rented for residential purposes. Except as provided in Subsection D of this section, the requirements for periodic inspections shall be as follows:

A. Each residential rental dwelling unit shall be inspected by the HCO at least one time in every thirty-six (36) month period and for such purpose and for any re-inspection required hereunder, the owner shall provide access to the HCO. A unit where inspection access is denied will not be deemed a qualified residential rental dwelling unit until inspection access is provided and the inspection or re-inspection concluded to the satisfaction of the HCO.

B. The inspection shall include the exterior and interior of the residential rental unit.

C. For the purpose of enforcing this ordinance, the HCO may seek an administrative search warrant issued by a competent authority, in accordance with applicable legal standards, for the purpose of compelling access and inspection of a residential rental dwelling unit. If access for inspection and re-inspection is not provided, the HCO shall deem the unit is not a qualified residential dwelling unit.

D. If a building or property contains residential rental dwelling units and the owner of the unit has received a certificate of use and/or occupancy for new construction under any other Borough code, or ordinance, the owner of said building or property shall not be required to schedule an inspection of such new construction pursuant to this ordinance until the expiration of thirty-six (36) months from the date of the initial issuance of said certificate of occupancy.

E. If the owner of a residential rental dwelling unit can present to the HCO a certificate or other evidence stating a particular residential rental dwelling unit has been inspected and approved as a qualified residential dwelling unit by a county, state, or federal agency or authority pursuant to a maintenance standard equal to or more stringent than the Borough Property Maintenance Code or any successor code is in effect in the Borough, the owner of said residential rental dwelling unit shall not be required to schedule an inspection under the terms of this ordinance until the expiration of thirty-six (36) months from the date of the initial issuance of the county, state, or federal certificate of compliance.

All qualified and certified independent Inspectors must be certified under the Borough Property Maintenance Code and approved by the Borough. If as a result of the county, state, or federal inspection, deficiencies were determined, there shall be no waiver of the inspection requirements under this ordinance unless the owner provides to the HCO a certificate evidencing corrections of the deficiencies to warrant a certificate of compliance from the HCO.

F. Qualified and certified Independent inspectors.

(1) Any owner of a residential rental dwelling unit shall have the right to employ a qualified and certified independent inspector, certified as a qualified and certified inspector under the Borough Property Maintenance Code and approved by the Borough. If a qualified and certified independent inspector certifies the residential rental dwelling unit to be in compliance with the codes, the owner of the qualified residential rental dwelling unit shall not be required to schedule an inspection under the terms of this ordinance until the expiration of thirty-six (36) months from the date of the initial issuance of the certificate of compliance. If said owner of the residential rental dwelling unit chooses to utilize the services of a qualified and certified independent inspector, the owner remains responsible for all annual inspection fees payable to the Borough for the operation of the inspection program. In addition, qualified and certified independent inspectors shall

coordinate their inspections so the HCO may be in attendance for the inspection. Furthermore, the HCO shall maintain a list of qualified and certified independent inspectors who are properly certified to perform inspections under the Borough Property Maintenance Code and approved by the Borough.

(2) When an inspection is performed by a qualified and certified independent inspector, a copy of the inspection report must be provided to the HCO within two (2) working days of the date of the inspection. Where violations are noted in the qualified and certified independent inspector's report, the qualified and certified independent inspector must conduct follow-up inspections to verify correction of the violations and must provide the HCO a copy of the re-inspection report to verify the corrections have been satisfactorily completed.

All Borough permits and approvals, where applicable, must be obtained prior to work commencing. The follow-up inspections must be prompt and within a reasonable time from the date of the original inspection. No inspection shall be recognized as having been completed until a certificate of compliance is issued by the HCO.

- (3) The HCO has the right to remove from the list of qualified and certified independent inspectors any inspector determined by the HCO not to be conducting inspections in accordance with the standards established by the codes or who fails to conduct the required re-inspections of buildings, properties, or residential rental dwelling units in which deficiencies have been noted, or fails to provide copies of all inspection reports to the HCO required by this section.
- G. For any inspection pursuant to Subsections E and F above, the HCO reserves the right to inspect any premises to verify the quality of the inspection of any qualified or certified independent inspector or county, state, or federal agency or authority. No fee will be charged for this inspection; however, fees may be charged for re-inspections if violations are found.
- H. The residential rental dwelling unit inspections, required by this ordinance, shall not be applicable to any hotel, motel, or bread and breakfast facility which advertises a weekly or monthly rate. No inspection under this ordinance shall be required of hotels, motels, or bread and breakfasts principally providing overnight lodging for compensation to guests.
- Section 6 Certificate of Compliance The HCO will issue a certificate of compliance with this ordinance upon the occurrence of the events defined in Items A thru D of this section. Issuance of a certificate of compliance shall represent compliance with the requirements of this ordinance but shall not denote compliance with any other applicable code nor any standard of safety. The HCO will issue a certificate of compliance upon the occurrence of the following events:
- A. The inspection of the residential rental dwelling unit by the HCO does not note any violations of the codes referenced in the definition of "codes" above;
- B. The inspection of the residential rental dwelling units by the HCO violations were noted; however, upon subsequent re-inspection the violations were corrected;
- C. Upon receipt by the HCO of an inspection report performed by a qualified and certified independent inspector as provided in Section 8F above, and denotes no violations; or

