CODIFIED ORDINANCES OF YORK

PART SEVENTEEN - BUILDING AND HOUSING CODE

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ARTICLE 1700
Enforcement

1700.01 Duties and responsibilities.

CROSS REFERENCES
Fire Department - see ADM. Art. 149

1700.01 DUTIES AND RESPONSIBILITIES.

Part 17, Building and Housing Code, is hereby amended by changing all references to all duties of the Fire Department thereunder to the Fire Department and the Department of Economic and Community Development and by changing all references to all responsibilities of the Fire Chief thereunder to the Fire Chief and the Director of Economic and Community Development with the exception that Articles 1709, 1761 and 1763 shall remain under the sole control of the Fire Department and the responsibility of the Fire Chief. (Ord. 9-1984 §1. Passed 4-3-84.)

ARTICLE 1701
BOCA National Building Code

1701.01 Adoption and file copies.
1701.02 Amendments to adopted code.
1701.03 Saving clause.
1701.04 Enforcement powers.

CROSS REFERENCES

Adoption by reference - see 3rd Class Charter Law Sec. 608(a) (53 P.S. Sec. 41608(a)); 3rd Class Sec. 2403(67) (53 P.S. Sec. 37403(67))
Building ordinances - see 3rd Class Sec. 4130 et seq. (53 P.S. Sec. 39130 et seq.)
Zoning permits and certificates - see P. & Z. Art. 1310

1701.01 ADOPTION AND FILE COPIES.

There is hereby adopted by the City for the purposes of establishing rules and regulations for the construction, alteration, removal, repair, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the BOCA National Building Code, fourteenth edition, 1999, of the Building Officials and Code Administrators International, Inc., except such portions that are hereinafter deleted, modified or amended. Not less than three copies have been and now are filed in the office of the City Clerk; the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section takes effect, the provisions thereof shall be controlling in the construction of all buildings and other subjects therein contained within the corporate limits of the City.
(Ord. 1-2000. Passed 1-18-00.)

1701.02 AMENDMENTS TO ADOPTED CODE.

Chapter 1 - Administration

(1) Section 101.1 Title is amended to read as follows:
These regulations shall be known as the Building Code of the City of York, hereinafter referred to as this “Code”.

(2) Section 104.3 Organization is hereby amended by deleting the existing text and adding the following section to read as follows:
The Code Official shall supervise such other employees or assistants as shall be necessary for the administration and execution of the responsibilities of such office. Other personnel may be known as Assistant Code Official(s).

(3) Section 104.4 Deputy is hereby amended by deleting the existing text and adding the section to read as follows:
The Council of the City of York, Pennsylvania may designate an employee as the deputy to the Code Official who shall exercise all the powers of the Code Official during the temporary absence or disability of the Code Official.

(4) Section 105.1.1 Enforcement Powers is added to read as follows:
Section 105.1.1 Enforcement Powers. The Code Official and the Chief of the Department of Fire/Rescue Services or their designees shall have the authority to enforce the provisions of this Code. When acting within the scope of their employment thereunder, they shall have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power to arrest.

(5) Section 107.0 Application for Permit is hereby amended by adding the following section to read:
Section 107.10 Historic District. In addition to the work covered by this Code, it shall be unlawful within the area designated as the Historic York District under the provisions of the Historic Architectural Review Board ordinance to perform any of the following exterior work upon any building, structure or sign located within such Historic District without first filing for and obtaining a permit therefor, to wit: (i) the installation of storm windows or doors, shutters, exterior window boxes, sheds, fences, or any and all kinds of exterior appurtenances affecting an appearance change, or (ii) performing repairs which would effect an exterior appearance change. Work for which a permit is required by this section shall be exempt from the permit fee requirements of this Code as set forth in Section 112.3.1.

(6) Section 112.3.1 Fee Schedule is hereby amended by deleting the existing text and adding the following section to read:
A fee for each plan examination, building permit and inspection shall be paid in accordance with the fee schedule as set forth from time to time by resolution of the Council of the City of York, Pennsylvania.
(Ord. 1-2000. Passed 1-18-00.)

(7) Section 116.4 Violation Penalties is hereby amended by deleting the existing text and adding the following section to read:
Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars ($5,000) for the third and any subsequent continual and uncorrected violation and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety days (90 days). Each day that a violation continues after due notice has been served shall be deemed a separate offense.
(Ord. 1-2009. Passed 1-6-09.)

(8) Section 117.2 Unlawful Continuance is hereby amended to read as follows:
Any person who shall continue any work in or about a structure after having been served with a stop work order, except such work as that which the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000).

(9) Section 118.0 Certificate of Occupancy is hereby amended by adding a section to read as follows:
Section 118.3.1 Change of Ownership Occupancy Classification.
No existing structure shall be occupied after a change of ownership, or change of occupancy classification until a certificate of occupancy has been issued. The Code Official shall issue a certificate of occupancy provided there are not violations of law or orders of the Code Official pending, and it is established after inspection and investigation that the building or structure complies with all of the applicable requirements of this Code and other applicable codes, laws and ordinances.
Exception: The provisions of this section shall not apply to buildings and structures of Use Group R-2, R-3, and R-4.

(10) Section 118.4 Contents of Certificate is hereby amended by adding to the end of the existing text the following sentence to read as follows:
All certificates of occupancy shall be signed by the Building Code Official or designee.

(11) Section 121.0 Means of Appeal is hereby amended by deleting all existing text and adding the following section to read:
Section 121.0 Means of Appeal. Any person shall have the right to appeal a decision by the Code Official to the Construction Board of Adjustment and Appeals as is otherwise established by the ordinances of the City of York, Pennsylvania.

Chapter 9 Fire Protection Systems

(1) Section 904.7 Use Groups M, S-1 and F-1 is hereby amended by deleting all existing text and adding the following section to read:
Section 904.7 Use Groups B, M, S-1 and F-1. Throughout all buildings with a Use Group B, M, S-1 or F-1, an automatic fire suppression system shall be provided as follows:

1. Where any Use Group B, M, S-1 or F-1 fire area exceeds 12,000 square feet (1116 m^2);
2. Where the total combined area of all Use Group B, M, S-1 and F-1 fire areas on all floors exceeds 24,000 square feet (2232 m^2); or
3. Where any Use Group B, M, S-1 or F-1 fire area is more than three stories or thirty feet above the lowest level of Fire Department access.

Exception: Public garages shall conform to Section 408.0.

(2) Section 904.11 Windowless story is hereby amended by adding the following section to read:

(3) When the area of any basement, in any Use Group except R4 exceeds 2,000 square feet, an automatic fire suppression system is required.

(3) Section 906.3.1 Designer Qualifications is added to read as follows:

All fire sprinkler plans shall be prepared by an individual holding a valid NICET Level 3 certification in automatic fire sprinkler design.

Exception: Professional qualifications equal to or better than NICET Level 3 as determined by the Construction Board of Adjustment and Appeals.

(4) Section 906.5 Sprinkler Alarms is hereby amended by deleting all existing text and adding the following section to read:

Section 906.5 Sprinkler Alarms. Approved audible or visual indicating appliances shall be connected to every water sprinkler system. Such indicating appliances shall be activated by water flow and shall be located in an approved location on the exterior of the building. Additional indicating appliances shall be installed within the building to provide notification of all occupants.

Exception #1: Sprinkler systems designed and installed in accordance with NFPA 13D.

Exception #2: Limited area sprinkler systems (see Section 907.5).

(5) Section 916.1 Required is hereby amended by deleting all existing text and adding the following section to read:

Section 916.1 Required. All water sprinkler systems and standpipe systems shall be provided with a Fire Department connection in accordance with the applicable standards. Standpipes in buildings under construction or demolition shall conform to Section 3305.3.

Exception #1: Sprinkler systems designed and installed in accordance with NFPA 13D.

Exception #2: Limited area sprinkler systems (see Section 907.5).

(6) Section 924.2 Fire Alarm Systems is hereby amended by deleting all existing text and adding the following section to read:

Section 924.2 Fire Alarm Systems. All required fire alarm systems shall transmit alarm signals by connection to the Municipal Alarm System of the City of York.

Exception #1: Where connection to the Municipal Alarm System of the City of York is not available, the fire alarm system shall be connected to a central station approved by the Chief of the Department of Fire/Rescue Services.

Exception #2: Smoke detectors in occupancies Use Group I-3 (see Section 918.7.1).

Exception #3: Smoke detectors in patient sleeping rooms in occupancies in Use Group I-2 (see Section 409.5.1).

(7) Section 925.0 Key Boxes is hereby added to read as follows:
Section 925.1 General. A key box, approved by the Chief of the Department of Fire/Rescue Services or designee, shall be provided on all buildings, except R4 - single family dwellings. Such key box shall be installed in an location approved by the Chief of the Department of Fire/Rescue Services or designee and shall contain all keys and/or access codes as may be required.

(8) Section 3408.2 Applicability is hereby amended by deleting all existing text and adding the following section to read:
Section 3408.2 Applicability. Structures existing prior to effective date of this ordinance, in which there is work involving additions, alterations, or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3407.0.
The provisions of 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Use Group H, I or an R residential care facility.

Chapter 31 Special Construction.

(1) Section 3101.1.2 Permits is hereby added to read as follows:
(a) No sign or other device for advertising purposes or any canopy or awning shall be constructed or erected upon or across any sidewalk, driveway, alleyway or highway of the City until a permit has been issued by the Zoning Official. The fee for such permit shall be established by resolution of City Council.
(b) The applicant shall agree to hold the City harmless for any damages arising by reason of the erection or maintenance of any such sign, canopy or awning.

(2) Section 3102.10.5 Additional Clearances is hereby added to read as follows:
Projecting sign structures shall not extend outward from the building line of a building more than four feet. If a sign structure extends more than six inches from the building line, such sign must be at least ten feet above the surface of any sidewalk or driveway.

(3) Section 3105.6 Attachment and Placement is added to read as follows:
(a) No fixed awning or canopy shall project more than five feet from the building line of a highway outward over a sidewalk, driveway or highway of the City.
(b) All fixed awnings and canopies shall be supported without posts extending from the awning or canopy to the sidewalk and shall be firmly attached to the building so as to leave the sidewalk wholly unobstructed.
(c) Where there is no sidewalk between the exterior wall of a building and a street, highway, or public way, every fixed awning or canopy constructed over such street, highway or public alley shall be at least thirteen feet above such street, highway or public alley at its lowest point.

Chapter 33 Site Work, Demolition and Construction.

(1) Section 3311.0 Retaining Walls and Partition Fences is hereby amended by adding the following new section to read:

Section 3311.2 Limitations. No fence of any type shall be erected on a manufacturing, industrial or commercial site or boundary which upon completion is more than eight feet in height. For the purposes of this section, the height shall be measured from the top of the fence to normal ground level immediately below the fence.

(Ord. 1-2000. Passed 1-18-00.)

1701.03 SAVING CLAUSE.

Nothing in this article or in the BOCA National Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance hereby repealed. Nor shall any right or remedy of any character be lost, impaired or affected by this article.

(Ord. 1-2000. Passed 1-18-00.)

1701.04 ENFORCEMENT POWERS.

The Code Inspectors of the Fire Department, as well as the Building Official and/or the Deputy Building Official, shall have the authority to institute summary criminal proceedings as a means of enforcement of this article and shall, when acting within the scope of their employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power to arrest.

(Ord. 6-1984 §1. Passed 3-6-84; Ord. 1-2000. Passed 1-18-00.)

ARTICLE 1704
International Mechanical Code

1704.01 Adoption. 1704.02 Amendments.

CROSS REFERENCES
Adoption by reference - see 3rd Class Charter Law §608(a) (53 P.S. §41608(a)); 3rd Class §2403(67) (53 P.S. §37403(67))

1704.01 ADOPTION.
There is hereby adopted by the City for the purposes of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, the International Mechanical Code, 1998 edition, as published by the International Code Council, Inc., except such portions that are hereinafter deleted, modified or amended. Not less than three copies have been and are now filed with the offices of the City Clerk. From the date on which this section takes effect, the provisions thereof shall be controlling within the corporate limits of the City. (Ord. 1-2000. Passed 1-18-00; Ord. 6-2000. Passed 4-5-00.)

1704.02 AMENDMENTS.
The provisions of the International Mechanical Code are amended to read as follows:

Chapter 1 Administration

(1) That Section 101.1 Title is amended to read as follows:
These regulations shall be known as the Mechanical Code of the City of York, Pennsylvania.

(2) Section 106.5.2 Fee Schedule is amended by deleting the existing text and adding the following section to read:
A permit fee for all mechanical system work shall be paid in accordance with the fee schedule as is set forth from time to time by resolution of the Council of the City of York, Pennsylvania.

(3) Section 106.5.3 Fee Refunds is amended by deleting the existing text and adding the following to read:
In the case of a revocation of a permit or abandonment or discontinuance of a mechanical system project, the portion of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder upon written request. All plan examination and permit processing fees and all penalties that have been imposed on the permit holder under the requirements of this Code shall first be collected.
(Ord. 1-2000. Passed 1-18-00.)

(4) Section 108.4 Violation penalties is hereby amended by deleting the existing text and adding the following section to read:
Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars ($5,000) for the third and any subsequent continual and uncorrected violation and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety days (90 days). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(5) Section 108.5 Stop work orders is hereby amended by deleting the existing text and adding the following section to read as follows:
Any person who shall continue any work in or about a structure after having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than five hundred dollars ($500.00) per offense nor more than one thousand dollars ($1,000) per offense, plus costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ninety days (90 days). (Ord. 1-2009. Passed 1-6-09.)

(6) Section 109.0 Means of Appeal is hereby amended by deleting all existing text and adding the following section to read:
Section 109.0 Means of Appeal. Any person shall have the right to appeal a decision by the Code Official to the Construction Board of Adjustment and Appeals as is otherwise provided for by ordinances of the City of York, Pennsylvania.
(Ord. 1-2000. Passed 1-18-00.)

ARTICLE 1705
International Plumbing Code

1705.01 Definitions.
1705.02 Adoption and file copies.
1705.03 Amendments; additions; deletions.
1705.04 Board of Plumbing Examiners.
1705.05 Licenses.
1705.06 Retired plumbers.
1705.99 Penalty.

CROSS REFERENCES

Adoption by reference - see 3rd Class Charter Law §608(a) (53 P.S. §41608(a)); 3rd Class §2403(67) (53 P.S. §37403(67))
Licensing of plumbers - see 3rd Class §2603 (53 P.S. §37603)
Water quality criteria - see 25 Pa. Code Ch. 93

1705.01 DEFINITIONS.

(a) "Administrative authority" means the Director of the Department of Economic Development or designee.

(b) "Code" means this article and the International Plumbing Code as amended, together with any rule or regulation promulgated thereunder by the Code Official.

(c) "Apprentice plumber" means a person who is engaged in learning the plumbing trade by working with and assisting a journeyman or master plumber in the installation, maintenance and repair of plumbing and drainage; or who is covered by an apprenticeship agreement with a local joint apprenticeship committee.

(d) "Journeyman plumber" means any person other than a master or apprentice plumber who has demonstrated to the Examining Board their practical knowledge of the installation of plumbing and who has been licensed by the Board to install plumbing under the direction of a master plumber.

(e) "Master plumber" means any person who has demonstrated their skill in planning, supervising and installing plumbing and who, having satisfied the Examining Board to his knowledge of the rules and regulations governing the same, and to his business integrity, has been granted a license as a master plumber. Such individuals shall have worked as a journeyman plumber for a period of not less than two years before being eligible for master certification. (Ord. 1-2000. Passed 1-18-00.)

1705.02 ADOPTION AND FILE COPIES.

There is hereby adopted by the City for the purposes of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of plumbing systems, including permits and penalties, that certain code known as the International Plumbing Code, 1997 edition as published by the International Code Council, Inc., except such portions that are hereinafter deleted, modified or amended. Not less than three copies of which have been and are now filed in the offices of the City Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section takes effect, the provisions thereof shall be controlling in the construction of all buildings and other subjects therein contained within the corporate limits of the City.
(Ord. 1-2000. Passed 1-18-00.)

1705.03 AMENDMENTS; ADDITIONS; DELETIONS.

Chapter 1 Administration

(1) That Section 101.1 Title is amended to read as follows:
These regulations shall be known as the Plumbing Code of the City of York hereinafter referred to as “this Code”.

(2) Section 101.2 Scope is amended to read as follows:
The provisions of this Code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to use or maintenance of plumbing systems within the jurisdiction.
Exception #1: No provisions of this Code will be construed to repeal any of the provisions and requirements of the York City Municipal Sewer Authority or its assigns. Provisions and requirements of the aforesaid sewer authority shall apply to all systems and equipment under its authority.
Exception #2: Provisions and requirements of Article 931 shall apply in all cases of disagreement with this Code and in all cases the more stringent requirements shall apply.
The provisions in the Appendices B, C, D, E, F, and G are hereby adopted and included as an integral part of this Code.
The provisions of any other appendices not so adopted shall not apply.

