

**BOROUGH OF DUBOISTOWN
LYCOMING COUNTY, PENNSYLVANIA**

**RENTAL INSPECTIONS PROGRAM
ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE BOROUGH OF DUBOISTOWN, LYCOMING COUNTY, PENNSYLVANIA,
ADOPTING A RENTAL INSPECTIONS PROGRAM; DEFINING AND REGULATING NON-OWNER-
OCCUPIED UNITS;**

**REQUIRING INSPECTIONS OF PROPERTIES; SETTING STANDARDS FOR INSPECTIONS; REGULATING
THE TIMING OF INSPECTIONS; REQUIRING NOTICE PROCEDURE; AND PRESCRIBING PENALTIES
FOR VIOLATION.**

**BE IT ORDAINED AND ENACTED BY the Council of the Borough of DuBoistown, Lycoming
County, Pennsylvania and it is hereby ordained and enacted by virtue of authority of the
same as follows:**

SECTION 1 PURPOSE This Ordinance shall be known as the "DUBOISTOWN Borough Rental Inspection Ordinance." The Borough of DUBOISTOWN has experienced problems with the maintenance and safety of non-owner-occupied properties and has concerns about the health, safety and welfare of occupants of these non-owner-occupied properties within the borough. The purpose of this Ordinance is to enhance the safety of non-owner-occupied properties through a system of inspection, which focuses on compliance with the property maintenance codes governing existing structures.

SECTION 2 DEFINITIONS

- a. "Borough" means the Borough of DUBOISTOWN, Lycoming County, Pennsylvania or an authorized agent and/or official directed to act on behalf of DUBOISTOWN Borough.
- b. "Board of Appeal" shall mean Property Maintenance Board of Appeals of the Borough of DUBOISTOWN, as appointed.
- c. "Certificate of Inspection" means the certificate issued by the Code Official indicating that the rental unit is in compliance with this ordinance for a specified time.
- d. "Code" means the Code of the Borough of DUBOISTOWN and the International Property Maintenance Code lawfully adopted and as amended from time to time.
- e. "Code Official" means any individual or entity designated by the Borough to administer and enforce this Ordinance.

f. "Owner" means any person, co-partnership, association, corporation, or fiduciary having legal, or equitable title, or any interest in any real property. Whenever used in any clause prescribing or imposing a penalty, the term "Owner," as applied to co partnership and associations, shall include the partners or members thereof, and as applied to corporations, the officers thereof.

g. "Residential Unit" means any structure or structurally enclosed area used or intended to be used as living quarters for one or more individuals and cannot be used for a commercial purpose other than approved home occupation.

h. "Regulated Rental Unit" means a residential unit occupied by other than the Owner and/or the Owner's immediate family.

i. "Non-regulated Residential Unit" means a single residential unit occupied by the Owner and/or the Owner's immediate family.

j. "Structure" means that which is built or constructed or a portion thereof.

SECTION 3 ADMINISTRATION

1. CERTIFICATE OF INSPECTION REQUIRED FOR OCCUPANCY

No Regulated Rental Unit shall be occupied unless the owner or designated agent obtains and keeps a current certificate of inspection on file as required by the provisions of this Ordinance. Every owner of property, within the Borough of DUBOISTOWN, shall have the affirmative duty, by December 31, of every year, to report, in writing to the Borough of DUBOISTOWN, if they own a Regulated Rental Unit within the Borough of DUBOISTOWN and if so the number of units and address of the same

2. INSPECTION REQUIREMENTS.

Regulated Rental Units shall be subject to inspection in accordance with the provisions of this Ordinance.

a. Purpose. Inspections required by the Ordinance shall be for the purpose of determining compliance with the provisions of the Code in effect on the date of inspection.

b. Inspectors. Inspections required by this Ordinance shall be conducted by the Borough or the Borough's Designated Official(s) and/or Agent(s).

c. Inspection Standards. In order for an owner to obtain and/or retain a Certificate of Inspection, Regulated Rental Units shall comply with all applicable portions of the Code.

d. Timing of Inspections /Renewals.

1. On or after the effective date of this Ordinance, prior to any Non-Regulated Residential Unit being converted to use as a Regulated Rental Unit, the Owner of the Unit shall contact the Borough and submit an Application for Inspection and a Certificate of Inspection shall be obtained from the Borough in accordance with this Ordinance prior to occupancy of such Non-Regulated Residential unit by anyone

other than the owner or owner's immediate family, and subsequent inspections shall occur as set forth herein.

