

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 201, ARTICLE I OF THE CODE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA TO ADOPT THE 2024 EDITION OF *INTERNATIONAL PROPERTY MAINTENANCE CODE* IN ITS ENTIRETY TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE, AND THE PENALTY PROVISIONS FOR VIOLATIONS OF SAID ORDINANCE AND AMENDING CHAPTER 213 OF THE CODE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA TO ADOPT THE 2024 EDITION OF *INTERNATIONAL PROPERTY MAINTENANCE CODE* REGARDING THE REGISTRATION AND LICENSING OF RENTAL UNITS.

WHEREAS, The Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to amend Chapter 201, Article I of the Code of the Borough of Waynesboro to adopt the 2024 edition of the *International Property Maintenance Code* as published by the International Code Council; and

WHEREAS, The Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to amend Chapter 213, of the Code of the Borough of Waynesboro to adopt the 2024 edition of the *International Property Maintenance Code* as published by the International Code Council.

BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Chapter 201, Article I, Section 2 of the Code of the Borough of Waynesboro, Franklin County, Pennsylvania, §201-2, entitled, “Adoption of Property Maintenance Code” is hereby replaced with the following:

A certain document, three copies of which are on file in the office of the Secretary of the Borough of Waynesboro, Franklin County, Pennsylvania, being marked and designated as *International Property Maintenance Code*, 2024 edition, as published by the International Code Council, be and is hereby adopted by the Borough of Waynesboro, Franklin County, Pennsylvania for the regulation of buildings and structures. All of the provisions, penalties, conditions and terms of the *International Property Maintenance Code*, 2024 edition, as published by the International Code Council, are hereby referred to, adopted and made a part hereof as if fully set out in this article with the additions, insertions, deletions, and changes, prescribed in this article.

SECTION 2: Chapter 201, Article I, Section 3 of the Code of the Borough of Waynesboro, Franklin County, Pennsylvania, §201-3, entitled, “Amendments, additions

and deletions” is hereby replaced with the following:

The following sections of the *International Property Maintenance Code, 2024* edition are hereby revised, removed, replaced, and/or modified as follows:

- A. **101.1 Title.** These regulations shall be known as the “Property Maintenance Ordinance of the Borough of Waynesboro” hereinafter referred to as “this Code.”
- B. **103.1 Creation of agency.** The Zoning and Code Enforcement Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.
- C. **104.1 Fees.** The fees for services, inspections, and activities performed by the department in carrying out its responsibilities under this article shall be as set forth in the Fee Schedule of the Borough of Waynesboro, adopted by resolution and amended from time to time.
- D. **106.4 Administration.** The Code Official shall take immediate action in accordance with the decision of the Board of Appeals, unless properly appealed to a court of appropriate jurisdiction.
- E. **106.5 Rules and procedures.** The Board of Appeals shall conduct the public hearing in accordance with the Local Agency Law adopted by the Commonwealth of Pennsylvania. (2 Pa.C.S. § 105).
- F. **106.6 Notice of meeting.** The Board shall meet at the calling of the Code Official, notice of which shall be published in accordance with the requirements for publishing public notice of local agency meetings. The Board may also hold special meetings, which meetings shall be held in accordance with the Sunshine Act.
- G. **106.7 Board decision.** The Board of Appeals shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of a quorum on the Board members.
- H. **106.8 Court review.** Any person aggrieved by an adjudication of the Board of Appeals who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals by or pursuant to Pennsylvania law.
- I. **106.9 Extension of time.** The Board of Appeals shall have the ability to grant extensions of time for the completion of repairs or maintenance required by this code upon a hearing held in accordance with this code; provided, however, that for correction orders issued as a result of inspections occurring in the months of November through February, which correction orders require exterior corrections such as, but not limited to, exterior painting or the repair/replacement of sidewalks,

which corrections cannot be completed due to weather conditions, the Code Official may grant an extension, which shall not extend the time for completion further than May 31.

