

Council of the City of York, PA  
Session 2014  
Bill No.  
Ordinance No.

INTRODUCED BY: Henry Hay Nixon

DATE:

**AN ORDINANCE**

Amending Article 1763 "Property Maintenance Code" of the York City Codified Ordinances.

BE IT HEREBY ORDAINED, that the Property Maintenance Code of the City of York, Pennsylvania is hereby amended as follows:

**107.1.1 Exceptions to Notice Requirements.** Violations of subsections 302.4, 302.3.2, 302.3.3 and 302.3.3.1 of the Property Maintenance Code shall be exempted from the notice requirements of this section and said violations shall be subject to immediate non-traffic summary citation. (Ord. 8-2006. Passed 3-7-06.)

**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order structure secured in accordance with §108.2.1 so as to not be an attractive nuisance. Upon failure of the owner to **secure** the premises in accordance with the requirements of §108.2.1 within the time specified in the order, the owner shall be subject to the penalty section of this code. Additionally, the code official may cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official may order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and may cause such other action to be taken as the code official deems necessary to meet such emergency.

**109.4 Emergency repairs.** For the purpose of this section, the code official may employ the necessary labor and materials to perform the required work as expeditiously as possible.

**110.3 Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, they shall be subject to the penalties provided for in Section 106.4 herein. Additionally, the code official shall in cooperation with the City Solicitor take any and all legal action to cause the owner to comply with said order.

After all legal means have been exhausted the code official may cause the structure to be demolished and removed, either through and available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**302.3.3 Deposit of removed snow.** No person shall throw, cast or deposit the snow required to be removed by Section 302.3.1 in the roadbed of the street or highway adjoining such property, but is required to deposit the same upon the sidewalk along and immediately inside the curb thereof.

**303.3.3.1 Deposit of other snow.** No person shall deposit snow cleared/removed from parking lots, private property or that snow removed along streets or highways to create parking spaces into the roadbed of the street or highway adjoining such parking lot, private property or parking space. Snow cleared/removed from parking lots or private property shall be piled on such parking lot or private property or shall be hauled away. Snow cleared/removed from parking spaces shall be deposited in accordance with Section 302.3.3 of this code. For the purposes of this section, the owner of any parking lot or private property shall be responsible for the actions of any person or persons employed or contracted with to clear/remove snow.

**306.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures or premises in or on which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**306.2 Owner.** The owner of any structure or premises shall be responsible for extermination within the structure or on the premises prior to leasing the structure or premises.

**306.3 Single occupant.** The occupant of a one family or of a single-tenant nonresidential structure shall be responsible for extermination.

**Exception:** The owner shall be responsible for extermination for the first ninety (90) days of tenancy.

**306.4 Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple mixed use occupancy, a rooming house or a non-residential structure shall be responsible for extermination in any unoccupied units, the public or shared areas of the structure and exterior property. If an infestation involves more than one unit of the structure or involves one unit and the public and/or shared areas, the owner shall be responsible for extermination of the entire structure and/or premises. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant(s) shall be responsible for extermination.

**Exception:** The owner shall be responsible for extermination for the first ninety (90) days of tenancy.

**306.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure or premises.

**Exception:** Where the infestation is caused by defects in the structure or premises, the owner shall be responsible for extermination.

**306.6 Vacant structures.** The owner of a vacant structure or premises is responsible for the extermination within the structure and the exterior property areas.

**306.7 Extermination.** Extermination required by this section or resulting from orders issued under this section shall be performed by a licensed pest control company or any person licensed to perform such extermination. A receipt from a licensed pest control company or person shall be required as proof of extermination. When extermination is performed by a licensed person in the employ of the owner a written statement from such employee stating the extermination measures taken shall be required as proof of extermination.

**306.8 Failure to exterminate.** Failure of the responsible party to have a property exterminated as required by this section or as a result of orders issued under this section shall render the structure unfit for human occupancy as provided for in Section 108.1.3 and said structure shall be condemned in accordance with Section 108.1 and shall be ordered vacated. Occupancy shall not again be permitted until extermination has been performed in accordance with this section. This requirement shall be in addition to the penalties provided for in Section 106.4

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicate in Appendix D of the plumbing code.

**190.10** The notice of appeal shall be in writing and filed prior to the expiration of the original compliance period and in no case, longer than thirty (30) calendar days after noted of violation or the decision is rendered by the code officials or designees of the Department of Economic and Community Development and/or the Department of Fire/Rescue Services. The notice of appeal shall be filed in a form acceptable to the Board and shall be accompanied by the appropriate fee as is otherwise set forth by resolution of the Council.

PASSED FINALLY:

BY THE FOLLOWING VOTE

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

NAYS: \_\_\_\_\_.

\_\_\_\_\_  
Carol Hill-Evans, President of Council

ATTEST:

\_\_\_\_\_  
Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this \_\_\_\_\_ day of \_\_\_\_\_

Approved:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Vetoed:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date