D. If the report of the qualified and certified independent inspector as provided in Section 8F, above notes the presence of violations, and upon re-inspection, the violations were corrected. Provided, however, the report of the follow-up inspection, concluded by a qualified and certified independent inspector must be presented to the HCO within two (2) working days of the date of the re-inspection.

Section 7 Notice of code violation If the inspection of a residential rental dwelling unit discloses code violation(s), the HCO shall issue a notice of violation. The notice of code violation(s) shall set forth the following data:

- A. The street address or appropriate description of the subject property, building, or residential rental dwelling unit.
- B. The date of the inspection;
- C. The identity of the inspector;
- D. A list of code deficiencies with specific sections of the codes;
- E. The number of days in which the owner is to accomplish corrections;
- F. and/or otherwise eliminate the deficiencies noted in the codes; and
- G. If defects are not corrected within the time specified in the notice of violations, the tenant and/or the owner of the residential rental dwelling unit may be prosecuted and/or the residential rental dwelling unit may be placarded and noted as unfit for human occupancy. The Borough shall have the sole authority to institute prosecution proceedings under the terms of this ordinance.

Section 8 Re-inspection

- A. Upon the expiration of the time specified to accomplish the corrections or otherwise bring the premises into compliance with the codes, or upon noted from the owner the corrections have been accomplished or code deficiencies otherwise eliminated, the HCO or qualified and certified independent inspector, as the case may be, shall re-inspect the subject residential rental dwelling unit.
- B. In the event such re-inspection discloses the deficiencies were corrected, the HCO shall issue a certificate of compliance to the owner or tenant in accordance with this ordinance. Where the reinspection has been completed by a qualified and certified independent inspector, the certificate of compliance shall be issued by the HCO, provided a report of the re-inspection indicates all deficiencies have been corrected and the HCO receives the re-inspection report within two (2) working days of the date of the re-inspection. The HCO has the right to re-inspect the residential rental dwelling units re-inspected by a qualified and certified independent inspector.
- C. In the event such re-inspection discloses that the owner did not correct the deficiencies, the HCO may prosecute the owner of the property, building, and residential rental dwelling as provided in the Borough Property Maintenance Code.

Section 9 Inspection Fees

A. The owner of a residential rental dwelling unit shall be billed Tri-annually for the total program costs of the inspections proposed by this ordinance. The Borough Council, by resolution, shall establish the inspection fee annually on or before January 31 of each year. Invoices for the inspection fee shall be mailed to the owner for each residential rental dwelling unit before March 1 of each year. Payment of all invoices is due by August 1st, annually. Failure to pay the annual inspection fee may result in the issuance of a notice the property building and residential rental dwelling unit is not a qualified residential rental dwelling unit and may not be utilized as a qualified residential rental dwelling unit until the fee is paid.

B. In the event violations of any of the codes defined above, are found during the initial inspection of the residential rental dwelling unit, a fee may be charged for each re-inspection of the residential rental dwelling unit. Where the violation notice specifies times for correcting the violations, an additional inspection and fee will be required for each re-inspection.

Section 10 Non-liability of Borough The issuance of a certificate of compliance is not a representation by the Borough the residential rental dwelling unit inspected and/or the building in which it is located does not contain any violation of any of the codes, referenced in the definition of "codes" above. The issuance of a certificate of compliance represents on the date of inspection, no material violations of any of said codes were noted. Neither the enactment of this ordinance nor the issuance of a certificate of compliance is a guarantee to any person that no code violations exist in the residential rental dwelling unit at that time or in the future. The Borough shall not be liable for any errors or omissions involved in the issuance of the certificate of compliance.

Section 11 Appeals If the owner or tenant of a residential rental dwelling unit has been cited by a decision of the HCO, the owner, within thirty (30) days of the date of receipt of the notice of violation or the time fixed to correct the deficiencies, whichever first to occur, may appeal the decision to the Borough Council in accordance with the provisions of the Borough Property Maintenance Code.

