

ORDINANCE NO. 463

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MANSFIELD, TIOGA COUNTY PENNSYLVANIA BY DELETING AND REPEALING CHAPTER 120 "PROPERTY MAINTENANCE OF EXISTING DWELLINGS, INCLUDING NON OWNER OCCUPIED RESIDENTIAL UNITS" REPLACING IT WITH A NEW CHAPTER 120" TO BE ENTITLED "PROPERTY MAINTENANCE OF EXISTING DWELLINGS, INCLUDING NON OWNER OCCUPIED RESIDENTIAL UNITS" ESTABLISHING THE MINIMUM REGULATIONS 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: THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES: IMPOSING DUTIES ON OWNERS AND TENANTS OF NON-OWNER OCCUPIED RESIDENTIAL UNITS, THE APPOINTMENT OF A MANAGING AGENT FOR AND LICENSING AND INSPECTION OF NON-OWNER OCCUPIED RESIDENTIAL UNITS.

BE IT ORDAINED by the Borough Council of the Borough of Mansfield as follow:

Section 1. The code of the Borough of Mansfield is hereby amended by adding thereto a new Chapter to be Chapter 120 Property Maintenance of Existing Structures, to read as follows:

120-1 ADOPTION OF STANDARDS.

A certain document, three (3) copies of which are on file in the office of the Borough Secretary of the Borough of Mansfield, being marked and designated as "the International Property Maintenance Code, 2012" as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code for the Borough of Mansfield, in the Commonwealth of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed in section 3 of this ordinance.

120-2 INCONSISTENT ORDINANCES REPEALED.

Ordinances No. 422, adopted January 1, 2005; dealing with property maintenance and non-owner occupied rental units and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

120-3 ADDITIONS, INSERTIONS AND CHANGES.

- The International Property Maintenance Code is amended and revised in the following respects:
- A. In Section 101.1: insert "the Borough of Mansfield."
 - B. In Section 103.5: insert "As set by the Council of the Borough of Mansfield."
 - B. In Section 302.4: insert "eight inches".
 - C. In Section 303.14: insert "May 1 to October 1."
 - D. Section 307 is changed to read as follows:

307 Stairways, handrails and guards: Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards and a handrail on at least one side. Guards shall not be less than 36 inches (914 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. Horizontal spacing between the vertical members in required guardrails shall be a maximum of 4 inches at the nearest point between the members in accordance with the requirements of the Building Code as listed in chapter 8. Handrails shall not be less than 34 inches (864 mm) nor more than 38 inches (965 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. The hand grip portion of handrails shall not be less than 1 1/4 inches nor more than 2 inches in cross sectional dimension or the shape shall provide equivalent graspability. The top of a guardrail may serve as a handrail provided it meets the handrail requirements.

E. In Section 602.3: insert "October 1 to May 1."

F. In Section 602.4: insert "October 1 to May 1."

G. Section 404.3 Minimum Ceiling Heights is amended to add Exception 4. As follows
4. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet room, and habitable basement areas, in units in existence prior to the adoption of this code, shall maintain the existing ceiling height. Where the clear ceiling height is less than seven (7) feet (2134mm), the following conditions shall apply and be maintained:
(1) All projections below the average clear ceiling height shall be relocated or removed,
(2) No further reduction to the ceiling height shall be permitted
(3) A conversion of a single family dwelling to a multi-family dwelling shall necessitate compliance with the Building Code of the Borough then in existence for all dwelling units.
(4) Habitable space existing in basements shall meet all Means of egress, Light/Ventilation and Occupancy requirements of this code.

H. Section 605.2 is amended to read as follows:

605.2 Receptacles Every habitable space in a dwelling shall contain at least two separate and remote outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Every bathroom or kitchen receptacle that exists within six (6) feet of a tub, shower or sink shall be Ground Fault Circuit Interrupter (GFCI) protected.

I. Chapter 9 is added as follows:

CHAPTER 9

NON-OWNER OCCUPIED RESIDENTIAL UNITS

SECTION PM-901.0 PURPOSE AND SCOPE

PM 901.1 General: It is the further purpose of this Chapter and the policy of the Council of the Borough of Mansfield, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of Owners and Occupants relating to Non-owner occupied rental units in the Borough of Mansfield and to encourage Owners and Occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that Owners, Managers and Occupants share responsibilities to obey the various Codes adopted to protect and promote public health, safety and welfare. As means to those ends, this Chapter provides for a system of inspections; issuance and renewal of rental licenses; and sets penalties for violations. This Chapter shall be liberally construed and applied to promote its purposes and policies.

