

**WINDSOR BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 5-2017

**AN ORDINANCE OF WINDSOR BOROUGH, YORK
COUNTY, PENNSYLVANIA, PROVIDING FOR THE
MAINTENANCE OF PROPERTIES IN WINDSOR
BOROUGH, AND VIOLATIONS THEREOF AND
PROVIDING A PENALTY FOR VIOLATIONS THEREOF**

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

SECTION 1: Definitions: The following words and terms as used in this Ordinance, shall have the meanings hereby respectively ascribed thereto, except where the context clearly indicates a different meaning:

ADEQUATE HEAT – means a minimum temperature of sixty-eight degrees Fahrenheit measured three feet above the floor approximately at the center of the room.

ADEQUATELY LIGHTED – means illumination of at least one foot candle at all times of the day and night.

APPROVED – means in accordance with regulations established by the Borough.

APPROVED COMMON GARBAGE STORAGE OR DISPOSAL FACILITIES – means metal or other damage-resistant, non-corrodible, non-absorbent, and non-leakable covered receptacles or an incinerator Approved by the Borough.

APPROVED SEWERAGE SYSTEM – means a public sewerage system installed by the Borough or a private sewerage system Approved by the Borough.

BASEMENT – means a portion of any Dwelling located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BOROUGH – means the Borough of Windsor or any authorized representatives thereof as designated by the Borough Council.

CELLAR – means a portion of any Dwelling having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CODE ENFORCEMENT OFFICER – means any designee authorized by Borough resolution or ordinance to enforce the provisions of this Ordinance. Said individual need not have the specific title of “Code Enforcement Officer” and may or may not be an employee of the Borough.

CONVENIENTLY LOCATED LIGHT SWITCHES – means that each light switch shall be capable of operating the lighting system in the public halls and stairways, be located within three feet of the top and bottom stair riser, measured in a horizontal direction, and be located from four feet to five feet above the stair landing of each story, measured in a vertical direction.

DWELLING – means a building or structure, except Temporary Housing, constructed, erected, altered, designed, used or intended for use, in whole or in part for human habitation, excepting therefrom that part of the building occupied as professional or business offices.

DWELLING UNIT – means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating, whether occupied or unoccupied.

EXTERMINATION – means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods Approved by the local or State authority having such administrative authority.

GARBAGE – means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.

GRAFFITI – means any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, or otherwise applied on any structural component of any building, structure, or other facility regardless of the nature of the material of that structural component, such that said inscription, word, figure, or design is visible to the public. Inscriptions, words, figures, or designs that meet the requirements of the Borough’s sign ordinance shall not be deemed as graffiti under this ordinance.

HABITABLE ROOM – means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms, and storage spaces.

INFESTATION – means the presence within or around a Dwelling of any insects, rodents, or other pests.

MULTI-FAMILY DWELLING – means any Dwelling or part thereof containing two or more Dwelling Units.

OCCUPANT – means any Person including Owner or Operator living and sleeping in a Dwelling Unit or Rooming Unit.

OPENABLE AREA – means the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR – means any Person having charge, care, management or control of any Dwelling or part of it, in which Dwelling Units or Rooming Units are let.

OTHER DEVICE APPROVED BY THE BOROUGH AS AFFORDING ADEQUATE VENTILATION – means a device which is capable of changing the air content of the room or rooms not less than six times per hour, and which will have such protective screening or similar safety devices as to prevent injury to Persons who may occupy the room.

OWNER – means any Person who, alone, jointly or severally with others, holds legal or equitable title to any Dwelling, Rooming House, Dwelling Unit or Rooming Unit. For the purposes of Section 18, Miscellaneous Provisions only, Owner shall include the record Owner of all real estate parcels located within the Borough, including parcels containing non-residential and commercial uses.

PERSON – means an individual, firm, corporation, association, or partnership.

PLUMBING OR PLUMBING FIXTURES – include water-heating facilities, water pipes, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and other similar Supplied fixtures, together with all connections to water or sewer lines.

PLUMBING CODE – means the statutes of the Commonwealth of Pennsylvania and Borough Ordinances providing rules and regulations and requirements for the construction of plumbing house drainage and cesspools, sanitary sewers and any re-enactments, supplements, and amendments thereto.

PREMISES – means a lot, plot, or parcel of land including the buildings and structures thereon.

PROPERLY CONNECTED – means connected in accordance with the requirements of the Plumbing Code.

RENTAL PROPERTY – means any Dwelling in which all or some of said dwelling is let to a Tenant or Tenants.

ROOMING HOUSE – means any Dwelling, or part thereof containing one or more Rooming Units, in which space is let to three or more Persons. “Rooming House” includes, but is not limited to, hotels, lodging houses, convalescent homes, boarding homes for the aged, foster homes, and other similar establishments.

ROOMING UNIT – means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

SINGLE-FAMILY DWELLING – means a building or structure, except Temporary Housing, constructed, erected, altered, designed, used or intended for use, in whole or in part for human habitation, of a single individual or family, excepting therefrom that part of the building occupied as professional or business offices.

SUPPLIED – means installed, furnished, or provided by the Owner or Operator at his expense.

TEMPORARY HOUSING – means any tent, trailer, or other structure used for human shelter which is designed to be transportable and is not attached to the ground, to another structure, or to any utilities systems on the same Premises for more than thirty (30) consecutive days.

TENANT – means any Person other than the Owner who occupies, resides, or is entitled to occupy or reside in any Dwelling or Dwelling Unit, with the permission, express or implied, of the Owner or Operator of such a Dwelling or Dwelling Unit, regardless of whether there is any written or verbal lease therefor or no lease, and regardless of whether such Person pays any rent or other compensation or consideration to the Owner or Operator of such Dwelling or Dwelling Unit for the occupancy or right to occupy or reside in such Dwelling or Dwelling Unit.