(3) Section 106.5.2 Fee Schedule is amended by deleting the existing text and adding the following section to read:
A permit fee for all plumbing work shall be paid in accordance with the fee schedule as is set forth from time to time by resolution of the Council of the City of York, Pennsylvania.

(4) Section 106.5.3 Fee Refunds is amended by deleting the existing text and adding the following to read:
In the case of a revocation of a permit or abandonment or discontinuance of a plumbing project, the portion of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder upon written request. All plan examination and permit processing fees and all penalties that have been imposed on the permit holder under the requirements of this Code shall first be collected.
(Ord. 1-2000. Passed 1-18-00.)

(5) Section 108.4 Violation penalties is hereby amended by deleting the existing text and adding the following section to read:
Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars ($5,000) for the third and any subsequent continual and uncorrected violation and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(6) Section 108.5 Stop work orders is hereby amended by deleting the existing text and adding the following section to read:
Any person who shall continue any work in or about a structure after having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000) and the costs of prosecution.

(7) Section 109.0 Means of Appeal is hereby amended by deleting all existing text and adding the following section to read:
Section 109.0 Means of Appeal. Any person shall have the right to appeal a decision by the Code Official to the Construction Board of Adjustment and Appeals as is otherwise provided for by ordinances of the City of York, Pennsylvania.

Chapter 3 General Regulations
(1) Section 305.6.1 Sewer depth is amended to read as follows:
Building sewers that connect to private sewage disposal systems shall be a minimum of thirty-six inches below the finished grade at the point of septic tank connection. Building sewers shall have a minimum of thirty-six inches below grade.

Chapter 7 Sanitary Drainage
(1) Section 701.2 Sewer required is amended to read as follows:
Every building in which plumbing fixtures are installed and every premises having drainage piping shall be connected to a public sewer.

Chapter 9 Vents
(1) Section 904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least eighteen inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet above the roof.

(2) Section 917.1 Air admittance valves is deleted in its entirety.

Chapter 14 Referenced Standards
(1) That the “building code” shall be the BOCA National Building Code, 1999 edition, or such other edition, as is adopted by the City of York, Pennsylvania.

(2) That the "gas code" shall be the NFPA 54 National Fuel Gas Code, 1996 edition, or such other edition, as is otherwise adopted by the City of York, Pennsylvania.

(3) That the "mechanical code" shall be the International Mechanical Code, 1996 edition, or such other edition, as is otherwise adopted by the City of York, Pennsylvania.
(Ord. 1-2000. Passed 1-18-00.)

1705.04 BOARD OF PLUMBING EXAMINERS.

(a) Establishment, Composition, Tenure and Compensation. There is hereby established with the Department of Economic Development a Plumbing Examination Board, hereinafter referred to as the "Board", to consist of not less than four members, as follows: a representative of the Department of Economic Development, a professional engineer, a master plumber, a journeyman plumber and a lay member of the general public. Each technical member of the Board shall have at least five years experience in his/her respective field. Board members shall be appointed by the Mayor with the advice and consent of the Council to serve for a period of three consecutive years. Each Board member, except one who is a regular employee of the Department of Economic Development, shall be compensated as provided for by resolution of Council.

(b) Meetings. The Board shall meet at such times as may be necessary for proper performance of its duties, but at least once during any six-month period and at the call of the administrative authority.

(c) Duties and Responsibilities. The Board is authorized and directed to administer and supervise the enforcement of the licensing portions of this article; to provide for such procedures as it may deem necessary to disclose violations; to receive and provide for the investigation of complaints; and to provide for the institution and prosecution of civil or criminal actions or both. To the extent that violation of the licensing provisions of this article creates an imminent danger to health, welfare or safety, it may be enforced by injunction in any court having jurisdiction to grant injunctive relief.
(Ord. 1-2000. Passed 1-18-00.)

1705.05 LICENSES.

(a) Plumber's License. No person shall engage in the practice of plumbing either on his own behalf or the behalf of another as a master, journeyman or apprentice plumber without first obtaining a license from the administrative authority. All fees for obtaining or taking examinations for or transferring such licenses shall be in accordance with the fee schedule as set forth from time to time by resolution of the Council.
(Ord. 1-2000. Passed 1-18-00.)

(b) Application for License. Any person desiring to secure such license shall make application therefor on forms to be prepared and provided by the Board and before a license is issued, the Board shall determine that the applicant is competent and qualified to practice plumbing on the level of the license for which he is making application and that, to the extent required by the Board, the applicant is familiar with the provisions of this Code. Any conviction for violating this Code or any rule or regulation promulgated thereunder shall be taken into consideration in determining whether or not the applicant is competent and qualified.
(Ord. 37-1970 Sec. 4.)

(c) Terms of Licenses, Transferability, Fees and Penalty. Every license issued by the administrative authority shall be for a period ending on December 31 next following and shall not be transferable. The fee for such annual license or renewal thereof shall be in accordance with the fee schedule as set forth from time to time by resolution of the Council and such fee shall be paid to the administrative authority before any such license or renewal thereof is issued. If a renewal of a license is not applied for on or before January 31, the license shall be revoked and a new test shall be required for reinstatement.
(Ord. 1-2000. Passed 1-18-00.)

(d) Offenses. The practice of plumbing on each separate job by an unlicensed person shall constitute a separate offense.

(e) Plumbing Business. Every person engaged in the business of plumbing shall employ only licensed plumbers in the practice thereof, except that apprentices, helpers and laborers may be employed where all of their work is supervised by one or more licensed plumbers.

(f) Reciprocity. The Board may grant a license, without examination, upon payment of the stated fees, to a holder of a substantially equivalent license from another jurisdiction upon satisfying itself that the standards and qualifications required by the other jurisdiction are substantially equivalent to those required by it.

(g) Use of Licensee's Name by Another. No person who has obtained a plumber's license shall allow his name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the license. Every person shall notify the Board of the address of his place of business, if any, and the name under which such business is carried on and shall give immediate notice to the Board of any change in either.

(h) Suspension or Revocation. The Board is empowered to suspend or revoke any license issued pursuant to this article after a hearing upon written notice containing grounds therefor, which notice shall be served personally upon the licensee or his agent at least five days prior to such hearing. At such a hearing the licensee shall be given an opportunity to present testimony, oral or written, and shall have the right of cross examination. All testimony shall be given under oath. The Board shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses. The decision of the Board shall be based upon the evidence produced at the hearing and made part of the record thereof. A person whose license has been revoked shall not be permitted to apply for a new license within one year from the date of revocation. However, the person whose license has been revoked may appeal to the courts and if the decision of the Board is reversed, the license shall be reinstated. A person whose license has been revoked and who is applying for a new license shall be re-examined and pay such fees as are prescribed in subsection (c) hereof.

(i) Re-examination. Any person who fails to pass an examination prescribed by the Board may apply for re-examination after the expiration of thirty days upon payment of a new fee.

(j) Temporary Permit. The Board may issue a temporary license pending examination, provided the applicant holds a similar license from another jurisdiction or other reasons exist therefor which, in the discretion of the Board, merit the issuance of such a permit. Such permit shall not be valid for more than sixty days.
(Ord. 37-1970 §4.)

1705.06 RETIRED PLUMBERS.

(a) Any plumber heretofore licensed by the City who wishes to retire from the active practice of his occupation, but who wishes to be identified with the plumbing trade, may apply to the Plumbing Inspector for a certificate or card designating him as a retired or inactive plumber, upon paying an annual fee to the Plumbing Inspector. All fees for a certificate or card as a retired plumber or an inactive license shall be established by resolution of Council. Such certificate or card shall be signed by the Plumbing Inspector and attested by the Director of Community Development.

(b) Such certificate or card shall not give the holder thereof any authority to engage in or do any acts of the plumbing.

(Ord. 82-1969 Sec. 1,2; Ord. 19-97. Passed 12-2-97; Ord. 1-2000. Passed 1-18-00.)

1705.99 PENALTY.

Any person who shall violate the licensing provisions of this article shall be guilty of a summary offense, punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars ($5,000) for the third and any subsequent continual and uncorrected violation and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 1-2009. Passed 1-6-09.)

ARTICLE 1709
National Electrical Code

1709.01 Adoption and file copies.
1709.02 Scope.
1709.03 Electrical Inspector and Electrical Appeal Board.
1709.04 Enforcement.
1709.05 Duties of Electrical Inspector.
1709.06 Electrical permit: conditions and fee.
1709.07 Inspections.
1709.08 Notices and appeals.
1709.09 Saving clause.
1709.10 Enforcement powers.
1709.99 Penalty.

CROSS REFERENCES

Adoption by reference - see 3rd Class Charter Law §608(a) (53 P.S. §41608(a)); 3rd Class §2403(67) (53 P.S. §37403(67))
Underground wires required - see 3rd Class §2403(50) (53 P.S. §37403(50))
Poles and wires - see S.U. & P.S. Art. 915
Underground conduits - see S.U. & P.S. Art. 917

1709.01 ADOPTION AND FILE COPIES.

There is hereby adopted by the City for the purposes of establishing rules and regulations for the construction, alteration, removal, repair, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the National Electrical Code, 1999 edition, of the National Fire Protection Association, except such portions that are hereinafter deleted, modified or amended. Not less than three copies have been and are now filed in the offices of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section takes effect, the provisions thereof shall be controlling in the construction of all buildings and other subjects therein contained within the corporate limits of the City.

This article together with the National Electrical Code, 1999 edition, as adopted herein, shall be known as the “Electrical Code”.

(Ord. 1-2000. Passed 1-18-00.)

1709.02 SCOPE.

(a) "Electrical wiring systems" include all electrical apparatus, electrical wiring, electrical fixtures and electrical supplies used as a part of any installation for the transmission or utilization of electrical energy. This shall include all equipment necessary to operate the physical plant, ventilating, heating, air conditioning, refrigerating and water heating systems provided such term does not include portable lamps, electrical appliances and special manufacturing equipment separable from permanently fixed plug-in receptacles.

(b) All electrical wiring systems installed in new buildings, additions to existing buildings and remodeling work where removal of the flooring or wall or ceiling covering exposes the studding, joists or rafters and in yards and parking lots shall be installed in conformity with the National Electrical Code as amended.
(Ord. 6-1977 §2. Passed 3-1-77.)

(c) All other electrical additions or renovations, where removal of the surface building construction is not required, other than the minimum opening necessary to make the installations, shall comply with the National Electrical Code as amended, subject to the discretion of the Department of Fire/Rescue Services, insofar as methods and materials are concerned.

(d) Rules and Regulations. The Director of the Department of Fire/Rescue Services is hereby empowered to promulgate such rules and regulations in accordance with the provisions of the National Electrical Code as may be required, and any rule or regulation so promulgated shall have the same force and effect as the Code, but no person shall be bound thereby until such rule or regulation has been posted in a conspicuous place at the main office of the Department and in the Codes Administration office, for a period of not less than five business days except that presentation to any person of a written copy of any rule or regulation shall be in lieu of the above stated posting requirement as to that person.
(Ord. 18-1988 §2. Passed 10-4-88.)

1709.03 ELECTRICAL INSPECTOR AND ELECTRICAL APPEAL BOARD.

The office of Electrical Inspector in the Department of Fire/Rescue Services is hereby created and the executive official in charge shall be known as the Electrical Inspector.
(Ord. 18-1988 §3. Passed 10-4-88; Ord. 1-2000. Passed 1-18-00.)

1709.04 ENFORCEMENT.

Enforcement provisions of the Electrical Code shall rest with the Electrical Inspector or his duly authorized representative.
(Ord. 6-1977 §4. Passed 3-1-77.)

1709.05 DUTIES OF ELECTRICAL INSPECTOR.

(a) The Electrical Inspector shall enforce all provisions of the Electrical Code. He shall receive applications for permits and issue permits. To enforce compliance with law he shall issue such notices or orders as may be necessary and shall require the production of such books, records and compliance certificate of a certified inspection agency from applicants for permits or the holders of permits as may be necessary to insure compliance with respect to permits and fees.
(Ord. 18-1988 §4. Passed 10-4-88.)

(b) Inspections to insure compliance with this Electrical Code shall be made by the Electrical Inspector or his duly appointed assistant. Persons owning industrial or manufacturing facilities requiring large and complex electrical wiring systems may make application for annual permit, as further defined in Section 1709.06(i), which permit shall relieve them from the inspection requirements of this section. If firms or corporations can demonstrate to the satisfaction of the Electrical Inspector that such firm or corporation regularly employ competent personnel qualified to make such installations, alterations and extensions, and that it is the policy of such firm or corporation that all electrical wiring systems conform to the standards of the Electrical Code, the Electrical Inspector shall issue such annual permit. The Electrical Inspector may, at reasonable times, inspect the electrical wiring of such facilities to determine whether they are in conformity with the Electrical Code.

(c) The Electrical Inspector shall keep comprehensive records of applications, of permits issued, of inspections made, or reports rendered and of all notices or orders issued. He shall retain on file copies of required plans and all documents relating to electrical work so long as any part of the building or structure to which they relate may be in existence.

(d) All records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Electrical Inspector without his written consent.

(e) The Electrical Inspector shall make written reports annually to the members of Council, including statements of inspections made, permits issued or orders promulgated.
(Ord. 6-1977 §5. Passed 3-1-77.)

1709.06 ELECTRICAL PERMIT: CONDITIONS AND FEE.

(a) A permit as required by the Electrical Code shall be issued by the Electrical Inspector or his agent for the installation, construction, alteration or extension of an electrical wiring system or component thereof to the firm or individual who intends to do the actual electrical work.

(b) The application for an electrical job permit shall be accompanied by a sketch, wiring diagram, or written description of the work to be done, depending upon the complexity of the job. The information presented shall be in sufficient detail to enable the Electrical Inspector to determine that the proposed work will conform to the requirements of the Electrical Code. If, in the course of the work, it is found necessary to make any changes from the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and a supplementary permit, subject to the same conditions applicable to the original application for permit, shall be issued to cover the change.
(Ord. 6-1977 §6. Passed 3-1-77.)

(c) Fees for the construction, alteration or extension of electrical wiring systems shall be in accordance with the fee schedule established by the BOCA National Building Code, 1999 edition, Section 112.3.1, as is otherwise adopted and amended by resolution of Council, and this fee shall be in addition to and separate from the required building permit fees.
(Ord. 1-2000. Passed 1-18-00.)

(d) All required permit applications shall be filed before starting work. On installations of any emergency nature only, this requirement may be waived providing that on the next working day, a permit must be obtained for this emergency work. A brief explanation of the emergency work to be performed shall also be forwarded to the Electrical Inspector for his approval.

(e) An amendment to the original permit shall be required if the scope of the work covered by the original permit is changed. Any additional fee required because of a change in the estimated cost of the work or an amendment to the work as originally proposed shall be submitted to the Electrical Inspector not later than one week after the completion of the work. (Ord. 6-1977 §6. Passed 3-1-77.)

(f) Before any permit is issued, the applicant shall designate an inspection agency using inspectors certified by the International Association of Electrical Inspectors through Educational Testing Services testing that shall provide the final certificate of approval. The applicant may change the inspection agency only with the written approval of the Electrical Inspector. (Ord. 18-1988 §5. Passed 10-4-88.)

(g) A permit shall not be required for the replacement of existing sockets, lamps, controls, motors or fuses where no additional wiring is involved.

(h) If after issuance of a permit, the work has not been started within ninety days, or subsequent to the starting thereof has been discontinued for a period of six months, such permit shall become void. (Ord. 6-1977 §6. Passed 3-1-77.)

(i) Persons owning industrial or manufacturing facilities requiring large and complex electrical wiring systems may make application for an annual permit relieving them from the requirements of Sections 1709.06 and 1709.07. If the Electrical Inspector is satisfied that such person employ full-time competent personnel, skilled in electrical maintenance work to make such installations, alterations and extensions, and that all electrical wiring systems conform to the standards of the Electrical Code, he shall issue an annual permit. This permit shall be considered a company permit and there shall be a flat fee of one hundred dollars ($100.00) payable on or before January 1 of each year. It is not the intent of an annual company permit to cover work done by any part-time or outside electrical contractor retained by an industrial or manufacturing concern.
(Ord. 18-1988 §5. Passed 10-4-88.)

1709.07 INSPECTIONS.

(a) Electrical inspections on work over one hundred dollars ($100.00) in value shall be made and approved by the Electrical Inspector.
(Ord. 18-1988 §6. Passed 10-4-88.)

(b) Inspections shall not be required for the replacement of existing sockets, lamps, controls, motors or fuses where no additional wiring is involved.

(c) In order to safeguard persons and property against the hazards incident to defective electrical wiring and apparatus that are or may now be in existence within the City, the Electrical Inspector is hereby given the duty to inspect such existing wiring when public interest so requires. Should the existing electrical wiring system be found defective or unsafe, the system or portion of the system shall be disconnected until it is corrected and made to comply with the provisions of the Electrical Code and in accordance with this article.

(d) The Electrical Inspector, or his duly authorized City representative, may inspect any electrical construction, installation, addition or extension, regardless of value.

