

Notice

Notice is hereby given that Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, intends to consider for adoption and to vote upon an enactment of an Ordinance summarized below at its regularly scheduled meeting to be held December 5, 2018 at 6:30 PM in the second floor council chambers of Borough Hall, 55 East Main Street, Waynesboro, PA. Any person who needs an accommodation in order to gain access to or participate in this public meeting should call 717-762-2101 prior to the meeting.

The title of the proposed Ordinance is **“AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA AMENDING AND REPLACING ENTIRELY CHAPTER 213 OF THE CODE OF ORDINANCES OF THE BOROUGH OF WAYNESBORO TO INCLUDE PROVISIONS REQUIRING INSPECTIONS OF CERTAIN RENTAL PROPERTIES.”**

If enacted, the Ordinance will amend and replace Chapter 213 of the Borough of Waynesboro’s Code of Ordinances in its entirety. The Ordinance will adopt the standards of the 2015 edition of International Property Maintenance Code (“IPMC”). Additionally, the Ordinance will modify sections of the IPMC.

The summary contents of the Ordinance are as follows:

SECTION 1: Replaces the current Chapter 213 of the Code of the Borough of Waynesboro with the following sections:

- A. 213-1 Title. Residential Rental Inspection Ordinance of the Borough Waynesboro.
- B. 213-2 Adoption of Standards. Adopts standards of the IPMC as the Residential Rental Inspection Ordinance of the Borough of Waynesboro, with modifications to be set forth by the Ordinance.
- C. 213-3 More Strict Standards to Apply. In the event of inconsistencies between this Ordinance and another law, the stricter standard applies.
- D. 213-4 Modifications. Modifies the following sections of the IPMC:
 - i. 101.1 Title. Residential Rental Inspection Ordinance of the Borough of Waynesboro.
 - ii. 101.2 Scope. Ordinance applies to Multifamily and Two-Family Dwellings.
 - iii. 103.5 Fees. To be adopted by Resolution of Council.
 - iv. 106.3 Prosecution of Violation. Failure to comply with notice of violation shall be deemed a summary offense.
 - v. 106.4 Violation Penalties. Fine of not more than \$1,000 or imprisonment not to exceed 30 days.
 - vi. 106.6 Administrative Search Warrants. Code Official may seek warrant to verify a property’s compliance.
 - vii. 106.7 Violations as Public Nuisances. Properties in violation may be considered as public nuisances.
 - viii. 107.2 Form. Sets forth form of notice under Section 107.1.
 - ix. 111.3 Notice of Meeting. Board shall meet at regularly scheduled meetings.
 - x. 111.4.1 Procedure. Board shall conduct meetings in accordance with the Local Agency Law of Pennsylvania.
 - xi. 111.6 Board of Appeals Decisions. Board of Appeals can modify decision of Code Official by vote of majority of a quorum.
 - xii. 111.6.2 Administration. Code Official shall take immediate action in accordance with Board of Appeals decisions.

- xiii. 111.7 Court Review. Person, with a direct interest aggrieved by an adjudication of the Board shall have the right to appeal to the Court vested with jurisdiction.
- xiv. 111.9 Extension of Time. Board of Appeals may grant extensions of time for repairs required by code.
- xv. 202 General Definitions. Modifies the definitions of the following terms: Board of Appeals, Code Official, Codes, Dwelling Unit, Exterior Area, Owner, Owner's Agent, Person, Residential Rental Dwelling Unit, Sale or Conveyance, and Structure.

SECTION 901.1: Inspections. Code Official shall inspect rental units prior to conveyance or pursuant to a complaint to determine compliance with Ordinance and issue Rental Certificate if unit is in compliance.

SECTION 902: Violations of Ordinance.

- i. 902.1 Occupancy after Sale or Conveyance without Rental Certificate. Unlawful to permit any occupancy in subject residential rental unit without inspection and Rental Certificate.
 - ii. 902.2 Prosecution of Violation of Chapter 9. Failure to comply with notice of violation shall be deemed a summary offense.
 - iii. 902.3 Penalties. Violations subject to penalties of Section 106.4.
- E. 213-5 Municipal Liability. Issuance of rental certificate is not a warranty by Borough and creates no liability upon Borough.
- F. 213-6 No Enforcement Limitation. Issuance of a rental certificate will not limit the enforcement of other laws.

SECTION 2: Repealer. All previous contrary provisions are repealed.

SECTION 3: Savings Clause. Code of Borough of Waynesboro remains otherwise intact.

SECTION 4: Severability. If any portion of this Ordinance is deemed void it shall be severable and the other provisions of this Ordinance shall remain in full effect.

SECTION 5: Effective Date. If enacted, the Ordinance will take effect immediately.

The full text of the proposed Ordinance may be examined without charge at the Borough Office, at 55 East Main Street, Waynesboro, PA, during regular business hours. A copy will be provided upon request without charge. A copy of the proposed Ordinance has also been filed with the newspaper publishing this Notice and at the Franklin County Law Library, 100 Lincoln Way East, Suite E, Chambersburg, PA 17201.

Samuel E. Wiser, Jr., Solicitor
Salzmann Hughes, P.C.

AD TO RUN: November 24, 2018