

FILE OF THE CITY CLERK

ADMINISTRATIVE ORDINANCE NO. 1 - 2009

ADMINISTRATION BILL - NO. 1 - 2009

INTRODUCED –JANUARY 27, 2009

**ADOPTED BY COUNCIL – FEBRUARY 10, 2009
(AS AMENDED)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA PROVIDING FOR THE REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES, THE LICENSING OF RENTAL UNITS; IMPOSING DUTIES UPON BOTH LANDLORDS AND TENANTS WITH RESPECT TO SUCH PROPERTIES; PROVIDING FOR INSPECTIONS OF SUCH PROPERTIES; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

WHEREAS, the City Council of the City of Lancaster finds that it is necessary to safeguard the safety, health and welfare of the public by assuring that the Code Officials of the City of Lancaster are authorized to enter structures and premises within the City to perform inspections thereof and to perform their duties under the Code of the City of Lancaster; and

WHEREAS, the City Council of the City of Lancaster finds that there is a growing concern within the City with the failure of some landowners to properly maintain residential rental properties; and

WHEREAS, the City Council of the City of Lancaster finds that to safeguard the safety, health and welfare of its citizens, and to encourage owners, operators and occupants of rental housing to improve and maintain the quality of such housing, it is necessary to establish a systematic interior inspection, registration and licensing program for residential rental properties, their occupants and their operators; and

WHEREAS, the City Council of the City of Lancaster finds that it is necessary to establish and maintain an inventory of residential rental units and owner-occupied housing stock in the City of Lancaster.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS:

Except where the context clearly indicates otherwise, the terms used herein shall have the meanings ascribed to them in the City’s Property Maintenance Code codified as Section 223 of the Code of the City of Lancaster. Additionally, the following words shall have the meaning ascribed to them in this section except where the context clearly indicates or requires a different meaning:

City: The City of Lancaster, Lancaster County, Pennsylvania.

Code Enforcement Official/Code Official: The code enforcement officers and officials of the City of Lancaster as defined in the Property Maintenance Code and other Ordinances of the City of Lancaster.

Codes: Any state or local code or ordinance adopted, enacted or in effect in and for the City of Lancaster, including, but not limited to, the Property Maintenance Code codified in Chapter 223 of the Code of the City of Lancaster.

County: The County of Lancaster, Pennsylvania.

Disruptive Conduct: Any act by an Occupant of a Residential Rental Unit or by a person present at a Residential Rental Unit that:

(1) is so loud, untimely as to the time of day, offensive and/or nuisance causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes damage to property that is owned by others;

(2) involves music or noise that is disruptive to persons occupying a different dwelling unit;

(3) involves music that is audible from a street, sidewalk or dwelling from a minimum distance of fifty feet away from where the sound is originating;

(4) is the subject of a criminal citation for “disorderly conduct” under the Pennsylvania Crimes Code;

(5) is the subject of a criminal citation under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code;

(6) involves the illegal possession of a controlled substances or drug paraphernalia as defined by the Crimes Code or the Controlled Substance, Drug Device and Cosmetic Act.

It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted

the commission of Disruptive Conduct, as defined herein, provided, however, that no Disruptive Conduct will be deemed to have occurred unless a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The Occupant and the Owner or, if applicable, the Responsible Agent shall be notified of any such occurrences, in writing.

A domestic violence victim with a protection from abuse order shall not be subject to a disruptive conduct report if the police officer determines, after investigation, that the behavior complained of is the result of domestic violence.

Disruptive Conduct Letter: A letter from the City advising that a Disruptive Conduct Report has been filed and containing information including the following: the date and time of the occurrence, a description of the conduct, and information regarding rights to appeal a finding of disruptive conduct.

Disruptive Conduct Report: A written report of Disruptive Conduct to be completed by a police officer, which shall be maintained by the Bureau of Police.

Hotel: A commercial lodging establishment that offers units for sleeping purposes to transient guests and which provides 24 hour service for receiving and assisting guests.

Occupant: Any person over one year of age living and sleeping in a residential rental unit or having actual possession of such residential rental unit.

Owner: Any person, agent, operator, property management group, housing authority or fiduciary having legal, equitable or other interest in any real property; as recorded in the official records of the state, county or municipality as holding title to the real property; or otherwise having control of the real property, including the guardian of the estate of such person and the executor or administrator of such person's estate. When used in this Ordinance in a clause proscribing any activity or imposing a penalty, the term as applied to partnerships and associations, shall mean each general partner; as applied to corporations, the officers thereof; and as applied to limited liability companies, the members and any managers thereof.

