

FILE OF THE CITY CLERK

ADMINISTRATION ORDINANCE NO. 12 - 2008

ADMINISTRATION BILL NO. 12 - 2008

INTRODUCED – AUGUST 26, 2008

ADOPTED BY COUNCIL – SEPTEMBER 9, 2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA PROVIDING FOR THE LICENSING AND/OR REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES; PROVIDING FOR INSPECTIONS OF SUCH PROPERTIES; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

WHEREAS, the City Council of the City of Lancaster finds that to safeguard the safety, health and welfare of its citizens, and to encourage owners, operators and occupants of rental housing to improve and maintain the quality of such housing, it is necessary to establish a systematic inspection, registration and licensing program for residential rental properties.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. Except where the context clearly indicates otherwise, the terms used herein shall have the meanings ascribed to them in the City's Property Maintenance Code adopted by Administration Bill No. 8-2008 and expected to be codified in Chapter 223 of the Code of the City of Lancaster (the "Property Maintenance Code"). Additionally, the following words shall have the meaning ascribed to them in this section except where the context clearly indicates or requires a different meaning:

City: The City of Lancaster, Lancaster County, Pennsylvania.

Code Enforcement Official/Code Official: The code enforcement officers and officials of the City of Lancaster as defined in the Property Maintenance Code and other Ordinances of the City of Lancaster.

Codes: Any state or local code or ordinance adopted, enacted or in effect in and for the City of Lancaster, including, but not limited to, the Property Maintenance Code.

License: Any license or certificate of rental registration issued hereunder.

Occupant: Any person over one year of age living and sleeping in a residential rental unit or having actual possession of such residential rental unit.

Person: Any natural person, partnership, association, limited liability company, corporation, firm or other similar entity.

Premises: Any parcel of real estate within the City, including the land and all buildings and appurtenant structures, on which one or more Residential Rental Units are located.

Transient Dwelling: A one-family, two-family or multi-family dwelling which is not occupied exclusively by the owner thereof and each dwelling unit therein is not occupied pursuant to the terms of a written lease or is occupied pursuant to a written lease with a term of less than one month.

SECTION 2. LICENSING OF ROOMING HOUSES, DORMITORIES AND HOTELS. No person shall operate a rooming house, dormitory or hotel unless he has first obtained from the Code Official a license to operate such rooming house, dormitory or hotel.

A. Fees for Rooming Houses, Dormitories and Hotels. Every person applying for a license shall supply such information to the Code Official and shall pay a license fee of \$200 for each rooming house, dormitory or hotel, plus an additional inspection fee of \$50 per unit. Thereafter, the fee for subsequent annual licenses will be assessed at \$20 per unit. No annual fee shall be imposed upon any dwelling unit or rooming unit which is occupied by the owner of such unit for a period of 60 days immediately preceding the application for an issuance of a license; provided, however, that such owner/occupant provides the Code Official with satisfactory proof of ownership and occupancy for the required period. It shall be the duty of the licensee to notify the Code Official whenever any dwelling unit or rooming unit becomes occupied or ceases to be occupied by the owner of such unit.

B. Compliance with Code. The Code Official shall not issue a license unless the rooming house, dormitory or hotel for which the license is required is in compliance with the Property Maintenance Code.

C. Number of Occupants Specified. Every license shall specify the maximum number of occupants allowed to occupy the rooming house, dormitory or hotel.

D. Rooming House, Dormitory or Hotel; Display of License. Every license shall be displayed in a conspicuous place within the rooming house, dormitory or hotel.

E. Duration of License; Rooming House, Dormitory or Hotel. Every rooming house, dormitory or hotel license shall remain in force for one year from date of issuance, unless sooner revoked pursuant to the Code of the City of Lancaster.

F. Transfer of License. No license required for rooming houses, dormitories or hotels shall be transferred unless the new owner or operator shall give notice in writing to the Code Official within 10 days after the transfer in any manner of ownership or control

of the interest in such rooming house, dormitory or hotel. Such notice shall include the name and address of the person succeeding to the ownership or control.

