

Chapter 87

RENTAL PROPERTY

§ 87-1. Adoption of standards.

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§ 87-2. Effective date.

§ 87-5. (Reserved)

§ 87-3. Title.

§ 87-6. Repealer; construal of provisions.

[HISTORY: Adopted by the Borough Council of the Borough of Shippensburg 5-19-1987 by Ord. No. 552, approved 5-19-1987; amended in its entirety 11-17-2009 by Ord. No. 848, approved 11-17-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 78.

Electrical standards — See Ch. 86.

§ 87-1. Adoption of standards.

A certain document, three copies of which are on file in the office of the Secretary of the Borough of Shippensburg, Cumberland and Franklin Counties, Pennsylvania, being marked and designated as the "International Property Maintenance Code, 2009," as amended hereafter from time to time and published by the International Code Council, be and is hereby adopted as the Existing Residential Structures Code of the Borough of Shippensburg, Cumberland and Franklin Counties, Pennsylvania, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of the "International Property Maintenance Code" are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 87-4 of this chapter.

§ 87-2. Effective date.

The provisions of this chapter and the International Property Maintenance Code, 2009, shall take effect January 1, 2010.

§ 87-3. Title.

This chapter, together with the most current edition of the International Property Maintenance Code, 2009, as amended from time to time, shall be known and cited as the "Residential Rental Property Maintenance Code of the Borough of Shippensburg."

§ 87-4. Modifications.

A. The following sections of the International Property Maintenance Code, 2009 are hereby revised, removed, replaced, and/or modified as follows:

101.1 Title. These regulations shall be known as the "Residential Property Maintenance Code of the Borough of Shippensburg," hereinafter referred to as "this code" or "the code."

101.2 Scope. The provisions of this code shall apply to properties within the Borough of Shippensburg to the extent delineated as follows:

1. All residential rental properties, structures, or units shall comply with any and all provisions of this code.

-If a residential rental unit is located in the same structure as any other use, the whole structure shall comply with Sections 301, 302, 303, 304, 306, 307, 308, 310 and 507 of this code, and the residential rental unit shall comply with all provisions of this code.

2. This code does not apply to owner-occupied residential units or nonresidential uses except as provided for above in Section 101.2(1).

The provisions of this code constitute minimum requirements and standards for the properties, owners, owner's agents, and occupants regulated by this code, which requirements and standards are enacted to protect the health, safety, and welfare of the residents of the Borough of Shippensburg.

102.6 Historic Buildings. All structures which are subject to regulation by this code in accordance with Section 101.2 which are historic structures shall be subject to the applicable provisions of this code; however, all historic structures located in the Historic Preservation District as defined and delineated in Chapter 78 of the Code of the Borough of Shippensburg shall remain subject to the provisions of Chapter 78 of the Code of the Borough of Shippensburg, which provisions shall be implemented in conjunction with the provision of this code, and if a conflict exists between such provisions, the more restrictive provision(s) shall apply. The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

103.3 Deputies. The Council of the Borough of Shippensburg shall have the authority to appoint a deputy Code Official(s), other related technical officers, inspectors, and other employees.

103.5 Fees. The fees for services, inspections, and activities performed by the department in carrying out its responsibilities under this code shall be as set forth and amended from time to time by resolution in the Fee Schedule of the Borough of Shippensburg.

104.2 Interpretation. The Code Official shall have the authority to interpret and implement the provisions of this code.

104.3 Inspections. The Code Official or the deputy Code Official shall make all the required inspections, or shall accept reports of inspections by approved agencies or individuals. All reports shall be in writing and be certified by the individual who conducted the inspection. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the Code Official may institute the appropriate proceedings at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any corrective action taken by the authority having jurisdiction over such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person, firm, or corporation who or which shall violate any provision of this code shall, upon conviction thereof; be subject to a fine of not more than \$500 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues shall be deemed a separate offense.

106.6 Administrative search warrants. The Code Official may seek an administrative search warrant to ensure that any property regulated by this code is in compliance with this code.

106.7 Violations as public nuisances. Any property regulated by this code that is in violation of this code may be considered a public nuisance and be abatable as such in accordance with 53 P.S. § 46202.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing up to 90 days to make the repairs and improvements required to bring the residential structure into compliance with the provisions of this code or the order or direction of the Code Official, unless the violation is a violation of Chapter 9, in which case the notice shall comply with Section 903.3 of this code.
5. Inform the property owner or owner's agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

111.2 Membership of Board. The Code Appeals Board (the "Board") shall consist of five members who shall be appointed by the Council of the Borough of Shippensburg. Each member shall have been a resident of the Borough for at least one year prior to appointment. The terms of office of the members of the Board shall be five years; provided, however, that the terms of office shall be fixed so that the term of one member shall expire each year.