- J. **107.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order serviced in accordance with Section 109.4 shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the Code Official may 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 article or of the order or direction made pursuant thereto. Any corrective action taken by the authority having jurisdiction over such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- K. **107.4 Violation penalties.** Any person, firm, or corporation who shall violate any provision of this article shall, upon conviction thereof, be subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 30 days, or both at the discretion of the court. Each day that a violation continues shall be deemed a separate offense.
- L. **107.6 Administrative search warrants.** The Code Official may seek an administrative search warrant to ensure that any property regulated by this Code is in compliance with this Code.
- M. **107.7 Violations as public nuisances.** Any property regulated by this code that is in violation of this code may be considered a public nuisance and be abatable as such in accordance with 8 Pa.C.S.A. § 1202.
- N. **107.8. Authority to issue ticket for violation.** The Code Official or his designee(s) are hereby duly authorized to issue a ticket in a form established by the Borough to any owner violating the provisions of this article. The ticket shall identify the address of the property where the violation exists, as well as the nature of the violation. The ticket may either be handed to an owner or occupant of the property or may be affixed to a door on the property where the violation exists fronting a right-of-way or conspicuously posted on the property. The ticket shall instruct the violator that if the violator reports to the Borough Office and pays to the Borough the sum of \$100 within 10 days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation, which prosecution may result in court costs and attorney fees being assessed against the violator in addition to the fine. In any event, if a ticket is not paid in full within 10 days of issuance, the Code Official or his designee(s) shall issue a citation to the violator. Notwithstanding the foregoing, the Code Official or his designee(s) shall have the sole and absolute discretion to issue a citation without first issuing a ticket as provided for herein.
- O. **108.4 Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not

less than \$500 or more than \$1,000.

P. **109.4.1 Form.** Such notice prescribed in Section 109.4 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification, including the street address.
3. The date of the inspection.
4. The identity of the inspector.
5. Include a statement of the violation or violations, including citations to the appropriate ordinance section, and why the notice is being issued.
6. Include a correction order allowing up to 90 days to make the repairs and improvements required to bring the residential structure into compliance with the provisions of this code or the order or direction of the Code Official.
7. Inform the property Owner or Owner's Agent of the right to appeal.
8. Include a statement of the right to file a lien in accordance with Section 107.3

Q. **202 General Definitions.** The following definitions shall be added or amended. The definitions in the code not referenced below shall remain in full force and effect.

BOARD OF APPEALS. The entity authorized with presiding over appeals brought pursuant to this Ordinance or the Property Maintenance Ordinance of the Borough of Waynesboro.

CODE OFFICIAL. The person or persons authorized by the Borough to determine compliance with the provisions of this Ordinance and to enforce the same. The Code Official may be either a third-party company appointed by Borough Council or an individual employed and/or appointed by the Borough.

CODES. Any codes and ordinances of the Borough of Waynesboro and the Commonwealth of Pennsylvania, and any rules and regulations promulgated thereunder.

DWELLING UNIT. A building or part thereof having cooking, sleeping, and sanitary facilities for one family, and having no cooking, sleeping, or sanitary facilities in common with any other dwelling unit.

EXTERIOR AREA. The outside facade of a building, including but not limited to any porch, yard, lawn, landscaping, sidewalks, setbacks, curbs, and all open area contiguous to a building owned by the same owner (as defined below) or persons or part of the same real estate parcel.

OWNER. Any person, agent, operator, firm, corporation, partnership, limited liability company, limited liability partnership, association, other entity, property management group, trust, or fiduciary holding or having legal, equitable or other

interest in any real 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 Part in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer, trustee and other individual having an interest in the entity, controlling or otherwise. The term Owner shall also include Owner's Agent.

OWNER'S AGENT. An individual or firm designated by the owner of real property, in writing, to the Borough, who shall reside on the premises or within a forty-mile radius of the Borough of Waynesboro, a map of which is available for inspection in the Borough office, and who shall be legally responsible for the operation of the rental property in compliance with all of the provisions of the codes and ordinances of the Borough of Waynesboro and the Commonwealth of Pennsylvania and who shall be responsible for providing legal access to the property for the purposes of making inspections of said premises to ensure compliance with said ordinance(s) and laws.