(e) When the premises to be inspected is not regularly inhabited during normal working hours, it shall be the Electrical Contractor's responsibility to arrange for entry of the authorized inspector.
(Ord. 6-1977 §7. Passed 3-1-77.)

1709.08 NOTICES AND APPEALS.
(a) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove or demolish any electrical wiring system in conflict with or in violation of the provisions of the Electrical Code.

(b) The Electrical Inspector shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, removal or demolition of any electrical wiring system in violation of the provisions of the Electrical Code, or in violation of a detailed statement or a plan approved thereunder, or in violation of a permit issued under the provisions of the Electrical Code. Such order shall direct the discontinuance of illegal action or condition and the abatement of the violation.

(c) Upon notice from the electrical official that work on any electrical wiring system is in violation of the Electrical Code, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to continue.
(Ord. 1-2000. Passed 1-18-00.)

(d) Any person who shall continue any work in or about an electrical wiring system after being served with a stop work order, except such work as that which the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000) and the costs of prosecution. (Ord. 1-2009. Passed 1-6-09.)

(e) Any person shall have the right to appeal a decision by the Code Official to the Construction Board of Adjustment and Appeals as is otherwise provided for by ordinances of the City. (Ord. 1-2000. Passed 1-18-00.)

1709.09 SAVING CLAUSE.
Nothing in this article or in the Electrical Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this article. (Ord. 6-1977 §9. Passed 3-1-77.)

1709.10 ENFORCEMENT POWERS.
(a) The Chief of the Department of Fire/Rescue Services or his designee shall have the authority to institute summary criminal proceedings as a means of enforcement of this article, and shall, when acting within the scope of his employment hereinunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall he have the power of arrest.

(b) The Chief of the Department of Fire/Rescue Services or his designee shall be authorized to enter the structure or premises at any reasonable time to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Chief of the Department of Fire/Rescue Services or his designee is authorized to pursue recourse as provided by law.
(Ord. 1-2000. Passed 1-18-00.)

1709.99 PENALTY.

Any person who shall violate a provision of the Electrical Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair an electrical wiring system in violation of an approved plan or directive of the Chief of the Department of Fire/Rescue Services or his designee, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars ($5,000) for the third and any subsequent continual and uncorrected violation and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety days (90 days). Each day that a violation continues after due notice has been served shall be deemed a separate offense.
(Ord. 1-2009. Passed 1-6-09.)

ARTICLE 1711
Uniform Construction Code

1711.01 Adoption; administration;
Board of Appeals.

1711.01 ADOPTION; ADMINISTRATION; BOARD OF APPEALS.

(a) The City hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations.

(b) The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of the City. Included in the provision adopted hereby are the following appendices:

(1) Building Code Appendices - B, C, D, E, F, H, J
(2) Residential Code Appendices - A, B, C, D, E, F, G, H, J, K, L
(3) Mechanical Code Appendix - A
(4) Existing Building Code - The Appendix
(5) Plumbing Code Appendices - B, C, D, E, F, G
(6) Fuel and Gas Code Appendices - A, B, C, D
(7) Fire Code Appendices - B, C, D, E, F, G

(c) Administration and enforcement of the Code within the City shall be undertaken in any of the following ways as determined by the governing body of the City from time to time by resolution:

(1) By the designation of an employee of the City to serve as the Municipal Code Official to act on behalf of the City;
(2) By the retention of one or more Construction Code Officials or third-party agencies to act on behalf of the City;
(3) By agreement with one or more other municipalities for the joint administration and enforcement of this section through an intermunicipal agreement;

(4) By entering into a contract with another municipality for the administration and enforcement of this section on behalf of the City;

(5) By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections, and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(d) A Board of Appeals shall be established by resolution of the governing body of the City in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, the Board of Appeals shall be established by joint action of the participating municipalities.

(e) (1) All Building Code ordinances or portions of ordinances which were adopted by the City on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

(2) All Building Code ordinances or portions of ordinances which are in effect as of the effective date of this section and whose requirements are less than the minimum requirements of the Code are hereby amended to conform to the comparable provisions of the Code.

(3) All relevant ordinances, regulations and policies of the City not governed by the Code shall remain in full force and effect.

(f) Fees assessable by the City for the administration and enforcement undertaken pursuant to this section and the Code shall be established by the governing body by resolution from time to time.

(Ord. 15-2004. Passed 4-20-04.)

ARTICLE 1713
Flood Plain Management

1713.01 General provisions.
1713.02 Administration.
1713.03 Identification of floodplain areas.
1713.04 Technical provisions.
1713.05 Activities requiring special permits.
1713.06 Existing structures in identified floodplain areas.
1713.07 Variances.
1713.08 Definitions.

CROSS REFERENCES
FP Flood Plain Overlay District - see P. & Z. 1303.21

1713.01 GENERAL PROVISIONS.

(a) Intent. The intent of this article is to:

(1) Promote the general health, welfare, and safety of the community.

(2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

(3) Minimize danger to public health by protecting water supply and natural drainage.

(4) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

(5) Comply with federal and state floodplain management requirements.

(b) Applicability.

(1) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the City of York unless a Building Permit has been obtained from the Zoning Officer.

(2) A Building Permit shall not be required for minor repairs to existing buildings or structures.

(c) Abrogation and Greater Restrictions. This article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this article, the more restrictive shall apply.

(d) Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the article, which shall remain in full force and effect, and for this purpose the provisions of this article are hereby declared to be severable.

(e) Warning and Disclaimer of Liability.

(1) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

(2) The granting of a zoning permit or approval of a subdivision plan in the Floodplain District shall not constitute a representation, guarantee or warranty of any kind by the City, or by an official or employee thereof, as to the practicability or safety of the proposed use and/or structure and shall create no liability on the City, it s officials or employees.

(3) This article shall not create liability on the part of the City of York or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder. (Ord. 23-2009. Passed 8-18-09.)

1713.02 ADMINISTRATION.

(a) Building Permits Required. Building Permits shall be required before any construction or development is undertaken within any area of the City of York.

(b) Issuance of Building Permit.

(1) The Zoning Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(2) Prior to the issuance of any permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

(3) In the case of existing structures, prior to the issuance of any permit, the Zoning Officer shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

(4) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Applicant and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. A copy of all such notifications, permit applications, recommendations and approvals shall be submitted to the City.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified by the Applicant prior to any alteration or relocation of any watercourse.

(c) Application Procedures and Requirements.

(1) Application for such a Building permit shall be made, in writing, to the Zoning Officer on forms supplied by the City of York. Such application shall contain the following:

A. Name and address of applicant.

B. Name and address of owner of land on which proposed construction is to occur.

C. Name and address of contractor.

D. Site location including address.

E. Listing of other permits required.

F. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.

G. A plan of the site showing the exact size and location of the proposed construction, as well as, any existing buildings or structures.

(2) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

(3) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:

A. A completed Building Permit Application Form.

B. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. North arrow, scale, and date;

2. Topographic contour lines, if available;

3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;

5. The location of all existing streets, drives, and other access ways; and

6. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

1. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

2. The elevation of the one hundred (100) year flood;

3. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

4. Detailed information concerning any proposed floodproofing measures.

5. Supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Secs.1612.5.1 and 106.2 of the 2006 IBC and Section R106.1.3 and R104.7 of the 2006 IRC.

D. The following data and documentation:

1. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

2. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

3. Detailed information needed to determine compliance with Section 1713.04(d)(6), Storage, and Section 1713.04(e), Development Which May Endanger Human Life, including:

a. The amount, location and purpose of any materials or substances referred to in Sections 1713.04(d)(6) and 1713.04(e) which are intended to be used, produced, stored or otherwise maintained on site.

b. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1713.04(e) during a one hundred (100) year flood.

4. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

5. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

(d) Review by the York County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Applicant to the York County Conservation District for review and comment prior to the issuance of a building permit. A copy of all applications, plans, recommendations by the York County Conservation District, and approvals shall be submitted to the City. The recommendations of the York County Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

(e) Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. Planning Commission, City Engineer, etc.) for review and comment.

(f) Changes. After the issuance of a building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Zoning Officer for consideration.

(g) Placards. In addition to the building permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit the date of its issuance and be signed by the Zoning Officer.

(h) Start of Construction. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

(i) Inspection and Revocation.

(1) During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

(2) In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

(3) In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the building permit and immediately report such fact to the City Council for whatever action it considers necessary.

(4) A record of all such inspections and violations of this ordinance shall be maintained.

(5) The requirements of the 34 PA Code Chapter 401-405 and the 2006 IBC (Sections 109.3.3, 1612.5.1 and 104.7) and the 2006 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

(j) Fees. Before a permit may be issued by the Zoning Officer, the appropriate fee for the same must be paid in full. The fee for permits shall be established by resolution from time to time as deemed appropriate by the Council.

(k) Enforcement.

(1) Notices. Whenever the Zoning Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the Zoning Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

(2) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order of direction of the Zoning Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to City of York of not less than twenty-five dollars ($25.00) nor more than six hundred dollars ($600.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this article may be declared by the Council to be a public nuisance and abatable as such.

(l) Appeals.

(1) Any person aggrieved by any action or decision of the Zoning Officer concerning the administration of the provisions of this article, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Zoning Officer.

(2) Upon receipt of such appeal the Zoning Hearing Board shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

(3) Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act. (Ord. 23-2009. Passed 8-18-09.)

1713.03 IDENTIFICATION OF FLOODPLAIN AREAS.

(a) Identification. The identified floodplain area shall be any areas of City of York, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study.

(b) Description of Floodplain Areas. The identified floodplain area shall consist of the following specific areas:

(1) FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

(2) FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated.
The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

(3) FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

(4) A. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

B. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City of York.

(c) Changes in Identification of Area. The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

(d) Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the Applicant.
(Ord. 23-2009. Passed 8-18-09.)

1713.04 TECHNICAL PROVISIONS.

(a) General.

(1) A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Applicant, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. A copy of all such notifications, permit applications, recommendations and approvals shall be submitted to the City.

B. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified by the Applicant prior to any alteration or relocation of any watercourse.

(2) Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this article and any other applicable regulations, city codes, and ordinances.

(b) Special Requirements for FW, FE and FA Areas.

(1) With any FW (Floodway Area), the following provisions apply:

A. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited. If it can be shown that the new construction, development, use, activity, or encroachment will not increase the flood heights, a permit shall be obtained from the Department of Environmental Protection Regional Office prior to beginning work.

(2) Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

(3) Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:

A. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

(c) Elevation and Floodproofing Requirements.

(1) Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2006 IBC (Sec. 1612.4,1603.1.6 and 3403.1) and in the 2006 IRC (Sec. R324.1.4, R324.2.1, and R324.2.2) and ASCE 24-05 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

(2) Non-residential Structures.

A. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

B. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. The design and construction standards and specifications contained in the 2006 IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1612.5.1 and 3403.1.1) and ASCE 24-05 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

(3) Space below the lowest floor.

A. Fully enclosed space below the lowest floor (including basement) is prohibited.

B. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

2. The bottom of all openings shall be no higher than one (1) foot above grade.

3. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2006 IRC (Secs.R324.2.2 and R324.1.4) and the 2006 IBC (Secs. 1612.4, 1612.5, and 1203.3.3).

(4) Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

B. Floor area shall not exceed 600 square feet.
C. The structure will have a low damage potential.
D. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
E. Power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the 100 year flood elevation.
F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
G. Sanitary facilities are prohibited.
H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(d) Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

(1) Fill. If fill is used, it shall:

A. Extend laterally at least fifteen (15) feet beyond the building line from all points;
B. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
C. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
D. Be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and,
E. Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2006 IBC (Sec. 1801.1 and 1803.4) shall be utilized.

(2) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. The provisions contained in the 2006 IBC (Appendix G401.5) shall be utilized.

(3) Water and Sanitary Sewer Facilities and Systems.

A. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

C. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Appendix G. Secs. 401.3 and 401.4), the 2006 IRC (Sec. 324.1.6), the ASCE 24-05 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

(4) Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(5) Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(6) Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1713.04(e), Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

(7) Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(8) Anchoring.

A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

B. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

C. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the 2006 IRC (Secs. R301.1 & R324.1.1) and ASCE 24-05 (Sec. 5.6) shall be utilized

(9) Floors, Walls and Ceilings.

A. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

B. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

C. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

D. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

E. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Secs. 801.1.3, 1403.2, 1403.3, 1403.5 and 1404.2), the 2006 IRC (Secs. R324.1.7 & R502.2) and ASCE 24-05 (Chapter 6).

(10) Paints and Adhesives.

A. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

B. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

C. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

D. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2006 IBC (Secs. 801.1.3, 1405.2 and Appendix G) and the 2006 IRC (Secs. R324.1.7).

(11) Electrical Components.

A. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

B. Separate electrical circuits shall serve lower levels and shall be dropped from above.

C. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2006 IBC (Sec. 1612.4), the 2006 IRC (Sec. M1601.3.8, R324.1.5), the 2006 IFGC (Secs. R301.11) and ASCE 24-05 (Chapter 8) shall be utilized.

(12) Equipment.

A. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

B. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2006 IBC (Sec. 1612.4), the 2006 IRC (Secs. M1601.3.8 and R324.1.5) the 2006 IFGC (Secs. R301.11) and ASCE 24-05 (Chapter 8) shall be utilized.

(13) Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(14) Uniform Construction Code Coordination. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this article.

A. International Building Code (IBC) 2006 or the latest edition thereof:
Secs. 801, 1201, 1403, 1603, 1605, 1612, 3402, and Appendix G.

B. International Residential Building Code (IRC) 2006 or the latest edition thereof:
Secs. M1601, R104, R105, R109, R324, Appendix AE101, Appendix E and Appendix J.

(e) Development Which May Endanger Human Life.

(1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

A. Will be used for the production or storage of any of the following dangerous materials or substances; or,

B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

C. Will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)

18. Radioactive substances, insofar as such substances are not otherwise regulated.
19. Materials specifically listed in 29 CFR Part 1910, Subpart 2, toxic and hazardous substances.
20. Materials or substances assigned a threshold limit value (TLV) by the American Conference of Governmental Industrial Hygienists, Inc. (ACGIH).
21. Materials or substances determined by ACGIH to be cancer causing, corrosive, toxic, an irritant or a sensitizer, or have damaging effects on specific body organs.

(2) Within any FW (Floodway Area), any structure of the kind described in subsection (a) hereof, shall be prohibited.

(3) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in subsection (a) hereof, shall be:

A. Elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one hundred (100) year flood and,

B. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

(f) Special Requirements for Manufactured Homes.

(1) Within any FW (Floodway Area), manufactured homes shall be prohibited.

(2) Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:

A. Placed on a permanent foundation.

B. Elevated so that the lowest floor of the manufactured home is one and one half (1 ½) feet or more above the elevation of the one hundred (100) year flood.

C. Anchored to resist flotation, collapse, or lateral movement.

D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.

E. Consideration shall be given to the installation requirements of the 2006 IBC (Appendix G, Sec. 501.1-2) and the 2006 IRC (Sec. R324.2, R324.3, R102.7.1, and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation. (Ord. 23-2009. Passed 8-18-09.)

1713.05 ACTIVITIES REQUIRING SPECIAL PERMITS.

(a) General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the City of York Zoning Officer:

(1) The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

A. Hospitals

B. Nursing homes

C. Jails or prisons

(2) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(b) Application Requirements for Special Permits. Applicants for Special Permits shall provide five copies of the following items:

(1) A written request including a completed Building Permit Application Form.

(2) A small scale map showing the vicinity in which the proposed site is located.

(3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

A. North arrow, scale and date;

B. Topography based upon the North American Vertical Datum of 1988, showing existing and proposed contours at intervals of two (2) feet;

C. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

D. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

E. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development;

F. The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

G. The location of all proposed buildings, structures, utilities, and any other improvements; and

H. Any other information which the municipality considers necessary for adequate review of the application.

(4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

A. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

B. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

C. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

D. Detailed information concerning any proposed floodproofing measures;

E. Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

F. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

G. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

(5) The following data and documentation:

A. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

B. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

C. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

D. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

E. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

F. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"

G. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

H. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

I. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

(c) Application Review Procedures. Upon receipt of an application for a Special Permit by the City of York the following procedures shall apply in addition to those of Section 1713.02:

(1) The Applicant shall submit a complete copy of the application and all accompanying documentation to the York County Planning Commission by registered or certified mail for its review and recommendations. A copy of such application as well as the York County Planning Commission's recommendations and approvals should be submitted to the City. Copies of the application shall also be forwarded to the City Planning Commission and City Engineer for review and comment.

(2) If an application is received that is incomplete, the City of York shall immediately notify the applicant in writing, stating in what respect the application is deficient.

(3) If the City of York decides to disapprove an application, it shall notify the applicant within seven (7) business days, in writing, of the reasons for the disapproval.

(4) If the City of York approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

(5) Before issuing the Special Permit, the City of York shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the City of York.

(6) If the City of York does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.

(7) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the City of York and the applicant, in writing, of the reasons for the disapproval, and the City of York shall not issue the Special Permit.

(d) Special Technical Requirements.