(Sections 111.2.1 through 111.2.4 shall remain as provided in the International Property Maintenance Code.)

Section 111.2.5, Compensation of Board members, is deleted.

111.3 Notice of meeting. The Board shall meet at its regularly scheduled meeting, notice of which shall be published in accordance with the requirements for publishing public notice of local agency meetings. The Board may also hold special meetings, which meetings shall be held in accordance with the Sunshine Act.

111.4.1 Procedure. The Board shall conduct the public hearing in accordance with the Local Agency Law adopted by the Commonwealth of Pennsylvania.

111.6 Board decisions. The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of a quorum on the Board members.

111.7 Court review. Any person aggrieved by an adjudication of the Board of Appeals who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals by or pursuant to Pennsylvania law.

111.9 Extension of time. The Board shall have the ability to grant extensions of time for the completion of repairs or maintenance required by this code upon a hearing held in accordance with this code; provided, however, that for correction orders issued as a result of inspections occurring in the months of November through February, which correction orders require exterior corrections such as, but not limited to, exterior painting or the repair/replacement of sidewalks, which corrections cannot be completed due to weather conditions, the Borough Manager may grant an extension, which shall not extend the time for completion further than May 31.

SECTION 202 GENERAL DEFINITIONS

The following definitions shall be added or amended. The definitions in the code not referenced below shall remain in full force and effect.

DWELLING UNIT. One or more rooms in a dwelling or apartment hotel designed primarily for occupancy by one family for living or sleeping purposes.

EASEMENT. A right-of-way granted for limited use of property by the landowner for a public or quasi-public purpose and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

FAMILY.

- A. An individual or couple and the children thereof with not more than two other persons related directly to the individual or couple by blood or marriage; or

- B. A group of unrelated persons, excluding domestic workers, living together as a single housekeeping unit in a dwelling unit shall not include more than three unrelated persons.

GROUP HOME. A use involving the residence of persons who need support services and who reside in a family-like residential environment. This shall only include a use licensed or certified under an appropriate state program. The residents are intended to be persons who might otherwise be confronted with institutionalization. Group homes shall be limited to persons needing special care and oversight because of physical illness or infirmity, age, physical disability, mental illness that is not criminal in nature, mental retardation, mental handicap or emotional disability that is not criminal in nature.

GROUP HOUSING. A residential use in which individual rooms that do not meet the definition of a dwelling unit are rented for habitation routinely for periods of 30 days or longer and that does not meet the definition of a hotel, motel, life-care center, personal-care center, bed-and-breakfast use, group home or nursing home.

INOPERABLE MOTOR VEHICLE.

- A. To determine whether a vehicle is inoperable and a nuisance in fact, the following conditions shall be considered individually and/or collectively. It shall be considered whether the vehicle has:
1. Proper license.
 2. Current registration.
 3. Current inspection.
 4. Broken windshields, mirrors or other glass with sharp edges.
 5. One or more flat or open tires or tubes that could permit infestation.
 6. Missing doors, windows, hoods, trunks, or other body parts which could facilitate the harboring of animals and/or other infestation.
 7. Any body parts with sharp edges, including holes resulting from rust.
 8. Missing tires resulting in unsafe suspension of the motor vehicle.
 9. Upholstery that is torn or open which could permit the harboring of animals and/or other infestation.
 10. Broken headlamps or tail lamps with sharp edges.
 11. Disassembled chassis parts apart from the motor vehicle stored in an unsafe fashion or loose, in or on the vehicle.
 12. Protruding sharp objects from the chassis.
 13. Broken vehicle frames suspended from the ground in an unstable manner.
 14. Leaking or damaged oil pan or gas tank that could cause fire or explosion.
 15. Exposed battery containing acid.
 16. Inoperable locking mechanism for doors or trunk or hood.
 17. Open or damaged floorboards, including trunk and firewall.
 18. Damaged bumpers pulled away from the perimeter of vehicle.
 19. Broken grill with protruding edges.

20. Loose or damaged metal trim and clips; broken communications equipment and antenna.
21. Suspended on unstable supports.
22. Such other defects that may threaten the health, safety and welfare of the citizens of the Borough.

