

CHAPTER 5
CODE ENFORCEMENT

PART 1
EXISTING STRUCTURES AND PROPERTY MAINTENANCE CODE

- A. Requirements.**
- § 101. General.**
- § 102. Validity.**
- § 103. Existing Structures.**
- § 104. Approval.**
- § 105. Enforcement Authority.**
- § 106. Duties and Powers of Code Official.**
- § 107. Condemnation.**
- § 108. Notices and Orders.**
- § 109. Placarding.**
- § 110. Emergency Orders.**
- § 111. Violations, Penalties, and Enforcement.**
- § 112. Demolition.**
- § 113. Right to Appeal.**
- § 114. Definitions.**
- § 115. General Requirements.**
- § 116. Light Ventilation and Space Requirements.**
- § 117. Plumbing Facilities and Fixture Requirements.**
- § 118. Mechanical and Electrical Requirements.**
- § 119. Fire Safety Requirements.**
- § 120. Responsibilities of Persons.**
- § 121. Hazard Abatement in Existing Buildings.**
- § 122. Saving Clause.**
- B. Standards for Inspections.**
- § 131. Standards for Inspections.**

PART 2
UNIFORM CONSTRUCTION CODE

- § 201. Short Title.**
- § 202. Legislative Intent.**

- § 203. Adoption of Pennsylvania Uniform Construction Code.
- § 204. Administration and Enforcement of Elizabethtown Borough Construction Code.
- § 205. Regulations and Ordinances in Effect Prior to Effective Date of this Part.
- § 206. Other Sections, Parts and Provisions of Code of Ordinances Remain in Effect.
- § 207. Savings Clause.
- § 208. Effective Date.

PART 3

RESIDENTIAL RENTAL UNITS REGULATIONS

- § 301. Purpose and scope.
- § 302. Definitions.
- § 303. Duties of Owners and Managers of Residential Rental Units.
- § 304. Duties of Occupants of Residential Rental Units.
- § 305. Residential Rental Unit Licensing and Fees.
- § 306. Inspection of Residential Rental Units.
- § 307. Disruptive Conduct.
- § 308. Sale or Transfer of Residential Rental Units.
- § 309. Institutional Facilities.
- § 310. Appeals.
- § 311. Violations and Penalties.

PART 4

REMOVAL OF SNOW AND ICE

- § 401. Definitions.
 - § 402. Responsibility for Removal of Snow and Ice From Sidewalks.
 - § 403. Responsibility for Removal of Snow and Ice From Roofs.
 - § 404. Depositing of Snow and Ice Restricted.
 - § 405. Violations and Penalties.
- Appendix A: Referenced Standards**

PART 1**EXISTING STRUCTURES AND PROPERTY MAINTENANCE CODE****A. Requirements.****§ 101. General. [Ord. 687, 2/18/1988, § 100.0]**

1. Title. This Part shall be known as the "Existing Structures and Property Maintenance Code of the Borough of Elizabethtown "hereinafter referred to as the "Existing Structures Code or "This Code."
2. Scope. This Part is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises as hereinafter provided by:
 - A. Establishing minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of all structures and premises now in existence.
 - B. Establishing minimum requirements for all existing buildings and structures for means of egress, fire protection systems and other equipment and device necessary for safety from fire.
 - C. Providing for rehabilitation and reuse of existing structures and allowing differences between the application of the Code requirements to new application of the Code requirements to new construction and the application of the Code requirements to alterations and repairs.
 - D. Fixing the responsibilities of owners, operators and occupants of all structures.
 - E. Providing for administration, enforcement and penalties.
3. Intent. This Part shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continued use and maintenance of structures and premises.
4. Other Regulations. The provisions in this Part shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.
5. Application of Other Codes. Any repairs or alterations to a structure, or changes of use therein, which are caused directly or indirectly by the enforcement of this Part shall be done in accordance with the procedures and

provisions of the building, plumbing and mechanical codes listed in Appendix A of this Part.

6. Existing Remedies. The provisions in this Part shall not be construed to abolish or impair existing remedies of the Borough or its officers or agencies relating to the removal or demolition of any buildings which are dangerous, unsafe and unsanitary.
7. Workmanship. All repairs, maintenance work, alterations or installations which are required for compliance with this Part shall be executed and installed in a workmanlike and acceptable manner so as to secure the results intended by this Part.

§ 102. Validity. [Ord. 687, 2/18/1988, § 101.0]

1. Validity. If any section, subsection, paragraph, sentence, clause or phrase of this Part shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Part which shall continue in full force and effect, and to this end the provisions of this Part are hereby declared to be severable.
2. Saving Clause. This Part shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

§ 103. Existing Structures. [Ord. 687, 2/18/1988, § 102.0]

1. Alterations or Repairs. Alterations or repairs to existing structures shall conform to the BOCA Building Code for new construction. Alteration or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.
2. Other Ordinances. As provided in § 101(2), this Part establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which are additional or more stringent for the construction, repair, alteration or use of structures, equipment or facilities.

§ 104. Approval. [Ord. 687, 2/18/1988, § 103.0]

1. Approved Materials and Equipment. All materials, equipment and devices approved for use by the Code Official shall be constructed and installed in accordance with such approval.

2. **Modification.** When there are practical difficulties involved in carrying out the structural or mechanical provisions of this Part, the Code Official shall be permitted to vary or modify such provision upon application of the owner or the owner's representative, provided that the spirit and intent of the law shall be observed and public welfare and safety assured.
3. **Records.** Applications for modification and final decision of the Code Official shall be in writing and shall be officially recorded in the permanent records of the department.
4. **Used Materials and Equipment.** Used materials, equipment and devices shall not be reused unless they have been reconditioned, tested and placed in good and proper working condition and approved for use by the Code Official.
5. **Alternative Materials and Equipment.** The provisions of this Part are not intended to prevent the use of any material or method of construction not specifically prescribed by this Part, provided any such construction shall be approved when the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Part, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Part in quality, strength, effectiveness, fire resistance, durability and safety.
6. **Research and Investigations.** The Code Official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the Code Official shall approve its use subject to the requirements of this Part, the costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.

§ 105. Enforcement Authority. [Ord. 687, 2/18/1988, § 104.0]

1. **Officer.** It shall be the duty and responsibility of the Code Official to enforce the provisions of this Part as herein provided. The Borough Manager(s) may enforce any section of this Part.
2. **Relief from Personal Liability.** Any Code Official, officer or employee who acts in good faith and without malice in the discharge of duties of enforcement of this Part is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, the Code Official shall not be held liable for any costs in any action, suit or proceeding that is instituted by the Code Official in the enforcement of this Part. In any of these actions, the official or employee shall be defended or represented by the Borough Solicitor until the final termination of the proceedings.
3. **Official Records.** An official record shall be kept of all business and activities of the department specified in the provisions of this Part.

§ 106. Duties and Powers of Code Official. [Ord. 687, 2/18/1988, § 105.0; as amended by Ord. 864, 11/17/2005, § 312]

1. General. The Code Official shall enforce all the provisions of this Part.
2. Notices and Orders. The Code Official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the requirements or this Part for the safety, health, and general welfare of the public.
3. Rental Properties. All dwelling units, apartments, rooming houses and hotels or other residential rental units as defined in Part 3, Residential Rental Units Regulations of this Chapter, which are let for occupancy shall be subject to all inspections authorized and required by Chapter 5 of this Code, and this Part, to random inspections by the Codes Compliance Official, and to inspections if the Codes Compliance Official reasonably determines that an inspection is necessary.
4. Nonconforming Conditions. If additional nonconforming conditions are encountered during the course of any approved alteration or repair which were not considered or known initially, the Code Official shall have the authority to require compliance with this Part of such additional conditions. The determination of what is necessary to bring such conditions into compliance shall take into consideration the use of alternative and equivalent approaches as provided for in this Part. The Code Official shall have the authority to approve construction changes in the field when conditions are encountered which make the originally approved work impracticable, provided such changes in approved work can be readily determined to be in compliance with this Part and are requested by the owner or the owner's agent prior to such construction changes. Such changes shall be specifically documented by the owner or the owner's agent describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.
5. Right of Entry. If any owner, occupant, or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Part is sought, the administrative authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.
6. Access by Owner or Operator. Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Part.

7. **Credentials.** The Code Official or the Code Official's authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this Part.
8. **Coordination of Enforcement.** Inspection of premises, the issuance of notice and orders and enforcement thereof shall be the responsibility of the Code Official so charged by the Borough. Whenever inspections are necessary by any other department, the Code Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not however, delay the issuance of any emergency orders.
9. **Rule Making Authority.** The Code Official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provision of this Part to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this Part or violating approved practice involving public safety.
10. **Annual Report.** At least annually, the Code Official shall submit to the Borough Council a written statement of operations in the form and content as shall be prescribed by the Borough.

§ 107. Condemnation. [Ord. 687, 2/18/1988, § 106.0]

1. **General.** When a structure or part thereof is found by the Code Official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or uses, or is found unlawful, it shall be condemned by Borough Council pursuant to the provisions of this Part and shall be placarded and vacated. It shall not be reoccupied without approval of the Code Official. Unsafe equipment shall be placarded and placed out of service.
2. **Unsafe Structure.** An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or its occupants by not providing minimum safeguards for protection from fire or because it contains unsafe equipment or it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely.
3. **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

4. **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Part, or because its location constitutes a hazard to its occupants or to the public.
5. **Unlawful Structure.** An unlawful structure is one found to be occupied by more persons than permitted under this Part, or was erected, altered or occupied contrary to law.
6. **Closing of Vacant Structures.** If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Code Official shall be permitted to post a placard of condemnation on the premises and order the structure closed up so it will not be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause it to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

§ 108. Notices and Orders. [Ord. 687, 2/18/1988, § 107.0; as amended by Ord. 882, 2/15/2007]

1. **Notice to Owner or to Person or Persons Responsible.** Whenever the Code Official determines that there has been a violation of this Part or had reasonable grounds to believe that a violation has occurred, or whenever the Code Official has condemned any structure or equipment under the provisions of § 107, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed below. If the Code Official has condemned the property or part thereof, the Code Official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.
2. **Form.** Such notice prescribed in § 108(1) shall:
 - A. Be in writing.
 - B. Include a description of the real estate sufficient for identification.
 - C. Include a statement of the reason or reasons why it is being issued.
 - D. Include a correction order allowing a reasonable time for the repair and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Part.