(1) In addition to the requirements of Section 1713.04, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 1713.04 or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

(2) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

1. The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.

2. The lowest floor (including basement) elevation will be at least one and one half (1 ½) feet above the one hundred (100) year flood elevation.

3. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the City of York and the Department of Community and Economic Development.
(Ord. 23-2009. Passed 8-18-09.)

1713.06 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS.

(a) Existing Structures. The provisions of this article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of subsection (b) hereof shall apply.

(b) Improvements.

(1) The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this article.

(2) The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2006 IBC (Sec. 3403.1.1 and 1612.4) and the 2006 IRC (Sec. 324.1.4).

D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this article.

F. The requirements of 34 PA Code Chapter 401-405, as amended and the 2006 IRC (Secs. R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2006 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

G. Building modification, alteration, reconstruction or improvement costs to an existing structure will be cumulative over 5 years such that if the total cost of such improvements over 5 years equals or exceed fifty percent (50%) of the original market value of the original structure, improvements shall be undertaken only in full compliance with provisions of this article, including elevated construction.

(Ord. 23-2009. Passed 8-18-09.)

1713.07 VARIANCES.

(a) General. If compliance with any of the requirements of this article would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

(b) Variance Procedures and Conditions. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 1713.02(l) and the following:

(1) No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

(2) No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

(3) Except for a possible modification of the one and one half (1 ½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit or to Development Which May Endanger Human Life.

(4) If granted, a variance shall involve only the least modification necessary to provide relief.

(5) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this article.

(6) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing at the time of granting such variance that:

A. The granting of the variance may result in increased premium rates for flood insurance.

B. Such variances may increase the risks to life and property.

(7) In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

A. That there is good and sufficient cause.

B. That failure to grant the variance would result in exceptional hardship to the applicant.

C. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(8) A complete record of all variance requests and related actions shall be maintained by the City of York. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood. (Ord. 23-2009. Passed 8-18-09.)

1713.08 DEFINITIONS.

(a) General. Unless specifically defined below, words and phrases used in this article shall be interpreted so as to give this article its most reasonable application.

(b) Specific Definitions.

(1) Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(2) Basement - means any area of the building having its floor below ground level on all sides.

(3) Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

(4) Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

(5) Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

(6) Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

(7) Flood - a temporary inundation of normally dry land areas.

(8) Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

(9) Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(10) Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this article, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

(11) Historic structure - any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior or

2. Directly by the Secretary of the Interior in states without approved programs.

(12) Identified floodplain area - the floodplain area specifically identified in this article as being inundated by the one hundred (100) year flood.

(13) Land development - Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

(14) Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this article.

(15) Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

(16) Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

(17) Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(18) New construction - structures for which the start of construction commenced on or after July 6, 1977, and includes any subsequent improvements thereto.

(19) One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

(20) Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

(21) Recreational vehicle - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(22) Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

(23) Repetitive loss - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

(24) Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

(25) Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

(26) Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(27) Substantial additions to manufactured home parks - Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets , utilities, and pads before the repair, reconstruction, or improvement is started.

(28) Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

(29) Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(30) Uniform Construction Code (UCC) - The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

(Ord. 23-2009. Passed 8-18-09.)

TITLE THREE - Local Provisions

Art. 1721. Building Permit Returns.
Art. 1725. Unsafe Dwellings.
Art. 1728. Vacant Property Review Committee.
Art. 1729. Vacant Property Registration.
Art. 1731. Historic York.
Art. 1741. Filling Stations. (Repealed)
Art. 1751. Nuisance Abatement.

ARTICLE 1721
Building Permit Returns

1721.01 Return required; due date and information.
1721.02 Form of return by Building Official.
1721.03 Exceptions.
1721.99 Penalty.

CROSS REFERENCES

Zoning permits and certificates - see P. & Z. Art. 1309
Permits to construct in Historic York - see BLDG. & HSG. 1731.07 et seq.

1721.01 RETURN REQUIRED; DUE DATE AND INFORMATION.

It shall be the duty of every person, firm, association or corporation who obtains a permit for the erection, alteration, repair or improvement of any type building within the City, within sixty days after the completion of the erection, alteration, repair or improvement thereof, to make and file a written return to the Building Official. The return shall describe and give the nature and actual cost of such building operation, as the Building Official may require. Where the owner of the building obtains the permit, the owner shall make and file such return. Where the performer of the erection, alteration, repair or improvement of such building obtains the permit the performer shall make and file such return. Where the owner has more than one erection, alteration, repair or improvement operation performed simultaneously on the same premises, the owner shall make such return and shall state in the return the aggregate actual cost of all such operations.
(Ord. 83-1948 §1.)

1721.02 FORM OF RETURN BY BUILDING OFFICIAL.

The Building Official is hereby empowered to prepare the form of such return in such manner as he deems best and shall have such forms available for use by the required parties. He may prepare such return separately from any building permit form now existing or combine or blend such return with any such building permit form.
(Ord. 83-1948 §2.)

1721.03 EXCEPTIONS.

No return shall be required to be made and filed under this article where the actual cost of the alterations, erections, repairs or improvements does not exceed one thousand dollars ($1,000). (Ord. 83-1948 §3.)

1721.99 PENALTY.

Whoever violates or fails to comply with any provision of this article or makes a false or fraudulent return, shall, upon conviction thereof be fined not more than one thousand dollars ($1,000) and costs of prosecution and in default of payment thereof shall be imprisoned for not more than ninety days (90 days).
(Ord. 1-2009. Passed 1-6-09.)

ARTICLE 1725
Unsafe Dwellings

1725.01 Record of elimination.
1725.02 Record entries.
1725.03 Title of book.
1725.04 Use as evidence.
1725.05 Form of entry.

CROSS REFERENCES

Nuisances - see 25 Pa. Code Ch. 243
Dwellings unfit for human habitation - see BLDG. & HSG. 1761.08
Minimum standards for safe and sanitary maintenance - see BLDG. & HSG. 1763.05

1725.01 RECORD OF ELIMINATION.

It shall be the mandatory duty of the City Engineer to keep a record in a book provided by the City for that purpose of the elimination of all unsafe or unsanitary dwelling units which are required by paragraph 4 of the co-operation contract between the City of York and the Housing Authority of the City of York dated August 8, 1950.
(Ord. 73-1950 §1.)

1725.02 RECORD ENTRIES.

The record shall contain a separate entry for each elimination and each entry shall contain such data as will establish performance of each such elimination. Each complete entry and date of elimination of an unsafe or unsanitary dwelling unit shall be signed by the City Engineer at the end thereof and attested by the City Clerk.
(Ord. 73-1950 §2.)

1725.03 TITLE OF BOOK.

The book for the keeping of such record shall be titled “Record of Performance-Par. 4 of Co-operation Contract between York City and Housing Authority of City of York”.
(Ord. 73-1950 §3.)

1725.04 USE AS EVIDENCE.

Such record and the entries and data contained therein shall be prima-facie evidence of the performance by the City of the acts and matters required of it by paragraph 4, of such co-operation contract and shall be received as evidence in all courts and places without further proof. (Ord. 73-1950 §4.)

1725.05 FORM OF ENTRY.
The entry upon the record for each elimination may be in the following form:

Elimination of Unsafe or Unsanitary Dwelling Unit
Location of dwelling units (Street address or brief description of location)

Ward Block No.

Condition prior to elimination Unsafe
Unsanitary

Date of elimination:

Manner of elimination: Demolition
Condemnation
Elective Closing
Compulsory repair
Compulsory improvement

Elimination effected at order of:

Brief description of dwelling unit:

Brief description of condition of dwelling unit before elimination:

Brief description of elimination: (State here what was done by way of demolition, condemnation, elective closing, compulsory repair or improvement)

_____
CITY ENGINEER

ATTEST:

_____
CITY CLERK

(Ord. 73-1950 §5.)

ARTICLE 1728
Vacant Property Review Committee

1728.01 Purpose.
1728.02 Definitions.
1728.03 Function.
1728.04 Meetings.
1728.05 Term of service.
1728.06 Committee chairman.

CROSS REFERENCES
Blighted property removal - see 35 P.S. §1712.1

1728.01 PURPOSE.

The purpose of the Vacant Property Review Committee shall be to determine which vacant properties, located within the City, should be acquired by the Redevelopment Authority pursuant to the "Urban Redevelopment Law" Act of May 24, 1945, PA Law 991-385, as amended, and the "Property Rights Protection Act" of May 4, 2006, 26 Pa.C.S.A. §201 et seq. (Ord. 32-2008. Passed 8-19-08.)

1728.02 DEFINITIONS.

As used in this article, the following terms shall have the following meanings:

(a) "Vacant Property Review Committee" means a committee made up of five members whose job it shall be to certify to the Redevelopment Authority any structures that have been determined to be blighted and subject to acquisition under the terms of this article. The Committee shall be made up of five members as follows: one member being the Director of Community Development; one member being from the City Redevelopment Authority; one member being from the Planning Commission; one member being from Council; and one member being from the public at large, to be designated by the Mayor.

(b) "Blighted property" means the only property that the Vacant Property Review Committee may recommend the acquisition of. Such properties shall include:

(1) A premises which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the municipality housing, building, plumbing, fire or related codes.

(2) A premises which, because of physical condition, use or occupancy, is considered an attractive nuisance to children. This paragraph includes an abandoned:

A. Well;
B. Shaft;
C. Basement;
D. Excavation; or
E. Unsafe fence or structure.

(3) A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by statute or an applicable municipal code, has been designated by the agency responsible for enforcement of the statute or code as unfit for human habitation.

(4) A structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.

(5) A structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents or other vermin.

(7) An unoccupied property which has been tax delinquent for a period of two years.

(8) A property which is vacant but not tax delinquent, and which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate enforcement agency.

(9) An abandoned property. A property shall be considered abandoned under this paragraph if it:

A. Is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of a structure located on the property remains unpaid for a period of six months; or

B. Is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or other type of claim of the municipality is in excess of one hundred fifty percent (150%) of the fair market value of the property as established by the Board of Revisions of Taxes or other body with legal authority to determine the taxable value of the property; or

C. Has been declared abandoned by the owner, including an estate that is in possession of the property.

(10) A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.

(11) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

(12) A property having three or more of the following characteristics:

A. Has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;

B. Has unsafe external and internal accessways;

C. Is being served by an unsafe public street or right-of-way;

D. Violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety;

E. Is vacant;

F. Is located in a redevelopment area with a density of at least 1,000 people per square mile or a redevelopment area with more than ninety percent (90%) of the units of property being nonresidential or a municipality with a density of at least 2,500 people per square mile.

(Ord. 32-2008. Passed 8-19-08.)

1728.03 FUNCTION.

The Vacant Property Review Committee and the Planning Commission, upon making a determination that any property is blighted within the terms of this article and the enabling legislation, must certify such blighted property to the Redevelopment Authority in accordance with the provisions of law. The Redevelopment Authority shall then have the powers under law to acquire such blighted property and to hold, clear, manage and/or dispose of such property for residential and related reuse and commercial or industrial reuse.

(Ord. 32-2008. Passed 8-19-08.)

1728.04 MEETINGS.

The Vacant Property Review Committee should meet at least four times a year at regularly scheduled intervals. Notice of Committee meetings shall be publicly advertised. Three members shall constitute a quorum.

(Ord. 32-2008. Passed 8-19-08.)

1728.05 TERM OF SERVICE.

The term of service of the first five members of the Vacant Property Review Committee shall be three years from the date of passage of this section. Any member of the Committee who moves his residence from the City shall create a vacancy on the Committee. An appointment to fill a vacancy shall be only for the unexpired portion of the term so vacated. An appointed official's term on the Committee shall never exceed his term in the appointed office. (Ord. 32-2008. Passed 8-19-08.)

1728.06 COMMITTEE CHAIRMAN.

The Vacant Property Review Committee shall at all times have an elected chairperson who shall be authorized to call meetings of the Committee to order. The chairperson shall see that all adopted rules and procedures of the Committee are followed. The chairperson will conduct all Committee meetings, which shall be open to the public.

(Ord. 32-2008. Passed 8-19-08.)

ARTICLE 1729
Vacant Property Registration

View Fees

1729.01	Purpose and enforcement.
1729.02	Definitions.
1729.03	Applicability.
1729.04	Registration statement and fees; local agent.
1729.05	Uses of paid fees and fines.
1729.06	Appeal rights.
1729.07	One-time waiver of registration fee.
1729.08	Two-year waiver.
1729.09	Decision on application for waiver.
1729.10	Delinquent registration fees as a lien.
1729.11	Duty to amend registration statement.
1729.99	Violations and penalties.

1729.01 PURPOSE AND ENFORCEMENT.

(a) The purpose of this section requiring the registration of all vacant buildings and the payment of registration fees is to assist the City in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the City, to assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Codified Ordinances of the City of York and all relevant codes and/or regulations adopted therein.

(b) Administration and enforcement of this section shall remain under the sole control of the Department of Fire and Rescue Services, hereby referred to in this section as the Fire Department or the department. The Fire Chief and/or designee of Department of Fire/Rescue Services shall have the authority to institute summary criminal proceedings as a means of enforcement of this section and shall, when acting within the scope of employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power of arrest.
(Res. 134-2008. Passed 9-2-08.)

1729.02 DEFINITIONS.

For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following words shall have the meanings respectively ascribed to them as follows:

(a) "Boarded" means a building, structure or dwelling unit subject to the provisions of this section if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

(b) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(c) "Notice" means written notice of a violation or requirement under this section mailed, pursuant to first class mail, to the last known address of the owner of the property in question.

(d) "Occupied" as applied to a building or structure subject to the provisions of this section means where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid City business license, or the most recent, federal, state, or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of tenant occupied property license inspection.

(e) "Open" means a building or structure or dwelling unit subject to the provisions of this section in which any one or more exterior doors, other than a storm door, is broken, open and/or closed, but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion or any combination of the same.

(f) "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the 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 the estate of such person if ordered to take possession of real property by a court.

(g) "Vacant" as applied to a building or structure subject to the provisions of this section means no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent non-transient basis.

(Res. 134-2008. Passed 9-2-08.)

1729.03 APPLICABILITY.

The requirements of this article shall be applicable to each owner of any building whether governmental, commercial, residential or institutional or owned by non-profit or a for-profit organization in which the building in total shall have been vacant for more than 45 days. Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Fire Department. The registration statement and, where applicable, registration fee(s) as required by Section 1729.04(c) shall be billed by the Fire Department and such registration statement and, where applicable, registration fee(s), shall be filed with and/or paid to the Fire Department on or before November 15, or if November 15 falls on Saturday or Sunday by the preceding Friday, of each year. For purposes of this article, registration application initially shall be due on November 15, 2008. For purposes of this section, the following shall also be applicable:

(a) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant filing with the Pennsylvania Department of State.

(b) If an estate, the name and business address of the executor of the estate;

(c) If a trust, the name and address of all trustees, grantors and beneficiaries;

(d) If a partnership, the names and residence addresses of all partners with an interest of ten percent (10%) or greater;

(e) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(f) If an individual person, the name and residence address of that individual person. (Res. 134-2008. Passed 9-2-08.)

1729.04 REGISTRATION STATEMENT AND FEES; LOCAL AGENT.

(a) If none of the persons listed in Section 1729.03 is shown at an address within the State, the registration statement also shall provide the name and address of a person who resides within the State and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

(b) Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open or vacant and boarded, and shall be required whenever any building has remained vacant for 45 consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other Building Code or Housing Code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering.

(c) The owner of the vacant property as of November 15th of each calendar year shall be responsible for the filing of his/her registration statement and, where applicable, registration payment of the non-refundable registration fee. Said fee shall be billed by the Fire Department and shall be established by resolution of Council.
(Res. 134-2008. Passed 9-2-08.)

(1) Council hereby approves the registration fees for vacant buildings within the City to be imposed in accordance with this article as set forth herein:
Registration fees: $65.00 per building.

(2) Council hereby approves the inspection fees for vacant properties within the City to be imposed in accordance with this article as set forth herein:
Inspection fees: $130.00 per building (This fee shall include the initial inspection and one re-inspection)
Subsequent re-inspections: Shall be charged at $65.00 each.
(Res. 142-2008. Passed 10-7-08.)

(3) Upon the registration of a property, the Fire Department may conduct an inspection of the property to determine if it complies with the Property and Maintenance Code and Fire Code. If the Department finds violations of the Property Maintenance Code or Fire Code, the Department shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes.

(4) The Fire Department is authorized and directed to make inspections at any reasonable hour to determine compliance with the Fire Prevention and Property Maintenance codes. For this purpose, the Department, its officers or representatives are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the Department, its officers or representatives free access. Inspection may be postponed by the Department due to illness of one or more occupants of the premises or other emergency.

(5) Whenever the owner, mortgagee, purchaser or other interested party requests a special inspection of a property regulated by this article, or certification that a property is in compliance with this article or other applicable City ordinances pertaining to structural condition; when such a request is being made in connection with the sale, conveyance, transfer, financing or refinancing of such property; then such person shall first pay a fee to the City to defray the expenses of making such inspection. The fee shall be established by resolution of Council.
(Res. 134-2008. Passed 9-2-08.)