NURSING HOME OR CONVALESCENT HOME. A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

OWNER AGENT. An individual or firm designated by the owner of real property, in writing, to the Borough, who shall reside on the premises or within a ten-mile radius of the Borough of Shippensburg, a map of which is available for inspection in the Borough office, and who shall be legally responsible for the operation of the rental property in compliance with all of the provisions of the codes and ordinances of the Borough of Shippensburg and the Commonwealth of Pennsylvania and who shall be responsible for providing legal access to the property for the purposes of making inspections of said premises to ensure compliance with said ordinance(s) and laws.

PERSON. An individual, corporation, partnership, trust, or any other group or entity acting as a unit.

STRUCTURE. Any human-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds, grass or other uncultured vegetation not edible or planted for some useful or ornamental purpose, more than 10 inches in height when measured from the surface of the ground, provided that weed growth on lawns occurring between mowings shall not constitute a violation of this section. All premises and exterior property shall be maintained free from trees, shrubs, hedges or other vegetation that overhangs sidewalks or other pedestrian walkways at a height of less than eight feet. All premises and exterior property shall be maintained free from trees, shrubs or other vegetation that overhangs a road right-of-way at a height of less than 16 feet, measured from the street surface at the curb. All noxious weeds shall be prohibited.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, he or she shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. Noxious weeds shall be those listed on the noxious weed control list found at 7 Pa. Code § 110.1, which list shall be available at the Borough Office for inspection.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designated and approved for such purposes.

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screen of not less than 16 mesh per inch (16 mesh per 25 mm), and every hinged screen door used for insect control shall have a self-closing device in good working condition.

308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, which includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

- A. Junk, trash or debris including but not limited to all waste, refuse and discarded materials having only a junk or salvage value, and garbage not contained in a safe sanitary and orderly manner in a proper container for collection.
- B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
- C. Maintaining or causing to be maintained upon any unenclosed porch or exterior attachment, which faces a regularly traveled thoroughfare, furniture, other than furniture designed for exterior use, which is commonly intended for use inside a dwelling, including but not limited to upholstered sofas, chairs, davenports, beds, divans and the like.

Section 308.3.1, Garbage facilities, is deleted.

308.3 Single occupant. The owner of a one-family dwelling or a single-tenant structure shall be responsible for extermination of the premises to ensure the continued rodent- and pest-free condition of the structure.

308.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for the continued rodent- and pest-free condition of the structure.

308.5 Occupant. The owner of any structure shall be responsible for the continued rodent- and pest-free condition of the structure.

**SECTION 310
CARBON MONOXIDE DETECTORS**

310.1 General. An approved carbon monoxide (hereinafter "CO") detector shall be installed in all dwelling units when a fossil fuel or solid fuel appliance is utilized as the primary or supplemental heat source.

310.2 Installation. There are several options for the installation of these devices:

1. If the dwelling unit or guestroom contains a fuel-burning appliance or has an attached garage, a CO detector is required to be provided in the immediate vicinity of the sleeping rooms.
2. If ductwork or ventilation shafts to a room containing a fuel-burning appliance or to an attached garage connect the dwelling unit or guestroom, a CO detector is required to be provided in the immediate vicinity of the sleeping rooms.
3. If the installation of CO detectors is not triggered by Subsection 1 or 2 above, but the building contains a fuel-burning appliance or has an attached garage, common-area CO detectors are required to be installed in the immediate vicinity of the room containing the fuel-burning appliance and in the immediate vicinity of any ventilation shaft on the floor containing the fuel-burning appliance and within two stories above and below. Common-area CO detectors must be interconnected or monitored. As an alternative, CO detectors can be installed in each unit on the floor, two floors above and below.

Approved detectors will be listed in accordance with UL-2034.

310.3 Removal of battery. Removal of the battery or power source from a carbon monoxide alarm, making the detector inoperable, is a violation of this code and subjects that person to the violation penalties.

404.4 Minimum area requirements. The minimum area requirements of Table 404.4A shall apply to all dwelling units, which dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.4A.

**Table 404.4A
Minimum Area Requirements
Minimum Area in Square Feet**

Space	1-2 Occupants	3-5 Occupants	6 or More Occupants
Living room*	No requirements	120	150
Dining room*	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section 404.4.1		

Note:

* See Section 404.4.2 for combined living room/dining room spaces.

404.4.1 Bedroom requirements. Every bedroom used by a single occupant shall contain at least 70 square feet of floor area. Every bedroom used by more than one occupant shall contain at least 50 square feet of floor for each additional occupant.