In considering the adoption of this Chapter, the Council of the Borough of Mansfield makes the following findings:

- a. The Borough has experienced more problems with the maintenance of non-owner occupied properties than with owner occupied properties.

- b. The substantial proportion of the residential units within the Borough is non-owner occupied.
- c. The health, safety and welfare of occupants of rental units within the Borough would be enhanced by a system of inspection issuing compliance with the Code governing the maintenance of existing structures.

PM-901.2 Appointment and Duties of Code Enforcement Official: The Borough Code Enforcement Officer or such other individual or firm appointed by the Borough Council ("The Code Enforcement Official") shall administer this Ordinance in accordance with its terms and shall be responsible for instituting enforcement proceedings on behalf of the Borough.

SECTION 902.0 DEFINITIONS

PM-902.1 General: As used in this Chapter, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

Agent: An adult individual designated by the owner of a non-owner occupied unit as a responsible local agent.

Borough: The Borough of Mansfield, Tioga County, Pennsylvania.

Borough Building codes: The *International Building Code*, *International Residential Code*, *International Fire Code*, and, *International Property Maintenance Code* as adopted by the Borough Council, as amended from time to time.

Code: The code setting forth maintenance standards for existing structures.

Code Enforcement Official: The Official who is charged with the administration of this Ordinance, or any duly authorized representative of said Official.

ICC: *International Code Council, Inc.*

Motel or Hotel: A building or a group of buildings having units containing sleeping accommodations which are available for temporary rental occupancy by transients routinely for periods shorter than seven (7) consecutive days.

Non-owner Occupied Residential Unit: a residential unit occupied by a person other than the owner, or the spouse, parent, grandparent, child, step child, foster child or grandchild of the owner.

Owner: The legal or beneficial holder of title to a residential unit.

Residential Unit: Any structurally enclosed area including or intended to include sleeping facilities.

SECTION PM 903.0 OWNER'S DUTIES

PM 903.1 General: It shall be the duty of every Owner to keep and maintain all regulated rental units and premises in compliance with all applicable Codes and provisions of all other applicable State laws and regulations and local ordinances, and to keep said property in a good and safe condition. As provided in this Chapter and Code, every owner shall be responsible for regulating the proper and lawful use of said property.

PM-903.2 Registration Statement: Every owner of a non-owner occupied residential unit as defined above shall file with the Code Enforcement Official within sixty (60) days after the adoption of this Ordinance a written registration statement on forms to be supplied by the Code Enforcement Official containing the following information:

- a. A description of the premises by street number or block and lot number.
- b. The name, residence and business address of such owner together with his residence and business telephone number, or if such owner is a corporation, the name, address and telephone number of such corporation and the name, residence and business address and telephone numbers of all officers thereof.

Nothing contained in this section shall be construed as preventing a corporation which is an owner of a non-owner occupied residential unit from designating as its managing agent with respect thereto any officer of such corporation who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent.

PM 903.3 Change of ownership, registration information of managing agents:

Where, after the filing of any registration statement in relation to any non-owner occupied residential unit under the applicable provisions of this section, the owner of such dwelling shall have granted or transferred his right title or interest therein or in any part thereof, such owner shall file with the Code Enforcement Official within ten (10) days after such grant or transfer a written statement which shall contain the name and residence and business address of the grantee, transferee or other successor of such right, title or interest, or if such grantee, transferee or successor is a corporation, the name and address of such corporation.

Where, after the filing of any registration statement with the Code Enforcement Official pursuant to the application provisions of this section, any change other than a designation of a different managing agent or a change of ownership or interest occurs in any name, residence, or business address or list officers required to be included in such statement, the owner within ten (10) days after such change shall file in duplicate on forms to be furnished by the Code Enforcement Official a statement setting forth the particulars of such change so as to supply the information necessary to make currently correct the last registration statement filed pursuant to the applicable provisions of this section.

Any registration statement or designation of a managing agent required to be filed with the Code Enforcement Official by any owner or lessee of a non-owner occupied residential unit under the provisions of this section shall be signed by such owner or lessee or, if such owner or lessee is a corporation, by an officer thereof.