TWO-FAMILY DWELLING – means any Dwelling containing two Dwelling Units.

UNFIT DWELLING – means a Dwelling Unit that constitutes 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 this Ordinance.

YARD – includes all ground, lawn, court, walk, driveway, or other open space constituting part of the same Premises as a Dwelling.

SECTION 2: Minimum Standards for Basic Equipment Facilities. No Person shall occupy as Owner-Operator or let to another for occupancy any Dwelling, Rooming House, Dwelling Unit, or Rooming Unit which does not comply with the following minimum standards for basic equipment and facilities.

1. Every Dwelling Unit except as otherwise permitted under subsection 4 hereof shall contain within its walls a room, separate from the Habitable Rooms, which affords privacy and which is equipped with a flush toilet.

2. Every Dwelling Unit except as otherwise permitted under subsection 4 hereof shall contain within its walls a lavatory basin located in the same room as the required flush toilet.

3. Every Dwelling Unit except as otherwise permitted under subsection 4 hereof shall contain within its walls a room, separate from the Habitable Rooms, which affords privacy to a Person in the room and which is equipped with a bathtub or shower.

4. Bathrooms:

A. The Occupants of not more than one Dwelling Unit located in the Dwelling shall share the use of a single flush toilet, a single lavatory basin, and a single bathtub or shower.

B. The flush toilet and lavatory basin shall be within a room, separate from the Habitable Rooms, which affords privacy and which is accessible to the Occupants of the Dwelling Unit without going through the Dwelling Unit of another Person or Persons or outside the Dwelling Unit.

C. The bathtub or shower shall be within a room, separate and apart from the Habitable Rooms, which affords privacy and which is accessible to the Occupants of the Dwelling Unit without going through the Dwelling Unit of another Person or Persons or outside the Dwelling Unit.

D. Provided it meets all other requirements of this subsection 4, a bathroom may contain interior doors separating the lavatory basin, bathtub or shower, or toilet from each other. By way of example, a bathroom may separate with a door the lavatory basin from the shower and toilet, provided that the entire bathroom is within a room separate and apart from other Habitable Rooms of a Dwelling.

5. Every Dwelling Unit shall contain within its walls a kitchen sink.

6. Every kitchen sink, lavatory basin, and bathtub or shower required by this Ordinance shall be Properly Connected with both hot and cold water lines. The hot water lines shall be connected with Supplied water-heating facilities which are capable of heating water to such temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit even when heating facilities required by this Ordinance are not in operation.

7. All plumbing fixtures required by this Section shall be Properly Connected to an Approved water system and to an Approved Sewerage System.

8. Every Multi-family Dwelling shall have Approved Common Garbage Storage or Disposal Facilities.

SECTION 3: Minimum Standards for Light, Ventilation, and Heating. No Person shall occupy as Owner-Operator or let to another for occupancy any Dwelling, Rooming House, Dwelling Unit, or Rooming Unit which does not comply with the following minimum standards for light, ventilation, and heating.

1. Every Habitable Room shall have at least one window which can be easily opened and which faces directly to the outdoors that has an Openable Area of at least 24 inches on each side.

2. Every bathroom and toilet compartment shall have at least one window facing to the outdoors except where there is Supplied some Other Device Approved by the Borough Affording Adequate Ventilation.

3. Whenever a window of a room faces a wall or other portion of any abutting structure which is located less than three feet from the window and extends to a level above that of the ceiling of the room, the window shall not be counted as complying with Section 3.1 above.

4. A skylight-type window is a window for the purpose of this Section except in the case of a kitchen with more than eighty square feet in floor area, a living room or a sleeping room.

5. Every public hall and stairway in every Two-family Dwelling, Multi-family Dwelling and Rooming House shall be Adequately Lighted at all times except in a Two-family Dwelling an adequate lighting system which may be turned on when needed by Conveniently Located Light Switches shall be permitted instead of a full-time lighting system. Every public hall and stairway in every Two-family Dwelling, Multi-family Dwelling, and Rooming House shall be adequately ventilated.

6. Every Dwelling within three hundred feet of a power line shall be Supplied with electricity. Within such Dwelling:

A. Every Habitable Room shall contain at least two separate wall-mounted duplex electric convenience outlets, or one such convenience outlet and one Supplied ceiling type electric fixtures;

B. Every toilet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one Supplied ceiling or wall-type electric light fixture, and every bathroom shall contain at least one Ground Fault Circuit Interrupter duplex receptacle which items shall be properly installed and maintained in good and safe working condition;

C. Every outlet and fixture shall be properly installed and maintained in good and safe working condition; and

D. Every kitchen shall contain at least three separate wall-mounted duplex electric convenience outlets, or two such convenience outlets and one Supplied ceiling type electric light fixture. Any outlet that is within six (6) feet of a faucet shall be equipped with a Ground Fault Circuit Interrupter.

7. Every Dwelling shall have heating facilities which are capable of safely and adequately heating all Habitable Rooms, bathrooms, and toilet compartments within its walls to a temperature of at least seventy degrees Fahrenheit when the outside temperature is ten degrees Fahrenheit. Portable heating equipment employing flame does not meet this standard and are prohibited. The use of gasoline in any type of heating equipment is prohibited.

8. Every permanent space heater shall have a suitable fire resistant panel beneath it, and if located within two feet of any wall or partition shall be equipped with insulation sufficient to prevent overheating of the wall or partition.

9. Every permanent space heater shall be properly vented to a chimney or duct leading to outdoors unless the heater is designed so as not to need vented to the outdoors.

SECTION 4: Minimum Standards for Safety from Fire. No Person shall occupy as Owner-Operator or let to another for occupancy any Dwelling, Rooming House, Dwelling Unit or Rooming Unit which does not comply with the following standards for safety from fire.