PERSON. An individual, corporation, partnership, trust, or any other group or entity acting as a unit.

RESIDENTIAL RENTAL DWELLING UNIT. Dwelling unit not occupied by the Owner thereof.

SALE OR CONVEYANCE. Any legal transfer of title of real property from one person to another.

STRUCTURE. Any human-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

- R. **302.4 Weeds.** Premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 107.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the Borough of Waynesboro or contractor hired by the Borough of Waynesboro shall be authorized to enter upon the property in violations and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- S. **304.14 Insect screens.** Year round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door shall have a self-closing device in good working condition.
- T. **602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming unit, dormitory or guest room or terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat of not less than 68° F during the period from September 1 to May 30.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1° C), a minimum temperature of 65°F (18°C) shall be maintained.

- U. **602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with the heat during the period from September 1 to May 30 to maintain a temperature of not less than 65° F. during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous *physical* activities.

SECTION 3: Chapter 213, Section 2 of the Code of the Borough of Waynesboro, Franklin County, Pennsylvania, §213-2, entitled, “Adoption of Standards” is hereby replaced with the following:

Section 213-2. Adoption of Standards. The International Property Maintenance Code, adopted in § 201-2 of the Code of the Borough of Waynesboro is hereby adopted as the Residential Rental Dwelling Unit Code of the Borough of Waynesboro, Franklin County, Pennsylvania, for the control of residential rental buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of the Property Maintenance Ordinance of the Borough of Waynesboro are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this Ordinance.

SECTION 4: Chapter 213, Section 4 of the Code of the Borough of Waynesboro,

Franklin County, Pennsylvania, §213-4, entitled, “Modifications” is hereby replaced with the following:

Section 213-4. Modifications. The additions, modification, removals, and replacements adopted in § 201-3 of the Code of the Borough of Waynesboro are herein incorporated in this Chapter 213. In addition to those modifications in § 201-3, the following sections of the International Property Maintenance Code, adopted in § 201-2 of the Code of the Borough of Waynesboro are hereby revised, removed, replaced, and/or modified as follows:

101.2 Scope. The provisions of this Ordinance shall apply to Multifamily Dwellings and Two-Family Dwellings as defined in Chapter 295 of this Code. When used in this Chapter, said terms shall have the same meaning as in Chapter 295.

**CHAPTER 9
INSPECTIONS
SECTION 901
GENERAL**

901.1 Inspections.

1. Prior to any sale or conveyance of a Multifamily Dwelling or Two-Family Dwelling containing two (2) or more Residential Rental Dwelling Units within the structure, or a Multifamily Dwelling or Two-Family Dwelling in which one Dwelling Unit is owner occupied, within the Borough of Waynesboro, the structure, and each Residential Rental Dwelling Unit, shall be inspected by the Code Official, and for such purpose and for any re-inspection required hereunder, the Owner shall provide access to the Code Official.
2. The Owner or Owner’s Agent shall be responsible for the fees and costs for the inspection as stated in section 104.1 of this Ordinance; unless section 901.1, subsection 4 applies.
3. All inspections conducted under the authority of this Chapter shall determine compliance with this Ordinance and all codes incorporated therein.
4. If the Code Official, after inspection pursuant to this Chapter, determines that the Multifamily Dwelling or Two-Family Dwelling complies with this Ordinance and all codes incorporated herein, the Code Official shall issue a Rental Certificate for the property.
5. A Rental Certificate issued for a particular structure shall not be transferable to a subsequent purchaser of said structure.
6. Inspections may also occur if an Occupant files a complaint in writing signed by the Occupant at the Borough Office or with the Code Official. The Owner

or Owner's Agent shall be notified of the complaint and the Owner or the Owner's Agent may be present for the inspection. If no violation(s) of this Ordinance is found to exist by the Code Official, the Occupant who filed the complaint shall be responsible for the cost of the inspection. If a violation of this Ordinance is found by the Code Official in the course of the inspection, the Owner or Owner's Agent shall be responsible for the cost of the inspection.