Any such registration statement or designation of a managing agent shall be deemed prima facie proof of the statements therein contained in any criminal prosecution instituted by the Borough or any department, commission, agency or authority thereof against the owner or managing agent of a non-owner occupied residential unit

PM 903.4 Designation of Managing Agent: Every Owner shall designate a Responsible Local Agent on the Registration Statement as follows:

- a. The name, residence, business address and residence and business telephone number of a natural person who actually resides within the borough shall be designated by such owners as a managing agent in control of and responsible for the maintenance and operation of such dwelling, and who shall be designated as the person upon whom process may be served on behalf of the owner. There shall be endorsed upon such statement a written consent to such designation signed by such owner. An owner who is a natural person and who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent may designate himself as such managing agent. The managing agent shall keep a current record of all the tenants and their names and addresses who are renting, leasing or living on the premises.
- b. Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.
- c. Designation of a managing agent made pursuant to the applicable provisions of this section shall cease to be effective if such agent shall die or be judicially declared incompetent.
- d. Any owner may terminate such designation by filing with the Code Enforcement Official a written designation of a new managing agent made in conformity with the provisions hereinabove cited.
- e. If any owner shall fail, on or before the effective date of any notice of termination served and filed by a managing agent or written designation fifteen (15) days after any such agent shall die or be judicially declared incompetent, to file with the Code Enforcement Official a designation of a new managing agent made in conformity with the provisions herein, such owner shall be guilty of a violation of this section.

PM-903.5 Tenant Information Form: It shall be the duty of every owner of a non-owner occupied residential unit within the Borough to certify to the Code Enforcement Official a list of the names of all lessees and tenants as well as their addresses prior to occupancy or change in occupancy of the non-owner occupied residential unit.

PM-903.6 Maintenance of Premises: The Owner shall maintain the premises in compliance with the applicable Codes of the Borough and shall regularly perform all routine maintenance of mechanical equipment, and shall promptly make any necessary repairs to fulfill this obligation.

PM-903.7 Inspections by Code Enforcement Officer: The Owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with a tenant's approval at any reasonable time.

SECTION 904.0 TENANT'S DUTIES

PM-904.1 General: The Tenant shall comply with all obligations imposed upon Tenants by this Chapter, all applicable codes and ordinances of the Borough of Mansfield.

PM-904.2 Inspection of Premises: The Tenant shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with a Owner's approval at any reasonable time.

SECTION 905.0 RENTAL LICENSE AND INSPECTION

PM- 905.1 License Requirement:

PM-905.1.1 License Requirement: It shall be unlawful for any person, firm or corporation to conduct or operate or cause to be rented either as owner, lessee, agent or manager within the Borough, any non-owner occupied residential unit without having first obtained a license or temporary certificate to do so as hereafter provided.

PM-905.1.2 Application: Within sixty (60) days after the effective date of this Ordinance, the owner of each non-owner occupied residential unit existing on the effective date of this Ordinance shall make written application to the Code Enforcement Official for a license for such use on a form to be supplied by the Code Enforcement Official, and containing such information as necessary to administer and enforce, and to insure compliance with the provisions of this Ordinance and the Borough Building Codes in their entirety. In addition, the legal owner of record of each non-owner occupied residential unit constructed after the effective date of this Ordinance shall make written application to the Code Enforcement Official for a license as herein provided prior to any initial occupancy.

PM-905.1.3 Temporary Certificate: Upon receipt of a completed application for a license as aforesaid with tender of the appropriate license and inspection fee as hereinafter provided, the Code Enforcement Official shall issue a "temporary certificate" indicating that a license has been duly applied for and that such license shall be issued or denied after the building, including interior portions thereof intended or used for human habitation, has been inspected for compliance with the provisions of the Borough Building Codes. A "temporary certificate" as issued shall authorize continued occupancy of such non-owner occupied residential unit in actual existence and use on the effective date of this Ordinance pending the issuance or denial of the applied for license. Structures to be converted to a non-owner occupied residential unit after the effective date of this Ordinance shall not be occupied for human habitation prior to issuance of a license.

PM-905.1.4 Exceptions from Registration and Inspection Requirements: The following will be exempt from registration and inspection under this Code.

