

NO. 2371  
AN ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 1796 ENTITLED, "AN ORDINANCE REQUIRING ALL TENANTS [OF] THE BOROUGH TO FILE REPORTS WITH THE BOROUGH DESIGNATING OCCUPANTS OR TENANTS OF ANY DWELLING UNIT AND ANY CHANGE IN THE OCCUPANCY OR TENANCY THEREOF AND REQUIRING ALL LANDLORDS IN THE BOROUGH TO DISTRIBUTE SAID REPORT FORMS TO THEIR TENANTS," AS SET FORTH IN CHAPTER 278 OF THE CODE OF ORDINANCES OF THE BOROUGH OF HANOVER.

WHEREAS, on December 19, 1984, the Borough Council of the Borough of Hanover enacted the Rental Property Ordinance of the Borough of Hanover, Ordinance No. 1796 which has been codified in Chapter 278 of the Code of the Borough of Hanover; and

WHEREAS, it is the policy of the Borough Council of the Borough of Hanover to protect and promote the public health, safety and welfare of its citizens and to enable the Borough to determine the taxability of any person under any Borough taxing ordinances now or hereafter in effect; and

WHEREAS, in order to further those policies, the Borough Council wishes to amend Ordinance No. 1796 as set forth below.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: That Section 278-1 of the *Code of Ordinances of The Borough of Hanover* entitled, "*Definitions*," shall now be entitled "*Short Title*" and to read as follows:

**§ 278-1. Short title.**

This Ordinance shall now be known and may be cited as the "Borough of Hanover Residential Rental Unit Registration Ordinance."

SECTION 2: That Section 278-2 of the *Code of Ordinances of The Borough of Hanover* entitled, "*Duties of Landlord*," shall now be entitled "*Definitions*" and to read as follows:

**§ 278-2. Definitions.**

As used in this article, the following words shall have the following meanings, unless the context clearly indicates otherwise:

**AGENT** - Any person designated by the owner who has charge, care, or control of a residential rental property.

**CODES** - The International Property Maintenance Code, International Fire Code, and the Uniform Construction Code, as adopted by the Borough from time to time, and any rules and regulations promulgated thereunder.

**OWNER** - Any person, agent, operator, firm, corporation, partnership, limited liability company, association, property management group, or fiduciary having legal, equitable or other interest in any real 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 such person's estate. When used in this article in a clause proscribing any

activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers thereof.

**OWNER OCCUPIED OR OCCUPIED BY OWNER** – A dwelling unit that is the primary, permanent residence and domicile of a natural person who is identified as the owner or one of the owners on the deed for the property. In order for a dwelling unit to be considered owner occupied, the dwelling must be considered the domicile of the record owner or at least one of the record owners under Pennsylvania law, and the owner must physically reside in the dwelling not less than six (6) months each calendar year, and the owner cannot be registered to vote at any other address, and the owner must use the dwelling at the owner’s address for payment of taxes including, but not limited to, earned income taxes.

**PERSON** – An individual, firm, corporation, limited liability company, association, or partnership.

**RESIDENTIAL RENTAL UNIT** – (1) a dwelling unit let for rent, or (2) a rooming unit, or (3) a bed-and breakfast establishment, or (4) a short-term rental, 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 multi-family 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 the owner or a relative of the owner also resides in the structure. A residential rental unit includes dwelling units under lease-purchase agreements or long-term (greater than six months) agreements for sale. A residential rental unit shall not include a hotel/motel as defined herein or a hospital room utilized for medical services.

**TENANT** – A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a residential rental unit.

**SECTION 3:** That the title of Section 278-3 of the *Code of Ordinances of The Borough of Hanover* entitled, “*Duties of Tenant,*” shall now be entitled “*Residential Rental Unit Owner’s Duties*” and to read as follows:

**§ 278-3. Residential Rental Unit Owner's Duties.**

It shall be the duty of every owner of a residential rental unit within the Borough of Hanover to comply with this Ordinance and to keep and maintain the residential rental unit in compliance with the applicable codes and provisions of all other applicable State laws and regulations and local ordinances.