1729.05 USES OF PAID FEES AND FINES.

(a) Registration fees shall become dedicated to a line item in the budget for the Fire Department's enforcement and administration of the Vacant Property Registration requirements within this section. Fines for violations of this article shall go to the City's General Fund. (Res. 134-2008. Passed 9-2-08.)

1729.06 APPEAL RIGHTS.

The owner shall have the right to appeal the imposition of the registration fees to the Nuisance Abatement Board of Appeals upon filing an application in writing to the Bureau of Permits Planning and Zoning no later than 15 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in Section 1729.02(d).
(Res. 134-2008. Passed 9-2-08.)

1729.07 ONE-TIME WAIVER OF REGISTRATION FEE.

A one-time, one year waiver of the registration fee may be granted by the Fire Department upon application of the owner and upon review and advice of the Solicitor's Office, within 15 calendar days of the date of the bill for the registration fee, if the owner:

(a) Demonstrates with satisfactory proof to the Fire Department that he/she has submitted valid architectural plans, based on the City's permits and planning application procedures, and otherwise has shown good faith efforts to efficiently rehabilitate, demolish, or otherwise substantially repair or improve said vacant building; or

(b) Demonstrates with satisfactory proof to the Fire Department that he/she is actively marketing the property for sale/lease. Actively marketing will be defined as an owner has placed a "for sale" or a "for lease" sign on the property with accurate contact information, which is also provided to the Fire Department, and has done at least one of the following:

(1) Engaged the services of a real estate licensee, whose name, address, telephone number and email will be provided to the Fire Department, in the Multiple Listing Service (MLS);

(2) Placed weekly advertisements in print or electronic media;

(3) Distributed printed advertisements.

(Res. 134-2008. Passed 9-2-08.)

1729.08 TWO-YEAR WAIVER.

Upon application by the owner and satisfaction of Section 1729.06, the Fire Department may, upon advice and review of the Solicitor's Office, grant a two-year waiver of the registration fee if the owner meets the criteria for non-profit organization as defined by Section 501(c)(3) of the Internal Revenue Code or if the building owner is the United States, Commonwealth of Pennsylvania, a county, municipality or school district or a related department, agency or authority.
(Res. 134-2008. Passed 9-2-08.)

1729.09 DECISION ON APPLICATION FOR WAIVER.

Within 30 days after the waiver application is received by the Fire Department, and upon review and advice of the Solicitor's Office, the Fire Department and designees shall grant or deny the waiver in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver to the Fire Department, and the Fire Department rendered a decision which the owner seeks to appeal to the Nuisance Abatement Board of Appeals, the owner must file an application in writing within 15 calendar days of the Fire Department's decision.
(Res. 134-2008. Passed 9-2-08.)

1729.10 DELINQUENT REGISTRATION FEES AS A LIEN.

After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to Section 1729.06, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the City, and the City may enter a lien on the property as provided by law.
(Res. 134-2008. Passed 9-2-08.)

1729.11 DUTY TO AMEND REGISTRATION STATEMENT.

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Fire Department within 30 days of the occurrence of such change and advise the department in writing of those changes.
(Res. 134-2008. Passed 9-2-08.)

1729.99 VIOLATIONS AND PENALTIES.

The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to file a registration statement or to pay any fees required to be paid pursuant to the provisions of this section, within 30 days after notice, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) for the first two continual and uncorrected failures or refusals to register, or for each failure or refusal to pay and not exceeding five thousand dollars ($5,000) for the third and any subsequent continual and uncorrected failure or refusal to register or for each subsequent failure or refusal to pay or imprisonment for any term not exceeding ninety days or both. Unpaid fines shall be registered as a lien against the violating building.
(Res. 134-2008. Passed 9-2-08.)

ARTICLE 1731
Historic York

1731.01	Authority and creation.	1731.08	Board meetings.
1731.02	Historic York Map; boundary changes and interpretation.	1731.09	Considerations regarding issuance of permits.
1731.03	Certification by State Historical Commission.	1731.10	Notice to applicant.
1731.04	Board of Historical Architectural Review; composition and term.	1731.11	Written report of Board.
1731.05	Board powers, duties and procedure.	1731.12	Certificate of appropriateness.
1731.06	Duties of Building Official.	1731.13	Disapproval and appeal.
1731.07	Prior Council approval of permit issuance.	1731.14	Installation of antenna, satellite dishes and other modern accessories, devices or fixtures in the Historic District.
		1731.15	Enforcement.

CROSS REFERENCES

State law provisions - see 53 P.S. §8001 et seq.
Building permit returns - see BLDG. & HSG. Art. 1721

1731.01 AUTHORITY AND CREATION.

In accordance with the provisions of an act adopted by the General Assembly of the Commonwealth on June 13, 1961, a historic district known as “Historic York” is created. (Ord. 31-1970 §1.)

1731.02 HISTORIC YORK MAP; BOUNDARY CHANGES AND INTERPRETATION.

(a) Historic York is hereby designated into zones, or districts, as shown on the “Historic York Map” which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article.

(b) The Historic York Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Historic York Map referred to in Section 1731.02 of the Codified Ordinances of York, Pennsylvania,” together with the date of the adoption of this article.

(c) If, in accordance with the provisions of this article changes are made in district boundaries or other matter portrayed on the official Historic York Map, such changes shall be entered on the Official Historic York Map promptly after the amendment has been approved by Council, with an entry on the Official Historic York Map as follows: "On (date), by official action of Council, the following (change) changes were made in the Official Historic York Map: (brief description of nature of change)", which entry shall be signed by the Mayor and attested by the City Clerk. No amendment of this article which involves matter portrayed on the Official Historic York Map shall become effective until after such change and entry has been made on such Map.

(d) No changes of any nature shall be made in the Official Historic York Map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized changes of whatever kind by any person shall be considered a violation of this article.

(e) Regardless of the existence of purported copies of the Official Historic York Map which may from time to time be made or published, the Official Historic York Map which shall be located in the office of the Building Inspector shall be the final authority as the current historic status of buildings and other structures in the City.

(f) Where uncertainty exists as to the boundaries of districts as shown on the Official Historic York Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as parallel to or extension of features indicated in the above, shall be so construed. Distances not specifically indicated on the Official Historic York Map shall be determined by the scale of the map.

(4) Where physical or cultural features existing on the ground are at variance with those shown on the Official Historic York Map, or in other circumstances not covered by the above, Council shall interpret the district boundaries. (Ord. 31-1970 §2.)

EDITOR'S NOTE: The following changes to the Official Historic York Map have been enacted by Council:

Ord. No.	Passed	Description
10-1972	3-21-72	Area extending west from Penn St. along King St. north side and Philadelphia St. south side to Hartley St. east side.
20-1975	12-16-75	Adds Historic South York and St. John's Episcopal Church.
9-2001	10-2-01	EDITOR'S NOTE: See Ordinance 9-2001 for a geographic description of the amendment to the Official Historic York Map.

1731.03 CERTIFICATION BY STATE HISTORICAL COMMISSION.

The Mayor and City Clerk are hereby authorized and directed to request a certification by resolution of the Pennsylvania Historical and Museum Commission to the historic significance of the district within the limits defined in Section 1731.02. The Mayor and City Clerk are further directed to place such certification among City records.
(Ord. 31-1970 §3.)

1731.04 BOARD OF HISTORICAL ARCHITECTURAL REVIEW; COMPOSITION AND TERM.

(a) A Board of Historical Architectural Review is hereby established which shall be composed of seven members appointed by Council, one of whom shall be a registered architect, one a licensed real estate broker, one a building inspector, one recommended by the Historical Society of York County, and three additional persons with a knowledge and interest in the preservation of the historic district. At least four members of the Board shall be residents of the City. The initial terms of the first seven members shall be as follows: three shall serve until the first Monday of January, 1972, two until the first Monday of January, 1973, and two until the first Monday of January, 1974. Their successors shall serve for a term of five years. Any other member of the Board who changes his profession or position as above listed shall create a vacancy on the Board. Any member who fails to comply with the mandatory attendance provisions of Section 1731.08 shall create a vacancy on the Board. An appointment to fill any vacancy shall be only for the unexpired portion of the term so vacated.
(Ord. 36-2003. Passed 9-2-03.)

(b) Council shall also appoint three alternate members to the Board of Historical Architectural Review. The term of office of each alternate member shall also be five years, except that the term of office of each initial alternate member shall be so fixed so that such terms shall expire in different years. An alternate member shall not hold elective office on the Board and shall serve only when requested because of the unavailability of a regular member. Alternate members of the Board shall be residents of the City and shall have a knowledge and interest in the preservation of the Historic District.
(Ord. 1-1981 §1. Passed 1-20-81.)

1731.05 BOARD POWERS, DUTIES AND PROCEDURE.

(a) The Board shall be charged with the responsibility of review of the historic district limits as outlined in Section 1731.02. The Board is further charged with the responsibility of developing and continuing an effective program of landmark recognition and preservation. Within such district the Board shall survey and designate in a suitable manner: areas, places, buildings, structures, monuments, works of art and objects having special historical, architectural, community or aesthetic interest and value, and worth of preservation.

(b) The Board shall give counsel to the City Council regarding the advisability of issuing any certificates required to be issued pursuant to the Act of June 13, 1961, and this article. Such counsel shall at all times be consistent with the provisions of all ordinances of the City. For this purpose the Board may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the City and the laws of the Commonwealth. A majority of the Board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of four members of the Board. The members of the Board shall serve without compensation, and shall make an annual report of the transactions to Council. The Board may, pursuant to appropriations by Council, employ secretarial assistance.
(Ord. 31-1970 §5, 6.)

1731.06 DUTIES OF BUILDING OFFICIAL.

Upon receipt of an application for a building permit for work to be done in the historic district, the Building Official shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:

(a) He shall forward to the office of the Board of Historical Architectural Review a copy of the application for a building permit for any work which is regulated by the provisions of this article together with a copy of the plot plan for the building plans and specifications filed by the applicant.

(b) He shall maintain in his office a record of all such applications and of his handling and final disposition of the same, which shall be in addition to an appropriately cross-referenced to his other records.

(c) He shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit to permit compliance with the foregoing.

(Ord. 31-1970 §7.)

1731.07 PRIOR COUNCIL APPROVAL OF PERMIT ISSUANCE.

The Building Official shall not issue a permit for any erection, reconstruction, alteration, restoration, demolition or razing of a building in this historic district which will affect the exterior historic or architectural features or nature of the building, until Council has issued a certificate of appropriateness.

(Ord. 31-1970 §8.)

1731.08 BOARD MEETING.

The Board of Historical Architectural Review shall meet regularly and publicly at least twice each month at regularly scheduled intervals, and may hold special meetings for cause at the call of the Chairman of the Board or upon request of any four members. Attendance at regularly scheduled meetings shall be mandatory and any member failing to attend six consecutive regularly scheduled meetings shall be deemed to no longer be a member of the Board. Any application for a building permit regulated by this article shall be considered by the Board at its next regularly scheduled meeting, which is held at least five days after the date of the filing of the application or at any special meeting of the Board called for such purpose. The person applying for the permit shall be advised of the time and place of such meeting and invited to appear to explain his reasons therefor.

(Ord. 5-1986 §1. Passed 5-20-86.)

1731.09 CONSIDERATIONS REGARDING ISSUANCE OF PERMITS.

In determining the counsel to be presented to City Council concerning the issuing of a certificate of appropriateness of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district, the Board shall consider the following matters:

(a) The effect of the proposed change upon the general historic and architectural nature of the district.

(b) The appropriateness of exterior architectural features which can be seen from a public street or way only.

(c) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.

(Ord. 31-1970 §10.)

1731.10 NOTICE TO APPLICANT.

Immediately following the meeting of the Board at which an application is considered, the Board shall submit its counsel in writing to Council, however, if the Board, on the basis of the information received at the meeting and from its general background and knowledge, decides to counsel against the granting of a certificate of appropriateness, it shall indicate to the applicant for a building permit the changes in plans and specifications, if any, which in the opinion of the Board would protect the distinctive historical character of the historic district. The Board shall withhold its report to Council for a period of five days following its decision to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that he will make the suggested changes, he shall so advise the Board which shall counsel the City Council accordingly.
(Ord. 31-1970 §11.)

1731.11 WRITTEN REPORT OF BOARD.

The Board, in submitting to Council, in writing, its counsel concerning the issuance of a certificate of appropriateness shall set out the following matters:

The Board, after the hearing provided for in Section 1731.08 and after the making of any changes in the plans and specifications as provided in Section 1731.10 shall submit to Council, in writing, its counsel concerning the issuance of a certificate of appropriateness, of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or part of any building within the historic district. The written report shall set out the following matters:

(a) The exact location of the area in which the work is to be done.
(b) The exterior changes to be made or the exterior character of the structure to be erected.
(c) A list of the surrounding structures with their general exterior characteristics.
(d) The effect of the proposed change upon the general historic and architectural nature of the district.
(e) The appropriateness of exterior architectural features which can be seen from a public street or way.
(f) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.
(g) The opinion of the Board (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the district.
(h) The specific counsel of the Board as to the issuance by Council or its refusal to issue a certificate of appropriateness.
(Ord. 31-1970 §12.)

1731.12 CERTIFICATE OF APPROPRIATENESS.

(a) Upon receipt of the written counsel of the Board as provided in Section 1731.11, Council shall consider at a regular or special meeting the question of issuing to the Building Official a certificate of appropriateness authorizing a permit for the work covered by the application. The applicant shall be advised by the City Clerk of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard as to his reasons for filing same. In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district, Council shall consider the same factors as the Board which are set forth in Section 1731.09 and the report of the Board.

If Council approves the application, it shall issue a certificate of appropriateness authorizing the Building Official to issue a permit for the work covered. If Council disapproves, it shall do so in writing and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district. Council shall not consider any matter not pertinent to the historical aspect and nature of the district. (Ord. 31-1970 §13.)

(b) In any event, Council shall render its decision no later than thirty days after the receipt of the written recommendations of the Board of Historical Architectural Review. (Ord. 15-1976 §1. Passed 7-6-76.)

1731.13 DISAPPROVAL AND APPEAL.

Upon receipt of the written disapproval of Council, the Building Official shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law and City ordinances.
(Ord. 31-1970 §14.)

1731.14 INSTALLATION OF ANTENNA, SATELLITE DISHES AND OTHER MODERN ACCESSORIES, DEVICES OR FIXTURES IN THE HISTORIC DISTRICT.

No satellite dishes, antenna, air conditioners, heat pumps, outdoor grills or other similar modern devices shall be installed or placed in the front yards, front of buildings or along their facades within the historic district. All air conditioners, heat pumps, outdoor grills or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes may be installed in the rear or on the roof of the main dwelling unit. A roof-mounted satellite dish or antenna shall not be visible from public right-of-ways. For double frontage lots, the antenna or satellite dish must not be visible from the street frontage for which the property is addressed.

(a) Purpose. The City established the historic district in part to protect the beauty of the architecture within the district. The installation of satellite dishes and other modern accessories, devices or fixtures without proper oversight can specifically damage properties and buildings if done without care for the integrity of the structure and can harm the integrity of the district satellite dishes are installed without respect for the historic aspect of the district. The purpose of this ordinance is to allow the use of such devices in the historic area, while protecting the beauty and physical structure of buildings in the area.

(b) Exceptions.

(1) Satellite dishes may be installed in the front of buildings in the historic district only if no other means of reception can be provided. In such cases, the owner or tenant of the property shall notify the building official in writing signed by a professional installer of the need to install the satellite dish in the front of a building. Such satellite dishes shall be installed to be as unobtrusive as reasonably possible and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The building officials shall approve the installation to ensure the user can receive proper signals, while protecting the historic nature of the district.

(2) Portable window air conditioners, outdoor grills and similar devices that are to be used for a temporary period shall be exempt from the requirements of this ordinance as long as those devices are not stored in front yards or the front of buildings when they are not to be in use.

(c) Removal of Existing Satellite Dishes. Any satellite dishes installed in the front of buildings before the enactment of this ordinance shall be removed to meet the requirements of the ordinance if and when the device requires replacement or when the owner or tenant who installed the device no longer inhabits the property.

(d) Appeals. Any decision by the Building Official may be appealed so that the decision would have to follow the process of review of the Historic Architecture Review Board.

(e) Penalty. Any person who violates the provisions of this subsection shall be guilty of a summary offense punishable by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) and the costs of prosecution. (Ord. 22-2006. Passed 4-18-06.)

1731.15 ENFORCEMENT.

The Building Official shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article in the same manner as in his enforcement of the City Building Code as presently enacted and as may be amended.
(Ord. 31-1970 §15.)

ARTICLE 1741
Filling Stations

EDITOR'S NOTE: Former Article 1741 was repealed by Ordinance 4-2005, passed February 1, 2005.