7. Reservation of the Right of Borough Inspection. Notwithstanding the provisions above, the Borough reserves the right at any time to inspect any premises to verify compliance with the provisions of the Part or other applicable ordinances of any independent or government agency inspection, the Borough inspection shall be made without charge. If, as a result of the Borough inspection, violations of the provisions of this Part are determined, additional inspections necessitated by such noncompliance shall be at the expense of the Owner.

SECTION 902 VIOLATIONS OF THIS ORDINANCE

902.1 Occupancy after sale or conveyance without Rental Certificate. It shall be unlawful for any Owner or Owner's Agent of a Multifamily Dwelling or a Two-Family Dwelling containing two (2) or more Residential Rental Dwelling Units, or a Multifamily Dwelling or Two-Family Dwelling in which one Dwelling Unit is owner occupied, to permit any occupancy therein after sale or conveyance, without first ensuring that an inspection pursuant to Section 901 of this Ordinance has occurred, and that a Rental Certificate has been issued.

902.2 Prosecution of violation of Chapter 9. Any person failing to comply with a notice of violation or order served in accordance with this Ordinance shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the Code Official may 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 Ordinance or of the order or direction made pursuant thereto. Any corrective action taken by the authority having jurisdiction over such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

902.3 Penalties. A violation of this Ordinance, including a failure to pay any fees under this Ordinance, shall be subject to the penalties provisions of section 107.4.

SECTION 5: The International Property Maintenance Code, 2024, adopted as the Borough's Residential Rental Dwelling Unit Code, is hereby amended to add a Chapter 10, which shall be entitled "Rental Registration, License, and Inspection", the contents of which shall be as follows:

CHAPTER 10
RENTAL REGISTRATION, LICENSE, AND INSPECTION

SECTION 1001
GENERAL

1001.1 **Rental license.** No person shall rent or offer for rent or lease any Residential Rental Dwelling Unit, or any Multifamily Dwelling or Two-Family Dwelling in which one Dwelling Unit is owner-occupied (hereinafter collectively referred to as a “Rental Unit”) unless such person has registered the property and received a valid and current rental license issued by the Borough or its designee (designee shall include a Code Official) for the specified Rental Unit.

1001.2 **Property subject to registration and license requirement.** A rental license shall be obtained by the Owner(s) having a legal or equitable interest in the property or the Owner’s Agent for the Rental Unit.

1001.3 **Rental registration.** The registration of each tax parcel containing a Rental Unit shall be made on a form furnished by the Borough or its designee and shall be completed in accordance with any instructions which may be given by the Borough or its designee. The information provided on the form shall include, but not be limited to, the following:

1. The name, address, and telephone number of the Owner(s) of the tax parcel where the Rental Unit is located. Tax parcels that are owned by a corporation, limited liability company, limited liability partnership, association, or any other form of organization or entity shall additionally provide the name, address, and telephone number of the individual(s) who is the owner or authorized agent or representative of such corporation, limited liability company, limited liability partnership, association, or other organization or entity. If the tax parcel and Rental Unit are under separate ownership, provide the aforementioned information for both the Owner of the tax parcel and the Owner of the Rental Unit.
2. For Owner(s) operating under a fictitious name or d/b/a, the Owner’s true/registered name.
3. The name, address, and telephone number of the Owner’s Agent(s).
4. The address of the tax parcel where the Rental Unit is located and the addresses of the Rental Unit located on such parcel, as applicable.
5. The type of Rental Unit being registered.
6. The number of Rental Units located on the tax parcel being registered.