1. No Dwelling Unit or Rooming Unit shall be located within a building containing any establishment handling, dispensing, storing flammable liquids, unless separate means of egress is provided and maintained for any such Dwelling Unit or Rooming Unit.

2. Every Dwelling Unit and every Rooming Unit shall have a means of egress leading to safe and open space at ground level.

3. No storage room or storage locker in the Dwelling Unit or Rooming Unit shall be used for storage of junk or rubbish.

4. Each floor of every Dwelling Unit and Rooming Unit shall contain at least one smoke detector and, if the Dwelling Unit or Rooming Unit is heated by way of a fossil fuel source of heat, one carbon monoxide detector.

5. There shall be at least two means of egress from each story above the second story of every Multi-family Dwelling and of every Rooming House if the Dwelling is three or more stories in height, all of which means of egress shall be of a permanent nature and structure for all

newly constructed Multi-family Dwellings and newly constructed Rooming Houses, and for all Dwellings hereafter converted to Multi-family Dwellings and/or Rooming Houses, and temporary means of egress such as ropes, ladders, chain ladders, and other items not of a permanent nature and structure, shall not qualify as a means of egress; provided, however, that all existing Multi-family Dwellings and all existing Rooming Houses may have temporary means of egress such as ropes, ladders, chain ladders, and other items not of a permanent structure, as a second means of egress from each story above the second story. Any Basement used as a Dwelling Unit shall not count as a story for the purpose of this Section.

6. Every Multi-family Dwelling and every Rooming House in any three-story building which have Habitable Rooms on such third story, except where the use of the third story for Dwelling purposes is prohibited by this Ordinance or by law, shall have two means of egress from such third story except that one means of egress only may be provided if such means of egress is a stairway fully enclosed with materials of fire resistance at least equivalent to that of the remainder of the Dwelling and equipped with one self-closing fire door. Any Basement used as a Dwelling Unit shall not count as a story for the purpose of this Section.

7. If a Basement has been made into a Habitable Room or Rooms, then said Basement shall not be used for sleeping purposes unless the Basement contains at least two (2) means of egress.

8. Except for steps in aisles, stairs shall have walls or well-secured balustrades or guards on both sides.

9. Such stairs when less than forty-four inches in width shall have handrails on at least one side.

10. Such stairs when required to be forty-four inches or more in width shall have handrails on both sides.

11. When the required width of a flight of stairs is eighty-eight inches or more, intermediate handrails continuous between landing and securely supported shall be provided so that there will not be more than sixty-six inches between adjacent handrails.

12. All Dwellings, Rooming Houses, Dwelling Units, or Rooming Units that are equipped with a gas or electric clothes dryer must be vented with a UL Safety Listed metal hose.

SECTION 5: Minimum Standards for Space, Use, and Location. No Person shall occupy or let to another for occupancy any Dwelling, Rooming House, Dwelling Unit, or Rooming Unit which does not comply with the following minimum standards for space, use, and location.

1. Every Dwelling Unit shall contain at least one hundred fifty square feet of habitable floor area for the first Occupant, at least one hundred square feet of additional habitable floor area for each of the next three Occupants, and at least seventy-five square feet of additional habitable floor area for each additional Occupant.

2. In every Dwelling Unit and in every Rooming Unit, every room occupied for sleeping purposes by one Occupant shall contain at least seventy square feet of floor area, and

every room occupied for sleeping purposes by more than one Occupant shall contain at least fifty square feet of floor area for each Occupant twelve years of age and over and at least thirty-five square feet of floor area for each Occupant under twelve years of age.

3. Floor area shall be calculated on the basis of Habitable Room area. However, closet area and hall area within the Dwelling Unit, where provided, may count for not more than ten percent of the required habitable floor area. At least one-half of the floor area of every Habitable Room shall have a ceiling height of at least seven feet; and the floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

4. No Cellar shall be used for living purposes.

5. For the purposes of this Section a Person under one year of age shall not be counted as an Occupant.

6. It has been found that healthful and sanitary conditions in relation to space, use, and location generally prevail in Owner-occupied Single-family Dwellings occupied by one family only. Therefore, the provisions of subsections 1, 2, 3, and 4 hereof shall not be applicable to Owner-occupied Single-family Dwellings occupied by one family only. For the purpose of this subsection, a "Single-family Dwelling" means a Dwelling containing no more than one Dwelling Unit.

7. No Basement (or Cellar, if applicable) shall be used for living purposes unless:

A. The floors and walls are substantially watertight.

B. The total window area, total Openable Area, and ceiling height are in accordance with this Ordinance.

C. The required minimum window area of every Habitable Room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

SECTION 6: Minimum Standards for Safe and Sanitary Maintenance. No Person shall occupy as Owner-Operator or let to another for occupancy any Dwelling, Rooming House, Dwelling Unit, or Rooming Unit which does not comply with the following minimum standards for safe and sanitary maintenance.

1. Every foundation, exterior wall, and exterior roof shall be substantially weather-tight, water-tight, and rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

2. Every floor, interior wall, and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every interior wall and ceiling shall be free of peeling or hanging paper and properly papered or printed.

3. Every window, interior and exterior door, and Basement or Cellar door and hatchway shall be substantially weather-tight, water-proof, and rodent-proof; and shall be kept in sound working condition and good repair; and shall be properly painted.

4. Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, shall be kept in sound condition and good repair, and shall be properly painted.

5. Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks, and obstructions and in accordance with the Plumbing Code.

6. Every toilet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept clean and in a sanitary condition.

7. Every Supplied facility, piece of equipment, or utility which is required under this article, and every chimney and smokepipe shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

8. Every Yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

9. All Dwellings shall be equipped with gutters and downspouts spilling water as directed by the Borough and shall be kept in sound condition and good repair.