G. Violation; Rooming Houses, Dormitories and Hotels. Whenever the Code Official determines that there exists any violation of the Property Maintenance Code, it shall serve notice as provided in Section 107 thereof and may notify the owner and operator in writing that unless the notice of violation is complied with, the rooming house, dormitory or hotel license may be revoked. After the expiration of the time for compliance as stated on the notice of violation, a reinspection shall be made to determine compliance. A fee for such reinspection shall be imposed in accordance with Section 107 of the Property Maintenance Code. If the violation has not been corrected and no appeal is pending, the Code Official may revoke the rooming house, dormitory or hotel license and in such event shall serve written notice upon the owner or operator of such action.

SECTION 3. LICENSING OF MULTIFAMILY DWELLINGS. No person shall operate a multifamily dwelling, defined as a building containing three or more dwelling units which is not a transient dwelling, unless he has first obtained from the Code Official a license to operate such multifamily dwelling.

A. Fees for Multifamily Dwellings. Every person applying for a license shall supply such information to the Code Official and shall pay an initial license fee of \$200 for each multifamily dwelling, plus an additional inspection fee of \$60 per unit. Thereafter, the fee for subsequent annual licenses will be assessed at the rate of \$50 per unit. No annual fee shall be imposed upon any dwelling unit or rooming unit which is occupied by the owner of such unit for a period of 60 days immediately preceding the application for issuance of a license; provided, however, that such owner/occupant provides the Code Official with satisfactory proof of ownership and occupancy for the required period. It shall be the duty of licensee to notify the Code Official whenever any dwelling unit becomes occupied or ceases to be occupied by the owner of such unit.

B. Inspection; Issuance; Reinspection. The Code Official shall, upon receipt of an application for a license, inspect the multifamily dwelling and, in the event such multifamily dwelling is in compliance with this code, the license applied for shall be issued upon payment of the license fee. The Code Official shall inspect each multifamily dwelling at least once on or before the fourth anniversary of the initial inspection following the application for the multifamily license. These periodic inspections shall occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding the dwelling. The licensee shall maintain and make copies of all written leases under which each dwelling unit is occupied available for inspection upon request of the Code Official. Such written lease shall indicate the name of the occupant(s) of each dwelling unit and the term of the lease.

C. Noncompliance. In the event that the multifamily dwelling is not in compliance with this Property Maintenance Code, the Code Official shall notify the applicant in writing and shall specify the noncompliance with this Property Maintenance Code. Upon completion of the changes, the Code Official shall issue the license applied for.

D. Multifamily Dwelling Display of License. Every license shall be displayed in a conspicuous place within the multifamily dwelling.

E. License Duration. Every multifamily dwelling license shall remain in force for one year from the date of issuance unless sooner revoked in accordance with the Code of the City of Lancaster.

F. License Transfers. No license required by the Property Maintenance Code shall be transferable unless the new operator shall give notice in writing to the Code Official within 10 days after the transfer in any manner of ownership or control of the interest in such multifamily dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control.

G. Violation; License Revocation; Notice. Whenever the Code Official determines that there exists a violation of the Property Maintenance Code, it shall serve notice as provided in Sections 107 and 108 of the Property Maintenance Code and may notify the owner or operator in writing that unless the notice of violation is complied with, the multifamily dwelling license may be revoked. After the expiration of the time for compliance as stated on the notice of violation, a reinspection shall be made to determine compliance. A fee for such reinspection shall be imposed in accordance with the provisions of the Property Maintenance Code. If the violation has not been corrected and no appeal is pending, the Code Official may revoke the multifamily dwelling license and, in such event, shall serve written notice upon the owner or operator of such action.

H. Appeal. Any person whose multifamily dwelling license has been revoked or whose application for a license to operate a multifamily dwelling has been denied may appeal to the Board as provided in Section 111 of the Property Maintenance Code.