Person: Any natural person, partnership, association, limited liability company, corporation, firm or other similar entity.

Residential Rental Occupancy License: a document issued annually by the Bureau of Code Enforcement of the City of Lancaster to the owner, operator, responsible agent or manager of a residential rental unit certifying the unit as Licensed for being rented. Such License is required for lawful rental and occupancy of residential rental units, unless a Code Enforcement Officer certifies that violations of the applicable codes are being corrected, or is a registered rental Unit awaiting inspection. Whenever the word "License" is used herein, it shall

mean “Residential Rental Occupancy License” as defined by this paragraph.

Residential Rental Property: Any parcel of real estate, including land and all buildings and appurtenant structures and dwellings thereon that contain therein one or more Residential Rental Units. Whenever the word “Property” is used herein, it shall mean Residential Rental Property as defined by this paragraph.

Residential Rental Registration: the document issued by the City of Lancaster to the owner, operator, responsible agent or manager of a residential rental property evidencing the existence of said residential rental property. A Residential Rental Registration shall be required for lawful rental and licensing of residential rental units contained in said property. Rental registration does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way. Whenever the word “Registration” is used herein, it shall mean “Residential Rental Registration” as defined by this paragraph.

Residential Rental Unit: A rooming unit; or a dwelling let for rent; or a residential unit occupied by any persons other than are occupied solely by the Owner and members of the Owner’s family. Each individual townhouse dwelling; each individual apartment unit, each individual unit in a multi-family building, each individual unit in a two-family dwelling, and each rooming unit shall be considered a separate residential rental unit. A residential rental unit shall not include a hospital room utilized for medical services. Whenever the word “Unit” is used herein, it shall mean “Residential Rental Unit” as defined by this paragraph.

Responsible Agent or Manager: Any person or entity who or which aids in the rental of residential Property or who takes responsibility for the care or supervision of the Property, including responsible agents as defined by the City’s Ordinances.

Rooming/Boarding House (Dormitory): A building arranged or occupied for lodging, with or without meals. For compensation and not occupied as a one or two-family dwelling.

Rooming Unit: A portion of a dwelling unit including 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 purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a Rooming Unit.

Tenant: An occupant of a Unit with whom a legal relationship with the owner is established by a lease or other enforceable agreement under the laws of the Commonwealth of Pennsylvania.

Transient Dwelling: A one-family, two-family or multi-family dwelling which is not occupied exclusively by the owner thereof and each dwelling unit

therein is not occupied pursuant to the terms of a written lease or is occupied pursuant to a written lease with a term of less than one month.

SECTION 2. OWNERS' DUTIES:

It shall be the duty of every Owner or Responsible Agent of Residential Rental Property to:

A. General

(i.) Keep and maintain all Units in compliance with all applicable codes, ordinances and provisions of all applicable local and state laws and regulations, including but not limited to the Property Maintenance Code of the City of Lancaster.

(ii.) Keep and maintain all Property in good and safe condition.

(iii.) Be aware of, and to act to eliminate, Disruptive Conduct in all Units.

(iv.) Employ policies to manage the Units under his/her control in compliance with the provisions of this Ordinance and applicable state laws.

(v.) Pay or ensure payment of all real estate taxes; sewer rates, water rates, and trash collection fees to insure that such vital utilities are provided.

(vi.) Obtain a Registration for each Property. Obtain and maintain a License for each Unit. All such Licenses shall be prominently displayed at the Unit for which they are issued.

(vii.) Provide the City with written notice that a Unit is occupied. This notice must be provided: (i) prior to occupancy if the Unit has not been occupied previously by a tenant; and (ii) upon re-occupancy of a Unit which has been unoccupied for thirty (30) days or more.

(viii.) Provide trash and recyclable collection and disposal services and instruct tenants of the method of trash and recyclable collection (e.g., curbside or dumpster) and, if applicable, the day of week of trash and recyclable pickup.

(ix.) Provide each tenant with a disclosure statement containing the requirements of this Ordinance, including the provisions relating to Disruptive Conduct. Providing of a copy of this Ordinance to each tenant will satisfy this requirement.

(x.) Take all actions necessary to ensure that each Unit is occupied in accordance with the City Zoning Ordinance.

(xi.) Provide upon request of the Code Enforcement Officer, a written rental agreement for each Unit which shall include the names of all permitted Occupants.