- E. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board.
- 3. Service. Such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion, who shall be informed of the contents thereof; or by certified or registered mail, addressed to the owner at the last known address, with return receipt requested; or if the supplied registered letter is returned with receipt showing that it has not been delivered, and the enforcement officer does not otherwise know that the person to whom notice is directed has not otherwise received same, then by:
 - A. Posting a copy of the notice in a conspicuous place in or about the structure affected by such notice; and
 - B. By publication of the notice of the action once in the legal publication, if any, designated by the court in Lancaster County, Pennsylvania, and in one newspaper of general circulation within Lancaster County, Pennsylvania. The publication notice shall contain the name of the action, and the name of the party involved and state the nature of the action.
- 4. Service on Occupant. When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Tenants, owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.
- 5. Penalties. Penalties for noncompliance with orders and notice shall be subject to the penalties set forth in § 111.2.
- 6. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee, a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§ 109. Placarding. [Ord. 687, 2/18/1988, § 108.0]

1. Placarding of Structure. After the condemnation notice required under the provisions of this Part has resulted in an order by virtue of failure to comply within the time given, the Code Official shall post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: "Condemned as Unfit for Human Occupancy or Use," and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall remove themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.
2. Prohibited Use. Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this Part.
3. Removal of Placard. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placard action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Part.

§ 110. Emergency Orders. [Ord. 687, 2/18/1988, § 109.0]

1. General. Whenever the Code Official finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the Code Official shall, with proper notice and service in accordance with the provisions of § 108, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as is necessary to meet such emergency. Notwithstanding other provisions of this Part, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.
2. Hearing. Any person to whom such order is directed shall comply with that order. Such person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as prescribed in this Part. Under emergency conditions, such person shall file a petition for appeal within 72 hours of such order and the Appeals Board will hold a hearing within 15 days of the appeal notice. Depending upon the findings of the board at such hearing as to whether the provisions of this Part have been complied with, the board shall continue such order or modify or revoke it.

§ 111. Violations, Penalties, and Enforcement. [Ord. 687, 2/18/1988, § 110.0; as amended by Ord. 829, 11/15/2001; by Ord. 889, 9/20/2007, § 2; by Ord. 945, 2/21/2013; by Ord. 960, 9/18/2014]

1. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this Part, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this Part.
2. Penalty. Any person, firm or corporation, who shall violate any provisions of this Part shall, upon conviction thereof, be subject to a fine of not less than \$200 nor more than \$1,000 plus costs of prosecution and, in default of payment of said fine and costs, to a term of imprisonment for a term not to exceed 30 days. The costs shall include, without limitation, any court filing fees and the expenses incurred by the Borough for its employees to collect any such sums as well as attorney fees incurred by the Borough. Each day beyond the effective date of the notice that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.
3. Prosecution. In case any violation order is not promptly complied with, the Code Compliance Official, following consultation with the Borough Council and/or Borough Solicitor, shall be authorized to institute an appropriate action or proceeding to exact the penalty provided in § 111.2. The Code Compliance Official shall have further authority to consult with the Borough Solicitor as to whether it would also be appropriate to proceed at law or in equity against the person responsible for the violation and to so proceed if deemed necessary for the purpose of ordering that person:
 - A. To restrain, correct or remove the violation or refrain from any further execution of work.
 - B. To restrain or correct the erection, installation or alteration of such structure;
 - C. To require the removal of work in violation.
 - D. To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Part, or in violation of a plan or specification under which an approval, permit or certificate was issued.
4. Service Fees for Reoccurring Violations. When a property has been declared a public nuisance due to refuse accumulation, insect, vermin or rodent infestation, lack of required utilities, facilities, equipment or other property maintenance violations listed in this Part, deemed a detriment to the occupants of a property or the public-at-large and/or cause a blighting

condition, the Code Compliance Official will notify the responsible party. In the event of a reoccurrence of the violation, a service charge established by the Borough Council of the Borough of Elizabethtown by ordinance or resolution shall be assessed against the responsible party. Repeat offender service fees shall be payable to the Borough of Elizabethtown within 15 days of receipt of the Borough invoice setting forth the service fee. Failure to timely pay said fee will result in the Borough instituting appropriate action against the offender to recover both the service fee and any related administrative fees.

5. Public Safety Official Notice and Quick Ticket Procedures. In addition to other enforcement mechanisms available to the Borough under this Part, the Code Compliance Official is authorized to issue public safety official notices for Property Maintenance Code violations and Quick Tickets for violations including, but not limited to, high weeds and grass, garbage, failure to clear snow and ice from public sidewalks, accumulation of rubbish, animal waste and improper storage. The Code Compliance Official may issue a Quick Ticket in addition to or in lieu of issuing a notice of violation. The Code Compliance Official shall serve the ticket by mail, personally delivering the ticket to the property owner or property management office or company responsible for said property in violation or by affixing the ticket to the property where the violation exists. The Code Compliance Official may use more than one form to serve the ticket to the violator. The Quick Ticket penalties for the above-referenced violations shall be payable within 15 days. Repeat offenders shall be subject to additional penalties. Failure to pay the Quick Ticket within 15 days may result in a summary citation being issued through the local Magisterial District Judge's office. The Borough Council of the Borough of Elizabethtown shall approve Quick Ticket forms and penalty amounts by resolution. Appeals of this Section shall be made pursuant to § 113 of this Part.

§ 112. Demolition. [Ord. 687, 2/18/1988, § 111.0]

1. General. The Code Official, upon a direction by the Borough Council, shall order the owner of the premises upon which is located any structure or part thereof, which in the Code Official's judgment is so old, dilapidated or is in such a state of disrepair to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of one year, to raze and remove such structure of part thereof.
2. Unreasonable Repairs. Whenever the Code Official, Borough Council and necessary consultants determine that the cost of such repairs would exceed 100% of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this Section that

such structure is a public nuisance which shall be ordered razed without option on the part of the owner to repair.

3. Order. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper authorized to provide service by publication.
4. Restraining Actions. Anyone affected by any such order may within 15 days after service of such order apply to a court of record for an order restraining the Code Official from razing and removing such structure or parts thereof. The court shall determine whether the order of the Code Official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.
5. Failure to Comply. Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
6. Salvage Materials. When any structure has been ordered razed and removed, the Borough Council or other designated person under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§ 113. Right to Appeal. [Ord. 687, 2/18/1988, § 112.0]

1. Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, or of any rule of regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the board; provided that such person shall file, in the office of the board, a written petition requesting such hearing and containing a statement of the grounds therefore within 30 days after the day the notice was served.

2. Appeals Board. In order to protect existing structures in the Borough from overly vigorous enforcement of the provisions of this Part, there shall be and is hereby created a Code Appeals Board, hereafter referred to as the Board, consisting of five members who shall be appointed by the Borough Council.
3. Membership. Whenever possible, the membership of the Board shall consist of the Board of Health Office, a member of Borough Council, a fire company official, a builder or contractor, and a licensed engineer. At least three members shall have been a resident of the Borough. Borough Council shall appoint each member for a term of five years. Borough Council shall appoint a Borough official to serve as secretary to the Board. This official shall be a nonvoting member of the Board.
4. Vote. The Board shall hear all appeals relative to the enforcement of this Part, and by a concurring vote of the majority of its members shall reverse or affirm wholly or partly, or modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. In the case of a tied vote, the action shall be deemed a confirmation of the decision of the Code Official.
5. Financial Interest. A member of the Board shall not participate in any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications or in which that member has any personal interest.
6. Records. The secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the Board.

§ 114. Definitions. [Ord. 687, 2/18/1988, § 201.0; as amended by Ord. 744, 9/16/1993, § 2; by Ord. 882, 2/15/2007; by Ord. 945, 2/21/2013]

1. General.
 - A. Scope. Unless otherwise expressly stated, the following terms shall, for the purpose of this Part, have the meanings indicated in this Part.
 - B. Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
 - C. Terms Defined in Other Codes. Where terms are not defined in this Part and are defined in the building, plumbing or mechanical codes listed in Appendix A, they shall have the same meaning ascribed to them as in those codes.
 - D. Terms Not Defined. Where terms are not defined, through the methods authorized by this Section, they shall have their ordinarily accepted meanings such as the context shall imply.

E. Parts. Whenever the words "dwelling unit," "multifamily dwelling," "premises," "residential building," "rooming house," or "rooming unit," are used in this Part, they shall be construed as though they were followed by the words, "or any part thereof."

2. Applied Meaning of Words and Terms.

ABATEMENT — The reduction of, removal of or encapsulation of lead, followed by thorough clean up and post clean up treatment, from the surfaces and sources that promote exposure resulting in the possibility of lead toxicity or poisoning, which abatement shall be in a manner approved or determined to be appropriate by the Borough. The method of abatement and subsequent disposal of lead shall not present a hazard to health from fumes, dust or vapors by inhalation, ingestion or absorption through the skin and mucous membranes and shall be in accordance with all applicable laws, ordinances, regulations and safety standards of the Borough, State and Federal agencies.

APPROVED — Approved by the Code Official.

BASEMENT — That portion of a building which is partly or completely below grade.

BOARDING HOUSE — A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single family unit.

BUILDING CODE — The Building Code officially adopted by the Borough of Elizabethtown, or other such codes officially designated by the Borough for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

CENTRAL HEATING — The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

CODE OFFICIAL — The official who is charged with the administration and enforcement of this Part, or any duly authorized representative.