- a. Motels and Hotels
- b. Any residential unit occupied by other than the owner thereof shall be excepted from the inspection requirements of this Ordinance upon proof submitted to the Code Enforcement Official that such unit is subject to a requirement by other governmental agency of a safety inspection similar to inspection under Section PM- 905.3.3 hereof at least once every four (4) years and is in compliance with such inspection requirements.
- c. No residential unit which would otherwise be subject to the inspection requirements of this Ordinance shall be required to be inspected within the four (4) calendar years subsequent to the year in which a new certificate of occupancy required before occupancy of new construction is issued.
- d. When a license has been issued prior to a residential unit being occupied by other than the owner, said residential unit shall not be subject to re-inspection under the terms of this Ordinance prior to the first applicable calendar year occurring after the calendar year subsequent to issuance of the initial License.

PM-905.2 Issuance of License and Fees:

PM-905.2.1 Issuance of License Upon the receipt of a fully completed application, including the list of Tenants' names and the payment of the appropriated License fee, and provided that the Owner is not in violation of the requirements of this Chapter or any ordinance or Code of the Borough, the Code Enforcement Officer shall issue a License for the property.

PM 905.2.1.1 Fee Schedule Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay an annual License fee in an amount to be established from time to time by the Council of the Borough of Mansfield. The said fees shall be tendered with the application for issuance of a license and every four years thereafter on or before the date of license renewal. The license fee shall be subject to a one percent (1%) penalty per month, or any portion thereof, beyond the date due and payable. No refund of fees shall be made to those discontinuing operation or who sell, transfer, give away or otherwise dispose of a residential dwelling to another person.

PM-905.2.2 Renewal of License Unless sooner revoked following initial registration, each license shall expire on the date set on the license, or no later than December 31st of the year in which inspection is called for, which will be four years from issuance, and may be renewed for four (4) year periods thereafter.

PM-905.2.3 Transfer of license A license issued hereunder is transferable for a per unit fee to be established from time to time by the Council of the Borough of Mansfield to any person who has acquired ownership of a licensed non-owner occupied residential unit for the unexpired portion of the four (4) year term for which it was issued or reissued, provided that the application to transfer such licensee is filed with the Codes Enforcement Officer for change of ownership, and the licensed non-owner occupied residential unit is in compliance with This Chapter and all other Borough Codes and Ordinances. A license shall terminate upon failure to apply for its transfer within thirty (30) days of the date of sale or transfer of ownership of the non-owner occupied residential unit.

PM-905.2.4 New Non-owner residential units: As for any residential unit unoccupied by the owner on or after the effective date hereof, a License shall be issued prior to occupancy of such residential unit by anyone other than the owner, and subsequent inspections

PM-905.2.5 Displaying of License: Licenses issued under this section shall be prominently and publicly displayed on the premises of the structure or produced on the request of a tenant or prospective tenant and shall be available at reasonable times for inspection by the Code Enforcement Official.

PM-905.3 Inspection

PM-905.3.1 Non-owner occupied Residential units shall be subject to inspection in accordance with the provisions of the Ordinance.

PM-905.3.2 Inspections required by this Ordinance shall be for the purpose of determining compliance with the provisions of the Code as in effect in the Borough on the date of inspection.

PM-905.3.3 Inspections required by this Ordinance shall be conducted by individuals or agencies by BOCA and ICC standards as to the type of premises to be inspected or by the Code Enforcement Official. Two inspections per four year period are covered under the licensing fee. Fees for subsequent inspections to be established by the Council of the Borough of Mansfield

PM-905.3.4 Upon completion of the inspection of the Non-owner occupied rental unit, if said unit meets all the requirements of the Borough Codes and Ordinances, a license certifying such facts shall be issued.

PM-905.3.5 Correction Order: If the Codes Enforcement Official finds that the requirements of the this Ordinance or any other Borough Ordinances or Codes have not been met, a written denial specifying the defects shall be transmitted to the Owner. The Owner shall have a maximum of six (6) months to make the corrections needed to bring the unit into compliance.

PM-905.3.6 Extensions: Upon application, an extension of time beyond that given on the Correction Order to bring the property into compliance with this code may be granted for a reasonable cause. An application shall include:

1. Name, address and phone number of applicant
2. Address of property referenced on Correction Order.
3. Violation(s) referenced on Correction Order for which an extension is being requested.
4. Payment of a fee, set by the Council of the Borough of Mansfield, per referenced violation for which an extension is being requested.

An extension of 60 days may be granted if said violation does not affect the life, health, or safety of the occupants of the building or that of the general public.

