

BOROUGH OF MERCERSBURG
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO.10-16

AN ORDINANCE OF THE BOROUGH OF MERCERSBURG, FRANKLIN
COUNTY, PENNSYLVANIA ADOPTING UPDATED REGULATIONS ON
RENTAL PROPERTIES

WHEREAS, Section 1202(15) of the Borough Code, 8 Pa.C.S.A. § 1202(15), authorizes the Borough of Mercersburg (the “Borough”) to adopt a property maintenance code; and

WHEREAS, Section 32A04(a) of the Borough Code, 8 Pa.C.S.A. § 32A04(a), authorizes the Borough to enact a property maintenance code incorporating a nationally recognized property maintenance code or any variations; and

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S.A. § 1202(5), authorizes the Borough to make regulations as may be necessary for the health, safety, general welfare, and cleanliness and beauty, convenience, comfort, and safety of the Borough; and

WHEREAS, the Borough Council of the Borough of Mercersburg deems it to be in the interest of the health, safety, and welfare of the residents and visitors of the Borough to adopt regulations regarding the property maintenance of rental properties.

WHEREAS, the Borough has determined that it is in the best interest of the health, safety, and general welfare of the Borough residents that an inspection and permitting process be enacted to provide a mechanism to ensure that multifamily and two-family properties meet appropriate property maintenance standards; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Mercersburg, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1. Title.

This Ordinance shall be known and may be cited as the Mercersburg Residential Rental Property Maintenance and Licensing Ordinance.

SECTION 2. Adoption of standards.

The Borough of Mercersburg hereby adopts the International Property Maintenance Code, 2024 Edition, as amended hereafter from time to time and published by the International Code Council, for residential rental properties 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 Section 3 of this Ordinance as published by the International Code Council.

SECTION 3. More strict standards to apply.

In the event any provision of this chapter is inconsistent with a provision of any Borough Ordinance or state law, the provision applying the stricter standard shall apply.

SECTION 3. Modifications.

- A. The following sections of the International Property Maintenance Code, 2024 are hereby revised, removed, replaced, and/or modified as follows:

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

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

1. All residential rental properties, structure, or units shall comply with any and all provisions of this Ordinance. If a residential rental unit is located in the same structure as any other use, the whole structure shall comply with both the relevant code requirements for said use and requirements for the residential rental use under the provisions of this Ordinance.
2. This Ordinance does not apply to owner-occupied residential units or nonresidential uses except as provided for above in Section 101.2(1).

SECTION 202 GENERAL DEFINITIONS

- A. Dwelling Unit — One or more rooms designed for occupancy by one family for living or sleeping purposes.
- B. Family —
 - 1. An individual or couple and their children, with not more than two additional persons related by blood or marriage; or
 - 2. A group of unrelated persons living together as a single housekeeping unit, not exceeding three unrelated persons.
- C. Group Home — A residential use for persons requiring support services, licensed under an appropriate state program.
- D. Group Housing — A residential use in which individual rooms are rented for periods of 30 days or longer and which does not meet the definition of a dwelling unit, hotel, motel, group home, or nursing home.
- E. Historic Building — A building listed on the National Register, designated by Borough ordinance, or located within the Borough Historic District.
- F. Kitchen — A room or area used for cooking.
- G. Mixed-Use Structure — A structure containing both residential rental units and nonresidential uses.
- H. Nuisance — Any unreasonable, unwarranted, or unlawful condition or activity that causes injury, damage, annoyance, inconvenience, or discomfort to others or diminishes the value or enjoyment of neighboring property including, but not limited to:
 - (1) Accumulation of garbage, rubbish, junk, debris, or yard waste stored in a hazardous or unsanitary manner.
 - (2) Abandoned or junked vehicles stored in a hazardous manner.
 - (3) Nonroadworthy vehicles, as defined in this Ordinance.
 - (4) Abandoned or discarded objects including furniture, appliances, or containers.
 - (5) Interior furniture placed outdoors or on porches visible from a public roadway.
 - (6) Improper use of porches, roofs, or structural elements.

- (7) Improper storage of trash containers.
 - (8) Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or material of any kind from property along any public street or alley, into or upon any street, alley, or adjoining property, or any drainage that causes erosion, stagnant water, or property damage.
 - (9) Burning of garbage, tires, tar products, or burning any material after dark. Any fire must be attended at all times.
 - (10) Maintaining or causing to be maintained any dangerous or dilapidated structure, including but not limited to abandoned, occupied, or unoccupied buildings or parts of buildings.
 - (11) Allowing or permitting any excavation to remain open or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
 - (12) Harboring, allowing, or permitting dogs or other domestic animals to bark or otherwise make noise which unreasonably disturbs adjacent property owners or otherwise creates a nuisance.
 - (13) The emission of noxious fumes, gas, smoke, ashes, or soot in such quantities as to render occupancy of property dangerous to a person of ordinary sensibilities.
 - (14) The accumulation of, or improper disposal of, animal waste.
 - (15) All disagreeable and obnoxious odors or stench, as well as the conditions which give rise to the emission or generation of said odors and stench.
 - (16) Dead or dying trees or other vegetation that may cause a hazardous situation if they fall.
 - (17) Any accumulation of stagnant water.
 - (18) Any attractive nuisance.
 - (19) Any other condition posing a threat to public health, safety, or welfare.
- I. Nursing Home — A building providing lodging, meals, and nursing care, licensed by the Commonwealth.
 - J. Rental Dwelling Unit — A dwelling inhabited by persons other than the property owner(s).
 - K. Residential Rental Property — Any property containing one or more rental dwelling units.