CONDEMN — To adjudge unfit for use or occupancy.

DORMITORY — A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

DWELLINGS — See § 114(1)(E).

DWELLING UNIT — A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (See § 114.1E.)

ELEVATED BLOOD LEAD LEVEL — A blood lead level of a child under six years of age confirmed by venous sample to be equal to or greater than the lead level defined as elevated by the United States for Centers Disease Control.

EXPOSED SURFACE — All interior surfaces of a dwelling and those exterior surfaces of a dwelling which are readily accessible to children under six years of age, such as stairs, decks, porches, railings, windows, doors and siding. Any yard or other area in the vicinity of a dwelling including, without limitation, any soil, yard or other area which may be subject to contamination from flaking or peeling lead based coatings or any other source of lead is also considered an exposed surface.

EXTERIOR PROPERTY AREAS — The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION — The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

FAMILY — A single person occupying a dwelling unit and maintaining a household or two or more persons related by blood, marriage, adoption or foster relationship occupying a dwelling unit, living together and maintaining a common household, including not more than one boarder, roomer or lodger; or not more than five unrelated persons occupying a dwelling unit, living together and maintaining a common household; provided, further, that a family shall also include any number of unrelated persons who reside within a licensed group home as defined herein. It is the express intention of this definition to comply with the Fair Housing Amendments Act of 1988, P.L. 100-430, 102 Stat. 1619.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE SPACE — Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HOTEL — Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

INFESTATION — The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LEAD BASED COATING — Any paint, varnish, glaze or other applied liquid surface coating and putty or plaster which contains a quantity of lead in excess of 0.6 milligrams per square centimeter of surface.

LET FOR OCCUPANCY or LET — To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be the legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

MAINTENANCE — Acts or repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by this Part and other applicable statutes, codes and ordinances.

MOTEL — A hotel as defined in this Part.

MOTOR VEHICLE — A vehicle which is self-propelled (except an electric personal assistive mobility device or vehicle which is propelled solely by human power), as well as any other trailer, tag-along or other item which is required to be licensed by the Commonwealth of Pennsylvania, Department of Motor Vehicles, whether self-propelled or not. A motor vehicle shall include but not be limited to cars, all forms of trucks, motorcycles, motor-driven cycles, motorized pedicycles, and motor homes. The use of the specific examples of a "motor vehicle" is not intended to nor shall it diminish the general language of the definition.

MULTIFAMILY APARTMENT HOUSE — A building or portion thereof containing more than two dwelling units and not classified as a one or two family dwelling.

OCCUPANT — Any person living and/or sleeping in dwelling unit or having possession of a space within a building.

ONE FAMILY DWELLING — A building containing one dwelling unit.

OPENABLE AREA — That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR — Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the

State, county or Borough as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of any such person if ordered to take possession of real property by a court.

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

PLUMBING FIXTURE — A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

PREMISES — A lot, plot or parcel of land including the buildings or structures thereon. (See § 114(1)(E).)

PUBLIC NUISANCE —

- (1) The physical condition, or use of any premises regarded as a public nuisance at common law.
- (2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.
- (3) Any premises which has unsanitary sewerage or plumbing facilities.
- (4) Any premises designated as unsafe for human habitation or use.
- (5) Any premises which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured as to endanger life, limb or property.
- (6) Any premises from which the plumbing, heating and/or facilities required by this Part have been removed or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided.
- (7) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds.
- (8) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

RESIDENTIAL BUILDING — A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided;

except when classified as an "institution" under the building code listed in Appendix A. (See § 114(1)(E).)

ROOMING HOUSE — Any residential building, or any part thereof, containing one or more rooming units. (See "dwellings, boarding house.") (See § 114(1)(E).)

ROOMING UNIT — 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 or eating purposes. (See § 114(1)(E).)

RUBBISH — Combustible and noncombustible waste materials, except garbage, and 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, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRUCTURE — That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

TWO FAMILY DWELLING — A building containing two dwelling units.

VENTILATION — The natural or chemical process of supplying conditioned or unconditioned air to or removing air from any space.

WORKMANLIKE — Whenever the words "workmanlike state of maintenance and repair" are used in this Part, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

YARD — An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

YARD WASTE — Shall consist of garden residues, leaves, shrubbery, tree trimmings, grass clippings, dirt, sod, chipped wood, mulch, and tree branches.

§ 115. General Requirements. [Ord. 687, 2/18/1988, Art. 3; as amended by Ord. 829, 11/15/2001; by Ord. 882, 2/15/2007; by Ord. 945, 2/21/2013]

1. General.

- A. Scope. The provisions of this Part shall govern the minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.
 - B. Responsibility. The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use premises which do not comply with the following requirements of this Section.
 - C. Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
2. Exterior Property Areas.
- A. Sanitation. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
 - B. Containers. The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal. It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such material on the bottom or side of containers and that the interior of the containers shall be kept clean by thorough rinsing and draining as often as necessary.
 - C. Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not dispersed within seven days of the last recorded local rainfall with the exception of water retention areas and/or reservoirs approved by the Code Official.
 - D. Loading Areas. All loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby.
 - E. Insect and Rat Control. An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the

premises of a single family dwelling. Whenever infestation exists in the premises of other than a single family dwelling, extermination shall be the responsibility of the owner.

- F. Public Areas. All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair, free of all snow, ice, mud, overhanging trees and shrubs which obstruct walkways and other debris and shall be maintained free of hazardous conditions. If any sidewalk or driveway or portion thereof, by virtue of its state of repair, shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced. Steps shall comply with the requirements for exterior stairs. Any trees, shrubbery and/or vegetation abutting a public sidewalk or public street or public alley shall be maintained to a minimum height of 10 feet of clearance above the public sidewalk or public right-of-way and at a minimum height of 16 feet above any public street or public alley.
- G. Weeds. All lots shall be maintained free from weeds in excess of six inches. All 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. The area between the curb and the street should be maintained free from weeds or plant growth.
- H. Storage Areas.
 - (1) All approved open salvage yards and open storage areas shall be completely obscured from surrounding property by an approved solid screen not less than six feet (1,829 mm) in height. Storage of debris, junk or construction materials, which are not associated with an approved use or permitted construction at that site, shall be prohibited.
 - (2) Temporary storage of materials associated with an approved use is permitted for 90 days from the date of delivery. Storage of materials associated with an approved use shall not be stored in a front yard for more than 30 days from the date of delivery.
 - (3) Storage of lawn and landscape equipment, items dealing with snow removal, household items, toys, recreational equipment, trash receptacles, transportation devices and furniture shall be strictly prohibited from being stored in the front yard as defined within the Zoning Ordinance.¹

¹Editor's Note: See Chapter 27, § 201.

- (4) Storage of items on a front or side porch shall be confined to the appropriate outdoor style furniture and decorations. Toys, boxes, recycling and trash receptacles, indoor furniture, loaded trash bags, clothes, appliances and items associated with indoor residential uses shall be prohibited from being stored on the front and/or side porches.
- I. Exhaust Vents. A person shall not construct, maintain, or operate pipes, ducts, conductors, fans, or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.
- J. Accessory Structure. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with all applicable provisions of Subsections 3 and 4. Should an accessory structure abut a public alley or street, the accessory structure shall display the site address in accordance with Chapter 5, Part 1, § 115, Subsection 3B. **[Amended by Ord. 975, 6/16/2016]**
- K. Motor Vehicles. Motor vehicles shall be subject to the requirements of Subsections 2L and 2M.
- L. Residential Areas. Except as may be provided in other regulations, no unregistered and/or uninspected motor vehicle shall be parked on any property (including driveway area) in a residential district or residential use for a period in excess of 90 days, which ninety-day period shall be calculated beginning with the day that the registration and/or inspection of the vehicle became void. Said vehicle shall not at any time be in a state of major disassembly or disrepair, nor shall it be in the process of being stripped or dismantled. A motor vehicle of any type shall not at any time undergo overhaul, including body work, in a residential district or area, unless such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. If any such unregistered/uninspected motor vehicle is, before the expiration of the ninety-day period, moved in to an enclosed structure, it shall not be a violation of this section.
- M. Nonresidential Areas. Motor vehicles which are currently unregistered and/or uninspected for a period in excess of 90 days, which ninety-day period shall be calculated beginning with the day that the registration and/or inspection of the vehicle became void, or in a state of major disassembly or disrepair or in the process of being stripped and stored outdoors on any property in a nonresidential district shall be removed or brought into compliance with this Part.
- N. Disposition of Yard Waste. Yard waste shall not be disposed of on public rights-of-way, streets and/or alleys.

3. Exterior Structure.

- A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment.
- B. Site Address. Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or public alley fronting the structure(s). These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. **[Amended by Ord. 975, 6/16/2016]**
- C. Structural Members. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
- D. Exterior Surfaces (Foundations, Walls and Roof). Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rats.
- E. Foundation Walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
- F. Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.
- G. Roofs and Drainage. The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain from causing dampness or deterioration in the walls or interior portion of the building. Roof water from principal and/or accessory structures shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance. **[Amended by Ord. 975, 6/16/2016]**

- H. Decorative Features. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- I. Signs, Marquees, and Awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhand extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of weather coating material such as paint or other protective treatment.
- J. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.
- K. Stair and Porches.
 - (1) Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as snow, ice, mud and other debris.
 - (2) Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair and every open portion of a stair, fire escape, porch, landing or balcony which is more than 30 inches (762mm) above the grade below shall have guardrails. Handrails shall be not less than 30 inches (762mm) nor more than 34 inches (864mm) high, measured vertically above the nosing of the treads. Guardrails shall be not less than 30 inches (762mm) high above the floor or the porch, landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.
- L. Window and Door Frames. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to be weather tight.
- M. Weather tight. Every window and exterior door shall be fitted reasonably in its frame and be weather tight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

- N. Glazing. Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.
- O. Openable Windows. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

P. Insect Screens.

- (1) During the period from April 1 to December 1 every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tight-fitting screens of not less than 16 mesh per inch and every swinging screen door shall have a self-closing device in good working condition.
- (2) Exception. Screen doors shall not be required for out-swinging doors or other types of opening which make screening impractical, provided other approved means such as air curtains or insect repellent fans are employed.