PM-905.3.7 As for any non owner occupied residential unit as of the effective date hereof and for all subsequent inspections, inspections required by this Ordinance shall be completed and the license issued not later than December 31 of the year for which inspection is required. In no event shall such an inspection be conducted prior to January 1 of the year in which inspection is required. The Borough shall be divided into districts for inspection purposes as follows:

- 1) District I – East of North Main Street and north of East Wellsboro Street to Prospect Street.(includes north side of Sullivan Street and south side of Prospect Street).
- 2) District II – East of South Main Street and south of East Wellsboro Street to Second Street (includes south side of Sullivan Street and north side of Second Street).
- 3) District III – West of North Main Street and North of West Wellsboro Street and east side of North Main Street north of Prospect Street (includes north side of Prospect Street).
- 4) District IV - West of South Main Street and south of West Wellsboro Street and East side of South Main Street south of Second Street (includes south side of Second Street).

Residential units subject to the inspection requirements of this Ordinance and located in District I shall be inspected during the calendar year in which the Ordinance shall become effective and every fourth (4th) year thereafter. Residential units subject to the inspection requirements of this Ordinance and located in District II shall be inspected during the first calendar year subsequent to the year in which this Ordinance becomes effective and every fourth (4th) year thereafter. Residential units subject to the inspection requirements of this Ordinance and located in District III shall be inspected during the second (2nd) calendar year subsequent to the year in which this Ordinance becomes effective and every fourth (4th) year thereafter. Residential units subject to the inspection requirements of this Ordinance and located in District IV shall be inspected during the third (3rd) year subsequent to the year in which this Ordinance becomes effective and every fourth (4th) year thereafter.

The Code Official shall, in the case of multiple units within one building, be allowed to alter the inspection requirements time line as set in the above section. The alteration of this time line shall be allowed for the purpose of scheduling only.

PM-905.3.8 Notice of Inspection: When entry by the Code Enforcement Official to any building, structure or premises is required, a notice of inspection shall be issued to the property owner or representative of the owner.

PM-905.3.9 Rescheduling inspections: If the owner or representative of the owner cannot be available at the proposed time said owner or representative shall provide proper notification, to the Codes Enforcement Official, no less than twenty-four (24) hours before the scheduled appointment that the inspection cannot take place. Upon failure to give such notification or as a result of a missed appointment, an administrative fee, to be established by the Council of the Borough of Mansfield, will be assessed the owner or representative. Failure to pay administrative fees shall constitute a violation of this code.

PM-905.3.10 Appeals: Any Person aggrieved by a decision of the Code Enforcement Official shall have the right to appeal as set forth in Section 111 of this Code. An Administrative fee, as set by the Council of the Borough of Mansfield, shall be charged for each appeal. This fee includes a non-refundable application fee of twenty-five dollars (\$25.00). The balance shall be the hearing fee that is refundable if the decision of the Board favors the applicant

SECTION PM-906: GROUNDS FOR DENIAL, NON-RENEWAL, SUSPENSION OR REVOCATION:

PM-906.1 General: A license shall be suspended upon a finding by Code Enforcement Official that one (1) or more of the requirements of the Borough Building Codes or Borough Zoning Ordinance have been violated. The Code Enforcement Official shall give written notice to the license holder of the violations of the Borough Building Codes. Upon failure of the license holder to correct the violations stated in the notice of violation within the thirty (30) days, the license may be revoked. The suspended license may be reinstated upon meeting the requirements of the Borough Building Codes. Issuance of a new license after revocation shall be subject to a payment of the full amount of the application inspection fee.

PM-906.2 Non-renewal: Non-renewal is the determination by the Code Enforcement Official that an Owner's application for a license should not be granted or renewed because the owner is in violation of a provision or provisions of this Code. The Codes Enforcement Official will accept applications for renewal of a license, but will not approve or disapprove the same until all prior violations of this Code have been corrected.

PM-906.3 Failure to file an application for Non-owner occupied Rental License Within the Borough: In the event that a landlord fails to file a completed application for a Non-owner occupied Rental License as require by this Chapter, The Code Enforcement Official shall provide written notice to the Owner that unless Owner files said application within Ten (10) business days of the date of the letter, the Code Enforcement Official may deny License renewal after the expiration of the present License and/or file charges for the violation.

PM-906.4 Discontinuation of occupancy: When a license has been denied, expired, suspended or revoked, no further rental and occupancy of such non-owner occupied residential units shall be permitted until a license has been issued. The units within a structure which are in compliance with the Borough Building Codes and Borough Zoning Ordinances may continue to be occupied if units in other portions of the non-owner occupied residential units which do not apply do not create hazard to the health and safety to the persons in the occupied units.

