

## Chapter 114

### PROPERTY MAINTENANCE

**[HISTORY: Adopted by the Borough Council of the Borough of Montoursville as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Uniform construction codes — See Ch. 66.

#### ARTICLE I

##### Property Maintenance Code

**[Adopted 2-2-2009 by Ord. No. 436<sup>1</sup>]**

**§ 114-1. Adoption by reference; purpose.** [Amended 12-4-2017 by Ord. No. 478]

The 2018 edition of the International Property Maintenance Code as published by the International Code Council, a copy of which is on file in the office of the Borough Secretary, is hereby adopted as the Property Maintenance Code of the Borough of Montoursville, County of Lycoming, Commonwealth of Pennsylvania, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures as herein provided; and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Montoursville are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with additions, insertions, deletions and changes, if any, prescribed in § 114-2 of this article.

**§ 114-2. Revisions.**

The following sections of the International Property Maintenance Code of 2006, as amended, are revised as follows:

- A. Section 101.1: Insert "Borough of Montoursville."
- B. Section 103.5: Insert "The Borough of Montoursville shall adopt and maintain a fee schedule which shall be available at the Borough office."
- C. Section 302.4: Insert "maximum height eight inches."
- D. Section 304.14: Insert "April 1 to October 1."

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1. Editor's Note: This ordinance superseded former Art. I, Revisions to International Property Maintenance Code, adopted 11-15-2004 by Ord. No. 405.

- E. Section 602.3: Insert "September 15 to April 30."
- F. Section 602.4: Insert "September 15 to April 30."

**§ 114-3. through § 114-9. (Reserved)**

**ARTICLE II**  
**Inspection of Rental Properties**  
**[Adopted 5-3-2010 by Ord. No. 443]**

**§ 114-10. Title; purpose.**

- A. This article shall be known as the "Montoursville Rental Inspection Ordinance."
- B. The Borough of Montoursville has experienced problems with the maintenance and safety of non-owner-occupied properties and has concerns about the health, safety and welfare of occupants of these non-owner-occupied properties within the Borough. The purpose of this article is to enhance the safety of non-owner-occupied properties through a system of inspection which focuses on compliance with the property maintenance codes governing existing structures.

**§ 114-11. Definitions.**

As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BOARD OF APPEAL** — The Property Maintenance Board of Appeals of the Borough of Montoursville, as appointed.

**BOROUGH** — The Borough Council of the Borough of Montoursville, Lycoming County, Pennsylvania.

**CERTIFICATE OF INSPECTION** — A certificate issued by the Code Official indicating that the rental unit is in compliance with this article for a specified time.

**CODE** — The Code of the Borough of Montoursville, adopted March 3, 1997, as Ordinance No. 370, as amended, and the Montoursville Borough Zoning Ordinance, adopted on July 6, 2009, as Ordinance No. 438, as amended.

**CODE OFFICIAL** — The individual, individuals or third-party contactor designated by the Borough to administer and enforce this article.

**NONREGULATED RESIDENTIAL UNIT** — A single residential unit occupied by the owner and/or the owner's family.

**OWNER** — Any person, copartnership, association, corporation, or fiduciary having legal or equitable title or any interest in any real property. Whenever used in any clause prescribing or imposing a penalty, the term "owner," as applied to copartnership and associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof.

**REGULATED RESIDENTIAL UNIT** — A residential unit occupied by other than the owner and/or the owner's family.

RESIDENTIAL UNIT — Any structure or structurally enclosed area used or intended to be used as living quarters for one or more individuals.

STRUCTURE — That which is built or constructed or a portion thereof.

**§ 114-12. Certificate of inspection required for occupancy.**

No regulated residential unit shall be occupied unless the owner or designated agent obtains and keeps a current certificate of inspection on file as required by the provisions of this article.

**§ 114-13. Inspection requirements; timing; reinspections; exceptions.**

Regulated residential units shall be subject to inspection in accordance with the provisions of this article.

- A. Purpose. Inspections required by this article shall be for the purpose of determining compliance with the provisions of the Code in effect on the date of inspection.
- B. Inspectors. Inspections required by this article shall be conducted by the Borough's designated Code Official(s).
- C. Inspection standards. In order for an owner to obtain and/or retain a certificate of inspection, regulated residential units shall comply with all applicable portions of the Code.
- D. Timing of inspections; renewals.
  - (1) On or after the effective date of this article, prior to any nonregulated residential unit being converted to use as a regulated residential unit, the owner of the unit shall contact the Borough and submit an application for inspection, and a certificate of inspection shall be obtained from the Borough in accordance with this article prior to occupancy of such nonregulated residential unit by anyone other than the owner or the owner's family; subsequent inspections shall occur as set forth in Subsection D(2).
  - (2) The Code Official shall notify the owner of a regulated residential unit of a pending inspection. The owner shall contact the Code Official and schedule an inspection within 30 days from the receipt of the notice. A certificate of inspection issued for a regulated residential unit shall expire three years after the date of issuance, and regulated residential units shall be reinspected prior to the expiration date on the certificate of inspection.
  - (3) Any property that has been inspected as set forth in Subsection D(2) and subsequently becomes vacant for a period of one year must be reinspected prior to occupancy as a regulated residential unit.
- E. Exceptions:
  - (1) Any regulated residential unit that is subject to an inspection by any other governmental agency which has inspection standards equal to or greater than those in the Borough's Code. Nothing contained in this exception shall be deemed to exclude the property from being subject to any of the Borough's Codes.

