

ORDINANCE NO. 1197

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 213 OF THE CODE OF ORDINANCES OF THE BOROUGH OF WAYNESBORO TO INCLUDE PROVISIONS REGARDING THE REGISTRATION AND LICENSING OF RENTAL UNITS.

WHEREAS, Section 1202(15) of the Borough Code, 8 Pa. C.S. § 1202(15), authorizes the Borough of Waynesboro (the “Borough”) to adopt a property maintenance code; and

WHEREAS, Section 32A04(a) of the Borough Code, 8 Pa. C.S. § 32A04(a), authorizes the Borough to enact a property maintenance code incorporating a nationally recognized property maintenance code or any variations; and

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa. C.S. § 1202(5), authorizes the Borough to make regulations as may be necessary for the health, safety, morals, general welfare, and cleanliness and beauty, convenience, comfort, and safety of the Borough; and

WHEREAS, the Borough has adopted the 2015 International Property Maintenance Code as the Residential Rental Dwelling Unit Code of the Borough pursuant to Ordinance No. 1171, enacted December 5, 2018, which amended Chapter 213 of the Code of the Borough of Waynesboro; and

WHEREAS, the Borough has determined that it is in the best interest of the health, safety, morals, and general welfare of the Borough residents that a registration and licensing process be enacted to provide a mechanism to ensure that Residential Rental Dwelling Units meet appropriate property maintenance and licensing standards.

NOW THEREFORE BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. The International Property Maintenance Code, 2015, adopted as the Borough’s Residential Rental Dwelling Unit Code, is hereby amended to add a Chapter 10, which shall be entitled “Rental Registration and License”, the contents of which shall be as follows:

Section 1001
General

1001.1 **Rental license.** No person shall rent or offer for rent or lease any Residential Rental Dwelling Unit, or any Multifamily Dwelling or Two-Family Dwelling in which one Dwelling Unit is owner-occupied (hereinafter collectively referred to as a “Rental Unit”) unless such person has registered the property and received a valid and current rental license issued by the Borough or its designee (designee shall include a Code Official) for the specified Rental Unit.

1001.2 **Property subject to registration and license requirement.** A rental license shall be obtained by the Owner(s) having a legal or equitable interest in the property or the Owner's Agent for the Rental Unit.

1001.3 **Rental registration.** The registration of each tax parcel containing a Rental Unit shall be made on a form furnished by the Borough or its designee and shall be completed in accordance with any instructions which may be given by the Borough or its designee. The information provided on the form shall include, but not be limited to, the following:

1. The name, address, and telephone number of the Owner(s) of the tax parcel where the Rental Unit is located. Tax parcels that are owned by a corporation, limited liability company, limited liability partnership, association, or any other form of organization or entity shall additionally provide the name, address, and telephone number of the individual(s) who is the owner or authorized agent or representative of such corporation, limited liability company, limited liability partnership, association, or other organization or entity. If the tax parcel and Rental Unit are under separate ownership, provide the aforementioned information for both the Owner of the tax parcel and the Owner of the Rental Unit.
2. For Owner(s) operating under a fictitious name or d/b/a, the Owner's true/registered name.
3. The name, address, and telephone number of the Owner's Agent(s).
4. The address of the tax parcel where the Rental Unit is located and the addresses of the Rental Unit located on such parcel, as applicable.
5. The type of Rental Unit being registered.
6. The number of Rental Units located on the tax parcel being registered.

1001.4 **Time for registration.**

1. **Initial Registration.** All tax parcels containing a Rental Unit(s) shall be initially registered no later than July 31, 2022.
2. **Renewal of Registration.** Any applicant for renewal of registration shall renew their registration by July 31 of each calendar year preceding the year during which the property will be used as a Rental Unit(s).

1001.5 **Licensing.** Upon receipt of the fully completed registration form and payment of the appropriate registration fee, the Borough or its designee shall, within 30 days, issue a rental license to the Owner or the Owner's Agent, unless the property is in violation of the Code of the Borough of Waynesboro, in which case a rental license shall not be issued until such time as the property is in compliance with the Code of the Borough of Waynesboro and this Ordinance.