B. Designation of Responsible Agent

(i.) If the owner of a Property is not a full-time resident of the County of Lancaster, then the owner shall designate a person to serve as the responsible agent who does reside within the County of Lancaster. If the owner is a corporation, a separate responsible agent shall be appointed unless an officer of the corporation is appointed as the responsible agent and such officer lives within the County of Lancaster. If the owner is a partnership or a limited liability company, a responsible agent shall be required if a partner or member does not reside within the County of Lancaster. Said partner or member shall perform the same function as a responsible agent.

(ii.) No License shall be issued to any person for a Unit unless such owner or operator provides the Code Official with the name, address and daytime telephone number of a designated responsible agent, who shall be an individual and who shall reside within the County of Lancaster, Pennsylvania. A post office box shall not be considered a valid address.

(iii.) A Responsible Agent must be authorized to receive notices and communications necessary or deemed to be appropriate under the terms of the Codes of the City of Lancaster and to accept service of process of initial and subsequent pleadings on behalf of the Owner or operator which may be necessary or deemed to be appropriate for the enforcement of the Codes of the City of Lancaster; provided, however that nothing contained herein shall effect the right of the City of Lancaster to submit notices and communications directly to the Owner, rather than to the responsible agent, or to serve process and initial and subsequent pleadings in any other manner permitted by law.

(iv.) The designation of Responsible Agent shall not be valid unless signed by both the Owner and the Responsible Agent.

(v.) Any Owner or Responsible Agent to whom a License has been issued or any Owner of Property who subsequently changes her/his place of residence or who changes the designation of a Responsible Agent shall notify in writing the Bureau of Procurement and Collection within 30 days after such change.

C. No Owner, Manager or Responsible Agent may offer for rent or assist in offering for rent, by advertising or otherwise, any Unit without first ascertaining that the Property is properly registered with the City of Lancaster. No Unit may be occupied prior to the Unit being properly Licensed **JOINT RESPONSIBILITY**: If the Owner has appointed an Agent, Manager or Responsible Agent, the Agent, Manager or Responsible

Agent shall be jointly responsible to fulfill all of the obligations set forth in this Ordinance.

SECTION 3. RENTAL AGREEMENT ADDENDUM:

A. The Owner or, if applicable, the Responsible Agent or Manager shall include the document attached hereto as Exhibit "A," identified as "Addendum to Residential Rental Agreement," in each lease of a Unit taking effect on or after _____, 2009.

B. The Owner or Responsible Agent or Manager shall not include text in any Lease that is contrary to the provisions of the Ordinance.

C. Any public or non-profit housing entity may, in lieu of the attachment of the leasing addendum, incorporate the requirements of said addendum into their existing Lease upon demonstration to the City that their Lease is a product of a Federal or State requirement or program.

SECTION 4. DISPLAY OF LICENSE: Each Owner, Manager or Responsible Agent shall display the License in the Unit for which it was issued. The License shall include:

A. The name, mailing address and telephone number of the Owner or the Responsible Agent or Manager.

B. The date and expiration of the License.

C. The License Number.

In addition to the information on the License, the following information must also be posted in each unit:

A. The evenings on which trash and recycling are to be placed curbside for collection.

B. The telephone number to call to register complaints regarding the physical condition of the Unit.

C. The telephone number for emergency police, fire and medical services.

D. A summary of the Owner's duties as set forth in herein.

SECTION 5. OCCUPANT DUTIES: This ordinance shall not be construed as diminishing or relieving the responsibility of Occupants or their Guests for their conduct or activity.

The occupant(s) shall not engage in, nor tolerate, nor permit others on the Property to cause damage to the Unit or engage in disruptive conduct. It shall be the duty of each Occupant of a Unit to:

A. Comply with all obligations of this Ordinance and all applicable codes and City ordinances, as well as all state laws and regulations.

B. Conduct himself/herself and require other persons, including, but not limited to, guests on the Property and within their Unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

C. Not engage in, nor tolerate, nor permit others on the Property to cause damage to the Unit or engage in Disruptive Conduct, or other violations of the Ordinance, City ordinances, or applicable state laws.

D. Use the trash and recyclable collection services provided by the Owner.

E. Use the Unit for no purpose other than as a residence or as permitted by the City Zoning Ordinance.

F. Maintain the Unit in a manner meeting all requirements for Occupants of structures set forth in the Codes.

G. Allow the Code Enforcement Official to inspect the Unit in accordance with this Ordinance at reasonable times.

H. Not allow persons other than those identified on the lease to reside in the Unit.

I. Not allow the Unit to be occupied in a way that conflicts with City Zoning Ordinance.

J. Not permit the possession of, serving to or consumption of alcoholic beverages by underage persons.

SECTION 6. DISRUPTIVE CONDUCT:

A. Police Officers may investigate alleged incidents of Disruptive Conduct. A Police Officer shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes Disruptive Conduct as defined herein. The information filed in the Disruptive Conduct Report shall include, if possible, the identity of the alleged perpetrator(s) of the Disruptive Conduct and the factual basis for the Disruptive Conduct described in the Disruptive Conduct Report.