10. Fences shall be maintained in sound condition and good repair. Fences shall be constructed of standard materials, preferably of wire mesh but not barbed wire, and not of shutters, odd doors, bedsprings, or other make-shift or temporary type construction, and shall not be over six feet (6') in height.

11. All accessory buildings located on the same lot, plot, parcel, or Premises as the Dwelling shall be kept in sound condition and good repair and shall be properly painted.

12. Every window, exterior door, and Basement hatchway or similar devices shall be kept rodent-proof and reasonably water-tight and weather-tight, and shall be kept in working condition and good repair.

A. During that portion of the year when there is need for protection against flying insects, every door opening directly from a Dwelling Unit to outside space shall have Supplied properly fitting screens having at least 16 mesh and a self-closing device; and every window or other device with openings to outdoor space used, or intended to be used, for ventilation, shall likewise be Supplied with screens, except that such screens shall not be required during such period:

i. In rooms deemed by the Borough to be located high enough in the upper stories of a building as to be free from such insects.

ii. In rooms located in areas which are deemed by the Borough to have so few insects as to render screens unnecessary.

B. Every window located at or near ground level used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be Supplied with adequate screen or such other devices as to effectively prevent their entrance.

13. All Dwellings, Dwelling Units, Rooming Houses, and Rooming Units shall be kept free of mold. The Borough or its representative shall be authorized to require Owners and/or Operators to test for and, if necessary to remediate, mold by a certified mold remediation specialist, if the Borough or its authorized representative reasonably believes that mold is present therein.

SECTION 7: Minimum Standards for Cooking Equipment. No Owner, Operator, or Occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards.

1. Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

2. Cooing equipment employing kerosene, naphtha, or gasoline as a fuel shall not be deemed safe.

3. Portable cooking equipment employing flame is prohibited.

SECTION 8: Responsibilities of Owners, Operators, and Occupants. Where in this article the obligation for observance is not otherwise clearly designated, the respective responsibility of Owner, Operator, and Occupant is as follows:

1. Every Occupant of a Dwelling, Dwelling Unit, or Rooming Unit shall maintain in a clean and sanitary condition that part of the Dwelling, Dwelling Unit, and Yard which he/she occupies and controls and shall be responsible for his own misuse of areas and facilities available in common.

2. Every Owner or Operator of a Two-family Dwelling, Multi-family Dwelling, or Rooming House shall maintain in a clean and sanitary condition the shared or public areas of the Dwelling and Yard.

3. Every Occupant of a Dwelling or Dwelling Unit shall dispose of all rubbish, ashes, Garbage, and other organic waste in a clean and sanitary manner by placing it in Approved storage of disposal facilities which are safe and sanitary. Every Occupant shall provide such facilities for and within his/her Dwelling Unit and shall maintain them in a clean and sanitary manner. The Owner or Operator of a Multi-family Dwelling shall be responsible further for placing out for collection all common Garbage and rubbish containers, except where such facilities are for the sole use of an Occupant, under which circumstances it shall be the responsibility of the Occupant to place these containers out for collection.

4. Every Owner or Operator of every Rooming House shall dispose of all rubbish in a clean and sanitary manner by placing it in Supplied and Approved storage or disposal facilities which are safe and sanitary.

5. Every Occupant of a Dwelling containing a single Dwelling Unit shall be responsible for the Extermination of any insects, rodents, or other pests in it or in the Yard. In a Two-family Dwelling or a Multi-family Dwelling the Occupant shall be responsible for such Extermination whenever his Dwelling Unit is the only one infested. When, however, Infestation is caused by failure of the Owner or Operator to maintain a Dwelling in a rodent-proof or substantially insect-proof condition, Extermination shall be the responsibility of the Owner or Operator. Such Extermination shall be certified by an Approved exterminator when requested by the Borough.

6. Every Owner or Operator shall be responsible for Extermination of any insects, rodents, or other pests whenever Infestation exists in two or more of the Dwelling Units in any Dwelling or in the shared or public areas of any Two-family Dwelling or any Multi-family Dwelling. Such Extermination shall be certified by an Approved exterminator when requested by the Borough.

7. Every Owner or Operator of a Rooming House shall be responsible for the Extermination of any insects, rodents, or other pests in it or in the Yard. Such Extermination shall be certified by an Approved exterminator when requested by the Borough.

8. Notwithstanding any other provision within this Ordinance regarding Infestation and/or Extermination, every Owner or Operator of a Tenant Occupied Single-family Dwelling, Multi-family Dwelling, or Rooming House or Rooming Unit may be required to supply to the Borough with a certification from a licensed pest-control company or service that the premises under the Owner or Operator's control has no Infestation of pests or has been treated to Exterminate the Infestation of pests if the Borough or its authorized representative has reason to believe that an Infestation of pests is present.

9. Every Occupant of a Dwelling Unit shall keep all Supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

10. During that time of the year when it is necessary, as determined by the Borough, every Owner or Operator of every Two-family Dwelling, Multi-family Dwelling, and Rooming House shall supply Adequate Heat to every Habitable Room therein except where there are separate heating facilities for each Dwelling Unit, which facilities are under the sole control of the Occupant of such Dwelling Unit.

11. Adequate Heat shall be Supplied continuously from October 1 to April 30, inclusive, and in addition thereto during the months of May or September, when the outside temperature falls below 60 degrees Fahrenheit.

12. No Owner, Operator, or Occupant shall cause any service equipment or utility which is required by this article to be removed, cut off or discontinued for any occupied Dwelling

lot or occupied Premises by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

13. Every Dwelling of six or more Dwelling Units in which the Owner or Operator does not reside shall have a janitor as deemed necessary by the Borough.