Q. Door Hardware. Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.

R. Basement Hatchways. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain and surface drainage water into the structure.

S. Guards for Basement Windows. Every basements window which is openable shall be supplied with rat-proof shields, or storm windows or other material affording protection against the entry of rats.

4. Interior Structure.

A. General. The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment.

B. Structural Members.

- (1) The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.
- (2) In every existing building used for business, industrial, mercantile or storage occupancy, in which heavy loads or concentrations occur or in which machinery is introduced, the owner or occupant shall cause the weight that each floor will safely sustain to be calculated by a registered architect or

engineer and filed with the Code Official, and after such acceptance by the Code Official, to be posted on each floor in a conspicuous place.

- C. Interior Surfaces. Floors, walls (including windows and doors) ceilings, and other interior surfaces shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loosed plaster, decayed wood, and other defective surface conditions shall be eliminated.
- D. Bathroom and Kitchen Floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean and sanitary condition.
- E. Free from Dampness. Every building, basement and crawl space shall not be maintained in a manner that fosters decay or deterioration of the structure.
- F. Sanitation. The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under § 120(2).
- G. Storage. Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.
- H. Insect and Rat Harborage. All structures shall be kept free from insect and rat, mice and vermin infestation, and where insects or rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- I. Exit Facilities. All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.
- J. Handrails and Guardrails. Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762mm) above the floor or grade below shall have guardrails. Handrails shall be not less than 30 inches (762mm) nor more than 34 inches (864mm) high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than 30 inches (762mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be

firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

5. **Swimming Pools.** Swimming pools shall operate in a safe and sanitary manner at all times. Should the swimming pool discontinue use, the pool shall be properly emptied and dismantled within 30 days after receiving notice from the Codes Compliance Official. Water from the pool shall not be discharged onto adjacent properties or rights-of-way. Operation of swimming pools shall be in strict conformity and compliance with Chapter 27, Part 13, § 1319. **[Added by Ord. 980, 12/15/2016]**

§ 116. Light Ventilation and Space Requirements. [Ord. 687, 2/18/1988, Art. 4]

1. **General.**
 - A. **Scope.** The provisions of this Section shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.
 - B. **Responsibility.** The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the following requirements of this Section.
 - C. **Access to Public Property.** All structures shall be provided access to public property. Such access means shall be maintained unobstructed.
 - D. **Open Space.** An open space, when used for the origin of light and ventilation, shall be maintained and unobstructed.
 - E. **Alternative Devices.** In place of the means for natural light and ventilation herein prescribe, alternative arrangement of windows, louvers, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted when complying with the building code listed in Appendix A.
2. **Light.**
 - A. **General.** All spaces or rooms shall be provided sufficient light so not as to endanger health and safety.
 - B. **Common Halls and Stairways.** Every common hall and stairway in every building, other than one and two family dwellings, shall be adequately lighted with an illumination of at least 60 watt standard incandescent light bulb or equivalent for each 200 square feet (18.60

m²) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9,144mm). Every exterior stairway shall be illuminated with a minimum of one foot candle (10.76 lux) at floors, landings and treads.

- C. Other Spaces. All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

3. Ventilation.

- A. General. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating systems shall be maintained in operation during the occupancy of any structure or portion thereof. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different residential space or occupancy of dissimilar use from which it is withdrawn.
- B. Process Ventilation. Where any process permits and where injurious, toxic, irritating or noxious fumes, gases, dust or mists are generated by said process, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source so that it is not allowed to permeate the general atmosphere of the workroom. Air so exhausted shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which it is withdrawn.
- C. Clothes Dryer Exhaust. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

4. Dwelling Unit Limitations.

- A. Separation of Units. Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.
- B. Privacy. Hotel units, lodging units and dormitory units shall be designed to provide privacy, and be separate from other adjoining spaces.
- C. Common Access. A habitable space, bathroom or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or

beauty shop, doctor's or dentist's examination or treatment room or similar room used for public purposes.

D. Below Grade Rooms. Rooms partially or completely below grade shall not be used as habitable space unless:

- (1) Floors and walls are water-tight so as to prevent entry of moisture.

- (2) Total window area, total openable window area and ceiling height are in accordance with this Part.
- (3) Required minimum window area of every habitable space is entirely above the grade adjoining such window areas.
- (4) Means of egress and emergency escape are provided in accordance with this Part.

5. Space Requirements.

- A. Area for Sleeping Purposes. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.51m²) of floor area and every room occupied for sleeping purposes by more than one person shall contain at least 40 square feet (4.65m²) of floor area for each occupant thereof.
- B. Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of Table 1.
- C. Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of Table 1 if the total area is equal to that required for separate rooms and if the space is so located that it functions as a combination living room/dining room.

Table 1
Minimum Occupancy Area Requirements
 Minimum Occupancy Area in Square Feet Space
 (Square Meters)

	1-2 Occupants	3-5 Occupants	6 or more
Living Room ^(a)	No requirements	120(11.16)	150(13.95)
Dining Room ^(a)	No requirements	80(7.44)	100(9.30)
Kitchen	50(4.65)	50(4.65)	60(5.58)
Bedrooms	Shall comply with § 115.1A		

Note ^(a). See § 116.5C for combined living room/dining room spaces.

- D. Prohibited Use. Kitchens, nonhabitable spaces and public spaces shall not be used for sleeping purposes.
- E. Minimum Ceiling Heights.
 - (1) Habitable spaces shall have a clear ceiling height over the minimum area required by this Part at not less than 7 1/3 feet (2,235mm), except that in attics or top half-stories the ceiling height shall be not less than seven feet (2,134mm) over not less

than 1/3 of the minimum area required by this Part when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five feet (1,524mm) or more shall be included.

- (2) Exception. Hallways, corridors, bathrooms, toilet rooms, kitchens and habitable basements used as recreation rooms shall have a ceiling height of not less than seven feet (2,134mm) to the lowest projection from the ceiling.
- F. Correctional Institutional Occupancies. It is not intended that this Part regulate the space requirements of correctional institutions.
- G. Minimum Room Widths. Every habitable space shall have a clear room width of not less than seven feet (2,134mm) at the narrowest point exclusive of projections affecting less than 10% of the floor area and exclusive of floor areas of alcoves and entry ways not included in meeting the floor area requirements listed in Table 1. Exception: Kitchens require a clear passageway of not less than three feet (914mm) between counter, appliances and/or walls.

§ 117. Plumbing Facilities and Fixture Requirements. [Ord. 687, 2/18/1988, Art. 5; as amended by Ord. 829, 11/15/2001]

- 1. General.
 - A. Scope. The provisions of this Section shall govern the minimum plumbing facilities and fixtures shall comply with the requirements herein prescribed insofar as they are applicable.
 - B. Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premises which do not comply with the following requirements of this Section.
- 2. Required Facilities.
 - A. Dwelling Units. Every dwelling unit shall include its own plumbing facilities with are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities set forth in Subsection 2B, 2C and 2D shall be supplied and maintained in sanitary, safe working condition.
 - B. Water Closet and Lavatory. Every dwelling unit shall contain within its walls, a room separate from habitable spaces, which affords

privacy and a water closet supplied with cold running water. A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

- C. Bathtub or Shower. Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.
 - D. Kitchen Sink. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under Subsection 2B, and such sink shall be supplied with hot and cold running water.
 - E. Rooming Houses. At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
 - F. Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower accessible from a public hallway shall be provided on each floor for each 10 occupants. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.
 - G. Other Structures. In nonresidential structures, the requirements for sanitary facilities shall comply with the minimum requirements of the plumbing code listed in Appendix A for such facilities for such use and occupancy.
3. Toilet Rooms.
- A. Privacy. Toilet rooms and bathrooms shall be designed and arranged to provide privacy.
 - B. Direct Access. Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.
 - C. Same Story. Toilet rooms and bathrooms serving hotel units, lodging houses, or dormitory units, unless located within such respective units, or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.
 - D. Floors. Bathrooms and toilet rooms shall be provided with floors of moisture resistant material.

- E. Partitions. Every nonresidential structure that requires or supplies a water closet shall provide within the toilet room partitions, enclosures, or compartments for privacy and shall comply with fixture clearance requirements of the plumbing code listed in Appendix A for such installations.

4. Plumbing Fixtures.

- A. General. All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be approved nonabsorbent material.
- B. Connections. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building and plumbing codes listed in Appendix A.
- C. Maintained Clean and Sanitary. All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rats or produce dangerous or offensive gases or odors.
- D. Access for Cleaning. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area about it.
- E. Water Conservation. Plumbing fixtures which are replaced shall be of watersaving construction and use as required by the energy and plumbing codes listed in Appendix A.

5. Water System.

- A. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to a Pennsylvania DEP approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.
- B. Contamination. The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- C. Supply. The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices,

and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

- D. **Water Heating Facilities.** Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than 110° F. (43° C.). Every gas burning water heater shall be vented to a chimney or other venting device leading to outdoor space. A gas-burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. There shall be installed on water heaters as approved combination temperature and pressure relief valve. All water heating appliances shall be properly installed and maintained in accordance with this Part.
- 6. **Sewage System.**
 - A. **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to a Borough approved private sewage disposal system.
 - B. **Maintenance.** Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept from obstructions, leaks, and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building and plumbing codes listed in Appendix A.
 - 7. **Storm Drainage.** An approved system of storm water disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises.

§ 118. Mechanical and Electrical Requirements. [Ord. 687, 2/18/1988, Art. 6]

- 1. **General.**
 - A. **Scope.** The provisions of this Section shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.
 - B. **Responsibility.** The owner of the structure shall provide and maintain such mechanical and electrical facilities and equipment in compliance

with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this Section.

