Amended Bill No. 13, Ordinance No. 13, Session 2025

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

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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. 24-2014. Passed 10-21-14.)

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. 24-2014. Passed 10-21-14.)

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

(b) "Codes" means any state or local law, code or ordinance adopted, enacted or in effect in and for the City, including, but not limited to, Part 17 of the York City Ordinances.

~~(a)~~(c) "Department" means the Department of Economic and Community Development or any authorized representative thereof as designated by the Director of Economic and Community Development.

(d) "Disruptive Conduct" means any act by an occupant of a tenant occupied residential dwelling unit or by a person present at a residential rental unit involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, unreasonable noise as defined by the City Noise Ordinance, use of profane or obscene

language or gestures, indecent exposure, fighting or quarreling, or any other act defined as disorderly conduct in the Pennsylvania Crimes Code or any act prohibited in Part 7 of the City's Code of Ordinances or which otherwise injures or endangers the health, safety or welfare of the residents of the City residing in the neighborhood or vicinity of the gathering. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Property Maintenance Inspector ~~codes compliance official~~ or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The occupant and the owner and, if applicable, the manager shall be notified of any such occurrences, in writing.

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

(f) "License" as used herein means a license issued pursuant to this Article 1761 for the occupation of a dwelling by tenants.

(g) "Manager" means a person retained by an Owner to be responsible for one or more tenant occupied residential dwelling units within the City.

(h) "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 City as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person(s), and the executor or administrator of the estate of any such person(s) if ordered to take possession of real property by a court.

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

(i) "Relative of the Owner" means the spouse, son, daughter, parents, or parents-in-law to the person who holds record title and/or equitable ownership to a premises.

(j) "Tenant Occupied Residential Dwelling Unit" means: 1) a dwelling unit occupied by any person residing in said dwelling unit not listed on the deed, or 2) a rooming unit, or 3) a bed-and-breakfast establishment, or 4) a short-term lodging accommodation, or 5) an accessory dwelling unit, or 6) a dwelling unit that is not occupied by the owner, is a residential rental unit. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, each individual bed-and- breakfast establishment, each individual rooming unit, and each individual short-term lodging accommodation shall be considered a residential rental unit whether or not the owner or a relative of the owner also resides in the structure. A tenant occupied residential dwelling unit includes dwelling units under lease-purchase agreements or long-term (greater than six months) agreements for sale.

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

(l) "Property Maintenance Code" means the Property Maintenance Code of the City of York.

~~(e)~~(m) "Property Maintenance Inspector" means a person designated by the City of York to enforce this Article.

~~(f)~~(n) "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)~~(o) "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)~~(p) "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)~~(q) "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)~~(r) "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)~~(s) "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)~~(t) "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)~~(u) "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)~~(v) "Group R-5 occupancy" means a student home as defined in this article.

~~(p)~~(w) "Student home" means a single-family dwelling that provides domicile and living arrangements for three (3) to six (6) students, unrelated by blood, marriage, civil union, or legal adoption, that are matriculated students at a college or university, or that are in the process of attending a college or university, or any combination of such people. This term shall not be construed to include or be synonymous with the terms fraternity or sorority house, dormitory, homeless shelter or group home. (Ord. 24-2014. Passed 10-21-14.)

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 Economic and Community Development in accordance with this article. (Ord. 24-2014. Passed 10-21-14.)

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

(a) Every person applying for a Group I-1 through Group R-~~4~~5 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) Every person applying for a Group R-5 license under this article shall supply the following information with the application.

(1) An approval from the college, university or similar institution of higher learning and other such information as the Department requires.

(2) A list of tenants. This list shall be updated within ten (10) days of a change of tenant.

(3) Other such information that the Department deems necessary.

~~(c) Every person applying for a Group R-5 license under this article shall pay an annual license and inspection fee as established by resolution of Council, on or before August 1st of each year or the annual license and inspection fee shall be increased in accordance with the following schedule:~~

~~Group R-5~~	
~~Date~~	~~Fee Increase~~
~~September 1 - 5~~	~~10 percent additional charge~~
~~September 6 - 10~~	~~25 percent additional charge~~
~~September 11 - October 1~~	~~50 percent additional charge~~
~~After October 1~~	~~100 percent additional charge~~

(d) ~~An inspection fee established by resolution of Council shall also be charged. However, w~~Where the owner occupies a unit within the same structure as a tenant occupied unit, ~~therein,~~ a license fee and inspection fee will not be charged ~~need not be paid~~ on the owner occupied 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	12 months

(e) 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.

(f) If the Department finds violations of the Property Maintenance Code, ~~or~~ Fire Prevention Code, or Building Code, the Department ~~shall~~ may issue a notice of violation and deny the license until the property is confirmed in compliance. Applicants must have the premises reinspected as follows: within 48-hours for all life safety violations and within thirty (30) days of the failed inspection for all other violations. An owner or manager's failure to have the premises reinspected within the required time frame shall be subject to the penalty section of this Article, upon two (2) failed reinspections a property will be declared unlawful and ordered vacated. Upon compliance with the codes, the Department shall issue the license.

(g) 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.

(h) Every license granted hereunder shall terminate on the last day of the calendar year in which it was issued, unless sooner revoked. ~~Exception: Licenses for Group R-5 shall terminate on the last day of July each year unless sooner revoked~~.

(i) 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.

(j) 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 two (2) re-inspections, 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.

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

(l) 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.

(m) The Department of Economic and Community Development 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 designees 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 designees free access. Inspection may be postponed by the Department due to illness of one or more occupants of the premises or other emergency.