14. Any improvements made to Tenant Occupied Single-family Dwelling, Multi-family Dwelling, or Rooming House or Rooming Unit shall be made in conformity with the Uniform Construction Code, as amended from time to time.

15. A contract effective as between Owner and Operator, Operator and Occupant, or Owner and Occupant, with regard to compliance hereunder shall not relieve any party of his/her direct responsibility under this article.

16. Every Owner or Operator shall advise the Occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of Occupants permitted in the occupied Premises under this article.

SECTION 9: Minimum Standards for Rooming Houses. No Person shall operate a Rooming House or let to another for occupancy any Rooming Unit unless such Rooming House or Rooming Unit complies with the following minimum standards:

1. Every Rooming House and every Rooming Unit shall be in compliance with the minimum standards set forth by the following sections of this Ordinance: Section 2 relative to hot and cold water lines, water heating facilities and continuation of service; Section 3 relative to light, ventilation, and heating; Section 4 relative to safety from fire; Section 5 relative to space, use, and location; Section 6 relative to safe and sanitary maintenance; and subsections of Section 8 which set forth responsibilities of an Owner or Operator of a Rooming House.

2. Every Rooming House shall be equipped with at least one flush toilet, one lavatory basin, and one bathtub or shower for each six Persons or fraction thereof within the Rooming House, including members of the family of the Owner or Operator if they share the use of the facilities. All such facilities shall be Properly Connected to water and sewerage systems. No such facilities located in a Basement or Cellar shall count in computing the number of facilities required by this subsection except when Approved by the Borough.

3. Every flush toilet, flush urinal, lavatory basin, and bathtub or shower required by subsection 2 hereof shall be located within the Rooming House in a room or rooms which:

- A. Afford privacy and are separate from the Habitable Rooms;
- B. Are accessible from a common hall and without going outside the Rooming House; and
- C. Are not more than one story removed from the Rooming Unit of any Occupant intended to share the facilities.

4. Where bedding, bed linen, or towels are Supplied, the Owner or Operator shall maintain the bedding in a clean and sanitary manner and shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any Occupant.

SECTION 10: Licensing of Rooming Houses.

1. No Person shall operate a Rooming House without first obtaining from the Borough a license to operate such a Rooming House.

2. Every Person applying for a license shall supply such information as the Borough requires and shall pay an annual license fee for each Rooming Unit within such Rooming House. An annual inspection fee shall also be charged. Such fees shall be set by Resolution of the Borough.

However, where the Owner occupies a Rooming Unit therein, a license fee need not be paid on the Owner-occupied unit during such occupancy. All Rooming Units shall be inspected by the Borough on a regular basis at least once in every 12 month period to guarantee that no violations of the Ordinance are in existence, unless at the discretion the Code Enforcement Officer, it is determined that the annual inspection is not necessary. Notwithstanding the foregoing, each Rooming Unit shall be inspected at least once in every 24 month period.

3. The Borough shall, upon the receipt of an application for a license, immediately inspect the Rooming House, and if the Rooming House is in compliance with this Ordinance, the Borough shall issue the license applied for.

4. If the Rooming House is not in compliance with this Ordinance the Borough shall notify the applicant in writing and shall specify the non-compliance advising the applicant of the changes necessary to constitute compliance with this Ordinance. Upon the completion of such changes, the Borough shall issue the license applied for.

5. Every license shall specify the maximum number of Occupants allowed to occupy the Rooming House.

6. Every license shall be displayed in a conspicuous place within the Rooming House.

7. Every Rooming House license or permit granted hereunder shall terminate on the last day of the calendar year in which it was issued, unless sooner revoked.

8. No license required by this section shall be transferable unless the new Owner or Operator shall give notice in writing to the Borough within ten days after the transfer in any manner or Ownership or control of the interest in such Rooming House. Such notice shall include the name and address of the Person succeeding the Ownership or control.

9. Whenever the Borough determines that there exists any violation of this Ordinance, in addition to the enforcement provisions of Section 19 below, it shall serve notice as provided in this Ordinance and may notify the Owner Operator in writing that unless the notice of the violation

is complied with, the Rooming House license may be revoked. After the expiration of the time for compliance as stated on the notice of violation, a re-inspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Borough may revoke the Rooming House license and in such event shall serve written notice upon the Owner or Operator of such action.

10. Any Person whose Rooming House license has been revoked or whose application for a license to operate a Rooming House has been denied, may appeal to the Borough Council by submitting a written request to the Council for reinstatement of the license.

SECTION 11: Licensing of Multi-Family Dwellings.

1. No Person shall operate a Multi-family Dwelling without first obtaining from the Borough a license to operate such a Multi-family Dwelling.

2. Every Person applying for a license shall supply such information as the Borough requires and shall pay an annual license fee for each Dwelling Unit within such Multi-family Dwelling. An annual inspection fee shall also be charged. Such fees shall be set by Resolution of the Borough.

However, where the Owner occupies a Dwelling Unit therein, a license fee need not be paid on the Owner-occupied unit during such occupancy. All Multi-family Dwellings with rental units shall be inspected by the Borough on a regular basis at least once in every 12 month period to guarantee that no violations of the Ordinance are in existence, unless at the discretion the Code Enforcement Officer, it is determined that the annual inspection is not necessary. Notwithstanding the foregoing, each Multi-family Dwelling with rental units shall be inspected at least once in every 24 month period.

3. The Borough shall, upon the receipt of an application for a license, immediately inspect the Multi-family Dwelling, and if the Multi-family Dwelling is in compliance with this Ordinance, the Borough shall issue the license applied for.

