

**NOTICE:** Article 1763 provides local amendments only to the Property Maintenance Code.

**Amended Ord. 1-2010**

ARTICLE 1763  
Property Maintenance Code

1763.01 Adoption.

1763.02 Changes in Code.

1763.03 Posting upon violation.

CROSS REFERENCES

Unsafe dwellings - see BLDG. & HSG. Art. 1725

1763.01 ADOPTION.

There is hereby adopted by the City for the purposes of establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures, that certain code known as the International Property Maintenance Code, 1998 edition, as published by the International Code Council, Inc., except such portions that are hereinafter deleted, modified or amended. Not less than three copies have been and are now filed in the offices of the City Clerk and the same is hereby adopted and incorporated herein as fully as if set out at length therein. From the date on which this section takes effect, the provisions thereof shall be controlling within the limits of the City, except as expressly modified and supplemented by this article.

(Ord. 1-2000. Passed 1-18-00.)

1763.02 CHANGES IN CODE.

Chapter 1 - Administration

(1) Section 101.1 Title be amended to read as follows:

These regulations shall be known as the Property Maintenance Code of the City of York, Pennsylvania, hereinafter referred to as this "Code".

(2) Section 103.6 Fees be amended to read as follows:

A fee for activities and services performed by the department in carrying out its responsibilities under this Code shall be in accordance with the fee schedule as if set forth from time to time by resolution of the Council of the City of York, Pennsylvania.

- (3) Section 104.9 Enforcement Powers is hereby added to read as follows:  
The Code Official and the Building Code Official or their designees shall have the authority to enforce the provisions of this Code. When acting within the scope of their employment hereinunder, they shall have the powers of a police officer of the City, provided however, that under no circumstances shall they have the power to arrest. (Ord. 1-2000. Passed 1-18-00.)
- (4) Section 106. Violations.
- 106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
- 106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.
- 106.3 Prosecution of violation. If the notice of violation is not complied with, the code official is authorized to institute the appropriate proceeding 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. (Ord. 30-2008. Passed 8-19-08.)
- 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, shall be guilty of a summary offense, punishable by a fine of not less than \$100.00 nor more than \$1000.00 for the first two continual and uncorrected violations and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected violation and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety days (90 days). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 1-2009. Passed 1-6-09.)
- 106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
- 106.6 City's abatement of violation. In the event that the violation is not abated as ordered and within the time specified and no request for a hearing has been timely filed, the City shall have the authority, within the discretion of the code official or his designees, to abate the property violation. All costs for any such abatement, including any reasonable administrative fees, shall be the responsibility of the person who had been notified of the violation pursuant to Section 107. In the alternative, the costs for the abatement of the violation may be assessed against the property. (Ord. 30-2008. Passed 8-19-08.)
- (5) 107.1.1 Exceptions to Notice Requirements. Violations of subsections 302.4 and 302.3.1 of the Property Maintenance Code shall be exempted from the notice requirements of this section and said violations shall be subject to immediate non-traffic summary citation. (Ord. 8-2006. Passed 3-7-06.)

- (6) 108.2.1 Procedure for Closing of Vacant Structures. When the code official has ordered a structure closed pursuant to this section said structure shall be closed so that all windows and doors are boarded as described herein to prevent entry by unauthorized persons. All openings shall be fully covered with 3/4-inch thick wood structural panels cut to fit the door or window opening neatly. Each structural panel shall be secured by fastening 3/8-inch diameter carriage bolts through the wood panel to horizontal interior placed 2-inch by 4-inch solid sawn lumber cut 2 inches wider than the opening and placed 6 inches from the top and bottom of window openings and placed at 24 inch intervals in door openings. After alignment and pre-drilling, all bolts shall be secured between the outer wood panel and the inner 2-inch by 4-inch solid sawn framing material with appropriate washers and nuts. The last opening to be closed shall be a second story window secured from the outside with screws and marked appropriately. (Ord. 51-2006. Passed 7-5-06.)
- (7) Section 109 - Emergency Measures
- 109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. Upon ordering the occupants to vacate the premises, the code official shall post at each entrance to such structure a notice that shall be substantially in the following form: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official."
- (a) In addition, when, in the opinion of the code official, there is a building or structure that poses an imminent danger as defined herein, the code official may, without prior notice or hearing, order that such action be taken, including, but not limited to: repair, replacement or destruction of any defective, illegal or unapproved equipment, as may be reasonably necessary to meet the emergency, and demolition, partial demolition or removal of any structure that is in imminent danger of failure, collapse, or which has already failed or collapsed either in whole or in part, or which is otherwise endangering the health, safety and welfare of the public or other property.
- (b) It shall be unlawful for any person to enter such structure except for the purposes of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- (c) The requirements in this section shall supersede or take precedence over the requirements established in any other City ordinance regarding demolition of a building to ensure the health, safety and welfare of the public or other property. (Res. 114-2008. Passed 8-19-08.)