404.4.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.4A if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.4.3 Water closet accessibility. Every room used as a bedroom shall have access to at least one water closet located on the same floor as the bedroom, except that this requirement shall not apply to the only bedroom on a floor.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Official, endanger the life, health, safety or welfare of the occupants. In no event shall a residential dwelling unit house more than three unrelated persons.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, which kitchen shall have at least the minimum area requirements of Table 404.4A.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be two.

506.1 General. All plumbing fixtures shall be properly connected to a public sewer system.

In Section 602.3, the following dates shall be added in the areas that currently contain the word "DATE": The first "DATE" shall be changed to "October 15," and the second "DATE" shall be changed to "May 15."

In Section 602.4, the following dates shall be added in the areas that currently contain the word "DATE": The first "DATE" shall be changed to "October 15," and the second "DATE" shall be changed to "May 15."

702.5 Dual egress. Every residential building exceeding two stories in height above grade, not including basements, shall be provided with not fewer than two approved independent exits from each floor above the second floor, fully accessible to each occupant on the floor.

702.6 Basement egress. Every basement and each sleeping room in a basement shall have at least one operable window or exterior door approved for emergency egress or rescue, or shall have access to not less than two approved independent exits. An outside window or exterior door for emergency escape is not required in buildings equipped throughout with an automatic sprinkler system.

704.3.1. Provision of power. All primary power received by smoke alarms through the building wiring shall be provided in a manner consistent with the supplying power company's rules and regulations.

704.5 Fire extinguishers. All residential buildings or dwelling units shall have at least one 2.5 pound type ABC (1-A, 10-BC) portable fire extinguisher placed in the kitchen area of each dwelling unit.

704.5.1 Fire extinguisher maintenance. All fire extinguishers shall be inspected and maintained annually in accordance with NFPA-10, the Standard for Portable Extinguishers/1998 Edition. Inspections of fire extinguishers must be conducted by a certified extinguisher technician as defined by the Pennsylvania Fire Equipment Distributors (PAFED) or the National Fire Equipment Distributors (NAFED) specifications, or equivalent as approved by the Code Official.

- B. A Chapter 9 shall be added to the Code, which shall be entitled "Residential Rental License."

CHAPTER 9
RESIDENTIAL RENTAL LICENSE
SECTION 901
GENERAL

901.1 Rental license. No person shall rent any residential property within the Borough of Shippensburg unless such person has registered the property and received a valid current operating license, issued by the Code Official in accordance with this code, for the specified named or numbered regulated residential rental property.

901.2 Property subject to registration and license requirement. A license shall be obtained by the owner(s) having a legal or equitable interest in the property or the owner's agent for the following forms of residential rental property:

1. Single-family dwellings.
2. Any number of single-family dwelling units.
3. Hotels having more than six rooms.
4. Motels having more than six rooms.
5. Group housing.
6. Any and all combinations of the forms of residential rental premises listed above.

7. Group home, nursing home or convalescent home: Registration and licensing are required, and all applicable fees are required; however, an inspection of a group home, nursing home or convalescent home is not required, provided that a copy of a current approved inspection report from the regulating federal or state agency is provided at the time of registration or renewal of registration.

901.3 Registration of rental units. The registration of rental units shall be made on a form furnished by the Code Official or Borough Manager and shall be completed in accordance with any instruction(s) which may be given by the Code Official. The information provided on the form shall include, but not be limited to, the following information:

1. The name, address, and telephone number of the owner or owners of the rental unit.
2. The name, address, and telephone number of the local agent or agents.
3. The address of the residential rental property being registered.
4. The type of residential rental property being registered.
5. The number of rental units located at the residential rental property being registered.
6. If the residential rental property is a group home, nursing home or convalescent home, a copy of a current approved inspection report from the regulating federal or state agency must be furnished.
7. The name of the tenant(s) who will occupy the rental unit(s).

901.3.1 Time for registration. All residential rental properties must be registered prior to being occupied. A new applicant for a residential rental license can register the residential rental property at any time, in accordance with Section 901.4.1. Any applicant for renewal registration shall renew his or her registration by June 30 of each calendar year during which the property will be used as a residential rental property. Renewal shall not be considered complete until all fees associated therewith are paid in full.

901.4 Licensing. Upon receipt of the fully completed registration form and payment of the appropriate registration fee, the Code Official or the Borough Manager, or his designee, shall, within 30 days, issue a license to the owner or the owner's agent, unless an inspection is required prior to licensing or the property is in violation of this code, in which case a license shall not be issued until such time as the property is in compliance with this code.