B. A Disruptive Conduct Letter shall be given or mailed to the Occupant and mailed to the Owner or, if applicable, the Responsible Agent, within ten (10) working days of the occurrence of the alleged Disruptive Conduct.

C. The Occupant or the Owner or, if applicable, the Responsible Agent shall have 10 working days from the date of mailing of a Disruptive Conduct Letter to appeal

the Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Board of Housing Appeals and Revisions.

D. After three Disruptive Conduct incidents documented by Disruptive Conduct Reports in any twelve-month period involving an Occupant or Person present at the Unit, the Owner or, if applicable, the Responsible Agent shall have ten (10) working days from the date of the mailing of the third Disruptive Conduct Letter to begin eviction proceedings against the Occupants. Owner/Agent must submit a copy of the document indicating the eviction process has begun to the Department of Economic Development and Neighborhood Revitalization. Failure to take such action will result in the immediate revocation of the License. The Unit involved shall not have its License reinstated until the reinstatement fee is paid and the disruptive Occupants have been evicted, the Magisterial District Judge has ruled in the Occupant's favor, the Magisterial District Judge has ruled in the Owner's favor but has not ordered the eviction of the Occupant(s), or the Occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive Occupants, upon eviction, shall not reoccupy any Unit on the same Property involved for a period of at least one year from the date of eviction. This subsection is not intended to limit or inhibit the Owner and, if applicable, the Responsible Agent's right to initiate eviction actions prior to the issuance of the third Disruptive Conduct Letter in a twelve-month period.

E. The Disruptive Conduct Report shall count against all Occupants of the Unit. More than one Disruptive Conduct Report filed against the Occupants of a Unit in a twenty-four-hour period shall count as a single Disruptive Conduct Report for the purpose hereof. The Department of Economic Development and Neighborhood Revitalization shall maintain a list of the names of all Occupants evicted as a result hereof. The names shall remain on the list for a period of five years.

SECTION 7. **REGISTRATION OF UNITS:**

A. Every Owner or Responsible Agent of Property shall register the Property with the City on a form provided by the Code Official. With each registration, the applicant shall pay a registration fee according to the following Property type:

Rooming/Boarding House, Dormitory, Hotel	\$200
Multi-Family Dwelling: 3 or more units	\$200
Transient Dwelling: verbal leases or leases of less than one month	\$200
Single and Double Units	\$50 per unit

SECTION 8. **RENTAL UNIT OCCUPANCY LICENSE:**

A. No person shall permit a rooming house, dormitory, hotel, multi-family dwelling (a building containing three or more dwelling units which is not a transient

dwelling), transient dwelling or other rental property to be occupied unless he has first registered the Property with the Code Official and obtained a License. It shall be the duty of the Owner or Responsible Agent to notify the Code Official whenever any Unit becomes occupied.

B. Every Owner or Responsible Agent of a Unit shall pay an annual Occupancy License fee according to the following Property type:

Rooming/Boarding House, Dormitory, Hotel	\$25 per unit
Multi-Family Dwelling	\$50 per unit
Transient Dwelling	\$50 per unit
Single and Double Units	\$50 per unit

C. Each License shall remain in force for one year from the date of issuance unless sooner revoked in accordance with the Code of the City of Lancaster.

D. No Registration or License required hereunder shall be transferable unless the new operator shall give notice in writing to the Code Official within 10 days after the transfer, in any manner, of ownership or control of the interest in the Property. Such notice shall include the name and address of the person succeeding to the ownership or control. The fee for transferring a Registration and/or License shall be \$25 per Unit and shall be paid at the sale or transfer of title. An additional \$50 per Unit shall be due should the \$25 per Unit transfer fee not be paid upon sale or transfer of title.