SECTION 4. LICENSING OF TRANSIENT DWELLINGS. No person shall operate a transient dwelling, defined as a one-family dwelling, two-family dwelling or multifamily dwelling which is not occupied exclusively by the owner thereof and each dwelling unit therein is not occupied pursuant to the terms of a written lease or is occupied pursuant to a written lease with a term of less than one month, unless he has first obtained from the Code Official a license to operate such transient dwelling.

A. Fees for Transient Dwellings. Every person applying for a license shall supply such information to the Code Official and shall pay an initial license fee of \$200 for each transient dwelling, plus an additional inspection fee of \$50 per unit. Thereafter, the fee for subsequent annual licenses will be assessed at the rate of \$50 per unit. No annual fee shall be imposed upon any dwelling unit or rooming unit which is occupied by the owner of such unit for a period of 60 days immediately preceding the application for issuance of a license; provided, however, that such owner/occupant provides the Code Official with satisfactory proof of ownership and occupancy for the required period. It shall be the duty of licensee to notify the Code Official whenever any dwelling unit becomes occupied or ceases to be occupied by the owner of such unit.

B. Inspection; Issuance; Reinspection. The Code Official shall, upon receipt of an application for a license, inspect the transient dwelling and, in the event such transient dwelling is in compliance with this Code, the license applied for shall be issued upon payment of the license fee. The Code Official shall inspect each transient dwelling at least once on or before the fourth anniversary of the initial inspection following the application for the transient dwelling license. These periodic inspections shall occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding the dwelling. The licensee shall maintain a roster of all occupants of each dwelling unit. The roster shall be available for inspection upon request of the Code Official. The roster shall include the names of the individuals, the dwelling unit(s) occupied, the period such occupant(s) occupied the dwelling unit, and a forwarding address for each occupant (if such address is known to the owner). The licensee shall maintain rosters for a period of three years. The licensee shall continuously update the roster.

C. Noncompliance. In the event that the transient dwelling is not in compliance with this Property Maintenance Code, the Code Official shall notify the applicant in writing and shall specify the noncompliance with this Property Maintenance Code. Upon completion of the changes, the Code Official shall issue the license applied for.

D. Transient Dwelling Display of License. Every license shall be displayed in a conspicuous place within the transient dwelling.

E. License Duration. Every transient dwelling license shall remain in force for one year from the date of issuance unless sooner revoked in accordance with the Codes of the City of Lancaster.

F. License Transfers. No license required by the Property Maintenance Code shall be transferable unless the new operator shall give notice in writing to the Code Official within 10 days after the transfer in any manner of ownership or control of the interest in such transient dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control.

G. Violation; License Revocation; Notice. Whenever the Code Official determines that there exists a violation of the Property Maintenance Code, it shall serve notice as provided in Sections 107 and 108 of the Property Maintenance Code and shall notify the owner or operator in writing that unless the notice of violation is complied with, the transient dwelling license may be revoked. After the expiration of the time for compliance as stated on the notice of violation, a reinspection shall be made to determine compliance. A fee for such reinspection shall be imposed in accordance with the provisions of the Property Maintenance Code. If the violation has not been corrected and no appeal is pending, the Code Official may revoke the transient dwelling license and, in such event, shall serve written notice upon the owner or operator of such action.

H. Appeal. Any person whose transient dwelling license has been revoked or whose application for a license to operate a transient dwelling has been denied may appeal to the Board as provided in Section 111 of the Property Maintenance Code.

SECTION 5. RENTAL UNIT REGISTRATION.

A. Registration Requirements. The owners of each dwelling listed herein will be subject to the following registration requirements and fees:

1. Each person who allows a one-family dwelling to be occupied by a person or persons other than the owner of the one-family dwelling or members of such owner's immediate family (i.e., spouse, children or parents), if such one-family dwelling is not a transient dwelling, as defined herein, shall be required to file a rental unit registration form with the Code Official prior to renting such one-family dwelling. Thereafter, each year on or before the anniversary date of the prior registration, the owner or operator of such one-family dwelling rental unit shall file with the Code Official a rental unit registration.