Section 12 Code Violations Nothing in this ordinance shall preclude or prohibit the HCO from inspecting any residential rental dwelling unit whether or not the particular residential rental dwelling unit is scheduled for periodic inspection. Such determination shall be in sole discretion of the HCO

Section 13 Violations and Penalties

A. The failure of any owner to effect corrections as provided in this ordinance shall be considered a violation of the Borough's Property Maintenance Code Ordinance and the procedures and penalties prescribed therein shall be applicable.

- B. The failure of any owner to schedule an inspection or re-inspection as provided in this ordinance shall result in the issuance of a notice to the owner the property is not a qualified residential rental dwelling unit and it shall be unlawful for any person to occupy or let other persons occupy the residential rental dwelling unit in question until the unit becomes a qualified residential rental dwelling unit.
- C. Rental of a unit that is not a qualified residential rental dwelling unit shall result in a violation and penalty provided in the Borough Property Maintenance Code.
- D. Property condition violations are subject to imposition of penalties as provided in the Borough Property Maintenance Code.

Section 14 State Law and Regulations In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth of Pennsylvania and which laws or regulations are equal or greater than the standards contained in this ordinance, then the former standards shall control in all cases.

Section 15 Regulations The Borough may enact regulations concerning the administration of this ordinance.

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Section 15 Regulations The Borough may enact regulations concerning the administration of this ordinance.

Section 16 Severability If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid, such action shall not affect or impair any of the remaining provisions of this ordinance.

Section 17 Repealer All ordinances or parts of ordinances that are inconsistent herewith are repealed.

Section 18 Saving Clause Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court; or affect any rights, or any cause of action, nor shall legal right or remedy be lost, impaired or affected by this Ordinance.

ENACTED AND ORDAINED by the Borough Council, the Borough of Highspire, Dauphin County, Pennsylvania, this 17th day of August, 2010.

BOROUGH OF HIGHSPIRE

ATTEST:

Borough Secretary

APPROVED this 17th day of August, 2010, by Mayor of the Borough of Highspire, Dauphin County, Pennsylvania.

John Hoerner, Mayor Boyough of Highspire

:410448v2

RESOLUTION NO. 8-2010

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHSPIRE, DAUPHIN COUNTY, PENNSYLVANIA, ESTABLISHING FEES, TIMELINES, ZONES AND INSPECTIONS, RESIDENTIAL RENTAL UNITS.

WHEREAS, the Borough of Highspire adopted the Residential Rental Dwelling Unit Inspection Ordinance on August 17, 2010; and

WHEREAS, the Ordinance requires a certificate of compliance; and

WHEREAS, the certificate will only be issued after all criteria of the Ordinance have been met; and

WHEREAS, the Borough of Highspire is required to establish a timeline for implementation of the inspection process, inspection zones and fees for inspections,; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of Highspire, the following timeline will be established for the implementation of residential rental dwelling unit inspections:

Year 1 – will begin August 1, 2010 and conclude December 31, 2010 Year 2 – will begin August 1, 2011 and conclude December 31, 2011 Year 3 – will begin August 1, 2012 and conclude December 31, 2012

Year 1 – properties in Zone 1 area will be inspected. Year 2 – properties in Zone 2 area will be inspected. Year 3 – properties in Zone 3 area will be inspected.

Beginning in year 4, the Borough of Highspire will begin re-inspection utilizing the same schedule.

Highspire Property Inspection Zones;

- Zone 1 North and South Sides of Second Street, from East of Eisenhower Boulevard to the West Side of Whitehouse Lane.
- Zone 2 East of Eisenhower Boulevard to the West Side of Ann Street, Catherine Street, and Frederick Street, North of Second Street to Pennsylvania Turnpike.
- Zone 3 Ann Street East/Side to Whitehouse Lane, North of Second Street to Reservoir Park.

Residential Rental Dwelling Unit Reference Check List

The following checklist is meant to be used as a guide for the property owner. Not all code sections have been listed, sections that have been listed may not be in their entirety. To review the complete International Property Maintenance Code, please visit our office Monday through Friday 8:00 a.m. to 4:00 p.m.