(n) 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.

(o) 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.

(p) 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 as accrued in the prior five calendar (5) years. The Department shall establish specific regulations for the Director of Economic and Community Development 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. 24-2014. Passed 10-21-14.)

1761.06 ENFORCEMENT POWERS.

The Director of Economic and Community Development and/or the inspectors of Department of Economic and Community Development 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. 24-2014. Passed 10-21-14.)

1761.07 PAYMENT OF ~~SEWER AND~~ REFUSE FEES.

(a) Effective January 1, 2007, the Department of Economic and Community Development 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 a delinquent tax balance with the City. ~~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 taxes ~~if the property has been referred to the York County Tax Claim Bureau~~ if the property owner has entered into ~~agrees to and follows~~ a payment plan approved by the City.
(Ord. 24-2014. Passed 10-21-14.)

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. 24-2014. Passed 10-21-14.)

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 Economic and Community Development.

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 3~~0~~1st of the year for which it is issued. The fee for each annual license shall be paid to the Department on or before January 3~~0~~1st 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 31st of any year unless the required fees are paid and the structure is inspected and ~~approved~~ has received a license for the occupation of the premises by tenants.

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. 24-2014. Passed 10-21-14.)

1761.10 ISSUANCE.

Effective January 1, 2007, the Department of Economic and Community Development 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. 24-2014. Passed 10-21-14.)

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. 24-2014. Passed 10-21-14.)

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. 24-2014. Passed 10-21-14.)

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. 24-2014. Passed 10-

1761.13 DUTIES OF OWNERS AND MANAGERS OF TENANT OCCUPIED RESIDENTIAL DWELLING UNITS.

(a) It shall be the duty of every owner to:

(1) Keep and maintain all residential dwelling units in compliance with all applicable codes, ordinances and provisions of all applicable state laws and regulations, including, but not limited to, the City Zoning Ordinance and Part 17 of the City Code of Ordinances.

(2) Keep and maintain all premises in good and safe condition.

(3) Be aware of, and act to eliminate, disruptive conduct in all tenant occupied residential dwelling units.

(4) Employ policies to and actually manage the residential dwelling units under his/her control in compliance with the provisions of this article, City Ordinances and applicable state laws.

(5) Pay or ensure payment of all real estate taxes, water charges, and trash collection fees to ensure that such vital utilities are provided.

(6) Provide trash and recyclable collection and disposal services information and instruct tenants of the method of trash and recyclable collection (e.g., curbside or dumpster and day of pickup).

(7) Take all actions necessary to ensure that each residential rental unit is occupied by only one family. For the purposes of this paragraph, a "family" is defined in the City Zoning Ordinance.

(8) Submit a rental license application for each residential rental unit, as defined in this Part. The names of all permitted occupants shall be listed on the license application, excluding minor children, and excluding transient occupants of short-term lodging accommodations and bed-and- breakfast establishments. Each lease, excluding bed-and-breakfast establishments and short-term lodging accommodations, shall contain a provision and notice to the tenant(s) that if the residential rental license for the leased unit is revoked, the owner shall have the right to terminate the lease and evict the tenant with thirty (30)

days' written notice and that tenant agrees this procedure does not violate any part of the Landlord and Tenant Act of Pennsylvania. Further, if the lease is so terminated as a result of the landlord not complying with the terms of this article, the tenant may cure this matter by exhausting available legal remedies provided for under federal and/or state law.

(9) Retain a manager when this article requires that a manager be designated.

(10) It is the responsibility of the owner of a tenant occupied residential dwelling unit to be compliant with all applicable provisions of the York City Code of Ordinances.

(b) If the owner has appointed a manager, the manager shall be jointly responsible to fulfill all of the obligations set forth herein. No owner may relieve themselves of the responsibility to perform the duties set forth herein by appointing a manager.

(c) It shall be unlawful for any person to conduct or operate or cause to be occupied either as owner or manager any tenant occupied residential dwelling unit within the City without having a residential tenant occupied rental license as required by this Article.

(d) It shall be the responsibility of every owner and every manger to display in the premises the residential tenant occupied rental license in the tenant occupied residential dwelling unit. The license shall include the following information:

(1) Address and telephone number of the owner or manager.

(2) Expiration date of the residential tenant occupied rental license.

(e) No residential tenant occupied rental license shall be issued to any owner not residing in York County or any county contiguous to York County unless the owner provides the City with the name, mailing address and telephone number of a manager residing in York County or any county contiguous to York County, authorized to accept service of process on behalf of the owner. For the purpose of this Section, a post office box is not acceptable for the owner or manager's address. This designation shall not be valid unless signed by the owner and the manager designated to act on behalf of the owner and shall be provided to the Department. The owner shall notify the City within 10 days of any change in manager.

(f) No residential tenant occupied rental license shall be issued to for any property on which a delinquent balance is owed to the City. A delinquent balance means money owed to the City that has not been paid in the required time for payment. This expressly includes, but is not limited to, money owed pursuant to the Neighborhood Improvement Ordinance found at Article 730 and the Property Maintenance Code of Article 1763.

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 two ~~one~~ hundred dollars ($2~~1~~00.00) and not more than one thousand dollars ($1,000) for a first offense, not less than four ~~two~~ hundred dollars ($4~~2~~00.00) and not more than one thousand dollars ($1,000) for a second offense and not less than six ~~three~~ hundred dollars ($6~~3~~00.00) 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 Economic and Community Development shall be a separate violation for each day. (Ord. 24- 2014. Passed 10-21-14.)