E. Whenever the Code Official determines that the Unit is in violation of the City's Property Maintenance Code, it shall serve notice as provided in Section 223 of the Code of the City of Lancaster and may notify the Owner or Responsible Agent in writing that unless the Notice of Violation is complied with, the License may be revoked. After the expiration of the time for compliance as stated on the Notice of Violation, an inspection shall be made to determine compliance. If violations still exist, a re-inspection shall be made. A fee for such re-inspection shall be imposed in accordance with the provisions hereof. If the violation has not been corrected and no appeal is pending, the Code Official may revoke the License and, in such event, shall serve written notice upon the Owner or operator or Responsible Agent of such action. License may also be revoked for failure to properly designate a responsible agent, for failure to pay the annual fee, for failure to pay water, sewer, solid waste, recycling fees or City taxes with respect to the Unit, and/or for failure to comply with any other provision of this Ordinance. If a License is revoked and the Unit is vacant, it shall remain vacant until such time as the License is reinstated. Reinspections shall be made by the Code Enforcement Official within a reasonable time after the owner or Responsible Agent notifies the City that the violation causing the revocation of the License has been cured. A License shall be reinstated if the reason for its revocation is cured and a reinstatement fee of \$200 is paid.

F. Any person whose License has been revoked or whose application for a License for a Unit has been denied may appeal to the Board of Housing Appeals in accordance

with Section 111 of the Property Maintenance Code as codified in Section 223 of the Code of the City of Lancaster.

G. Upon the filing of an application for a License, the person filing such application shall select a time period during which the Unit is to be inspected, provided that the time selected is stated as a series of specific consecutive days not less than two weeks and not more than four weeks prior to the date intended for occupancy of the dwelling unit; and

H. All Property owned by the Housing Authority of the City of Lancaster which is inspected annually by that agency to assess compliance with federal standards established by the U.S. Department of Housing and Urban Development or State standards established by the Pennsylvania Housing Finance Agency, shall be exempt from the licensing provisions. Inspection provisions of this Ordinance remain applicable.

SECTION 9. INSPECTIONS:

A. It shall be the duty of all Owners, Agents, Managers and Occupants to provide access to the City officials to all Units subject to inspections hereunder and failure to permit such access shall be deemed a violation of the Ordinance.

B. For purposes of enforcing this Ordinance, the Code Enforcement Official or his designee may seek to obtain an administrative warrant issued by a competent authority for the purpose of compelling an inspection of a Unit.

C. If requested, the Code Enforcement Official or his authorized representative shall disclose proper credentials of their respective offices for the purpose of inspecting any and all structures and Property in the performance of their duties under this Ordinance.

D. In addition to the inspections referenced above, the Code Enforcement Official shall also inspect Units upon any of the following occurrences:

(i) Prior to the initial occupancy of newly constructed Units, newly erected Units, or substantially rehabilitated Units; and

(ii) Prior to the sale of any Unit or the structure in which it is located.

E. The Code Enforcement Official may also inspect Units upon any of the following occurrences:

(i) Upon a change in occupancy of the Unit;

(ii) Upon receipt of complaints;

(iii) Upon the occurrence of Disruptive Conduct at such Unit; or

(iv) For any other reasonable cause.

F. Application, Inspection, Issuance and Reinspection. The Code Official shall, upon receipt of an application for a License, inspect the Unit. In the event such dwelling is in compliance with this Code, the License applied for shall be issued upon (1) payment of the License fee, (2) confirmation that a proper responsible agent has been designated, if required; and (3) there are no outstanding water, sewer, solid waste or recycling fees, or municipal taxes owed to the City related to such Property or Unit. The Code Official shall inspect each such Unit at least once on or before the fourth anniversary of the initial inspection following submission of the application for the License. These periodic inspections shall occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding the dwelling. The Licensee shall maintain and make copies of all written leases under which each Unit is occupied and available for inspection upon request of the Code Official. Such written leases shall indicate the name of the occupants of each Unit and the term of the lease. In the event that the Unit is not in compliance with the Codes of the City of Lancaster, the Code Official shall notify the applicant in writing and shall specify the non-compliance with the Code. Upon abatement of the violations, the Code Official shall inspect the Property and/or Unit upon the Unit passing the inspection issue the License applied for. If any violation still exists, re-inspections shall be scheduled. For any re-inspections the fee shall be \$75 per Unit.

G. If the Code Enforcement Official, upon completion of the inspection, finds that the applicable codes have not been met, the Code Enforcement Official shall issue notices and, if appropriate, may commence enforcement actions under the procedures set forth in the code which has been violated or under any other applicable Ordinance of the City. Notice provided to an Agent shall be deemed notice provided to the Owner. The following notices shall be issued to the Owner of the Property and the Responsible Agent:

(i) If the Code Enforcement Official finds violations of the Unit under the Property Maintenance Code, in addition to the remedies under the Property Maintenance Code, the Code Enforcement Official shall:

(a) Issue a notice of violation that establishes a timeline for abatement; and

(b) If, after the abatable period expires, an inspection reveals that the violations are not corrected and arrangements satisfactory to the Code Enforcement Official have not been made the License for the Unit may be revoked. If the Unit is vacant, it shall remain vacant.