**SECTION 4:** That the title of Section 278-4 of the *Code of Ordinances of The Borough of Hanover* entitled, “*Duties of Borough Secretary,*” shall now be entitled “*Registration Requirement*” and to read as follows:

**§ 278-4. Registration Requirement**

- A. By January 31, 2025, within thirty (30) days of the creation of a new residential rental unit, and annually thereafter by January 31 of each year, an owner of a residential rental unit within the Borough of Hanover shall file a completed Residential Rental Registration Form with the Borough of Hanover Department of Code Enforcement. A separate Residential Rental Registration Form shall be required for each residential rental unit.
- B. Every completed Residential Rental Registration Form shall be accompanied by a residential rental registration fee, as set forth in the Resolution of Fees as adopted and amended from time to time by Borough Council.

- C. The Residential Rental Registration Form shall contain, but not be limited to, the following:
1. Name of Owner
  2. Address of Owner
  3. Phone number and email address of Owner
  4. Address of Residential Rental Unit
  5. Number of Rental Units
  6. Designation of Rental Units
  7. Name of Property Manager/ Agent
  8. Address of Property Manager/ Agent
  9. Phone number and email address of Property Manager/ Agent
  10. Names and ages of all Tenants
  11. Phone number and email address of all Tenants
  12. A verified certification signed by the Owner that the Residential Rental Unit is in compliance with applicable Codes and provisions of all other applicable State law and local ordinances.
- D. Should there be a change in any of the information contained in a filed Residential Rental Registration Form before the annual due date, within thirty (30) days of the change, the owner shall submit a revised and updated Residential Rental Registration Form to the Borough of Hanover Department of Code Enforcement. No fee will be required for the filing of a revised and updated Residential Rental Registration Form.

**SECTION 5:** That the title of Section 278-5 of the *Code of Ordinances of The Borough of Hanover* entitled, "*Violations and Penalties*," shall now be entitled "*Designation of Agent*" and to read as follows:

**§ 278-5. Designation of Agent.**

In the event that the owner of residential rental unit in the Borough of Hanover does not reside within 40 miles of the corporate limits of the Borough of Hanover, the Owner shall designate an agent who shall reside in or who shall actively maintain an office located within 40 miles of the corporate limits of the Borough of Hanover. If the owner is a corporation, an agent shall be required if an officer of the corporation does not reside within 40 miles of the corporate limits of the Borough of Hanover. If the owner is a partnership, an agent shall be required if a partner does not reside within 40 miles of the corporate limits of the Borough of Hanover.

**SECTION 6:** That a new Section 278-6 shall be added to the *Code of Ordinances of The Borough of Hanover* entitled, "*Violations and Penalties*" to read as follows:

**§ 278-6. Violations and Penalties.**

- A. The failure of any owner to comply with this Ordinance shall subject the Owner to enforcement in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, who shall, upon conviction, be liable to pay a fine as follows:
1. First Offense - \$100.00;
  2. Subsequent Offense(s) - not to exceed \$1,000.00;  
plus court costs and the Borough's reasonable attorney fees incurred in the enforcement proceedings. The Municipal Solicitor may assume charge of the prosecution without the consent of the district attorney as required under Pa.R.Crim P. No. 454.
- B. In addition to the enforcement proceedings set forth above, the Borough may enforce this Ordinance in equity in the Court of Common Pleas of York County, Pennsylvania.

**SECTION 7: Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the present Ordinance.

**SECTION 8: Repealer.** Any Ordinance or Resolution, or any portion of any Ordinance or Resolution, of the Borough of Hanover, which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed insofar as the same is affected by or inconsistent with the provisions of the present Ordinance. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.


**SECTION 9: Codification.** The Code of the Borough of Hanover, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Code of the Borough of Hanover, as amended, specifically Chapter 278 thereof, upon enactment.


**SECTION 10: Effective Date.** This Ordinance shall take effect and be in full force and effect in accordance with Section 3301.3 (b) of the Borough Code.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** this 28th day of August, 2024 that Ordinance No. 1796 as set forth in Chapter 278 of the *Code of Ordinances of The Borough of Hanover* is hereby amended.

**ATTEST:**

**THE BOROUGH OF HANOVER**

  
Secretary

  
Council (Vice) President

**APPROVED** this 28<sup>th</sup> day of August, 2024.

  
Mayor