2. Heating Facilities.

A. Residential Buildings.

- (1) Every owner of any structure who rents, leases or lets one or more dwelling units or guest rooms on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 15 to April 30 to maintain a room temperature of not less than 65° F. (18° C.), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60° F. (16° C.) during other hours. The temperature shall be measured at a point three feet (914mm) above the floor and three feet (914mm) from exterior walls.
- (2) Exception. When the exterior temperature falls below 0° F. (-18° C.) and the heating system is operating at its full capacity, a minimum room temperature of 60° F. (16° C.) shall be maintained at all times.

B. Other Structures.

- (1) Every owner of any structure who rents, leases, or lets the structure or any part thereof on terms, either express or implied, to furnish heat to the occupant thereof; and every occupant of any structure or part thereof on terms, either express or implied, to supply its own heat, shall supply sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65° F. (18° C.) during all working hours in all enclosed spaces or rooms where persons are employed and working. The temperature shall be measured at a point three feet (914mm) above the floor and three feet (914mm) from the exterior walls.
- (2) Exceptions.
 - (a) Processing, storage and operation areas that require cooling or special temperature conditions.
 - (b) Areas in which persons are primarily engaged in vigorous physical activities.

C. Cooking and Heating Equipment. All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and fire, health

and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code and mechanical code listed in Appendix A. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by a candle or alcohol lamp.

- D. Installation. All mechanical equipment shall be connected to an approved chimney or vent.
- E. Flue. All vented fuel-burning equipment shall be connected to an approved chimney or vent.
- F. Clearances. All required clearances to combustible materials shall be maintained.
- G. Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.
- H. Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.
- I. Unauthorized Devices. Devices purporting to reduce gas consumption by attachment to a gas appliance, to the gas supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation is specifically approved.
- J. Kerosene Heaters. The Code Officer may prohibit the use of kerosene and/or portable heaters as a primary or secondary heat source if a problem is discovered relating to fire safety or fumes.
- K. Toxic Emissions. Any wood burning stove, fireplace or other similar heat source shall not emit any toxic fumes which are in violation or do not conform to Federal or State regulations for that type of emission.
- L. Boiler Inspection. Each boiler and pressure vessel, other than boilers locate within a dwelling unit, shall be inspected a minimum of once every two years. The inspection shall determine that the boiler operates in accordance with the manufacturer's requirements and that all safety devices and controls function correctly.
- M. Fireplaces. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and safe.
- N. Climate Control. When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

3. Electrical Facilities.

- A. Facilities Required. Every building or part thereof used for human occupancy shall be adequately and safely provided with an electrical system in compliance with the requirements of this subsection. The provisions of Subsection 3A, 3B, 3C, and 3D shall be considered absolute minimum requirements. The size of units and the usage of appliance and equipment shall be used as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Appendix A.
- B. Receptacles. Every habitable space in a dwelling unit, and every guest room, shall contain at least one remote receptacle, outlet. Every bathroom shall contain at least one receptacle.
- C. Lighting Fixtures. Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.
- D. Service. When the electrical system requires modification to correct inadequate service as defined in § 118.3F, the service shall be corrected to a minimum of 60 ampere, three wire service.
- E. Installation. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be listed by Underwriters Laboratories.
- F. Defective System. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reason, the Code Official shall require the defects to be corrected to eliminate the hazard.

4. Elevators, Escalators and Dumbwaiters.

- A. General. Elevators, dumbwaiters and escalators shall be maintained to safely sustain the loads to which they are subject, to operate properly, and to be free of physical and fire hazards.
- B. Elevators.
 - (1) In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.
 - (2) Exception. Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

§ 119. Fire Safety Requirements. [Ord. 687, 2/18/1988, Art. 7; as amended by Ord. 729, 8/20/1992, § 1; by Ord. 737, 3/18/1993, § 1; by Ord. 882, 2/15/2007; by Ord. 945, 2/21/2013]

1. General.

- A. Scope. The provisions of this Section shall be in addition to the requirements listed in Chapter 7, Fire Prevention, of the Code of Ordinances.
- B. Responsibility. The owner of any structure shall provide and maintain firesafety facilities and equipment in compliance with the International Fire Code of 2009, promulgated by the International Code Council, and any amendments, supplements, revisions, additions or replacements thereto. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the requirements of this Section and Chapter 7 of the Code of Ordinances.

2. Means of Egress.

- A. Duel Egress. Every residential building exceeding two stories in height above grade, not including basements, shall be provided with not less than two approved independent exits from each floor above the second floor, fully accessible to each occupant on the floor. See Section R311 of the International Residential Code of 2009, promulgated by the International Code Council, and any amendments, supplements, revisions, additions or replacements thereto, for additional requirements.
 - (1) Existing fire escapes, as of the date of the enactment hereof, shall be continued to be accepted as a component in the means of egress in existing buildings only, provided that they are structurally sound and are in approved working condition.
 - (2) Portable ladders and similar approved emergency escape devices that are permanently mounted to the inside wall are permitted, provided that the approved device allows the occupant to descend to a roof or ground level, and if the room is used for sleeping, the individual occupying the room must be able to use the escape device.
 - (3) Where a new fire escape is proposed or is required by the Code Official in accordance with this Chapter and all applicable Borough ordinances, the construction requirements must conform to the specifications contained in the International Fire Code and the International Residential Code.

- (4) Permanent fire escapes located on the street front portion of a structure must conform to the setback requirements contained in the Borough Zoning Ordinance (Chapter 27).
- (5) Emergency Escape. Requirements for sleeping rooms in the basement must meet the regulations of the International Residential Code and the International Fire Code.
- (6) Smoke and Carbon Monoxide Detectors. Smoke and carbon monoxide detectors shall be in use as may be required by the International Residential Code and the International Fire Code.

§ 120. Responsibilities of Persons. [Ord. 687, 2/18/1988, Art. 8; as added by Ord. 823, 2/15/2001]

- 1. General. The provisions of this Section shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof.
- 2. Sanitary Condition.
 - A. Cleanliness. Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a dwelling containing two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.
 - B. Disposal of Rubbish. Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight fitting covers.
 - C. Disposal of Garbage. Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by removing all nonburnable matter and securely wrapping such garbage and placing it in approved garbage storage containers.
 - D. Collection of Garbage and Rubbish. Garbage and rubbish shall be collected as frequently as determined by the Code Official to be essential to protect the public health.
 - E. Garbage Storage Facilities. Every dwelling unit shall be supplied with an approved garbage disposal facility, which shall be any adequate mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can or cans as required

in § 115.2B. Such facilities shall be sufficient to meet the needs of the occupants.

- F. Rubbish Storage Facilities. Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling shall be responsible for the removal of such rubbish.
 - G. Food Preparation. All spaces used or intended to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage when necessary.
 - H. Supplied Fixtures and Equipment. The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation. The owner shall maintain the equipment and fixtures in good and proper operating condition.
 - I. Furnished by Occupant. The equipment and fixtures furnished by the occupant of a structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions.
3. Extermination.
- A. Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting, leasing or selling the structure.
 - B. Tenant-Occupant. The tenant-occupant of any structure shall be responsible for the continued rat-proof condition of the structure, and if the tenant-occupant fails to maintain the rat-proof condition, the cost of extermination shall be the responsibility of the tenant-occupant.
 - C. Single Occupancy. The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for the extermination of any insects, rats or other pests in the structure or on the premises.
 - D. Multiple Occupancy. Every owner, agent or operator of two or more dwelling units or multiple occupancies or nonresidential structures and rooming houses, shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and premises. When infestation is caused by failure of an

occupant of a unit of the two or more dwelling units or by an occupant or lessee of a nonresidential structure to prevent such infestation in the area occupied, the occupant shall be responsible for such extermination.

- E. Continued Rat Infestation. Continuing or repeated incidents of rat infestation determined from the official records as provided in § 105(3) of this Part shall require the installation of rat and vermin proof walls. The rat and vermin proof walls shall be installed in accordance with the building code listed in Appendix A.

4. Composting.

- A. General. The provisions of this Section shall govern the responsibilities of persons for the establishment and maintenance of compost piles or structures.
- B. Compost Material. The following items may be composted: leaves, grass clippings, yard waste, fruit rinds or scraps, and vegetable scraps. The following items may not be composted: meat, dairy product, kitchen vegetables cooked with animal fats and human or pet feces. All materials shall emanate from the property where the composting is taking place. Compost material may not be accumulated from the property of others.
- C. Location of Compost. The compost pile, bin or structure shall be located in the rear yard. The compost pile, bin or structure shall be located at least 25 feet from any residential structure or dwelling unit. No compost pile, bin or structure may be located nearer than three feet from any property line.
- D. Use of Compost. Composted material shall be used on the property where it is stored. Compost material may not be used for commercial purposes.
- E. Compost Pile. A compost pile is a shallow pit not greater than one foot in depth. Compost material is layered, usually in six inch depths, in the pit. Lime or fertilizer may be applied after each layer is distributed. The layers of compost materials may not exceed four feet in height. If the compost pile is more than one foot above grade, a structure such as a snow fence, chicken wire or wood planks must be erected to prevent the wind from blowing away the leaves or grass. The compost pile should be constructed with a flat or oval-shaped top so that it will absorb water rather than shed it. Compost piles may be placed on open ground in accordance with above mentioned regulations.
- F. Compost Bin. A compost bin is a commercially manufactured container designed specifically for the composting of material.

Compost bins shall be constructed of wood or hard plastic to prevent animals and rodents from entering the pile.