1001.4 **Time for registration.**

1. **Initial Registration.** All tax parcels containing a Rental Unit(s) shall be initially registered no later than July 31, 2022.
2. **Renewal of Registration.** Any applicant for renewal of registration shall renew their registration by July 31 of each calendar year preceding the year during which the property will be used as a Rental Unit(s).

1001.5 **Licensing.** Upon receipt of the fully completed registration form and payment of the appropriate registration fee, the Borough or its designee shall, within 30 days, issue a rental license to the Owner or the Owner's Agent, unless an inspection is required prior to licensing or the property is in violation of the Code of the Borough of Waynesboro, in which case a rental license shall not be issued until such time as the property is in compliance with the Code of the Borough of Waynesboro and this Ordinance.

1001.5.1 Newly licensed property. Prior to receiving a rental license, the Rental Unit must fully comply with the provisions of this Ordinance. Occupancy of the Rental Unit prior to receiving a rental license shall be a violation of this Ordinance.

1001.5.2 Display of license. The current rental license shall be displayed on the property and available for inspection by the Borough or its designee.

1001.6 **Fees.** Fees for the registration of each tax parcel where Rental Units are located shall be set from time to time by resolution of the Borough Council of the Borough of Waynesboro. Such registration fees shall be assessed on a per tax parcel basis.

SECTION 1002 OWNERSHIP

1002.1 **Transfer of ownership.** Registration of a tax parcel containing a Rental Unit and a rental license issued for such Rental Unit shall not be transferable to a subsequent purchaser of said parcel or Rental Unit. If the ownership of a registered and licensed Rental Unit is transferred, whether it is legal or equitable, the registration and rental license shall be invalid on the date of transfer of ownership, unless the new Owner has submitted an application for registration and licensing within ten (10) days of the date of transfer, in which case the property, if currently occupied, may continue to be occupied; however, such occupancy shall be contingent upon the new Owner receiving a rental license in accordance with this Ordinance. If the new Owner fails to submit an application for registration and rental license within 10 days of the date of transfer, or the new Owner does not receive a rental license in accordance with this Ordinance, the property cannot be used as a Rental Unit, and any rental occupancy of the property is a violation of this Ordinance.

1002.2 **Lease-purchase agreements.** Any property that is being occupied and currently subject to a lease-purchase agreement between the occupants of the property and the owner of record, and which lease-purchase agreement is recorded in the Recorder's Office of the County in which the property is located, shall not be subject to the requirements of Chapter 10. The burden of proving a valid lease-purchase agreement under this section shall be on the owner or occupant claiming the exemption from the requirements of Chapter 10.

SECTION 1003 VIOLATIONS OF THIS ORDINANCE

1003.1 **Occupancy without license.** It shall be unlawful for any Owner or Owner's Agent to allow a Rental Unit to be occupied without being registered and holding a valid rental license. Further, it shall be unlawful for any Owner or Owner's Agent to offer for rent,

lease, or occupancy unless the Rental Unit is currently registered and holds a valid rental license.

1003.2 Prosecution of a violation of Chapter 10. Any person failing to comply with a notice of violation or order served in accordance with this Ordinance shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the Borough or its designee may 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 or Rental Unit in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto. Any corrective action taken by the authority having jurisdiction over such premises may be charged against the real estate upon which the structure or Rental Unit is located and shall be a lien upon such real estate.

1003.3 Penalties. Any person, firm, or corporation who shall violate any provision of this Ordinance, including a failure to pay any fees under this Ordinance, shall be subject to a fine of not more than \$1,000 per day, or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues shall be deemed a separate offense.

SECTION 6: Repealer. All provisions of previous Ordinances of the Borough of Waynesboro, which are contrary to this Ordinance are expressly repealed.

SECTION 7: Savings Clause. In all other respects, the Code of the Borough of Waynesboro shall remain as previously enacted and ordained.

SECTION 8: Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 9: Effective Date. This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this _____ day of _____ 2024.

Waynesboro Borough Council

By: _____
President

ATTEST:

Secretary

Mayor of the Borough of Waynesboro