**§ 114-14. Issuance of certificate of inspection; report of inspection.**

- A. General provision. Upon the date of the completion of an inspection of a regulated residential unit in which no violations of the Code are found or on the date that any such violations have been corrected, the Borough shall issue a certificate of inspection for the regulated residential unit. The certificate of inspection shall be kept on file by the owner or designated agent and made available to the Code Official upon request.
- B. Report of inspection and appeals. Any violations of the Code found by the Code Official during an inspection or reinspection shall be documented by the Code Official in a report of inspection in sufficient detail to allow the owner to correct the violation. The report of inspection shall be provided to the owner within 15 days of the date of inspection. Any appeal from the report of inspection shall be filed and heard in the manner provided for in § 114-19 of this article.
- C. Multiunit structures. Each unit in a multiunit structure which meets the definition of a regulated residential unit shall be considered to be a separate regulated residential unit. Units within a structure which are in compliance with the Code may continue to be occupied if, in the opinion of the Code Official, other portions of the structure or units therein which either do not apply or have not passed inspection do not create a hazard to the health and safety of the persons occupying the units in compliance with this article.
- D. Compliance with Code. The issuance of a certificate of inspection does not relieve the property owner of the responsibility of maintaining a structure or regulated residential unit in accordance with the Code.
- E. Forms. The application for inspection, certificate of inspection, notice of transfer, report of inspection and any other forms and documents necessary to administer the requirements of this article shall be in such form as shall be approved, from time to time, by the Borough.

**§ 114-15. Advertisement of regulations; notice of inspection.**

- A. Newspaper advertisement. The Borough shall, each year, cause notice of this article to be published two times in a newspaper of general circulation within the Borough. The first notice shall be published during January of each calendar year, except in the year of enactment, when the first notice shall be published within 30 days of the date of enactment. The second notice shall be published during October of each calendar year. The notice shall set forth the general requirements of this article, state that inspection may be required before a regulated residential unit is occupied and state where a copy of this article may be obtained.
- B. Written notice must be given to the property owner or agent prior to an inspection. The property owner or agent shall provide the tenant with reasonable notice of the inspection.

**§ 114-16. Transfer of certificate of inspection.**

A certificate of inspection issued hereunder is transferable to any person or entity who acquires ownership of a regulated residential unit for the unexpired portion of the three-year term for which the certificate was issued. The new owner of the regulated residential unit shall file a notice of transfer of the certificate of inspection with the Borough within 30 days of the date of

sale or transfer of ownership. A certificate of inspection shall terminate upon failure to file a notice of transfer within 30 days of the date of sale or transfer of ownership of the regulated residential unit.

**§ 114-17. Responsibility for compliance.**

The owner of any regulated residential unit shall be responsible for compliance with the provisions of this article.

**§ 114-18. Notice of violation; suspension or revocation of certificate of inspection.**

A. General.

- (1) Depending on the severity and/or number of violations of the Code, the borough may initiate action against an owner that may result in a notice of violation and/or suspension or revocation of a certificate of inspection for violating any provisions of this article that impose a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided herein, subject to the right of appeal pursuant to § 114-19.
- (2) In order for an owner to obtain or retain a certificate of inspection, the property owner has the responsibility for maintaining the structure and/or regulated residential unit in accordance with the Code.
- (3) Administration, inspections and notifications utilized in the enforcement of this article shall be conducted in accordance with the procedures set forth in the current version of the International Property Maintenance Code or other such property maintenance code subsequently adopted by the Borough.<sup>2</sup>

B. Borough's options.

- (1) Notice of violation: violation(s) of the Code or this article shall result in the issuance of a notice of violation by the Code Official in accordance with procedures contained in the current version of the International Property Maintenance Code or other such property maintenance code subsequently adopted by the Borough.
- (2) Suspension: A certificate of inspection may be suspended upon the issuance of a notice of violation. Notification of the suspension of the certificate shall be included in the notice. Upon failure of the certificate holder to correct the violations set forth in the notice in the time period therein specified, the certificate of inspection may be revoked. A suspended certificate of inspection shall be reinstated at the time the violation(s) cited in the notice are corrected. Suspension of a certificate shall not result in eviction of the occupants of the unit.
- (3) Revocation: Should an owner fail to correct the violations set forth in a notice of violation in the time period therein specified or should the Code Official determine that a structure or unit is unsafe or unfit for occupancy, the certificate of inspection may be revoked and the owner shall be notified of the immediate loss of the right to

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2. Editor's Note: See Art. I, Property Maintenance Code, of this chapter.

rent the unit(s) in question. Upon revocation of a certificate of inspection, the owner shall take immediate action to evict the occupants of the unit(s).

- C. Grounds for taking action. Any of the following may subject an owner to actions as provided for in this article:
- (1) Failure to abate a violation of this article that applies to the premises within the time directed by the Borough.
  - (2) Refusal to permit the inspection of the premises by the Borough, as provided for in this article.
  - (3) Failure to take steps to remedy and prevent violations of this article by occupants of a regulated residential unit as provided for in this section.

**§ 114-19. Means of appeal.**

Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this article, or by any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Appeal. Appeals shall be filed and appeal hearings conducted in accordance with the procedures set forth in the current version of the International Property Maintenance Code or other such property maintenance code subsequently adopted by the Borough.

**§ 114-20. Violations and penalties.**

The owner of any regulated residential unit who has violated or permitted the violation of this article shall be subject to the general penalty provisions of the Code of the Borough of Montoursville.<sup>3</sup>

**§ 114-21. Fees.**

The Borough is authorized to assess fees upon owners of regulated residential units for inspections, reinspections, issuance of certificates of inspection and reports of inspection and other administrative actions necessary to implement this article. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this chapter and the Code shall be established by the Borough Council by resolution from time to time.

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3. Editor's Note: See Ch. 1, General Provisions, Art. II, General Penalty.