ARTICLE 1751
Nuisance Abatement

1751.01	Legislative findings.
1751.02	Public nuisance defined.
1751.03	Assessment of points.
1751.04	Conviction not required.
1751.05	Powers of the Police Commissioner with respect to public nuisances.
1751.06	Notice.
1751.07	Presumption of ownership.
1751.08	Lack of knowledge not a defense.
1751.09	Removal of points.
1751.10	Transfer of ownership.
1751.11	Nuisance Abatement Board of Appeals.
1751.12	Nuisance Abatement Agreement.
1751.13	Validity.
1751.99	Violations; penalty.

1751.01 LEGISLATIVE FINDINGS.

(a) The Council finds that public nuisances exist in the City of York in the operation of certain buildings, structures and dwellings and the use and occupation of property in flagrant and persistent violation of state and local laws and ordinances, which nuisances substantially and seriously interfere with the interest of the public in enhancing the quality of life and community environment in the City, and in fostering and facilitating commerce, maintaining and improving property values, and preserving and protecting the public health, safety, and welfare. Council further finds that the persistence of such activities and violations is detrimental to the health, safety, and welfare of the people of the City of York and of the dwellings and businesses thereof and the visitors thereto.

(b) Various code and statutory provisions, including, but not limited to, those found in the Commonwealth of Pennsylvania Crimes Code, the City of York's Property Maintenance Code, and the City of York's Codified Ordinances pertaining to unreasonable noise, disorderly conduct, and litter and weeds, are enforced by the filing of charges and citations against the persons responsible for violations of the same. Council finds that, in spite of enforcement efforts, recurring code and statutory violations on property can lead to the creation of public nuisances on said property. Therefore, it is necessary and desirable in the public interest to enact a public nuisance abatement law in order to: eliminate local public nuisances by removing parcels of real property in the City from a condition that consistently and repeatedly

violates municipal law; make property owners vigilant in preventing public nuisances on or in their property; ensure that property owners are responsible for the use of their property by tenants, guests and occupants; provide locally enforceable remedies for violations of local ordinances; and otherwise deter public nuisances. Council further finds that the sanctions and penalties that may be imposed by the Police Department pursuant to this law constitute an additional and appropriate method of law enforcement in response to the proliferation of the above-described public nuisances. The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the City and to promote the general welfare. (Ord. 40-2008. Passed 10-7-08.)

1751.02 PUBLIC NUISANCE DEFINED.

For purposes of this section, a public nuisance shall be deemed to exist whenever, through violation of any of the following provisions resulting from separate incidents at a building, structure, dwelling erection or place, twelve (12) or more points are accumulated within a period of six (6) months, or eighteen (18) or more points are accumulated within a period of twelve (12) months, in accordance with the following point system. Where more than one (1) violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. For the purposes of this article, an incident will be defined as the execution of an enforcement action in response to a violation of the law. In addition, any property that is determined to be blighted, as defined in the Pennsylvania Urban Redevelopment Law, 35 PS §1712.1(c) or the Property Rights Protection Act, 26 Pa.C.S.A. §205(b) is hereby declared to be a nuisance.
(Ord. 40-2008. Passed 10-7-08.)

1751.03 ASSESSMENT OF POINTS.

(a) The following violations shall be assigned a point value of eight (8) points:
- (1) Title 18 of the Pennsylvania Crimes Code – Firearms and other Dangerous Articles, 18 Pa.C.S.A. §6101 et. seq.
- (2) Title 18 §911 of the Pennsylvania Crimes Code – Corrupt Organizations
- (3) Title 18 Chapter 31 of the Pennsylvania Crimes Code – Sexual Offenses
- (4) Title 18 Chapter 75 of the Pennsylvania Crimes Code – Municipal Housing Code Avoidance, 18 Pa.C.S.A. §7510

(b) The following violations shall be assigned a point value of six (6) points:
- (1) The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-101, et. seq.
- (2) Title 18 of the Pennsylvania Crimes Code - Gambling Offenses.
- (3) Title 18 of the Pennsylvania Crimes Code - Prostitution Offenses.
- (4) Title 18 of the Pennsylvania Crimes Code - Criminal Possession of Stolen Property.
- (5) Title 18 of the Pennsylvania Crimes Code – Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.
- (6) Title 18 of the Pennsylvania Crimes Code – Possession, use, sale, or offer for sale of any alcoholic beverage, or of any cigarette or tobacco products.
- (7) Title 18 §908 of the Pennsylvania Crimes Code – Prohibited Offensive Weapons.

(8) Title 18 §2705 of the Pennsylvania Crimes Code – Recklessly endangering another person, where the public or neighbors are the victim(s).
(9) Title 18 §3925 of the Pennsylvania Crimes Code – Receiving Stolen Property.
(10) Title 18 §4304 of the Pennsylvania Crimes Code – Endangering Welfare of Children.
(11) Title 18 §6310.1 of the Pennsylvania Crimes Code – Selling or Furnishing Liquor or Malt or Brewed Beverages to Minors.
(12) Title 18 §4915 of the Pennsylvania Crimes Code – Failure to Comply with Registration of Sexual Offenders Requirements.
(13) Title 18 Chapter 51 of the Pennsylvania Crimes Code – Offenses of Obstructing Administration of Law or Other Governmental Function.
(14) Title 18 Chapter 59 of the Pennsylvania Crimes Code – Offenses of Public Indecency.
(15) Any and all violations filed by Pennsylvania State Police Bureau of Liquor Control Enforcement, including Title 47 – Liquor Code.
(16) Title 18 §6501 of the Pennsylvania Crimes Code – Scattering Rubbish.

Violations of the Codified Ordinances of York, Pennsylvania contained within the following article:

(17) Article 715 – Unlicensed Sale of Alcoholic Beverages.

(c) The following violations shall be assigned a point value of four (4) points:
(1) Title 18 of the Pennsylvania Crimes Code—Noise. Suffering or permitting the premises to become disorderly, including suffering or permitting fighting or lewdness.
(2) Title 18 Crimes – Cruelty to Animals.
(3) Title 18 §5503 of the Pennsylvania Crimes Code – Disorderly Conduct.
(4) Title 18 §5505 of the Pennsylvania Crimes Code – Public Drunkenness and Similar Misconduct.
(5) Title 18 §6308 of the Pennsylvania Crimes Code – Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages (Underage Drinking).
(6) Title 18 §3926 of the Pennsylvania Crimes Code – Theft of Services.

Violations of the Codified Ordinances of York, Pennsylvania contained within the following articles:

(7) Article 713 – Disorderly Conduct and Disturbing the Peace
(8) Article 714 – Noise
(9) Article 717 - Dogs

(d) The following violations shall be assigned a point value of three (3) points:
Violations of Pennsylvania State Code that are filed by the Animal Complaint Officer
(1) Pennsylvania Dog Law Act of Dec. 7, 1982, P.L. 784, No. 225 §201 and 205 – Ownership of Unlicensed Dog.
(2) Pennsylvania Dog Law Act of Dec. 7, 1982, P.L. 784, No. 225 §601(c)(1) – Abandonment.
(3) Pennsylvania Dog Law Act of Dec. 7, 1982, P.L. 784, No. 225 §801 – False Statements.

(4) Title 18 §5511 of the Pennsylvania Crimes Code – Cruelty to Animals.
(5) Pennsylvania Dog Law Act of Dec. 7, 1982, P.L. 784, No. 225 Sections 504-A, 505-A – Dangerous Dogs.

Violations of the Codified Ordinances of York, Pennsylvania contained within the following Articles:

(6) Article 713.03 – Liquor Consumption in Public Places.
(7) Article 713.09 – Voiding of Human Excretion.
(8) Article 705 – Keeping of Animals.
(9) Article 729 – Litter and Weeds.
(10) Article 733 – Air Rifles and Sling Shots.
(11) Article 753 – Streets and Sidewalks.
(12) Article 1763.02, Chapter 3, Section 302.3.1 – Duty to Clear Snow and Ice; Responsibility.
(13) Article 1761 – Licensing and Inspection of Tenant Occupied Residential and all Institutional Occupancies.
(14) Article 1763 – Property Maintenance Code, including permitting persons to be on the premises in excess of occupancy limits.
(15) Article 729 –Litter and Weeds.
(16) Article 755 – Police and Fire Alarms.
(17) Part Fifteen (Articles 1501 and 1512) – Fire Prevention.
(18) Article 1701 –BOCA National Building Code.

(e) Points shall also be assessed when charges are filed on the federal level instead of the state or local level for any of the activities listed herein.
(Ord. 40-2008. Passed 10-7-08.)

1751.04 CONVICTION NOT REQUIRED.

For purposes of this section, a conviction for an offense in a court of competent jurisdiction shall not be required to establish that a specified violation of law has occurred at a building, erection, dwelling or place. Instead, the City shall be required to prove a specified violation by a preponderance of the evidence. However, a conviction in any court of competent jurisdiction shall constitute conclusive proof of such a violation of law. Conviction of an attempt to commit a violation of any of the specified provisions shall be equivalent to a conviction for a violation of the specified provision.
(Ord. 40-2008. Passed 10-7-08.)

1751.05 POWERS OF THE POLICE COMMISSIONER WITH RESPECT TO PUBLIC NUISANCES.

(a) In addition to any other enforcement procedures established elsewhere, upon determination that a public nuisance, as defined herein, does exist at a property, the Police Commissioner or the Police Commissioner's designee shall be authorized to order the closing and/or securing of any building, structure, dwelling, erection or place in order to abate the nuisance. The Police Commissioner or his/her designee is authorized to cause the premises to be closed and/or secured by the City or by contract or arrangement with private persons. The costs of closing and/or securing the premises, including any reasonable administrative fees, shall be charged against the real estate upon which the structure is located and shall be a lien upon said real estate. If the property is a multi-unit building, the Police Commissioner or his/her designee shall only secure the offending unit or units and not the entire building. The length of time that the premises are closed and/or secured pursuant to this Section shall be at the City's discretion, but in no event shall the closing and/or securing of the premises be for more than one year from the date of the posting of the Order closing and/or securing the premises.

(b) If a building, structure, dwelling, erection or place is ordered closed and/or secured pursuant to this section, such order shall be posted at the building, structure, dwelling, erection or place where the public nuisance exists. If the property is a multi-unit building, such order shall be posted on the offending unit or units. The order shall also be served upon the property owner pursuant to Section 1751.06. (Ord. 40-2008. Passed 10-7-08.)

1751.06 NOTICE.

(a) Points become officially assessed against a property whereupon the City provides notice of such assessment as provided in subsection (c) hereof to the property owner of such assessment.

(b) Whenever the Police Commissioner or his/her designee determines that there exists a public nuisance as defined herein, he/she shall serve notice as provided in subsection (c) hereof. The notice shall specify the type of nuisance being maintained or permitted on the premises, summarize the evidence, including advising the property owner of the violation(s) that are alleged to have occurred on the property and the date of the violation(s), the points that were assessed to the property as a result of the violation(s), inform the owner that failure to abate the violation(s) may subsequently lead to the closure and securing of the property, and the notice shall inform the owner of his/her right to request a reconsideration of the imposition of points pursuant to subsection (d) hereof. In addition, with respect to the reconsideration of points, the notice shall advise the owner that, should the owner take all reasonable and available steps to terminate the public nuisance activity, including immediately repairing the property if the property is in violation of any local or state codes or commencing an eviction action to terminate the lease of any tenant who is permitting or maintaining the public nuisance activity on the property, the City will positively consider such remedies taken by the owner when determining whether to remove the initial assessment of points from the property.

(c) Method of Service: Such notice shall be deemed to be properly served if a copy thereof is:

(1) Delivered personally; or
(2) Sent by certified or first-class mail addressed to the last known address; or
(3) If the notices are returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(Ord. 40-2008. Passed 10-7-08.)

(d) Upon the initial assessment of points, a property owner may, within fifteen (15) business days of receiving notice of such points, make a written request to the Police Commissioner for the City to reconsider the imposition of points. If the initial assessment of points were for a combination of criminal and building, housing, plumbing, fire or other related codes violations, the Police Commissioner may consult with either the Building Official, Building Code Official and/or the Fire Chief when reconsidering the imposition of points. The City shall, within thirty (30) days, issue a written decision as to whether the assessment of points was merited or whether the property owner has taken reasonable and available actions as to necessitate the removal of the points. No reconsideration of points shall occur after the initial assessment of points. (Res. 153-2008. Passed 10-7-08.)

(e) The Police Commissioner shall maintain on the City website and/or in written form, available for public view, a current list of all properties against which points have been assessed, the dates that points were assessed, the number of points against the property, an indication of points that are under review for reconsideration or under appeal to the Board of Appeals, and the appropriate office to contact for detailed information on the alleged violations.

(f) Once a property has accumulated enough points to be deemed a public nuisance as defined herein, the City shall serve the property owner a Notice of Closure pursuant to Section 1751.06(c) of this article. The Notice of Closure shall advise the owner of the violations that occurred at the property, the dates of the violations, the points that were assessed to the property as a result of the violation(s), and the City's remedies it can invoke under Section 1751.05 of this article so as to abate the public nuisance. In addition, the Notice of Closure shall inform the owner of his/her right to appeal the Notice of Closure and the determination that the property constitutes a public nuisance to the Nuisance Abatement Board of Appeals within ten (10) days from the date of said notice. (Res. 154-2008. Passed 10-7-08.)

1751.07 PRESUMPTION OF OWNERSHIP.

The owner of the property affected by the orders hereunder shall be presumed to be the person in whose name title real estate is recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania. (Ord. 40-2008. Passed 10-7-08.)

1751.08 LACK OF KNOWLEDGE NOT A DEFENSE.

The lack of knowledge of acquiescence or participation in or responsibility for a public nuisance on the part of the owners, lessors, lessees, mortgagees and all those persons in possession or having charged of the property as agent or otherwise, or having any interest in the property, real or personal used in conducting or maintaining the public nuisance, shall not be a defense by such owners, lessors and lessees, mortgagees, and such other persons. (Ord. 40-2008. Passed 10-7-08.)

1751.09 REMOVAL OF POINTS.

The points assessed to the property shall remain on the property if:

(a) The property owner fails to request a reconsideration of the points by the City pursuant to Section 1751.06(d);

(b) Following the property owner's request for reconsideration under Section 1751.06(d), the City determines that the points assessed to the property were merited; or

(c) Following an appeal to the Board, the Board does not reverse the City's determination that the property constitutes a public nuisance as defined herein.

The points remain on the property for approximately one year after the points become officially assessed against a property as provided in Section 1751.06(a). After one year, the City shall remove the points assessed to the property. (Ord. 40-2008. Passed 10-7-08.)

1751.10 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any building, structure, dwelling, erection or place that has points currently assessed to it pursuant to this article to sell, transfer, mortgage, lease or otherwise dispose of the premises to another individual or entity until the owner has furnished the grantee, transferee, mortgagee or lessee with a true copy of any notices of points assessments or notices of closure issued by the City pursuant to this article within the last two years, and with any written decisions issued by the Board within the last two years declaring the premises to be a public nuisance. The owner shall furnish to the Police Commissioner a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notices of points assessments, notices of closure, or Board decisions and fully accepting the responsibility without condition for making the necessary repairs or taking such necessary actions so as to prevent the premises from becoming or remaining a public nuisance. (Ord. 40-2008. Passed 10-7-08.)

1751.11 NUISANCE ABATEMENT BOARD OF APPEALS.

(a) The Board shall consist of three members and two alternates to be appointed by the Mayor with the advice and consent of Council. Initial appointments to the Board shall be made as follows: One member shall be appointed for a term of one year; one member shall be appointed for a term of two years; and one member shall be appointed for a term of three years. Subsequent appointments or reappointments shall be made for terms of three years. Alternate members shall serve one-year terms. A vacancy shall be filled for an expired term in the manner in which the original appointment was made. A simple majority of the Board shall constitute a quorum.

(b) The Board shall establish such rules and regulations for its own procedure not inconsistent with the provisions of this article.

(c) At the hearing, the Board shall determine whether the points were properly assessed to the property and whether the property constitutes a public nuisance as defined herein.

(d) If the Board concludes that the property constitutes a public nuisance, the Board may make a recommendation to the City as to whether the City should invoke the remedies available to it under Section 1751.05 of this article or enter into a Nuisance Abatement Agreement with the property owner as provided by Section 1751.12 hereof. Although not binding, the City may take the Board's recommendation into consideration when determining the proper remedy so as to promptly abate the public nuisance.

(e) The Board shall reach a decision at the hearing, and said decision shall be set forth in writing within thirty (30) days of the hearing. Every decision of the Board shall be final, subject, however, to such remedy as any party may have at law.
(Ord. 40-2008. Passed 10-7-08.)

1751.12 NUISANCE ABATEMENT AGREEMENT.

At any time and at the City's discretion, the City may enter into a written Nuisance Abatement Agreement with the property owner wherein the property owner agrees to take specific actions, as approved by the City, to abate, terminate or eliminate the public nuisance activity on the property in exchange for the City of York reserving its rights and agreeing not to initiate any of its enforcement remedies pursuant to Section 1751.05 of this article against the property during the term of the Agreement, provided that the property owner complies with the terms and conditions of the Nuisance Abatement Agreement and the conditions or violations causing the public nuisance activity on the property are abated, terminated or eliminated. (Ord. 40-2008. Passed 10-7-08.)