SECTION 10. VIOLATIONS AND PENALTIES:

A. Violations. It shall be a violation of this Ordinance to commit or to permit any other person to commit any of the following acts:

(i) To lease, let, or allow the occupancy of a Unit without obtaining a License where required by this Ordinance.

- (ii) To fail to register a Property as required by this ordinance.
- (iii) To refuse to permit inspections required under this Ordinance for a Unit.
- (iv) To fail to perform the duties established by this Ordinance if such person is an Owner or a Manager of a Unit.
- (v) To fail to perform the duties established by this Ordinance if such person is an occupant of a Unit.
- (vi) To place false information on to or omit relevant information from an application for a Registration or License.
- (vii) To fail to comply with any other provision of this Ordinance.

B. Penalties and Remedies.

(i) Allowing occupancy of a Unit after the License has been revoked: a fine of not less than \$500.00 per Unit for each month the violation exists or a term of imprisonment not exceeding 90 days, or both. Each month the violation exists constitutes a separate violation. Notwithstanding the foregoing, no fines shall be imposed for any period during which the Unit is vacant and the Owner, Operator, and/or Manager is taking affirmative action to correct the violations.

(ii) Failure to seek a License: The Owner or Manager shall be sent a 30-Day Notice of Violation, warning them of their failure to comply with the terms of this Ordinance. If they do not comply at the end of thirty (30) days, a fine of not less than \$500.00 per Unit for each month the violation exists or a term of imprisonment not exceeding 90 days, or both. Each month the violation exists constitutes a separate violation.

(iii) Whoever violates any other provisions of this Ordinance shall be subject to a fine of not more than \$1,000.00 or a term of imprisonment not exceeding (90) days or both. Each month that a violation exists constitutes a separate violation.

(iv) In addition to prosecution of persons in violation of this Ordinance, the Code Enforcement Official or any duly authorized agent of the City may seek such civil or equitable remedies, including injunctive relief and other measures to enforce this Ordinance in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this Ordinance.

(v) The provisions of this Section and the provisions of this Ordinance governing revocation, suspension or non-renewal of Licenses shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the City as may be deemed appropriate.

(vi) No person whose License has been revoked by the City may, pursuant to the Act of July 7, 1947 (P.L. 1368, No. 542) (the "Act") as amended, purchase property in Lancaster County at any tax sale governed by the Act. The City shall furnish, to the Lancaster County Tax Claim Bureau at least 48 hours in advance of the sales, documentation regarding License revocations

SECTION 11. MISCELLANEOUS:

A. Appeals. Except as otherwise set forth herein, all appeals shall be heard by the Board of Housing Appeals and Revisions.

B. Codes Violations. Nothing in this Ordinance shall preclude or prohibit the Code Enforcement Officer or his designee from identifying any violations of the Codes and taking lawful action in connection therewith.

C. The issuance of a License is not a representation by the City that the Unit and/or the building in which it is located is in compliance with the Codes. The issuance of a License indicates that the Unit did not have any patently dangerous conditions as of the date of inspection. However, neither the enactment of this Ordinance nor the issuance of a License shall impose any liability upon the City for any errors or omissions which resulted in the issuance of such License, nor shall the City bear any liability not otherwise imposed by law.

D. The Department of Economic Development and Neighborhood Revitalization is authorized to promulgate rules, regulations, policies and procedures for the implementation and enforcement of the provisions of this Ordinance, which rules, regulations, policies and procedures shall be effective 20 days after they are filed with the Clerk of the City of Lancaster.

E. It is the right of every tenant and resident to report any alleged violation of City Codes to the appropriate City official. A landlord shall not evict a tenant in retaliation for the reporting of alleged Code violations. This defense to eviction shall not be available to tenants or occupants being evicted pursuant to Section 7.D of this Ordinance.

SECTION 12. REPEALER: All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded. Notwithstanding the foregoing, the provisions of Administrative Bill No. 12-2008 be and hereby are repealed.

SECTION 13. INVALIDITY: 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 any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE: This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 10th day of February, 2009, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

Janet Spleen, City Clerk

By: _____
J. Richard Gray, Mayor