2. Each person who operates a two-family dwelling, if such two-family dwelling is not a transient dwelling, as defined herein, shall be required to file a rental unit registration form with the Code Official prior to renting either unit within the two-family dwelling. Thereafter, each year on or before the anniversary date of the prior registration, the owner or operator of such two-family dwelling rental unit shall file with the Code Official a rental unit registration.

3. There shall be an annual registration fee of \$50 for each one-family dwelling for which a rental unit registration is required and there shall be an annual registration fee of \$100 for each two-family dwelling for which a rental unit registration is required, which can be changed from time to time by Resolution of City Council.

4. The rental unit registration and accompanying registration fees shall be filed and paid within thirty (30) days of the first time registration and annually thereafter, or on the annual anniversary of the unit's registration if currently registered.

B. Inspection; Periodic Inspection. The Code Official shall inspect each one-family dwelling and two-family dwelling at least once on or before the fourth annual anniversary of the initial inspection following the filing of the rental unit registration. These periodic inspections shall occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding the dwelling. The registrant shall maintain and make copies of all written leases under which each dwelling unit is occupied available for inspection upon request of the Code Official. Such written lease shall indicate the name of the occupant(s) of each dwelling unit and the term of the lease.

C. Time for Inspection. Upon the filing of a rental unit registration, the person filing such registration shall be notified of a time for the dwelling unit to be inspected, provided that:

1. The inspection shall occur no later than the date intended for occupancy of the dwelling unit.

2.

SECTION 6. RESPONSIBLE AGENT. No license shall be issued to any person for a rooming house, hotel, multifamily dwelling or transient dwelling unless such owner or operator provides the Code Official with the name, address and telephone number of a designated responsible agent, who shall be an individual and who shall reside or maintain a place of business within the County of Lancaster, Pennsylvania. Designation of a responsible agent shall authorize the responsible agent to receive notices and communications necessary or deemed to be appropriate under the terms of this Code and to accept service of process and initial and subsequent pleadings on behalf of the owner or operator which may be necessary or deemed to be appropriate for the enforcement of this Code; provided, however, that nothing contained herein shall affect the right of the City/Department of Economic Development and Neighborhood Revitalization to submit notices and communications directly to the person, rather than to the responsible agent, or to serve process and initial and subsequent pleadings in any other manner permitted by law. Such authorization shall be signed by the owner or operator and by the designated responsible agent. Each person who owns a one-family dwelling or two-family dwelling required to be registered pursuant to Section 5 shall designate in the rental unit registration required thereby a responsible agent in conformance with this section.

Change of responsible agent: Any owner or operator to whom a license has been issued or any owner of those dwellings described above who subsequently changes his place of residence or who changes the designation of a responsible agent shall notify the Code Official within 30 days after such change.

SECTION 7. VIOLATIONS AND PENALTIES. In addition to any other sanction, remedial procedure or penalty provided herein or in the Property Maintenance Code, any person who violates any provision of this Ordinance, upon conviction thereof shall be fined not less than \$50.00 nor more than \$1,000.00 or be confined in jail for a period not exceeding 90 days, or both. Each day that the violation continues shall constitute a separate offense.

Any person who does not pay the City any inspection fee, reinspection fee, license fee, registration fee or any other fee due under this Ordinance within 90 days of its due date shall pay to the City a late payment fee equal to 25% of the amount due. Nothing in this section shall prevent the City from issuing and prosecuting citations for failure to possess the proper licenses or registrations or other violations of this Ordinance.

SECTION 8. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 9. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the

remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 10. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 9th day of September, 2008, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

/s/ Janet E. Spleen

/s/ J. Richard Gray

Janet Spleen, City Clerk

By: _____
J. Richard Gray, Mayor