4. If the Multi-family Dwelling is not in compliance with this Ordinance the Borough shall notify the applicant in writing and shall specify the non-compliance advising the applicant of the changes necessary to constitute compliance with this Ordinance. Upon the completion of such changes, the Borough shall issue the license applied for.

5. Every license shall specify the maximum number of Occupants allowed to occupy the Multi-family Dwelling.

6. Every license shall be displayed in a conspicuous place within the Multi-family Dwelling.

7. Every Multi-family Dwelling license or permit granted hereunder shall terminate on the last day of the calendar year in which it was issued, unless sooner revoked.

8. No license required by this section shall be transferable unless the new Owner or Operator shall give notice in writing to the Borough within ten days after the transfer in any manner or Ownership or control of the interest in such Multi-family Dwelling. Such notice shall include the name and address of the Person succeeding the Ownership or control.

9. Whenever the Borough determines that there exists any violation of this Ordinance, in addition to the enforcement provisions of Section 19 below, it shall serve notice as provided in this Ordinance and may notify the Owner Operator in writing that unless the notice of the violation is complied with, the Multi-family Dwelling license may be revoked. After the expiration of the time for compliance as stated on the notice of violation, a re-inspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Borough may revoke the Multi-family Dwelling license and in such event shall serve written notice upon the Owner or Operator of such action.

10. Any Person whose Multi-family Dwelling license has been revoked or whose application for a license to operate a Multi-family Dwelling has been denied, may appeal to the Borough Council by submitting a written request to the Council for reinstatement of the license.

SECTION 12: Licensing of Tenant Occupied Single-Family Dwellings.

1. No Person shall operate a Tenant occupied Single-family Dwelling without first obtaining from the Borough a license to operate such a Tenant occupied Single-family Dwelling.

2. Every Person applying for a license shall supply such information as the Borough requires and shall pay an annual license fee for each license. An annual inspection fee shall also be charged. Such fees shall be set by Resolution of the Borough. Every Tenant occupied Single-family Dwelling shall be inspected by the Borough on a regular rotating basis at least once in every 12 month period to guarantee that no violations of this Ordinance are in existence, unless at the discretion the Code Enforcement Officer, it is determined that the annual inspection is not necessary. Notwithstanding the foregoing, each Tenant occupied Single-family Dwelling shall be inspected at least once in every 24 month period.

3. The Borough shall, upon the receipt of an application and fee for a license, immediately inspect the Tenant occupied Single-family Dwelling and if the Tenant occupied Single-family Dwelling is in compliance with this Ordinance, the Borough shall issue the license.

4. If the Tenant occupied Single-family Dwelling is not in compliance with this Ordinance the Borough shall notify the applicant in writing and shall specify the non-compliance advising the applicant of the changes necessary to constitute compliance with this Ordinance. Upon the completion of such changes, the Borough shall issue the license applied for.

5. Every license shall specify the maximum number of Occupants allowed to occupy the Tenant occupied Single-family Dwelling.

6. Every license shall be displayed in a conspicuous place within the Tenant occupied Single-family Dwelling.

7. Every Tenant occupied Single-family Dwelling license or permit granted hereunder shall terminate on the last day of the calendar year in which it was issued, unless sooner revoked.

8. No license required by this section shall be transferable unless the new Owner or Operator shall give notice in writing to the Borough within ten days after the transfer in any manner or Ownership or control of the interest in such Tenant occupied Single-family Dwelling. Such notice shall include the name and address of the Person succeeding the Ownership or control.

9. Whenever the Borough determines that there exists any violation of this Ordinance, in addition to the enforcement provisions of Section 19 below, it shall serve notice as provided in this Ordinance and may notify the Owner Operator in writing that unless the notice of the violation is complied with, the Tenant occupied Single-family Dwelling license may be revoked. After the expiration of the time for compliance as stated on the notice of violation, a re-inspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Borough may revoke the Tenant occupied Single-family Dwelling license and in such event shall serve written notice upon the Owner or Operator of such action.

10. Any Person whose Tenant occupied Single-family Dwelling license has been revoked or whose application for a license to operate a Tenant occupied Single-family Dwelling has been denied, may appeal to the Borough Council by submitting a written request to the Council for reinstatement of the license.

SECTION 13. Inspection and Access to Dwelling; Fee.

1. The Borough is authorized and directed to make inspections at any reasonable hour to determine compliance with this Ordinance. For this purpose, the Borough, its officers or representatives are authorized to enter and examine any Dwelling, Yard, or part of either and every Owner, Operator, or Occupant shall give the Borough, its officers or representatives free access to it. Inspection may be postponed by the Borough due to illness of one or more Occupants of the Premises or other emergency.

2. Every Occupant of a Dwelling, Dwelling Unit, or a Rooming Unit shall grant to the Owner or Operator thereof or his agent or employee, or any Person with whom the Borough has contracted under this Ordinance free access to it at all reasonable times for the purpose of making repairs or alterations to affect compliance with this Ordinance and with any notice or order issued under this Ordinance.

3. Whenever the Owner, mortgagee, purchaser, or other interested party requests a special inspection of a specified property or certification that a specified property is in compliance with this Ordinance or other applicable Borough ordinances pertaining to the structural condition of such properties when such 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 Borough to defray the expenses of making such inspection. Such fee shall be set by Resolution of the Borough.

SECTION 14: Designation of Dwellings Unfit for Human Habitation.

1. Whenever the Borough finds that any Dwelling or Dwelling Unit constitutes a serious hazard to the health or safety of the Occupants or to the public because it is dilapidated, unsanitary, vermin-infested, or lacking in the facilities and equipment required by this Ordinance and any amendments hereto, it shall designate such Dwelling or Dwelling Unit as unfit for human habitation. Such designation shall be posted on the Dwelling or Dwelling Unit and shall specify the reason. No Person shall remove such notice except as provided in subsection 14.2 hereof.