2. The Code Official shall notify the owner of a Regulated Rental Unit of a pending inspection. The owner shall contact the Code Official and schedule an inspection within 30 days from the receipt of the notice. A Certificate of inspection issued for a Regulated Rental Unit shall expire four (4) years after the date of issuance and Regulated Rental Units shall be re-inspected prior to the expiration date on Certificate of Inspection.

3. Any property that has been inspected as set forth in Subparagraph (d)(2) and subsequently becomes vacant for a period of two years must be re-inspected prior to occupancy as a regulated rental unit.

4. For purposes of inspections, the borough shall be divided into 4 inspection wards. Inspections shall occur on a 4-year basis. This can be changed, by the Borough, from time to time, by resolution.

e. Exceptions.

1. Any Regulated Rental Unit that is subject to an inspection by any other Governmental Agency which inspection standards are equal to or greater than the Borough's Code shall remain subject to the equal or greater standards. Nothing contained in this exception shall be deemed to exclude the property from being subject to any of the Borough's Codes shall remain subject to greater standard,

3. ISSUANCE OF CERTIFICATE OF INSPECTION.

a. General Provision. Upon the date of the completion of an inspection of a Regulated Rental Unit in which no violations of the Code are found or on the date that any such violations have been corrected, and after the payment of the inspection fee has been made, the Borough shall issue a Certificate of Inspection for the Regulated Rental Unit. The Certificate of Inspection shall be kept on file by the owner or designated agent and made available to the Code Official upon request.

b. Rental Inspection and Appeals. Any violations of the Code found by the Code/Official during an inspection or re-inspection shall be documented by the Code Official on a Report of inspection in sufficient detail to allow the owner to correct the violation. The Report of Inspection shall be provided to the owner within fifteen (15) days of the date of inspection. Any appeal from the Report of Inspection shall be filed and heard in the manner provided herein.

c. Multi-Unit Structures. Each unit in a multi-unit structure which meets the definition of a Regulated Rental Unit shall be considered to be a separate Regulated Rental Unit. Units within a structure which are in compliance with the Code may continue to be occupied if, in the opinion of the Code Official, other portions of the structure or units therein which either do not apply or have not passed inspection do not create a hazard to the health and safety to the persons occupying the units in compliance with the Ordinance,

d. Compliance with Code. The issuance of Certificate of Inspection does not relieve the property owner of the responsibility of maintaining a structure or Regulated Rental Unit in accordance with the Code.

e. Forms. The Application for Inspection, Certificate of Inspections, Notice of Transfer, Report of Inspection and any other forms and documents necessary to administer the requirements of this Ordinance shall be in such form as shall be approved, from time to time, by the Borough.

4. NOTICE REQUIREMENT.

a. Newspaper advertisement. The Borough shall, each year, cause notice of this Ordinance to be published two times in a newspaper of general circulation within the Borough. The first notice shall be published during January of each calendar year except in the year of enactment when the first notice shall be published within 30 days of the date of enactment. The second notice shall be published during October of each calendar year. The notice shall set forth the general requirements of this Ordinance; that inspection may be required before a Regulated Rental Unit is occupied and where a copy of this Ordinance may be obtained.

b. Written notice must be given to the property owner or agent prior to an inspection. The property owner or agent shall provide the tenant with reasonable notice of the inspection.

c. Any agent or official, acting on behalf of the Borough, shall provide the borough with a copy of any and all documentation in its possession, pertaining to this ordinance. This includes but is not limited to letters, permits, notices, action items and the like. This is to ensure that the Borough has the same file, in its possession, as said agent or official acting on behalf of the borough.

5. TRANSFER OF CERTIFICATES OF INSPECTION

A Certificate of Inspection issued hereunder is transferrable to any person or entity who acquires ownership of a Regulated Rental Unit for the unexpired portion of the four-year term for which the Certificate was issued. The new Owner of the Regulated Rental Unit shall file a Notice of Transfer of the Certificate of inspection with the Borough within 30 days of the date of sale or transfer or ownership. A Certificate of Inspection shall terminate upon failure to file a Notice of Transfer within 30 days of the date of sale or transfer of ownership of the Regulated Rental Unit.