SECTION 302.4 WEEDS

302.4. Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

SECTION 4. Residential Rental Licensing and Registration Program

- A. Rental License.** No person shall rent any residential property within the Borough of Mercersburg unless such person has registered the property and received a valid current operating license, issued by the Code Official in accordance with this Ordinance, for the specified named or numbered regulated residential rental property. A license shall be required for each rental dwelling unit. Operating licenses are non-transferable.
- B. 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(s).
 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. The name of the tenant(s) who will occupy the rental unit(s).
- C. Local Responsible Agent.** Owners residing more than 25 miles from the Borough shall designate a responsible agent. Said agent shall accept notices, respond to emergencies, coordinate inspections, and address complaints.
- D. Time for registration.**
1. Any application for renewal registration shall renew his or her registration by December 31 of each calendar year during which the property will be used as a residential property.
 2. Owners shall update registration information within 30 days of any change.

E. Inspections, when required.

1. All rental units shall be inspected according to the tiered inspection cycle.
2. Inspections shall be completed at the initial licensing and all subsequent renewals.
3. 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 Ordinance 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 Ordinance is found by the Code Official in the course of the inspection, the owner shall be responsible for the cost of the inspection.
4. Owners shall provide access to the rental unit to the Code Official
5. Inspections evaluate compliance with this Ordinance.

F. Tiered inspection cycle.

1. Tier 1 — High-Compliance (3-Year Cycle). No violations, no complaints, passed inspection on first recheck, no unsafe conditions.
2. Tier 2 — Standard (2-Year Cycle). Minor violations corrected upon notice, no repeated offenses of the same kind, no major safety violations.
3. Tier 3 — Problem Properties (Annual). Repeat violations, failure to correct, verified complaints, unsafe conditions, and/or non-cooperation.
4. Movement Between Tiers. Properties may move between tiers or stay in the same tier following an inspection.

G. Certificate of Compliance.

1. Shall be issued upon successful inspection.
2. Shall state the States address, unit, inspection date, tier, and expiration.

H. Violations and Penalties.

1. 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 license. Further, it shall be unlawful for any owner or owner's agent to offer for rent, lease, or occupancy unless the residential property is currently registered and holds a valid rental license.
2. If any owner or owner's agent violates any provision of this Ordinance, notice shall be given to the owner or owner's agent in violation in the manner prescribed below.
3. The notice required shall conform to the following:
 - (a) Be in writing.
 - (b) Include the address of the residential rental property in violation.
 - (c) Include a statement of the violation and why the violation is being issued.
 - (d) Include a statement allowing the owner or owner's agent 30 days in which to bring the residential rental property into compliance.
 - (e) Inform the property owner of the right to appeal.
 - (f) Include a statement of the right to seek an administrative search warrant to inspect the residential property and the right to take action to prevent or terminate occupancy of the residential rental property.
4. Violations shall be corrected within the specified time.
5. Any person failing to comply with a notice of violation or order served in accordance with this Ordinance 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 Ordinance or of the order or direction made pursuant thereto. The Code Official may further suspend or revoke the Certificate of Compliance for the residential rental unit until the residential rental unit comes into compliance with this Ordinance.
6. Violations constitute a summary offense punishable by fines up to \$500 per violation, court costs, and up to 30 days imprisonment.
7. Each day a violation continues constitutes a separate offense.
8. Costs incurred by the Borough may be entered as municipal liens.

9. The Code Official may order emergency measures where imminent danger exists.

I. Appeals.

1. Owners may appeal inspection findings, tier assignments, or license actions.
2. Appeals must be filed within 20 calendar days.
3. Hearings follow the Pennsylvania Local Agency Law.

J. Fees, including registration, licensing, inspection, reinspection, shall be established by Borough resolution. Unpaid fees may be collected as municipal liens.

K. Transfer of Ownership.

1. New owners shall register within 30 days.
2. Existing Certificates remain valid unless revoked.
3. A new license shall be issued to the new owner upon registration.

SECTION 5. Repealer. All inconsistent ordinances are repealed to the extent of the inconsistency.

SECTION 6. Severability. The provisions of this Ordinance are severable, and if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. Effective Date. This Ordinance shall take effect immediately

ENACTED AND ENACTED, ORDAINED and APPROVED this ____ day of _____, 2026.

Kelani Craig
Council President

ATTEST:

Matthew Moxley
Borough Manager/Secretary