2. Any Dwelling or Dwelling Unit so designated as unfit for human habitation shall be vacated immediately and shall not again be used for human habitation until the hazard has been eliminated and the Borough has removed the designation and given written approval for occupancy.

3. Any Person aggrieved by a designation of unfitness for human habitation may appeal to the Borough Council by submitting a written request to the Council for issuance of a certificate of occupancy. The Borough may, by Resolution, set a reasonable fee for initiating an appeal. Said fee shall be refunded only if the Borough overrules the determination of the Code Enforcement Officer that the Dwelling or Dwelling Unit is unfit for human habitation. The hearing shall commence no later than thirty (30) days after the petition was filed, unless postponed for sufficient cause. After such hearing, the Borough Council shall sustain, modify, or overrule the action of the Code Enforcement Officer.

SECTION 15: Regulations and Fees by Borough; Grading or Points System. The Borough is authorized to make, by way of Resolution, regulations from time-to-time as may be appropriate to effectuate the administration and enforcement of this Ordinance, including setting the fees authorized herein. The Borough is further authorized to modify by Resolution any fees or fines contained within this Ordinance. Said Resolutions may include, without limitation, the adoption of a fee schedule pursuant to this Ordinance. The Borough may implement a grading or points system for determining compliance with this Ordinance and fitness of any Dwelling or Dwelling Unit for habitation.

SECTION 16: Conflict of Ordinances.

1. In any case where a provision of this Ordinance is found to be in conflict with a provision of any Borough zoning, building, fire, safety, or health ordinance, or law, rule, or regulation of the Commonwealth of Pennsylvania, 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 Borough ordinance or code or law, rule, or regulation of the Commonwealth of Pennsylvania which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance 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 Ordinance.

2. Notwithstanding the foregoing subsection 16.1, the Building Regulations of the Pennsylvania Uniform Construction Code and International Residential Fire Code shall take

precedence over the provisions of this Ordinance where they are applicable. Nothing herein shall be deemed to waive the Borough's rights of enforcement under the Pennsylvania Uniform Construction Code. All other regulations of such Borough shall be complied with where they are applicable.

SECTION 17: Payment and Enforcement of Collection and Fees.

1. All fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Borough. 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 Borough in advance not later than the first Monday of January of the year for which it is issued. The Borough may by resolution establish late fees for annual license renewals not paid by the due date.

2. All fees and charges for licenses or permits due and unpaid under this article, shall be recoverable by the Borough, including the Borough solicitor, as other debts due the Borough are now by law recoverable, together with all costs and expenses of collection incurred by the Borough, including without limitation, all attorney fees.

3. All fees and charges for licenses or permits may be periodically reviewed and changed by resolution of the Borough.

4. All Rental Properties shall pay the annual license and permit fees regardless of occupancy.

SECTION 18: Miscellaneous Provisions.

1. Notwithstanding the limitations of any other sections of this Ordinance, the provisions this Section 18 apply to all properties within the Borough, including commercial and non-residential properties.

2. As an Owner or Operator within the Borough, it shall be the duty of each Owner or Operator to maintain his/her property to minimum acceptable standards. Thus, it shall be unlawful for an Owner or Operator to act or fail to act in such a way as to cause or permit to be caused conditions resulting in a property falling below the minimum acceptable standard.

3. The following acts, omissions, places, conditions, and things are hereby prohibited:

A. The erecting, creating, maintaining, using, placing, causing, depositing, leaving, or permitting to be left in or upon any private lot, building, structure, Dwelling, or Premises in the Borough any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions, or things, as follows:

i. Filthy, littered, or trash covered Cellars, Basements, Yards (including Premises of commercial and non-residential properties), vacant areas behind stores, vacant lots, Dwellings, or other buildings (including, without limitation, sheds, detached garages, etc.).

ii. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of state laws or local ordinances.

iii. Metal cans; glass or plastic bottles; ashes; small pieces of scrap iron; wire metal articles; broken stone, cement, concrete, ceramics, glass, or plaster; and all such trash or abandoned material, unless the same is kept in covered bins or receptacles Approved by the Borough.

iv. Trash; litter; rags; accumulation of empty barrels, boxes, crates, or packing crates; mattresses; bedding; packaging materials such as foam peanuts, bubble wrap, straw, or hay; lumber not neatly piled; scrap metal not neatly piled; or anything in which flies or rats may breed or multiply or which may be a fire danger, and unused and discarded household goods and appliances.

v. Any unsightly building, billboards, or other structures, or any abandoned or partly destroyed Dwelling, building, or structure, including permitting any buildings, structures, Dwellings, or parts thereof to fall into significant disrepair. Such unsightly structures shall include causing or permitting graffiti to remain on said structures.

vi. Any and all places used or maintained as junk yards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or other machinery of any kind, or for the storing or leaving of wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other Persons which such places are kept so as to interfere with the comfortable enjoyment of life or property of others, except as permitted under other Borough ordinances. This prohibition includes, without limitation, parking unregistered or uninspected automobiles, trucks, motorcycles, etc., on the street adjacent to or on the Owner's or Operator's property outside of an enclosed garage, shed, or the like.

vii. Permitting any bushes, trees, or other plants to grow upon such Premises so as to encroach upon adjoining properties or to impede and/or obstruct the view of pedestrians or vehicles or impede or obstruct pedestrians' or vehicles' passage along streets or sidewalks.

viii. Permitting any weeds, grass, or plants other than trees, bushes, shrubs, flowers, or other ornamental plants, to grow to a height exceeding 6 inches, provided, however, that vegetation which has been planted and is raised for food shall not be included in the above height restriction.