901.4.1 Newly licensed property. If the residential rental property is being registered for the first time or is being registered after a period of time during which it was not continuously registered on an annual basis, then the Code Official shall schedule an inspection of the premises within 30 days of receipt of a completed registration form. Prior to receiving a license, the residential rental property must fully comply with the provisions of this code. Occupancy of the residential rental property prior to receiving a license shall be a violation of this code.

901.4.2 Display of license. The current residential rental license shall be displayed on the property and available for inspection by the Code Official.

901.5 Inspections.

1. Inspections shall be completed every third calendar year after the initial inspection and issuance of the rental license, unless the property is a newly licensed property according to Section 901.4.1, in which case inspections shall be completed in accordance with that section. Inspections shall be scheduled by the Code Official under the direction of the Borough Manager or the Manager's designee.
2. Inspections may also occur if a tenant files a complaint in writing signed by the tenant at the Borough Office or with the Code Official. The owner or owner's agent shall be notified of the complaint and the owner or his agent may be present for the inspection. If no violation(s) of this Code is found to exist by the Code Official, the tenant who filed the complaint shall be responsible for the cost of the inspection. If a violation of this code is found by the Code Official in the course of the inspection, the owner or owner's agent shall be responsible for the cost of the inspection.

901.6 Fees. Fees for registration and inspection shall be as follows:

1. Fees for the inspection of rental units shall be set by resolution by the Council of the Borough of Shippensburg.
2. Fees for registration of rental units shall be set by resolution by the Council of the Borough of Shippensburg.
3. Follow-up inspection. In the event that a unit fails to pass the initial and follow-up inspection, the owner or owner's agent shall be charged a fee set by resolution by the Council of the Borough of Shippensburg.
4. Failure to keep scheduled appointments. If the owner or owner's agent fails to allow full inspection of the premises at the scheduled appointment time, the owner or owner's agent shall be charged a fee set by resolution by the Council of the Borough of Shippensburg.

**SECTION 902
OWNERSHIP**

902.1 Transfer of ownership. If the ownership of a registered residential rental property is transferred, whether it is legal or equitable, the registration and license shall be invalid on the date of transfer of ownership, unless the new owner has submitted an application for registration and licensing within 10 days of the date of transfer, in which case the property, if currently occupied, may continue to be occupied; however, such occupancy shall be contingent upon the new owner receiving a license in accordance with this code. If the new owner fails to submit an application for registration and license within 10 days of the date of transfer, or the new owner does not receive a license in accordance with this code, the property cannot be occupied as a rental property, and any rental occupancy of the property is a violation of this code.

902.2 Lease-purchase agreements. Any property that is being occupied and currently subject to a lease-purchase agreement between the occupants of the property and the owner of record, and which lease-purchase agreement is recorded in the Recorder's Office of the County in which the property is located, shall not be subject to the requirements of Chapter 9. The burden of proving a valid lease-purchase agreement under this section shall be on the owner or occupant claiming the exemption from the requirements of Chapter 9.

**SECTION 903
VIOLATIONS OF CHAPTER 9**

903.1 Occupancy without license. It shall be unlawful for any owner or owner's agent to allow a residential rental property to be occupied without being registered and holding a valid residential rental license. Further, it shall be unlawful for any owner or owner's agent to offer for rent, lease, or occupancy unless the residential rental property is currently registered and holds a valid residential rental license.

903.2 Notice of violation of Chapter 9. If any owner or owner's agent violates any provision of Chapter 9, notice shall be given to the owner or owner's agent in violation in the manner prescribed in Section 903.3 below.

903.3 Form of notice. The notice required in Section 903.2 shall conform to the following:

1. Be in writing.
2. Include the address of the residential rental property in violation.
3. Include a statement of the violation and why the violation is being issued.
4. Include a statement allowing the owner or owner's agent 30 days in which to bring the residential rental property into compliance with Chapter 9.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to seek an administrative search warrant to inspect the residential rental property and the right to take action to prevent or terminate occupancy of the residential rental property.

903.4 Prosecution of violation of Chapter 9. Any person failing to comply with a notice of violation or order served in accordance with Section 903.3 shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the Code Official may institute the appropriate proceedings at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any corrective action taken by the authority having jurisdiction over such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

903.5 Penalties. A violation of Chapter 9 shall be subject to the penalties provisions of Section 106.4.

§ 87-5. (Reserved)

§ 87-6. Repealer; construal of provisions.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed, provided that nothing herein shall be construed to authorize any use, other activity or structure prohibited under the Shippensburg Borough Zoning Ordinance of 1964, as amended.¹

1. Editor's Note: See Ch. 150, Zoning.