1751.13 VALIDITY.

If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of this section and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.
(Ord. 40-2008. Passed 10-7-08.)

1751.99 VIOLATIONS; PENALTY.

(a) In addition to any other remedy provided by state, federal or local law, it shall be a violation of this article for any person to use or occupy any building, erection, dwelling or place, or portion thereof, which has been closed or secured pursuant to Section 1751.05 herein.

(b) It shall be a violation of this article for any person to mutilate or remove a posted order provided hereunder.

(c) Any person who violates subsection (a) or (b) hereof shall be fined not less than one hundred dollars ($100.00) per offense nor more than one thousand dollars ($1,000) per offense, plus costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than six (6) months, or both.
(Ord. 40-2008. Passed 10-7-08.)

TITLE FIVE - Housing Code

Art. 1761. Licensing and Inspection of Tenant Occupied Residential and all Institutional Occupancies.
Art. 1763. Standards and Requirements.

EDITOR'S NOTE: The Department of Fire/Rescue Services certifies dwellings as unfit for human habitation in accordance with Section 1761.08 of the Codified Ordinances and Act 89 of June 11, 1968 as amended (35 P.S. §1700-1). Ordinances 78-1968 and 83-1969 authorize the Hamilton Bank to act as a depository for the deposit, handling and processing of rent moneys into escrow accounts by tenants of such premises.

ARTICLE 1761
Licensing and Inspection of Tenant Occupied Residential and all Institutional Occupancies

Licensing & Inspection Fees
Daycare Fees

1761.01 Scope.
1761.02 Intent.
1761.03 Definitions.
1761.04 Licensing of occupancy uses.
1761.05 General standards for application of license, late fee, inspection and access to dwelling; inspection fee.
1761.06 Enforcement powers.
1761.07 Payment of sewer and refuse fees.
1761.08 Conflict of ordinances.
1761.09 Payment and enforcement of collection of fees.
1761.10 Issuance.
1761.11 Severability.
1761.12 Operation of Group I-1 as halfway houses and all Group I-3.
1761.12.1 Definitions.
1761.99 Penalty.

CROSS REFERENCES

Tenement, lodging and boarding houses - see 25 Pa. Code Ch. 175
Unsafe dwellings - see BLDG. & HSG. Art. 1725
Minimum dwelling standards - see BLDG. & HSG. Art. 1763

1761.01 SCOPE.

The provisions of this Article shall provide for the licensing and inspection of all buildings and structures defined by the Building Code as Group I (Institutional) or Group R (Residential) that are tenant occupied. (Ord. 11-2006. Passed 3-7-06.)

1761.02 INTENT.

To ensure the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of tenant occupied Group I and Group R buildings and structures. (Ord. 11-2006. Passed 3-7-06.)

1761.03 DEFINITIONS.

The following words and terms, when used in this Article, shall have the following meanings unless the context clearly indicates otherwise.

(a) "Department" means the Department of Fire/Rescue Services or any authorized representative thereof as designated by the Fire Chief.

(b) "Building Code" means the Building Code of the City of York.

(c) "Plumbing Code" means the Plumbing Code of the City of York.

(d) "Fire Prevention Code" means the Fire Prevention Code of the City of York.

(e) "Property Maintenance Code" means the Property Maintenance Code of the City of York

(f) "Refuse fee" means all fees and penalties imposed by the City of York under Article 951.

(g) "Sewer fee" means all fees and penalties imposed by the City of York under Article 933.

(h) "Structure unfit for human occupancy" means a building or structure that is found to constitute a serious hazard to the physical health or safety of the occupants or to the general public because it is considered dilapidated, unsanitary, vermin-infested or lacking the facilities and equipment as required by the Property Maintenance Code of the City.

(i) "Unsafe structure" means a building or structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(j) "Person" means an individual or individuals, a partnership, an association, a corporation, a joint stock company, a trust, an unincorporated association or any other group or legally recognized entity and/or the owners or officers in such legally recognized entities.

(k) "Owner" means any individual, corporation, partnership or any other groups as a unit having a legal or equitable interest in a property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, provided that any ownership right created by an installment sales agreement shall be recorded with the Recorder of Deeds Office in and for York County.

(l) "Tenant" means any person residing in a dwelling unit not listed on the deed or recorded sales agreement, regardless of exchange of rent. Husband or wife, domestic partner, son or daughter, mother or father or sister or brother of the owner, residing within the same dwelling unit shall not be considered a tenant.

(m) "Institutional" or "Group I" Occupancy means a building or structure, or portion thereof, classified by the Building Code as Group I-1, I-2, I-3 or I-4.

(n) "Residential" or "Group R" Occupancy means a building or structure, or portion thereof classified by the Building Code as Group R-1, R-2, R-3, R-4 or defined by this Article as Group R-5.

(o) "Group R-5 Occupancy" means existing one-and two-family dwellings and one- and two-family dwellings designed and constructed under the *International Residential Code*. (Ord. 11-2006. Passed 3-7-06.)

1761.04 LICENSING OF OCCUPANCY USES.

No person shall offer for occupancy or operate a Group I or Group R Occupancy without first obtaining a license from the Department of Fire/Rescue Services.
(Ord. 11-2006. Passed 3-7-06.)

1761.05 GENERAL STANDARDS FOR APPLICATION OF LICENSE, LATE FEE, INSPECTION AND ACCESS TO DWELLING; INSPECTION FEE.

(a) Every person applying for a license under this article shall supply such information as the Department requires and shall pay an annual license fee as established by resolution of Council, on or before January 31st of the year for which it is issued or the annual license fee shall be increased in accordance with the following schedule:

Date	Fee increase
February 1 - 5	10 percent additional charge
February 6-10	25 percent additional charge
February 11 – March 1	50 percent additional charge
After March 1	100 percent additional charge

(b) An inspection fee established by resolution of Council shall also be charged. However, where the owner occupies a unit therein, a license fee and inspection fee need not be paid on the unit during such occupancy. The Department shall inspect all Group I Occupancies and all tenant occupied Group R Occupancies according to the following schedule to determine that no violations of the City's Fire Prevention or Property Maintenance Codes are in existence. The inspection shall include all units in the property.

Classification	Inspection frequency
Group I-1	24 months
Group I-2	24 months
Group I-3	24 months
Group I-4	24 months
Group R-1	24 months
Group R-2	24 months
Group R-3	24 months
Group R-4	24 months
Group R-5	24 months

(c) Upon the receipt of an application and fee for a license, the Department shall conduct an inspection of the occupancy. If it is determined to be in compliance with the Property Maintenance Code, Fire Prevention Code and with this Article, the Department shall issue the license.

(d) If the Department finds violations of the Property Maintenance Code or Fire Prevention Code, the Department shall issue a notice of violation. Upon compliance with the codes, the Department shall issue the license.

(e) Licenses shall be maintained on the premises at all times and shall be readily available for inspection by the Department. Those who sign a lease for a licensed property shall receive a copy of the license with the signed lease.

(f) Every license granted hereunder shall terminate on the last day of the calendar year in which it was issued, unless sooner revoked.

(g) No license required by this section shall be transferable unless the new owner or operator gives written notice to the Department within ten days after the transfer in any manner of ownership or control of the interest in such a facility. Such notice shall include the name and address of the person succeeding the ownership or control.

(h) Licenses issued under this Article shall be revoked for noncompliance with the Property Maintenance Code or Fire Prevention Codes. When the Department determines that violations exist, the owner or operator shall be issued a notice of violation with a scheduled date for re-inspection. Upon re-inspection, if the violations have not been corrected and no appeal is pending, the Department shall revoke the license and shall notify the owner or operator in writing of the revocation.

(i) Any person whose license has been revoked or whose application for a license to operate has been denied may appeal to the Construction Board of Adjustment and Appeals as is otherwise provided by ordinance of the City.

(j) The Department shall immediately revoke the license of any property that it determines constitutes an unsafe structure or structure unfit for human occupancy as defined by this Article. A notice of violation shall be issued to the owner or operator within 48 hours. The notice shall list the unsafe condition(s), applicable code section(s) and shall contain a correction order with a date for re-inspection. The notice may be hand delivered directly to the owner or his agent or sent to either via certified mail, return receipt requested. The City shall take any and all other action as allowed by law to bring the property into compliance.

(k) The Department of Fire/Rescue Services is authorized and directed to make inspections at any reasonable hour to determine compliance with this Article and with the Fire Prevention and Property Maintenance codes. For this purpose, the Department, its officers or representatives are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the Department, its officers or representatives free access. Inspection may be postponed by the Department due to illness of one or more occupants of the premises or other emergency.

(l) Every occupant of a Group I Occupancy or Group R Occupancy regulated by this Article shall grant to the owner or operator thereof or his agent or employee or any person with whom the Department has contracted under Section 1761.05 free access at all reasonable times for the purpose of making repairs or alterations to affect compliance with this Article and with the Building, Fire Prevention and Property Maintenance codes and with any notice or order issued there under.

(m) Whenever the owner, mortgagee, purchaser or other interested party requests a special inspection of a property regulated by this Article, or certification that a property is in compliance with this Article or other applicable City ordinances pertaining to structural condition; when such a request is being made in connection with the sale, conveyance, transfer, financing or refinancing of such property; then such person shall first pay a fee to the City to defray the expenses of making such inspection. The fee shall be established by resolution of Council.

(n) Annual Inspection Program. The Department shall establish an inspection process known as the “Annual Inspection Program” for Group I and Group R occupancies that have a history of violations under this Article or the Building, Fire Prevention and/or Property Maintenance Codes. The Department shall establish specific regulations for the Fire Chief and/or his designee to determine which properties shall be included in the annual inspection program. The Department shall provide the regulations and any amendments thereof to Council, which shall either approve or deny the regulations. The regulations and any amendments thereof take effect upon Council approval.
(Ord. 11-2006. Passed 3-7-06.)

1761.06 ENFORCEMENT POWERS.

The Fire Chief and/or the inspectors of Department of Fire/Rescue Services shall have the authority to institute summary criminal proceedings as a means of enforcement of this article and shall, when acting within the scope of employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power of arrest. (Ord. 11-2006. Passed 3-7-06.)

1761.07 PAYMENT OF SEWER AND REFUSE FEES.

(a) Effective January 1, 2007, the Department of Fire and Rescue Services shall not issue and shall revoke a license for a property determined by the Department to be greater than thirty days in arrears on payment of sewer fees and/or refuse fees and/or if the property has been referred to the York County Tax Claim Bureau for collection of taxes.

(b) Exception: The Department may issue a license if a property is more than thirty days in arrears on payment of sewer fees and/or refuse fees and/or if the property has been referred to the York County Tax Claim Bureau if the property owner agrees to and follows a payment plan approved by the City.
(Ord. 11-2006. Passed 3-7-06.)

1761.08 CONFLICT OF ORDINANCES.

In any case where a provision of this article is found to be in conflict with a provision of any City zoning, building, fire, safety or health ordinance, or law, rule or regulation of the Commonwealth, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this article is found to be in conflict with a provision of any other City ordinance or code or law, rule or regulation of the Commonwealth which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this article shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this article.
(Ord. 11-2006. Passed 3-7-06.)

1761.09 PAYMENT AND ENFORCEMENT OF COLLECTION OF FEES.

(a) All fees and charges for licenses or permits shall be paid in advance at the time application therefore is made to the Department of Fire/Rescue Services. Each license or permit granted hereunder shall terminate on the last day of the year in which it was issued. The fee for each annual license shall be paid to the Department on or before January 30 of the year for which it is issued. The fee for each annual license shall be paid to the Department on or before January 30 of the year for which it is issued. For purposes of determining compliance with this ordinance, the postmark date shall be considered the date of receipt of payment for those license fees sent by mail.

(b) No person shall commence operation of any Group I or Group R Occupancy required to be licensed under this article after January 30 of any year unless the required fees are paid and the structure is inspected and approved.

Exception: In the case of a previously licensed occupancy that has been inspected within the time frame established by this article, the due date for the license fee shall be thirty days after such operation commences, however operation of such occupancy shall not begin prior to notification of the Department.
(Ord. 11-2006. Passed 3-7-06.)

1761.10 ISSUANCE.

Effective January 1, 2007, the Department of Fire/Rescue Services shall not issue a license for a any property regulated under this article unless it has complied with Section 1512.06 requiring liability and casualty insurance.
(Ord. 11-2006. Passed -3-7-06.)

1761.11 SEVERABILITY.

The provisions of this article are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences. It is hereby declared to be the intent of Council that this article would have been adopted if such illegal, invalid or unconstitutional section, clause or sentence had not been included herein.
(Ord. 11-2006. Passed 3-7-06.)

1761.12 OPERATION OF GROUP I-1 AS HALFWAY HOUSES AND ALL GROUP I-3.

(a) Group I-1 that would operate as a halfway house or related facility serving those recently released from a state, county or federal prison and all Group I-3 shall not qualify for licensing if the proposed location of such a Group I-1 or I-3 would fall within 500 feet of any Group R as defined within this Article, and within 1,500 feet of any school, child care facility, community center, public park, recreational facility or library in the City.

(b) For the purpose of determining the minimum distance separation, the requirements shall be measured by following a straight line from the outer property line of the proposed location of the Group I-1 or Group I-3 as described in subsection (a) to the nearest outer property line of a school, child care facility, community center, public park, recreational facility or library.

(c) The requirements in subsection (a) shall not apply to Group I-1 or Group I-3 as described in subsection (a) that qualified for licensing before the requirements in subsection (a) take effect or if such a Group I-1 or Group I-3 qualified for licensing before a school, child care facility, community center, public park, recreational facility or library had become established.
(Ord. 40-2009. Passed 12-15-09.)

1761.12.1 DEFINITIONS.

The following words and terms, when used in this subsection, shall have the following meanings, unless the context clearly indicates otherwise:

(a) "Child Care Facility" means a day care center, child care facility licensed under this article by the City of York or any other child care service facility exempt from licensing pursuant to the laws of the Commonwealth of Pennsylvania and/or the City of York.

(b) "Community Center" means a building and its related facilities used for educational, social, cultural or recreational activities, which is operated by a not-for-profit entity.

(c) "Public Park" or "Recreational Facility" means any land, or tract of land, or facility used for passive or active recreation, including any playground, park, skate park, athletic field, swimming pool, and any other facility owned or operated by the City or any other governmental agency or not-for-profit organization, including York County or the Commonwealth of Pennsylvania.

(d) "School" means any educational building or facility, whether public or private, that provides educational services, including secondary schools, trade or professional institutions or institutions of higher education.

(e) "Halfway House" means a residential facility primarily for persons who have been institutionalized in state, county or federal prisons for various reasons and released, and require the temporary protection of a group setting to facilitate the transition to society. The term does not include residential facilities housing groups of individuals recovering from alcohol or drug abuse or who otherwise qualify as "handicapped" pursuant to the Fair Housing Act, the American with Disabilities Act, or other applicable federal or state legislation who act as a family. (Ord. 40-2009. Passed 12-15-09.)

1761.99 PENALTY.

In addition to any other sanction or remedial procedure provided, any person who violates any provision of this Article shall upon conviction thereof, in a summary proceeding, be fined not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000) for a first offense, not less than two hundred dollars ($200.00) and not more than one thousand dollars ($1,000) for a second offense and not less than three hundred dollars ($300.00) and not more than five thousand dollars ($5,000) for a subsequent offense and costs of prosecution for each offense, to be collected as other fines and costs are by law collectible. Any person in default of payment thereof shall be imprisoned for not more than ninety days (90 days). Continuing violation as to any premises of the same provision after notice from the Department of Fire/Rescue Services shall be a separate violation for each day.
(Ord. 1-2009. Passed 1-6-09.)

IMPORTANT NOTICE:
Article 1763 outlines the "local" amendments only to the Property Maintenance Code (PMC) issued by the International Code Council.
To read full text of the PMC, **click here.**

Amended Ord. 5-11
Amended Ord. 11-11

ARTICLE 1763
Property Maintenance Code

1763.01 Adoption.
1763.02 Changes in Code.
1763.03 Posting upon violation.

CROSS REFERENCES
Unsafe dwellings - see BLDG. & HSG. Art. 1725

1763.01 ADOPTION.
There is hereby adopted by the City for the purposes of establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures, that certain code known as the International Property Maintenance Code, 1998 edition, as published by the International Code Council, Inc., except such portions that are hereinafter deleted, modified or amended. Not less than three copies have been and are now filed in the offices of the City Clerk and the same is hereby adopted and incorporated herein as fully as if set out at length therein. From the date on which this section takes effect, the provisions thereof shall be controlling within the limits of the City, except as expressly modified and supplemented by this article. (Ord. 1-2000. Passed 1-18-00.)

1763.02 CHANGES IN CODE.
Chapter 1 - Administration
(1) Section 101.1 Title be amended to read as follows:
These regulations shall be known as the Property Maintenance Code of the City of York, Pennsylvania, hereinafter referred to as this "Code".