PM-906.5 Further grounds for non-renewal or suspension or revocation of License: Any of the following may subject an Owner to Non-renewal, suspension, or revocation of a license:

PM-906.5.1 Failure to correct a violation of the various codes and ordinances that apply to the property in question within the time given by the Code Enforcement Official:

PM-906.5.2 Refusal to permit the inspection of the Premises by the Code Enforcement Official.

SECTION 907.0 VIOLATIONS AND PENALTIES

PM-907.1 Basis for Violation: It shall be unlawful for any Person, as either Owner or Responsible Local Agent for a Non-owner occupied Residential Unit for which a License is required, to operate without a valid current License issued by the Borough authorizing such operation. It shall also be unlawful for any Person, either Owner or Responsible Local Agent, to allow the number or Occupants of Non-owner Occupied Rental Unit to exceed the maximum limit Licensed by this Code or the Borough Zoning Ordinance, or to violate any other provisions of the this Code.

PM-907.1.1 Failure to correct a violation of the various codes and ordinances that apply to the property in question within the time given by the Code Enforcement Official:

PM-907.1.2 Refusal to permit the inspection of the Premises by the Code Enforcement Official.

PM-907.1.3 Every owner of a non-owner occupied residential unit in the Borough who willfully or negligently fails to register a non-owner occupied residential unit, license a non-owner occupied residential unit or file a list of tenants shall be liable for, in addition to other penalties herein provided, payment of all sewer rents and charges as levied by the Borough, together with all penalties, costs, interest and lien charges. The Code Enforcement Official shall not issue a license or temporary certificate as to such property until all such delinquent charges, penalties, cost, interest and lien charges have been paid in full

PM-907.2: Any person violating any of the provisions of this Ordinance shall, upon conviction thereof in a Summary Proceeding before a District Justice, be subject to a fine of not more than five hundred dollars (\$500) together with the costs of prosecution and in default of payment thereof shall be subject to imprisonment for not more than thirty (30) days.

PM-908.0 MISCELLANEOUS PROVISIONS

PM-908.1 Notice Requirements:

A. *Newspaper Advertisement:* The Code Enforcement Official shall each year cause notice to be published two (2) times in a newspaper of general circulation within the Borough. The first notice shall be published during January of each calendar year and the second notice shall be published during October of each calendar year. The notice shall set forth the District for which inspection of residential units occupied by other than the owner is required during the year of publication, that inspection may be required before a residential unit is occupied by other than the owner, that all deeds and agreements

of sale executed and delivered with respect to any premises within the Borough which includes one (1) or more residential units shall contain the notice required by Section 18 (B), and where a copy of the Ordinance may be obtained.

B. *Deeds and Agreements of Sale.* Every deed and agreement of sale executed and delivered on or after the effective date of this Ordinance with respect to any premises within the Borough which includes one (1) or more residential units shall include therein a notice substantially in the form which follows: Residential units within the Borough of Mansfield which are occupied other than by the owner thereof are subject to the inspection requirements of Chapter 120 of the Mansfield Borough Code.

PM-908.2 REPEALER: All ordinances or parts of ordinance which are inconsistent herewith are hereby repealed.

PM-908.3 SEVERABILITY: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Council of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

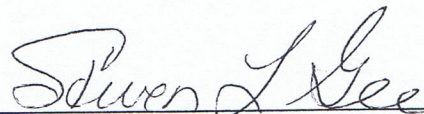
120-4 EFFECT ON CURRENT PROCEEDINGS.

Nothing in this ordinance or in the *Property Maintenance Code* hereby adopted shall be construed to affect any suit or proceeding impending 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 as cited in 120-2 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

120-5 WHEN EFFECTIVE

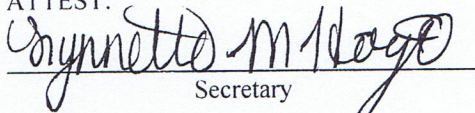
The Borough of Mansfield shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force upon enactment.

ORDAINED this 13th day of February, 2013

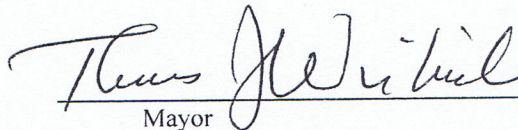


President of Council

ATTEST:


Secretary

Approved this 13th day of February, 2013


Mayor