- G. Size of Compost Pile. The compost pile or structure may not exceed 500 square feet, or 10% of the rear yard, whichever is less.
- H. Maintenance. Compost piles, bins or structures shall be maintained in a manner to preclude the spread of plant or animal disease, the harboring of animals or rodents and the infestation of insects. A compost pile shall be maintained in a neat and orderly manner. Material to be composted must be applied to the compost pile, bin or structure in a timely fashion. Compost material may not be stored in any garbage or leaf bag.
- I. Gardens. Leaf and grass material may be placed on viable gardens provided that all conditions contained in this Section are met.

§ 121. Hazard Abatement in Existing Buildings. [Ord. 687, 2/18/1988, Art. 9; as amended by Ord. 744, 9/16/1993, § 1]

- 1. General.
 - A. Scope. The provisions of this Section are intended to provide a reasonable degree of safety to persons occupying existing buildings that do not conform to the minimum requirements of the building code listed in Appendix A by requiring the following alterations to such existing buildings.
 - B. Application of Other Codes. All alterations to an existing building which are caused directly or indirectly by the enforcement of this Part shall be done in accordance with the applicable procedures and provisions of the building, plumbing and mechanical codes and NFIPA 70 listed in Appendix A.
 - C. Continued Maintenance. All service equipment, means of egress devices and safeguards which are required by this Section or which were required by a previous statute or another code in a building or structure when erected, altered or repaired shall be maintained in good working order. The requirements of this § 120 are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings. These requirements are intended to require that existing buildings which do not comply with these provisions be altered to provide a minimum level of safety as required herein.
 - D. Alternative Methods and Systems. The provisions of this Section are not intended to exclude the acceptance and approval of alternative methods and systems if such alternative methods and systems provide equivalent safety to the occupant of the existing buildings.

- E. Responsibility. The owner of the existing building or structure shall provide and maintain such facilities, equipment and systems in compliance with these requirements and the fire prevention code listed in Appendix A.

2. Means Egress.

A. Number of Exits.

- (1) Every story used for human occupancy more than six stories above grade shall be provided not less than two independent exits. Every story used for human occupancy totally below grade greater than 2,000 square feet (186m²) shall be provided not less than two independent exits.
- (2) Exceptions. A single exit is acceptable when:
 - (a) The building is equipped throughout with an automatic fire suppression system and an automatic fire alarm system with smoke detectors located in all corridors, lobbies and common areas; or,
 - (b) The building is provided an automatic fire alarm system and the exit is a smokeproof enclosure or pressurized stairway; or,
 - (c) An existing fire escape conforming to the building code listed in Appendix A is provided in addition to the single exit.
 - (d) Stories complying with the requirements of the building code listed in Appendix A.

- B. Exit Enclosure. All interior exits shall be enclosed with approved assemblies except as provided in Table 2.

Table 2

Enclosure Exceptions

Building Use Group	Exception Conditions²
Business	When connecting not more than two floor levels and less than 3,500 square feet per floor, or when connecting not more than three floor levels and the building is equipped throughout with an approved automatic fire suppression system.

²One square foot equals 0.093m².

Table 2
Enclosure Exceptions

Building Use Group	Exception Conditions²
Education	When connecting not more than two floor levels and the building is equipped throughout with an approved automatic fire suppression system.
Factory-Industrial Storage	When connecting not more than two floor levels, or when connecting not more than three floor levels and the building is equipped throughout with an approved automatic fire suppression system.
Mercantile	When connecting not more than two floor levels and less than 2,000 square feet per floor, or when connecting not more than two floor levels and the building is equipped throughout with an approved automatic fire suppression system.
Residential — Hotels	When connecting not more than two floor levels and the building is equipped throughout with an approved automatic fire suppression system.
Residential — Apartment	When connecting not more than two floor levels with not more than four dwelling units per floor, or when connecting not more than three floor levels with not more than four dwelling units per floor and the building is equipped throughout with an approved automatic fire suppression system.
Residential One and Two Family Dwellings	In every case.

- C. Enclosure Rating. Enclosures connecting not more than six floor levels shall have a fire resistance rating of not less than one hour with approved opening protectives. Enclosures connecting more than six floor levels shall have a fire resistance rating of not less than two hours with approved opening protectives.
- D. Exit Capacity. The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code listed in Appendix A.
- E. Corridor Enclosure. All corridors serving an occupant load of greater than 30 and openings therein shall provide an effective smoke barrier. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

- F. Dead-End Travel Distance. All corridors which serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10,668mm) when the building is not equipped throughout with an automatic fire suppression system. The dead-end travel distance limit shall be increased to 70 feet (21,336mm) when the building is equipped throughout with an automatic fire suppression system.
- 3. Shafts.
 - A. Enclosure. All shafts shall be enclosed as required by § 121.2B and C for exits except elevator and supplemental stairway shafts which are immediately adjacent to and not separated from floor openings connecting the same floors served by the shaft. The opening protectives shall provide a barrier to fire penetration. Building service shafts such as trash chutes, utility and duct shafts shall be enclosed as required by § 121.2B and C for exits.
 - 4. Illumination and Signs.
 - A. Egress Illumination. All means of egress shall be equipped with artificial lighting in accordance with the requirements for new buildings in the building code listed in Appendix A. Emergency lighting shall be provided in accordance with the requirements for new buildings in the building code listed in Appendix A.
 - B. Exit Signs. All exits shall be indicated with exit signs in accordance with the requirements for new buildings in the building code listed in Appendix A.
 - C. Information Signs. A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings more than 75 feet (22,860mm) above the lowest level of fire department access shall be marked with approved signs reading as follows: "Use Stairways in Case of Fire — Do Not Use Elevators."
 - 5. Fire Protection Systems.
 - A. High Hazard Use. All buildings and portions thereof of high hazard use shall be equipped throughout with an approved automatic fire suppression system.
 - B. Commercial Kitchen Exhaust Systems. Commercial kitchen exhaust hood and duct systems, other than steam tables, completely enclosed ovens, cooking appliances located within a dwelling unit and not used for commercial purposes and auxiliary cooking equipment that does

not produce greaseladen vapors, shall be equipped with an approved automatic fire suppression system.

- C. Fire Standpipes, All buildings having floors used for human occupancy located more than six stories above grade shall be provided with standpipes according to the building code listed in Appendix A. The standpipes shall have a approved fire department connection with hose connections at each floor level.
- D. Tampering. Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this Part.
- E. Fire Alarm System.
 - (1) All buildings used as churches and for similar religious purposes or of educational use shall be equipped with a manual fire alarm system in accordance with the building code listed in Appendix A.
 - (2) Exception. Sanctuary and nave areas of churches and similar religious buildings.
- 6. Elevator Recall. All elevators having a travel distance of 25 feet (7,620mm) or more above or below the primary level of elevator access for emergency fire fighting or rescue personnel shall conform to the requirements of Rule 211.3 ("Operation of Elevators Under Fire or Other Emergency Conditions") of ASME A17.1 listed in Appendix A.
- 7. Smoke and Heat Detection. Each recirculating air or exhaust system which serves more than one floor in buildings which exceed six stories in height shall be equipped with approved smoke and heat detection devices in accordance with the mechanical code listed in Appendix A. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or control system.
- 8. Lead Poison Control.
 - A. Determination of Health Hazard. Any lead based coating shall be considered a health hazard to a child under six years of age who has demonstrated an elevated blood lead level, if:
 - (1) It exists in or about a dwelling in which a child under six years of age who has demonstrated an elevated blood level commonly resides or visits.
 - (2) It is determined to be on any flaking, peeling, nonintact deteriorated surface or on any exposed surface or in any oil or dust found in or amount the dwelling or in any rugs, carpet or other surface coverings in or about the dwelling.

- (3) It contains a quantity of lead in excess of 0.6 milligrams per square centimeter of surface when measured by a recognized method of analysis.
- B. Warning for Positive Test. Any lead based coating area must be marked with warnings immediately upon positive testing and notice of these areas given to the occupants of the time of testing to avoid further child poisoning.
- C. Notification of Violation and Abatement.
 - (1) Upon receipt of (a) notification by a certified medical physician that a child under six years of age has an elevated blood level and (b) an investigation indicating that there exists or may exist in a dwelling in which the child resides or visits a lead based coating which may cause or contribute to the child's elevated blood lead level, the Borough has the authority to order the owner and/or occupant of any dwelling in which the child resides or visits to submit within 10 days a written report including the results of testing and including an environmental investigation stating whether there exists a health hazard. This testing and environmental investigation shall be in accordance with Subsection 8D. If the owner or occupant fails to provide such written report, the Borough can perform or cause the performance of the testing and environmental investigation at the expense of the owner and/or occupant to determine whether there exists a health hazard.
 - (2) If it is determined that there exists a health hazard the Borough shall issue a violation notice ordering the owner and/or occupant to abate the hazard in a reasonable time as specified by the Borough. The owner and/or occupant shall bear the cost of abatement and shall submit a written plan to the Borough for review and approval prior to initiating said abatement. The owner and/or occupant shall submit proof satisfactory to the Borough of the abatement promptly upon completion. If the owner and/or occupant fails to abate the hazard in a reasonable time as specified by the Borough, the dwelling shall be placarded with a sign that indicates: "This property is unfit for human habitation due to lead poisoning hazards and can not be reoccupied until the hazards are abated." It shall be illegal for any one but the Borough to remove the placard.
- D. Testing Procedures and Standards. Testing and environmental investigation may be performed by any public or private agency, entity or firm approved by the Borough. The physical determination of the lead content of surface material in a dwelling or of the lead content of any exposed surface must be made by nondestructive

measurements using a recognized method of analysis. All instruments used for inplace determination of lead content must be operated by a certified operator with proof of the same being submitted to the Borough.