(2) Section 103.6 Fees be amended to read as follows:
A fee for activities and services performed by the department in carrying out its responsibilities under this Code shall be in accordance with the fee schedule as if set forth from time to time by resolution of the Council of the City of York, Pennsylvania.

(3) Section 104.9 Enforcement Powers is hereby added to read as follows:
The Code Official and the Building Code Official or their designees shall have the authority to enforce the provisions of this Code. When acting within the scope of their employment hereinunder, they shall have the powers of a police officer of the City, provided however, that under no circumstances shall they have the power to arrest. (Ord. 1-2000. Passed 1-18-00.)

(4) Section 106. Violations.

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. If the notice of violation is not complied with, the code official is authorized to institute the appropriate proceeding 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 code or of the order or direction made pursuant thereto. (Ord. 30-2008. Passed 8-19-08.)

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, shall be guilty of a summary offense, punishable by a fine of not less than $100.00 nor more than $1000.00 for the first two continual and uncorrected violations and not exceeding five thousand dollars ($5,000) for the third and any subsequent continual and uncorrected violation and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety days (90 days). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 1-2009. Passed 1-6-09.)

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.6 City's abatement of violation. In the event that the violation is not abated as ordered and within the time specified and no request for a hearing has been timely filed, the City shall have the authority, within the discretion of the code official or his designees, to abate the property violation. All costs for any such abatement, including any reasonable administrative fees, shall be the responsibility of the person who had been notified of the violation pursuant to Section 107. In the alternative, the costs for the abatement of the violation may be assessed against the property. (Ord. 30-2008. Passed 8-19-08.)

(5) 107.1.1 Exceptions to Notice Requirements. Violations of subsections 302.4 and 302.3.2 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.)

(6) 108.2.1 Procedure for Closing of Vacant Structures. When the code official has ordered a structure closed pursuant to this section said structure shall be closed so that all windows and doors are boarded as described herein to prevent entry by unauthorized persons. All openings shall be fully covered with 3/4-inch thick wood structural panels cut to fit the door or window opening neatly. Each structural panel shall be secured by fastening 3/8-inch diameter carriage bolts through the wood panel to horizontal interior placed 2-inch by 4-inch solid sawn lumber cut 2 inches wider than the opening and placed 6 inches from the top and bottom of window openings and placed at 24 inch intervals in door openings. After alignment and pre-drilling, all bolts shall be secured between the outer wood panel and the inner 2-inch by 4-inch solid sawn framing material with appropriate washers and nuts. The last opening to be closed shall be a second story window secured from the outside with screws and marked appropriately. (Ord. 51-2006. Passed 7-5-06.)

(7) Section 109 - Emergency Measures

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. Upon ordering the occupants to vacate the premises, the code official shall post at each entrance to such structure a notice that shall be substantially in the following form: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official."

(a) In addition, when, in the opinion of the code official, there is a building or structure that poses an imminent danger as defined herein, the code official may, without prior notice or hearing, order that such action be taken, including, but not limited to: repair, replacement or destruction of any defective, illegal or unapproved equipment, as may be reasonably necessary to meet the emergency, and demolition, partial demolition or removal of any structure that is in imminent danger of failure, collapse, or which has already failed or collapsed either in whole or in part, or which is otherwise endangering the health, safety and welfare of the public or other property.

(b) It shall be unlawful for any person to enter such structure except for the purposes of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(c) The requirements in this section shall supersede or take precedence over the requirements established in any other City ordinance regarding demolition of a building to ensure the health, safety and welfare of the public or other property.

(Res. 114-2008. Passed 8-19-08.)

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 is authorized to 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.

109.3 Closing streets. When necessary for the public safety, the code official may temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency work. For the purposes of this section, the code official is authorized to employ the necessary labor and materials to perform the required work to meet the emergency as expeditiously as possible.

109.5 Costs of emergency work. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction is hereby authorized to institute appropriate action against the owner of the premises where the unsafe structure or equipment is or was located for the recovery of such costs. The costs of the emergency work may also be assessed against the property.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any person affected by emergency measures taken by the City pursuant to Section 109 or any person ordered to take action pursuant to this section shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this code.
(Ord. 31-2008. Passed 8-19-08.)

(8) Section 111.0 Means of Appeal is hereby amended by deleting all existing text and adding the following section to read:
Section 111.0 Means of Appeal. Any person shall have the right to appeal a decision by the Code Official to the Construction Board of Adjustment and Appeals as is otherwise provided for by the ordinances of the City of York, Pennsylvania. (Ord. 1-2000. Passed 1-18-00; Ord. 31-2008. Passed 8-19-08.)

Chapter 2 - Definitions

(1) That Section 202 General Definitions be amended as follows:
- (a) "Code Official" shall mean the Chief of the Department of Fire/Rescue Services or designee.
- (b) "Building Code Official" shall mean the individual or designee who is charged with the enforcement and administration of the Building Code of the City of York. (Ord. 1-2000. Passed 1-18-00.)
- (c) "Rubbish" shall mean combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, branches, yard waste, metal cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(d) "Sleeping unit" shall mean a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also a part of a dwelling unit are not sleeping units.

(e) "Yard waste" shall mean grass clippings, leaves, twigs, branches, and other garden refuse. (Ord. 1-2010. Passed 2-3-10.)

Chapter 3 - General Requirements

(1) Section 302.1.1 Animal Carcasses be added to read as follows:
The occupant shall keep that part of the exterior property which such occupant occupies or controls free of any putrid, unsound, or unwholesome bones, meats, hides, skins of the whole or any part of a dead animal, fish or fowl.
(Ord. 1-2000. Passed 1-18-00.)

(1.a) 302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, maintained in a clean and sanitary condition, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 303.10 and 702.9. (Ord. 1-2010. Passed 2-3-10.)

302.3.1 Sidewalk Displays: Outside displays on City sidewalks are permitted in Central Business Districts (CBD), General Commercial (CG) Districts, Neighborhood Commercial (CN) Districts and Commercial Waterfront (CW) Districts. The following shall apply:

a. **Permitted displays** shall be: 1) associated with and be an accessory use to a retail establishment; 2) limited in length to 50% of the establishment's frontage on the sidewalk; and 3) shall not extend more than three (3) feet from the building line. In any case, a four (4) foot pedestrian area shall be maintained from the curb to the display area. If the minimum four (4) foot pedestrian area cannot be met, then a sidewalk display shall not be permitted at that location;

b. **Prohibited Displays:** Auto parts and supplies, tires, building materials and supplies, machinery parts, hardware, household appliances, mattresses, janitorial supplies and equipment and upholstered furniture are not permitted to be displayed on City sidewalks;

c. **Hazards:** Any display which poses a health, safety or environmental hazard is prohibited;

Display Removal: The display shall be removed from the sidewalk during the hours the establishment is closed. (Ord. 11-11)

(2) 302.3.2 Duty to Clear Snow and Ice; Responsibility.
The owner of every property fronting upon or alongside any street or highway in the City is hereby required to remove or cause to be removed from all sidewalks in front of or abutting such property, within twelve hours after snow has ceased to fall, a sufficient amount of snow and ice to leave a cleared pathway at least thirty-six inches in width for the entire length of that portion of the sidewalk in front of and abutting such property. The pathway shall run parallel to the curb or building line of such sidewalk except where a sidewalk is less than thirty-six inches in width, sufficient snow and ice shall be removed within such time to leave a cleared pathway wide enough to permit one pedestrian at a time to pass thereover. (Ord. 35-2009. Passed 10-6-09.)

(3) 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.

(4) 302.3.4 Removal by City in Event of Delinquency.

In any case where the owner, occupant or tenant fails, neglects or refuses to comply with any of the provisions of this article within the time limit prescribed therein, the City authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be. Such action may be in addition to any fine or penalty imposed under the provisions of this article.
(Ord. 18-2003. Passed 5-21-03.)

302.7.2: Fences:

a. **Height Limitations:** Maximum fence height limitations are regulated as follows: A. Residential districts - 6 feet; B. Commercial and industrial districts - 8 feet; C. All other districts - 10 feet.

b. **Hazardous Attachments:** No fence in a residential district may be constructed of or topped by barbed wire or similar hazardous attachments. Fences in commercial or industrial districts may be topped with no more than three strands of barbed wire or with wrought iron spikes. Barbed wire may be used in any other district only if the Zoning Hearing Board grants a special exception.

c. **Electrification:** No fence in any zoning district may be electrified in any way.

d. **Yard Provisions:** Yard provisions shall not apply to hedges, fences or walls six or less feet in height above the natural grade in residential areas and fences eight or less feet in commercial and industrial districts. (Ord. 11-11)

(5) 302.8 Motor Vehicles. Except as provided for in other regulations, no inoperative, unlicensed, currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. No off-street parking of any motor vehicle shall be allowed on an unimproved yard. (Ord. 11-11)

Exceptions(s):

(1) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(2) One inoperative, unlicensed, currently unregistered or uninspected motor vehicle may be stored in a fully enclosed exterior structure which is maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety or welfare.

(3) One inoperative, unlicensed, currently unregistered or uninspected motor vehicle may be stored under a carport which is maintained in good repair, structurally sound, and sanitary so long as the vehicle is completely covered with a vehicle cover specifically manufactured specifically for this purpose. (Ord. 27-2002. Passed 12-4-02.)

(4) Emergency vehicles are exempt from this provision. (Ord. 11-11)

302.9.1 Signs: The following signs and/or placement of signs shall be considered defacement of property and prohibited whether a permit is required or not:

- **Signs on Trees, Utility Poles:** Signs attached or painted to any tree, shrub, rock or other natural object, telegraph, electric light or other utility pole on any street in the City are prohibited without the owner or City's consent.
- **Signs Within Street Lines, Signs On Public Property:** Signs except those of a duly constituted governmental body, including traffic signs and similar regulating notice, shall not be allowed within street lines or on public property.
- **Sign Placement Responsibility**: Any individual, organization, or company placing signs on inappropriate or prohibited areas is in violation of this subsection. (Ord. 11-11)

(6) 302.10 Refrigerators and Freezers be added to read as follows:
All refrigerators and freezers which are no longer in active service shall have the doors removed or otherwise be secured to prevent access by any individual to the interior.

(7) 302.11 Junkyards be added to read as follows:
Except as provided for in other regulations, no premises or properties shall be used or maintained as junk yards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons.

(7.a) 302.12 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.

302.12.1 Private Swimming Pool: A private swimming pool may be erected in a rear or side yard, in any district in which it is permitted, provided it complies with the following conditions:

i) **Location:** Pools in excess of a design depth of three (3) feet and erected on a lot of any width shall be located at least five (5) feet from the rear and side property line and ten (10) feet from the principal building, with the following exceptions:

(1) Pools that have a design depth from eighteen (18) inches to and including three (3) feet in depth and erected on a lot eighteen (18) feet wide or greater shall be located ten (10) feet from the principal building and at least three (3) feet from the rear and side property lines.

(2) Pools that have a design depth from eighteen (18) inches to and including three (3) feet in depth and erected on a lot less than eighteen (18) feet wide shall be located at ten (10) feet from the principal building and at least one (1) foot from the other side property line, provided that a six (6) foot high solid masonry or solid wooden fence be erected along at the property line on the side of the pool with the one (1) foot setback. The remainder of the pool area shall be enclosed in accordance with subsection 302.12.1(iv) hereof.

ii) **Nuisance or Hazard:** It shall be suitably designed and located so as not to become a nuisance or hazard to adjoining property owners or the public. Outdoor lights, if used, shall be shielded and not reflected toward adjacent residential properties;

iii) **Drainage:** Provision shall be made for drainage of the pool and back-wash water disposal. The use of open fields, lawns or dry wells shall be permitted for this purpose provided they meet the requirements of the Pennsylvania Department of Environmental Protection. Water shall not be emptied onto public roads or adjoining land belonging to others;

iv) **Enclosure:** The entire pool area shall be enclosed with a chain link, solid masonry, or solid wooden fence, or picket fence having spacing no greater than four (4) inches, at least four (4) feet in height including a gate with a self-locking and closing device to permit the pool to be locked and secured when not in use. The locking device shall be located at least four (4) feet above ground level;

Additional: All other aspects of swimming pool installation, security and maintenance shall be in accordance with the PA Uniform Construction Code, as adopted by the City in the Codified Ordinances. (Ord. 11-11)

302.13 Furniture. Other than furniture contained within a structure, use or storage of furniture which is not designed or constructed for exterior use is prohibited in exterior property areas. (Ord. 5-11)

(8) Section 303.15 Insect Screens be amended to read as follows:
During the period of May 1 to September 30, every door, window or 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 swinging door shall have a self-latching device in good working condition.
Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.
(Ord. 1-2000. Passed 1-18-00; Ord. 18-2003. Passed 5-21-03; Ord. 1-2010. Passed 2-3-10.)

Chapter 4 Light, Ventilation and Occupancy Limitations

(1) Section 404.4.2 Access from bedrooms be amended to read as follows:
Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
Exception #1: Units that contain fewer than two bedrooms.

Section 404.4.2
Exception 2. Existing residential occupancies as defined in the current edition of the International Code Council International Building Code as adopted by the Uniform Construction Code as adopted by the Commonwealth of Pennsylvania and the City of York, Pennsylvania. (Ord. 5-11)

(2) Section 404.4.3 Water closet accessibility be amended to read as follows:
Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
Exception: Existing residential occupancies as defined in the current edition of the International Code Council International Building Code as adopted by the Uniform Construction Code as adopted by the Commonwealth of Pennsylvania and the City of York, Pennsylvania. (Ord. 5-11)

Chapter 5 Plumbing Facilities and Fixture Requirements

(1) Section 506 Sanitary Drainage System 506.1 General be amended to read as follows:
All plumbing fixtures shall be properly connected to a public sewer system.

(2) Section 506.3 Cesspools be added to read as follows:
No person shall construct or place or cause to be constructed or placed on any premise or property any cesspool, privy, vault, dump, or pit of like purpose, nor allow or cause any plumbing fixtures to be connected to such.

Chapter 6 Mechanical and Electrical Requirements

(1) **602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of October 1 to April 30 inclusive to maintain a temperature of not less than sixty-*eight* degrees Fahrenheit (*twenty* degrees Centigrade) in all habitable rooms, bathrooms and toilet rooms.
Exception: When the outdoor temperature is below the winter outdoor design temperature for the City of York, Pennsylvania, 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 City of York, Pennsylvania shall be as indicated in the Appendix D of the International Plumbing Code as is otherwise adopted by the City of York, Pennsylvania. (Ord. 5-11)

(2) **Section 602.4 Occupiable work spaces.** Indoor occupiable work areas shall be supplied with heat during the period of October 1 to April 30 inclusive to maintain a temperature of not less than sixty-*eight* degrees Fahrenheit (*twenty* degrees Centigrade) during the period the spaces are occupied.
Exception #1: Processing, storage, and operation areas that require cooling or special temperature conditions.
Exception #2: Areas in which persons are primarily engaged in vigorous physical activities. (Ord. 5-11)

Chapter 7 Fire Safety Requirements

(1) Section 702.3 Number of exits is amended by adding the following additional exceptions to read:

5. Use Groups R-2, R-3 and R-4 which are existing on the effective date of this ordinance and are equipped with properly installed and maintained single or multiple station smoke alarms.

(2) Section 705.5 Tests and Maintenance is added to read as follows:

All single and multiple station smoke alarms shall be tested and maintained in accordance with the BOCA National Fire Prevention Code, as is otherwise adopted by the City of York, Pennsylvania.

(Ord. 1-2000. Passed 1-18-00.)

Chapter 8 Referenced Standards

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the title, and the section or sections of this document that reference the standard. All referenced standards shall be the most current edition as adopted by the Uniform Construction Code of the Commonwealth of Pennsylvania and the City of York, Pennsylvania. The application of the referenced standards shall be as specified in Section 102.8.

ASME American Society of Mechanical Engineers
345 East 47th Street
New York, NY 10017-2392

Standard Reference	Title	Referenced in code section number
A17.1	Safety Code for Elevators and Escalators	201.3

CODES

Standard Reference	Title	Referenced in code section number
Building Code	International Building Code	102.3, 201.3, 302.7.1, 401.3, 702.2, 702.3, 702.6, 702.7, 702.8, 702.9, 702.10, 702.11.1, 703.2, 704.1, 705.5.1
Fire Code	International Fire Code	201.3, 702.6, 703.2, 705.1
Mechanical Code	International Mechanical Code	102.3, 201.3
Plumbing Code	International Plumbing Code	102.3, 201.3, 505.1, 602.2, 602.3

NFPA National Fire Protection Association
Batterymarch Park
Quincy, MA 02269

Standard Reference	Title	Referenced in code section number
70	National Electrical Code	102.3, 201.3, 604.2

(Ord. 21-2008. Passed 5-20-08.)

1763.03 POSTING UPON VIOLATION.

The Department of Public Works may post a sign not to exceed 3' x 3' in size stating the property owner's name and address and that the property is in violation of this Code. The sign may remain at the property until the violations are corrected.

(Ord. 35. Passed 10-19-04.)