1001.5.1 **Newly licensed property.** Prior to receiving a rental license, the Rental Unit must fully comply with the provisions of this Ordinance. Occupancy of the Rental Unit prior to receiving a rental license shall be a violation of this Ordinance.

1001.5.2 **Display of license.** The current rental license shall be displayed on the property and available for inspection by the Borough or its designee.

1001.6 **Fees.** Fees for the registration of each tax parcel where Rental Units are located shall be set from time to time by resolution of the Borough Council of the Borough of Waynesboro. Such registration fees shall be assessed on a per tax parcel basis.

Section 1002
Ownership

1002.1 **Transfer of ownership.** Registration of a tax parcel containing a Rental Unit and a rental license issued for such Rental Unit shall not be transferable to a subsequent purchaser of said parcel or Rental Unit. If the ownership of a registered and licensed Rental Unit is transferred, whether it is legal or equitable, the registration and rental license shall be invalid on the date of transfer of ownership, unless the new Owner has submitted an application for registration and licensing within ten (10) days of the date of transfer, in which case the property, if currently occupied, may continue to be occupied; however, such occupancy shall be contingent upon the new Owner receiving a rental license in accordance with this Ordinance. If the new Owner fails to submit an application for registration and rental license within 10 days of the date of transfer, or the new Owner does not receive a rental license in accordance with this Ordinance, the property cannot be used as a Rental Unit, and any rental occupancy of the property is a violation of this Ordinance.

1002.2 **Lease-purchase agreements.** Any property that is being occupied and currently subject to a lease-purchase agreement between the occupants of the property and the owner of record, and which lease-purchase agreement is recorded in the Recorder's Office of the County in which the property is located, shall not be subject to the requirements of Chapter 10. The burden of proving a valid lease-purchase agreement under this section shall be on the owner or occupant claiming the exemption from the requirements of Chapter 10.

Section 1003
Violations of this Ordinance

1003.1 **Occupancy without license.** It shall be unlawful for any Owner or Owner's Agent to allow a Rental Unit to be occupied without being registered and holding a valid rental license. Further, it shall be unlawful for any Owner or Owner's Agent to offer for rent, lease, or occupancy unless the Rental Unit is currently registered and holds a valid rental license.

1003.2 **Prosecution of a violation of Chapter 10.** Any person failing to comply with a notice of violation or order served in accordance with this Ordinance shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the Borough or its designee may institute the appropriate proceedings 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 or Rental Unit in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto. Any corrective action taken by the authority having jurisdiction over such premises may be charged against the real estate

upon which the structure or Rental Unit is located and shall be a lien upon such real estate.

1003.3 Penalties. Any person, firm, or corporation who shall violate any provision of this Ordinance, including a failure to pay any fees under this Ordinance, shall be subject to a fine of not more than \$1,000 per day, or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues shall be deemed a separate offense.

SECTION 2. Section 213-5 entitled "Municipal Liability.", as created by Ordinance No. 1171, is hereby amended to read:

The registration and issuance of a Rental Certificate or rental license shall not be deemed, nor construed as, a representation, guaranty or warranty of any kind by the Borough, or its officials, agents or employees, and shall create no liability upon or duty by the Borough, its officials, agents or employees.

SECTION 3. Section 213-6 entitled "No Enforcement Limitation.", as created by Ordinance No. 1171, is hereby amended to read:

The registration and issuance of a Rental Certificate or rental license shall not preclude or otherwise affect the authority of the Borough or its designee from the enforcement of this or any other part of this Ordinance or other codes, or applicable statute, ordinance, rule or regulation at any time.

SECTION 4. Repealer. All provisions of previous ordinances of the Code of the Borough of Waynesboro, which are contrary to this Ordinance, are expressly repealed.

SECTION 5. Savings Clause. In all other respects, the Code of the Borough of Waynesboro and Ordinance No. 1171 shall remain as previously enacted and ordained.

SECTION 6. Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this Ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 7. Effective Date. This Ordinance shall take effect April 6, 2022.

ENACTED, ORDAINED, and APPROVED this 6th day of April, 2022.

Waynesboro Borough Council

By: 
C. Harold Mumma, President

ATTEST:


Melinda Knott, Secretary

Declined to sign. *
Richard Starliper, Mayor

*Presented to the Mayor for signature on 03/23/2022.