§ 122. Saving Clause. [Ord. 687, 2/18/1988, § 4]

Nothing in this Part or in the existing structure code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any course or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

B. Standards for Inspections.

§ 131. Standards for Inspections. [Res. 88-2, 2/18/1988; as amended by Ord. 829, 11/15/2001]

1. Background. Borough Council has adopted the Existing Structures and Property Maintenance Code on February 18, 1988. This code establishes minimum maintenance standards and requirements for existing properties. Furthermore, it provides standards for rehabilitation and reuse of these structures found to be in noncompliance. All structures and properties within the Borough are subject to the provisions contained in the code. Borough Council shall appoint a code official(s) who will represent the Borough and enforce the provisions of the code. Borough Council shall set forth the inspection criteria and reasonable fees for the inspections.
2. The code official(s) appointed by the Borough Council has the authority under the provisions of the code to inspect properties and structures within the Borough.
3. The following criteria are established to provide guidance for the code official(s) to determine which properties or structures require an inspection. An inspection may be held if one or more of the criteria listed below is met:
 - A. Tenant complaint.
 - B. Past history of problems at a certain property or structure.
 - C. Complaint from a neighbor, if affected by the spread of insects or rodents or concerning the exterior storage of debris, rubbish and the like.
 - D. Referral from the Board of Health, Police Department, Fire Company, Borough Office or other responsible agency.
 - E. Poor exterior appearance of a structure.

- F. Poor exterior appearance of a property (i.e., storage of vehicles, trash, rubbish and the like).
 - G. Unsatisfactory inspection results of one or more dwelling units owned by the same landlord.
 - H. Random sampling of compliance with the mandatory smoke detector requirement.
- 4. The fee for an inspection by the code official(s) shall be in an amount as established from time to time by resolution of Borough Council plus applicable materials, if any. The fee will be charged to the owner of the property and payable to the Borough. Above the minimum charge, the inspection fees will be prorated in 1/2 hour increments.
 - 5. The complainant shall be responsible for the inspection fee when an inspection is requested by that individual and the code official finds that the circumstances under which the inspection was requested were groundless or malicious.

PART 2
UNIFORM CONSTRUCTION CODE

§ 201. Short Title. [Ord. 845, 6/17/2004, § 1]

This Part shall be known and may be cited as the Elizabethtown Borough Construction Code Ordinance.

§ 202. Legislative Intent. [Ord. 845, 6/17/2004, § 1]

1. By Act 45 of 1999, the Pennsylvania Legislature provided for the adoption of a Pennsylvania Uniform Construction Code and directed the Department of Labor and Industry to promulgate regulations for the Uniform Construction Code. In 2002, the Department of Labor and Industry adopted final regulations governing certification and training of persons to administer the Uniform Construction Code, and on January 10, 2004, the Department issued final regulations for the administration of the Uniform Construction Code. The Uniform Construction Code incorporates the International Building Code, 2003, the International Residential Code, 2003, the International Existing Building Code, 2003, the standards incorporated into such publications by reference, and other publications as set forth in the L & I Regulations. Borough Council desires to adopt and administer the Pennsylvania Uniform Construction Code and establish administrative and enforcement regulations.
2. In accordance with § 302(a) of the Pennsylvania Construction Code Act, this Part does not adopt the International Property Maintenance Code and shall not be considered as a property maintenance code. All Borough regulations governing the maintenance of properties shall be in ordinances separate and distinct from the Elizabethtown Borough Construction Code.

§ 203. Adoption of Pennsylvania Uniform Construction Code. [Ord. 845, 6/17/2004, § 1]

The Borough hereby adopts the standards which the Pennsylvania Department of Labor and Industry has made part of the Pennsylvania Uniform Construction Code identified in § 403.21 of the L & I Regulations as the Elizabethtown Borough Construction Code with the following additions to the International Building Code, 2003:

- A. Section 202, Definitions, shall be amended by inserting the following definitions in alphabetical order:

BOROUGH — The Borough of Elizabethtown, Lancaster County, Pennsylvania.

BOROUGH COUNCIL — The governing body of the Borough.

BUILDING CODE OFFICIAL — A Borough official certified by L & I under § 103 of the Pennsylvania Construction Code Act. The term includes an individual certified in a category established under Chapter 401 of the L & I Regulations to manage building code enforcement activities, supervise building inspectors or plans examiners, issue building permits, occupancy permits, notice of violations and orders to vacate, and initiate prosecutions.

CONSTRUCTION CODE OFFICIAL — A Borough official or a third party agency appointed by the Borough certified by L & I under Section 103 of the Pennsylvania Construction Code Act in an appropriate category established under Section 701(b) of the Pennsylvania Construction Code Act to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations in that category under the Pennsylvania Construction Code Act or related statutes.

DEP — The Department of Environmental Protection of the Commonwealth of Pennsylvania.

INTERMUNICIPAL AGREEMENT — The agreement among Conoy Township, East Donegal Township, Elizabethtown Borough, Marietta Borough, Mount Joy Township and West Donegal Township dated as of July 1, 2002, establishing, inter alia, the Donegal-Elizabethtown Area Appeals Board.

L & I — The Department of Labor and Industries of the Commonwealth of Pennsylvania.

L & I REGULATIONS — All regulations adopted by L & I to implement the Pennsylvania Construction Code Act.

PENNSYLVANIA CONSTRUCTION CODE ACT — Act 45 of 1999, 35 P.S. § 7210.101 et seq., as amended.

THIRD PARTY AGENCY — A person or firm duly appointed by Borough Council to act as the Construction Code Official in the administration of this Construction Code.

UNIFORM CONSTRUCTION CODE — The Code adopted pursuant to the Pennsylvania Construction Code Act and the L & I Regulations.

- B. Section 1612.3 is amended by inserting "Elizabethtown Borough" and "October 1977, as revised in 2004-2005" in the respective blanks.
- C. Section 3410.2 is amended by inserting the date of July 8, 2004, for residential dwellings and July 8, 2004, for nonresidential structures.

§ 204. Administration and Enforcement of Elizabethtown Borough Construction Code. [Ord. 845, 6/17/2004, § 1]

The Borough hereby adopts the provisions of Chapter 1, Administration, of the International Building Code, 2003 and the provisions of the L & I regulations set forth below to govern administration and enforcement of the Elizabethtown Borough Construction Code. The administrative provisions of other codes which L & I has made part of the DCC, including but not limited to the International Residential Code, 2003, are not part of the Elizabethtown Borough Construction Code. The provisions of this Construction Code govern if there is a conflict with the provisions of the Codes set forth in § 403.21 of the L & I Regulations or the L & I Regulations relating to administration or enforcement. Changes from the International Building Code, 2003, Chapter 1, and the L & I Regulations to the Elizabethtown Borough Construction Code are as follows:

A. Section 101.1. Insert "Borough of Elizabethtown, Lancaster County, Pennsylvania."

B. Section 101.2 shall provide as follows:

101.2. Scope. These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all buildings and structures and shall apply to existing or proposed structures except as such matters are otherwise provided for in other ordinances or statutes, including but not limited to the Borough Zoning Ordinance, Subdivision and Land Development Ordinance, Stormwater Management Ordinance or in the rules and regulations authorized for promulgation under the provisions of this Construction Code. Whenever there is a conflict between the provisions of this Construction Code and any other Borough Ordinance, including but not limited to the Zoning Ordinance, it is the intent of Borough Council that the more stringent requirement shall apply. All construction which the Pennsylvania Construction Code Act or the L & I Regulations exempt from compliance with the Uniform Construction Code are exempt from the provisions of this Construction Code. Items exempted from compliance with the Uniform Construction Code by Sections 403.1(b) and 403.1(e) of the L & I Regulations do not have to comply with the Construction Code but shall comply with all other applicable Borough Ordinances.

C. Section 101.3 shall be amended by adding the following sentence to the existing section:

It is the further intent of Borough Council that all construction within the Borough shall comply with the provisions of the Americans with Disabilities Act and all applicable regulations to implement the Americans with Disabilities Act promulgated by Federal and State regulatory agencies and with the Code Requirements for Housing Accessibility, and this Code shall be interpreted in a manner which fulfills this intent. It is also the further intent of Borough Council to comply with the requirements of the Pennsylvania Construction Code Act and the L & I Regulations.

- D. Section 101.4.5 shall be deleted in its entirety.
- E. Section 103, Department of Building Safety, shall be deleted in its entirety and a new § 103, Administration, shall be inserted which shall provide as follows:

103.1. Building official. Borough Council shall appoint a person or persons to serve as a building code official and a construction code official as those terms are defined in the L & I Regulations. Both the building code official and the construction code official shall be considered the building official as such term is defined and used in this Construction Code.

103.2. Powers and duties of building code official and construction code official. The building code official shall have all powers set forth in the L & I Regulations and shall have the powers and duties of the building official set forth in this Construction Code. The construction code official shall have the powers set forth in the L & I Regulations and may also have the powers of the building official set forth in this Construction Code. The respective duties and responsibilities of the building code official and the construction code official shall be determined by Borough Council and shall be within the limitations of any certifications required or issued by L & I.

103.2.1. The building code official shall serve at the pleasure of Borough Council. The building code official shall provide supervision of the construction code official, receive uniform construction code permit applications, address citizen inquiries, concerns and complaints, issuing building permits, occupancy permits, and manage code enforcement activities, including but not limited to issuing notice of violations and orders to vacate, and initiation of prosecutions.

103.2.2. The construction code official shall serve at the pleasure of Borough Council. The construction code official shall perform plan review of construction documents, issue Construction Code permits, inspect construction, provide the building code official with reports of inspections and recommendations upon issuance of certificates of occupancy, and administer and enforce this Construction Code. The construction code official may be a third party agency.

103.2.3. An applicants for Construction Code permits shall submit two complete copies of the application to the building code official. The building code official shall transmit a complete copy of the Construction Code permit application to the construction code official for plan review, issuance of the Construction Code permit, and inspection of construction. The construction code official shall notify the applicant when plan review has been completed, and the applicant shall pay plan review and estimated inspection fees to the construction code official prior to issuance of the Construction Code permit. The construction code official shall notify the building code official when the work is complete and has successfully had its final inspection. The building code official shall issue the certificate of occupancy after receipt of notification from the construction code official that the work has been finally inspected and all fees have been paid.