B. The failure to remove snow, slush, or ice from sidewalks on or abutting the Premises within 24 hours after a snow storm or weather event ceases which causes the buildup of snow, slush, or ice on the sidewalk. "Removal" for the purposes of this subsection 18.3.B means that the sidewalk will be substantially free of snow, slush, and ice

for the entire length of the sidewalk which is on or abuts the Premises that such Owner or Occupier may have in possession or occupancy. Further, Owners and Operators are required to keep gutters on or abutting the Premises open at all times. Notwithstanding any other provisions in this Ordinance, no notice shall be required from or on behalf of the Borough nor appeal permitted under subsections 19.1 & 19.2 below prior to the issuance of a citation under this subsection 18.3.B. Enforcement and penalties under this subsection shall be subject to subsections 19.4-19.7.

SECTION 19: Enforcement and Penalties. The Borough's Code Enforcement Officer is authorized to make an initial determination of a violation of this Ordinance, and to enforce the provisions of this Ordinance. Further, the Code Enforcement Officer 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 their authorization hereunder, have the powers of a police officer of the Borough provided, however, that under no circumstances shall he have the power of arrest. Enforcement of this Ordinance shall be subject to the following procedure:

1. Whenever a violation of this Ordinance is determined to exist, the Code Enforcement Officer or his/her designee shall notify, in writing, the Owner of the property on which such violation(s) exist(s) and/or the Person which has created, maintained, or caused such violation(s) that such violation(s) must be removed and abated within a reasonable time from the date of such notice, not to exceed 30 days. Said notice shall also include a description of the alleged violation(s), including a reference to the applicable section(s) of this Ordinance.

2. Appeal to Borough Council. Any person receiving notice of violation(s) under this Ordinance, may within ten (10) days of receiving said notice, file with the Borough Council a written petition requesting a hearing and setting forth a brief statement of the grounds for which he/she disputed the alleged violation(s). The Borough may, by Resolution, set a reasonable fee for initiating an appeal. Said fee shall be refunded only if the Borough overrules the determination of the Code Enforcement Officer. The hearing shall commence no later than thirty (30) days after the petition was filed, unless postponed for sufficient cause. After such hearing, the Borough Council shall sustain, modify, or overrule the action of the Code Enforcement Officer. If the Borough Council sustains in any part the action of the Code Enforcement Officer, the Borough Council shall include in its determination a reasonable date certain for which the violation(s) shall be abated or removed. The Borough may, at its sole discretion, designate a hearing officer to conduct the hearing and issue the determination provided for herein.

3. At the end of the period of time allowed for the abatement and removal of the violation(s) alleged, the Code Enforcement Officer shall reinspect the property described in the notice. If the violation(s) still exist, then the Borough may proceed as set forth in Section 19.4 below.

4. In the event such violation is not removed and abated within the time period set forth in the written notice or set forth following the determination of an appeal to Borough Council, the Borough may proceed with all remedies available with respect to such property violations, including, but not limited to:

A. Initiate proceedings before the Magisterial District Judge. Any Person which shall violate any of the provisions of this Ordinance shall, upon conviction before any Magisterial District Judge, be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) or more than One Thousand Dollars (\$1,000.00), plus the costs of prosecution, including reasonable attorney's fees, and in default of payment of such fine and costs, to undergo imprisonment in the York County Prison for a period of not to exceed 90 days. Each day that a violation exists shall constitute a separate violation under this Section 19.

B. File a Petition with the Court of Common Pleas of York County, Pennsylvania, requesting an order for the abatement and removal of the violation(s).

C. Abate and/or remove the violation, with all of the costs and expenses involved to do so being the responsibility of the Owner of the property on which the violation existed and/or the Person which created, maintained, or caused such violation.

The remedies listed above are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Borough to seek cumulative remedies.

5. Abatement and Removal by the Borough of Violation. As set forth generally above, if an Owner fails to abate or remove a violation of this Ordinance within the time prescribed by the notice of violation, the Borough may abate or remove the violation. If the Borough chooses to abate or remove violations under this Ordinance, then it shall provide to the Owner within 30 days after abatement or removal of the violation the cost of same, including attorney fees and administrative costs. If the amount due is not paid within ten (10) days of delivery of the invoice for costs, the charges shall become a special assessment against the property and shall constitute a municipal lien on the property for the amount of the assessment.

6. The Borough may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Ordinance, either criminal or civil, including as appropriate, costs of investigation.

7. Upon the occurrence of a second (or more) violation of this Ordinance within the same calendar year as the first notice, the Borough is under no obligation to provide to the Owner or Operator a formal notice of violation prior to commencing enforcement proceedings against the Owner or Operator.

8. The Code Enforcement Officer may determine that a violation exists under this Ordinance such that a Dwelling or portion thereof is unsafe as set forth in 34 Pa. Code § 403.84(a). The Code Enforcement Officer shall order the Dwelling to be immediately vacated and serve and post notice, pursuant to the provisions 34 Pa. Code § 403.84(b-e).

SECTION 20: Validity. In the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair the remaining provisions, sections, clauses or parts of this ordinance, and all of such remaining provisions shall be and shall remain in full force and effect.


SECTION 21: Repealer. All ordinances or parts of ordinances dealing with property maintenance, snow removal, or otherwise conflicting with the provisions of this ordinance, are hereby repealed insofar as they are inconsistent with this ordinance.

SECTION 22: Effective Date. This ordinance shall take effect immediately in accordance with law.

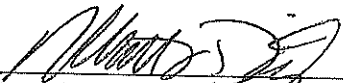
Enacted and Ordained by the Borough of Windsor, York County, Pennsylvania, this 4th day of December, 2017.

ATTEST:

WINDSOR BOROUGH COUNCIL



Donna J. Martin, Secretary



Matthew L. Dietz, President

Approved this 4th day of December, 2017



Larry Markel, Mayor