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official is authorized to order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and may cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for the public safety, the code official may temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency work. For the purposes of this section, the code official is authorized to employ the necessary labor and materials to perform the required work to meet the emergency as expeditiously as possible.

109.5 Costs of emergency work. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction is hereby authorized to institute appropriate action against the owner of the premises where the unsafe structure or equipment is or was located for the recovery of such costs. The costs of the emergency work may also be assessed against the property.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any person affected by emergency measures taken by the City pursuant to Section 109 or any person ordered to take action pursuant to this section shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this code.

(Ord. 31-2008. Passed 8-19-08.)

- (8) Section 111.0 Means of Appeal is hereby amended by deleting all existing text and adding the following section to read:  
 Section 111.0 Means of Appeal. Any person shall have the right to appeal a decision by the Code Official to the Construction Board of Adjustment and Appeals as is otherwise provided for by the ordinances of the City of York, Pennsylvania. (Ord. 1-2000. Passed 1-18-00; Ord. 31-2008. Passed 8-19-08.)

## Chapter 2 - Definitions

- (1) That Section 202 General Definitions be amended as follows:
- (a) "Code Official" shall mean the Chief of the Department of Fire/Rescue Services or designee.
  - (b) "Building Code Official" shall mean the individual or designee who is charged with the enforcement and administration of the Building Code of the City of York.
  - (c) "Rubbish" shall mean combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, branches, yard **waste, metal** cans, metals, mineral matter, glass, crockery and dust and other similar materials. (Amend. Ord. 1-10)
  - (d) **"Sleeping Unit" shall mean room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also a part of a dwelling unit are not sleeping units.**
  - (e) **"Yard Waste" shall mean grass clippings, leaves, twigs, branches, and other garden refuse.** (Amend. Ord. 1-10)

### Chapter 3 - General Requirements

- (1) Section 302.1.1 Animal Carcasses be added to read as follows:  
The occupant shall keep that part of the exterior property which such occupant occupies or controls free of any putrid, unsound, or unwholesome bones, meats, hides, skins of the whole or any part of a dead animal, fish or fowl.  
(Ord. 1-2000. Passed 1-18-00.)

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, **maintained in a clean and sanitary condition**, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 303.10 and 702.9. (Amend. Ord. 1-10)

- (2) 302.3.1 Duty to Clear Snow and Ice; Responsibility.  
The owner of every property fronting upon or alongside any street or highway in the City is hereby required to remove or cause to be removed from all sidewalks in front of or abutting such property, within twelve hours after snow has ceased to fall, a sufficient amount of snow and ice to leave a cleared pathway at least thirty-six inches in width for the entire length of that portion of the sidewalk in front of and abutting such property. The pathway shall run parallel to the curb or building line of such sidewalk except where a sidewalk is less than thirty-six inches in width, sufficient snow and ice shall be removed within such time to leave a cleared pathway wide enough to permit one pedestrian at a time to pass thereover.  
(Ord. 35-2009. Passed 10-6-09.)
- (3) 302.3.2 Deposit of Removed Snow.  
No person shall throw, cast or deposit the snow required to be removed by Section 302.3.1 in the roadbed of the street or highway adjoining such property, but is required to deposit the same upon the sidewalk along and immediately inside the curb thereof.
- (4) 302.3.3 Removal by City in Event of Delinquency.  
In any case where the owner, occupant or tenant fails, neglects or refuses to comply with any of the provisions of this article within the time limit prescribed therein, the City authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be. Such action may be in addition to any fine or penalty imposed under the provisions of this article.  
(Ord. 18-2003. Passed 5-21-03.)

- (5) 302.8 Motor Vehicles. Except as provided for in other regulations, no inoperative, unlicensed, currently unregistered or uninspected 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.

**Exceptions(s):**

- (1) 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 designed and approved for such purposes.
  - (2) One inoperative, unlicensed, currently unregistered or uninspected motor vehicle may be stored in a fully enclosed exterior structure which is maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety or welfare.
  - (3) One inoperative, unlicensed, currently unregistered or uninspected motor vehicle may be stored under a carport which is maintained in good repair, structurally sound, and sanitary so long as the vehicle is completely covered with a vehicle cover specifically manufactured specifically for this purpose.  
(Ord. 27-2002. Passed 12-4-02.)
- (6) 302.10 Refrigerators and Freezers be added to read as follows:  
All refrigerators and freezers which are no longer in active service shall have the doors removed or otherwise be secured to prevent access by any individual to the interior.
- (7) 302.11 Junkyards be added to read as follows:  
Except as provided for in other regulations, no premises or properties shall be used or maintained as junk yards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons.