GENERAL

	Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a safe, sanitary working condition. A kitchen sink shall not be used as a substitute for a lavatory. Rooming houses shall have 1 water closet, lavatory and bathtub or shower for each 4 rooming units.
	Exterior/Interior property and premises is in a clean, safe and sanitary condition.
	Sidewalks, walkways, stairs and driveways are in good repair and free of hazards.
**	Property kept free from rodent/insect harborage and infestation.
	Exterior/interior surfaces; doors, windows, porches, cornices etc. are in good repair.
	Structure is identified with a posted street number, 4" in height and ½" width.
=	Windows and doors in sound condition and easily opened, glazing shall be free from cracks/holes. Insect screens in place from April 1 through December 15.
· · · · · · · · · · · · · · · · · · ·	Every exterior and interior flight of stairs having more than 4 risers shall have a handrail maintained in good condition. Every stair, landing, porch, balcony etc. that is more than 30" above grade or floor shall have guards no less than 30" and no greater than 42" in height measured from floor or grade.
· · · · · · · · · · · · · · · · · · ·	Common halls and stairways shall be lighted at all times with a minimum 60 watt standard light bulb for every 200 sq. ft. of floor area.
	Egress - Entrances shall have exterior lighting.
	Habitable spaces shall have an operable window.
KITC	HEN
	Receptacles shall be G.F.C.I. protected.
71/7-1	All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function of which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
	Have a clear passageway of not less than 36" between countertops and appliances.
	All spaces to be occupied for food preparation purposes shall contain suitable space and

BATHROC	<u>DM</u>
Rec	eptacles shall be G.F.C.I. protected.
kept such	lumbing fixtures shall be properly installed and maintained in working order, and shall be free from obstructions, leaks and defects and be capable of performing the function of which plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitar functional condition.
Bath	rooms and toilet rooms shall have approved ventilation (mechanical exhaust or window).
BEDROOM	<u>is</u>
	le or multiple-station smoke alarms shall be installed and maintained in all of the following tions:
	On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of pedrooms.
3. 1	n each room used for sleeping purposes. n each story within a dwelling unit, including basements and cellars but no including crawl paces and uninhabitable attics.
exist	on Monoxide Alarm— Recommended to be installed where fuel fired appliances (not electric) devices. This includes ranges, ovens, clothes dryers, furnaces, fireplaces, space heaters and water heaters.
<u>MECHANI</u>	<u>CALS</u>
open grille	nes dryer exhaust shall be independent of all other systems. Air exhaust and intake ings that terminate outdoors shall be protected with corrosion-resistant screens, louvers of shaving a minimum opening size of 1/4 inch (6mm) and a maximum opening size of 1/2 inch mm), in any dimension. Openings shall be protected against local weather conditions.
Wate	r heater - Discharge pipe does not terminate more than 6 inches above the floor or waste tor.
and t	pump shall not be discharged on adjacent private property, public right-of-way, ownship road or township sanitary sewer system. Sump pump discharge must be controlled e lot or property where the sump pump is located. Discharge shall not create a nuisance of d.
ELECTRIC	<u>AL</u>
occur recep	e it is found that the electrical system in a structure constitutes a hazard to the pants, or the structure by reason of inadequate service, improper fusing, insufficient tacle and lighting outlets, improper wiring or installation, deterioration or damage, or for the party of the service the defeats to be corrected to eliminate the borard
	ar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
	s are readily accessible.
All ci	rcuits shall be legibly identified as to their clear, evident and specific purpose of use.
	ptacles for cord and plug connected appliances shall be located to avoid physical ge to the flex cord (i.e. receptacles above electric baseboard heating elements).
Rece	otacles within 6 ft. of a laundry tub, sink or bar sink shall be G.F.C.I. protected.

LANDLORD-TENANT REPORT Ordinance No. 314

Account Number:	Date Filed:
INSTRUCTIONS:	
 A separate report is to be filed for separately on the same report. 	or each tenant, except that husband and wife may be list
2. This report is to be used for both of	occupancy and vacation of premises
3. All persons eighteen (18) years of	
LANDLORD NAME:	
STREET ADDRESS:	
CITY:	STATE: ZIP:
PHONE NUMBER:	
FOR RENTAL DWELLING UNIT: ADDRESS:	
APT. NO.:	
HABITABLE FLOOR AREA (IN SQUARE FEE	ጥ ነ
	of all rooms used for habitation, such as living room, kitcher
bedroom or dining room but not including	g hallways, stairways, cellars, attics, service or utility room
bathrooms, closets, etc.	s hanways, stairways, tenais, attics, service or utility room
TOTAL NUMBER OF OCCUPANTS:	
	Date Moved Out:
	Date Moved Out:
TENANTS: List Name & Date of Birth (if many	to wood to wood ad a with a suith a local a California.
All tenants 18 years of age and older must be	e room is needed write on the back of this sheet).
1.	3.
2	4
FOR RENTAL BUSINESS UNITS: ADDRESS:	
DESCRIPTION:	
TENANT:	
NATURE OF BUSINESS:	