6. RESPONSIBLE PARTY.

The Owner of any Regulated Rental Unit shall be responsible for compliance with the provisions of this Ordinance.

7. VIOLATIONS AND SUSPENSION OR REVOCATION OF CERTIFICATE OF INSPECTION.

a. General.

1. Depending on the severity and/or number of violations of the Code, the Borough may initiate action against an owner that may result in a Notice of Violation and/or

suspension or revocation of a Certificate of Inspection for violating any provisions of this Ordinance that impose a duty upon the Owner and/or failing to regulate the breach of duties by occupants as provided herein, subject to the right of appeal herein.

2. In order for an Owner to obtain or retain a Certificate of Inspection, the property owner has the responsibility for maintaining the structure and/or Regulated Rental Unit in accordance with the Code and to pay all associated fees.

3. Administration, inspections and notifications utilized in the enforcement of this Ordinance shall be conducted in accordance with the procedures set forth in the current version of the International Property Maintenance Code adopted by the Borough.

b. Borough's Options.

1. Notice of Violation: Violation(s) of the Code of this Ordinance shall result in the issuance of a Notice of Violation by the code Official in accordance with procedures contained in the current version of the International Property Maintenance Code approved by the Borough or other such Property Maintenance Code subsequently adopted by the DUBOISTOWN Borough.

2. Suspension: A Certificate of Inspection may be suspended upon issuance of a Notice of Violation. Notification of the suspension of the Certificate shall be included in the Notice. Upon failure of the Certificate holder to correct the violations set forth in the Notice in the time period therein specified, the Certificate of Inspection may be revoked. A suspended Certificate of Inspection shall be reinstated at the time the violation(s) cited in the Notice are corrected. Suspension of a Certificate shall not result in eviction of the occupants of the Unit.

3. Revocation: Should an owner fail to correct the violations set forth in a Notice of Violation in the time period therein specified or should the Code Official determine that a structure or unit is unsafe or unfit for occupancy, the Certificate of Inspection may be revoked, and the owner shall be notified of the immediate loss of the right to rent the unit(s) in question. Upon revocation of a Certificate of Inspection, the owner shall take immediate action to evict the occupants of the unit(s).

c. Grounds for taking action. Any of the following may subject an owner to actions as provided for in this Ordinance:

1. Failure to abate a violation of this Ordinance that applies to the premises within the time directed by the Borough.

2. Refusal to permit the inspection of the premises by the Borough, as provided for in this Ordinance.

3. Failure to take steps to remedy and prevent violations of this Ordinance by occupants of a regulated rental unit as provided for in this Ordinance.

4. Failure to pay all associated fees required.

8. MEANS OF APPEAL

Any person affected by any Notice or Order which has been issued in connection with the enforcement of any provision of this Ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Appeal. Appeals shall be filed and appeal hearings conducted in accordance with the procedures set forth in the current version of the International Property Maintenance Code adopted by the Borough or other such Property Maintenance Code subsequently adopted by the Borough.

9. VIOLATIONS AND PENALTIES

The Owner of any Regulated Rental Unit who has violated or permitted the violation of this Ordinance shall be guilty of summary offense, up to \$1000 per offense. Each day of violation constitutes a separate offense. In default of payment the owner may be incarcerated up to 90 days.

10. FEES AND SCHEDULE.

The Borough is authorized to assess fees upon owners or Regulated Rental Units for inspections, re-inspections, issuance of Certifications of Inspection and Reports of Inspections and other administrative actions necessary to implement this Ordinance. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by the Borough Council by resolution from time to time.

SECTION 4 SEVERABILITY

The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough of DUBOISTOWN that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 5 APPLICABILITY

Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.

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Effective Date. This Ordinance shall be effective 30 days of the enactment.

DULY ENACTED AND ORDAINED THIS 5 DAY of May, 2022 BY THE
BOROUGH COUNCIL OF DUBOISTOWN, LYCOMING COUNTY, PENNSYLVANIA, IN LAWFUL
SESSION DULY ADDEMBLED.

ATTEST:

BOROUGH OF DUBOISTOWN

BY: Ann Marie Baker
Ann Marie Baker, Secretary

BY: Michael F Rodgers
Michael F Rodgers, President Council

DULY approved this 5 day of May, 2022

By: R.A. Knecht
Richard Knecht, Mayor