**302.12 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. (Amend. Ord. 1-10)**

- (8) Section 303.15 Insect Screens be amended to read as follows:  
During the period of May 1 to September 30, every door, window or 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 screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-latching device in good working condition.  
Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.  
(Ord. 1-2000. Passed 1-18-00; Ord. 18-2003. Passed 5-21-03.)

#### Chapter 4 Light, Ventilation and Occupancy Limitations

- (1) Section 404.4.2 Access from bedrooms be amended to read as follows:  
Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.  
Exception #1: Units that contain fewer than two bedrooms.  
Exception #2: Existing residential occupancies as defined in Section 310.1 of the BOCA National Building Code, 1999 edition.
- (2) Section 404.4.3 Water closet accessibility be amended to read as follows:  
Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.  
Exception: Existing residential occupancies as defined in Section 310.1 of the BOCA National Building Code, 1999 edition.

#### Chapter 5 Plumbing Facilities and Fixture Requirements

- (1) Section 506 Sanitary Drainage System 506.1 General be amended to read as follows:  
All plumbing fixtures shall be properly connected to a public sewer system.
- (2) Section 506.3 Cesspools be added to read as follows:  
No person shall construct or place or cause to be constructed or placed on any premise or property any cesspool, privy, vault, dump, or pit of like purpose, nor allow or cause any plumbing fixtures to be connected to such.

#### Chapter 6 Mechanical and Electrical Requirements

- (1) Section 602.3 Heat Supply be amended to read as follows:  
Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of October 1 to April 30 inclusive to maintain a temperature of not less than sixty-five degrees Fahrenheit (eighteen degrees Centigrade) in all habitable rooms, bathrooms and toilet rooms.  
Exception: When the outdoor temperature is below the winter outdoor design temperature for the City of York, Pennsylvania, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the City of York, Pennsylvania shall be as indicated in the Appendix D of the International Plumbing Code as is otherwise adopted by the City of York, Pennsylvania.
- (2) Section 602.4 Occupiable work spaces be amended to read as follows:  
Indoor occupiable work areas shall be supplied with heat during the period of October 1 to April 30 inclusive to maintain a temperature of not less than sixty-five degrees Fahrenheit (eighteen degrees Centigrade) during the period the spaces are occupied.  
Exception #1: Processing, storage, and operation areas that require cooling or special temperature conditions.  
Exception #2: Areas in which persons are primarily engaged in vigorous physical activities.

### Chapter 7 Fire Safety Requirements

- (1) Section 702.3 Number of exits is amended by adding the following additional exceptions to read:
  5. Use Groups R-2, R-3 and R-4 which are existing on the effective date of this ordinance and are equipped with properly installed and maintained single or multiple station smoke alarms.
- (2) Section 705.5 Tests and Maintenance is added to read as follows:

All single and multiple station smoke alarms shall be tested and maintained in accordance with the BOCA National Fire Prevention Code, as is otherwise adopted by the City of York, Pennsylvania.  
(Ord. 1-2000. Passed 1-18-00.)

### Chapter 8 Referenced Standards

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the title, and the section or sections of this document that reference the standard. All referenced standards shall be the most current edition as adopted by the Uniform Construction Code of the Commonwealth of Pennsylvania and the City of York, Pennsylvania. The application of the referenced standards shall be as specified in Section 102.8.

ASME            American Society of Mechanical Engineers  
                    345 East 47th Street  
                    New York, NY 10017-2392

Standard Reference	Title	Referenced in code section number
A17.1	Safety Code for Elevators and Escalators	201.3
CODES		
Standard Reference	Title	Referenced in code section number
Building Code	International Building Code	102.3, 201.3, 302.7.1, 401.3, 702.2, 702.3, 702.6, 702.7, 702.8, 702.9, 702.10, 702.11.1, 703.2, 704.1, 705.5.1
Fire Code	International Fire Code	201.3, 702.6, 703.2, 705.1
Mechanical Code	International Mechanical Code	102.3, 201.3
Plumbing Code	International Plumbing Code	102.3, 201.3, 505.1, 602.2, 602.3

NFPA National Fire Protection Association  
Batterymarch Park  
Quincy, MA 02269

Standard Reference	Title	Referenced in code section number
70	National Electrical Code	102.3, 201.3, 604.2

(Ord. 21-2008. Passed 5-20-08.)

1763.03 POSTING UPON VIOLATION.

The Department of Public Works may post a sign not to exceed 3' x 3' in size stating the property owner's name and address and that the property is in violation of this Code. The sign may remain at the property until the violations are corrected.

(Ord. 35. Passed 10-19-04.)