103.3. Organization. Borough Council shall appoint such other officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Construction Code.

- F. Section 104.4 shall be amended by inserting the following language after the first sentence:

The building official shall have the right to reject any report performed by any individual or agency unless the permit holder has requested and obtained the prior approval of the building official for such individual or agency to perform such inspection. Any individual or agency performing such inspection and providing such report shall demonstrate to the satisfaction of the building official that such individual or agency has obtained all necessary certifications from L & I.

- G. Section 104.8 shall provide as follows:

104.8. Liability. The Borough and the building official shall have all immunities and rights granted by the Pennsylvania Judicial Code, including but not limited to Chapter 85.

- H. Sections 105, Permits, 106, Construction Documents, and 111, Service Utilities, of Chapter 1 of the International Building Code, 2003 shall not be a part of the Borough Construction Code. The Borough hereby adopts and incorporates §§ 403.41, 403.42, 403.42a, 403.43, 403.44, 403.47, 403.48, 403.61, 403.62, 403.62a, 403.63 and 403.66 of the L & I Regulations to govern applications for and issuance of Construction Code permits for nonresidential and residential construction with the changes set forth below:

- (1) Sections 403.42(a) and 403.62(a) shall be amended by inserting the following at the end of the existing sections:

It shall be the joint responsibility of the owner, lessee, if any, and the contractor to determine that a Construction Code permit (and all

other required permits and approvals) has been obtained before performing any work. It shall be unlawful for any contractor or subcontractor to perform any work for which a Construction Code permit is required unless the owner and contractor obtain and post a Construction Code permit as required by this Construction Code.

- (2) Sections 403.42a(b) and 403.62a(b) shall be amended by inserting the following at the end of the existing Sections:

At the time of filing an application for a Construction Code permit, the applicant shall present to the building code official adequate evidence that the applicant has obtained from all governmental authorities having jurisdiction, all permits, licenses, approvals and/or variances required in connection with the proposed use, occupancy, construction, enlargement, alteration or demolition. Such agencies shall include but not be limited to the Zoning Officer, Zoning Hearing Board, Lancaster County Conservation District, public water service provider (where public water service is proposed), Sewage Enforcement Officer (where on-lot sewage disposal is proposed) or public sewage service provider (where public sewer service is proposed), State Police Fire Marshal, DEP, L & I and the Pennsylvania Departments of Community and Economic Development and Transportation. No application for a Construction Code permit is complete without a copy of any required zoning permit and proof of any required subdivision and/or land development approval, storm water management plan approval.

- (3) Sections 403.43(h) and 403.63(h) shall be amended by inserting the following at the end of the existing Sections:

The applicant shall post a copy of the Construction Code permit at a location on the property clearly visible to members of the public.

- I. A new § 108.1.2 shall be inserted which shall provide as follows:

108.1.2. Time of payment of fees. An applicant for a permit under this Construction Code shall pay the Borough's administrative fee to the Borough at the time of application.

Prior to the issuance of a Construction Code permit, the applicant shall pay to the construction code official the plan review fee and the estimated fee for all inspections required. If additional inspections become necessary during the costs of construction, the applicant shall reimburse the construction code official for all such costs within 15 days after the date of an invoice for such costs. An applicant shall pay to the construction code official all fees and costs incurred for all inspections required during the course of construction prior to the issuance of a certificate of use and occupancy for the structure for which a Construction Code permit has been issued.

- J. Section 108.4 shall be revised to provide:

- 108.4.** Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary Construction Code permits shall be subject to an additional fee for expedited processing which shall be equal to the fee which should have been paid at permit application. The expedited processing fee shall be paid in full in addition to the normal application fee prior to the issuance of a Construction Code permit.
- K. Section 108.6 shall be deleted in its entirety.
- L. Sections 109.3, 109.4, 109.5, and 109.6 of the International Building Code, 2003 shall be deleted and the Borough hereby adopts §§ 403.45, 403.64 and 403.86 of the L & I Regulations governing inspections with the changes set forth below:
- (1) Sections 403.64(g) shall be deleted in its entirety.
- M. Section 110, Certificate of Occupancy, of the International Building Code, 2003 is deleted. The Borough adopts §§ 403.46 and 403.65 of the L & I Regulations governing certificates of occupancy. Sections 403.46 and 403.65 of the L & I Regulations are amended as follows:
- (1) Section 403.46(b) is amended by adding the following subsections:
- (10) A statement that the issuance of a certificate of occupancy shall not be deemed permission to occupy the structure or commence a use if any other ordinance requires the issuance of a permit or certificate prior to use and occupancy.
- (2) Section 403.65(b) is amended by adding the following subsections:
- (9) A statement that the issuance of a certificate of occupancy shall not be deemed permission to occupy the structure or commence a use if any other ordinance requires the issuance of a permit or certificate prior to use and occupancy.
- N. Section 112, Board of Appeals, shall be amended in its entirety to provide as follows:
- 112.1.** Board of appeals. The Borough hereby appoints the Donegal-Elizabethtown Area Appeals Board as the board of appeals under the Elizabethtown Borough Construction Code. Members of the Donegal-Elizabethtown Area Appeals Board shall be selected in accordance with the Intermunicipal Agreement.
- 112.2.** Authority of board of appeals. The board of appeals shall hear and rule on appeals, requests for variances and requests for extensions of time. An application or appeal shall be based upon, and the board of appeals in making its decisions shall consider, those factors set forth in the L & I Regulations.

112.3. Membership of board of appeals. A member of the board of appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Members of the governing body may not serve on the board of appeals. A board of appeals member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.

112.4. Operation of board. The board of appeals may establish policies and procedures necessary to carry out its duties in accordance with the Intermunicipal Agreement. The board shall annually select one of its members to serve as chairperson and one of its members to serve as vice chairperson. The board of appeals shall keep minutes of its meetings and file a written decision on all appeals under this Construction Code. The board of appeals shall provide notice of and conduct its meetings in accordance with the Sunshine Act, 65 Pa. C.S. § 701 et seq.

112.5. Procedures for applications and appeals. Any person desiring to file an application or appeal to the board of appeals may file such appeal with the building code official. All applications and appeals to the board of appeals shall be in writing and shall specify the section of this Construction Code from which relief is sought or the action of the building official which is the subject of the appeal. The written application or appeal shall state all of the grounds for the application or appeal and shall include any necessary plans or specification to provide the board of appeals with information to evaluate the application or appeal and shall include the fee. No application appeal will be considered complete without the necessary appeal fee. Any appeal from a determination of the building official shall be filed within 20 calendar days of the determination.

112.5.1. Hearings. An applicant or appellant who desires to present testimony to the board of appeals shall request a hearing in the application or appeal. If the applicant or appellant does not request a hearing, it will be assumed that the board of appeals may render its determination based on the written information submitted with the application or appeal and any additional information available to members of the board of appeals.

112.5.2. Parties. The Borough shall be considered a party to all appeals or applications filed with the board of appeals. Other persons affected by the appeal or application who have made timely appearances of record may also be recognized as parties to the appeal or application.

112.5.3. Decision. The board of appeals shall render its decision in writing within any time periods imposed in state laws or L & I Regulations. The board of appeals shall provide the applicant or appellant, the building official and the Borough with copies of the appeal.

O. Section 113, Violations, shall provide as follows:

113.1. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy, or to permit the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of, any building or structure or equipment regulated by this Construction Code, or cause same to be done, in conflict with or in violation of this Construction Code. It shall also be unlawful for any person to place inaccurate or misleading information on an application or plan or to omit relevant information from an application or a plan submitted to the Borough.

113.2. Notice of Violation. The building official may serve a notice of violation on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use, permission to use, occupancy, or permission for occupancy of a building or structure or equipment in violation of the provisions of this Construction Code, or in violation of a detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Construction Code. Such notice shall order discontinuance of the illegal action or condition and the abatement of the violation. Notwithstanding the foregoing, it shall not be a defense to an enforcement action that the building official did not serve or that the defendant did not receive a written notice of violation prior to the institution of the enforcement action.

113.2.1. If an inspection reveals a violation of this Construction Code, the construction code official shall discuss the inspection results with the permit holder at the completion of the inspection.

113.2.2. When a violation relates to an unsafe building, structure, or equipment, the building official shall proceed in accordance with Section 403.84 of the L & I Regulations.

113.3. Prosecution of Violation. If the building code official has served a notice of violation and the notice of violation is not complied with within the time specified by the building official, or if the building code official determines that there is insufficient time to serve a notice of violation or that such notice of violation will have no practical or beneficial effect, the building code official shall notify Borough Council of the violation and shall request Borough Council to authorize institution of enforcement proceedings against the violator and/or authorize the Borough Solicitor to 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 use of the building or structure in violation of the provisions of this Construction Code or of the order or direction made pursuant thereto. Notwithstanding the foregoing, the building code official may institute summary enforcement proceedings without prior authorization of Borough Council.

113.4. Violation Penalties. Any person who shall violate a provision of this Construction Code or who shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, extend, repair, remove, demolish, use or occupy, or permit the use or occupancy of, any building or structure or equipment regulated by this Construction Code in violation of the provisions of this Construction Code or of an approved plan or of a directive of the building official or of a permit or certificate issued under the provisions of this Construction Code or who shall permit the use, occupancy, erection, construction, alteration, extension, removal, demolition or repair of the building or structure or equipment in violation thereof, shall, upon being found guilty in an enforcement proceeding commenced by the Borough, pay a penalty of not less than \$200 and not more than \$1,000 for each violation plus all costs of prosecution, which fines and penalties may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each Section of this Construction Code which is violated shall be deemed a separate offense. The building official may request the Police Department to make arrests for any offense against this Construction Code or orders of the building official affecting the immediate safety of the public.

113.5. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Borough Solicitor or the building official from instituting appropriate action to prevent the unlawful construction or 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 use of a building or structure on or about any premises.

P. Section 114.3 shall provide as follows:

114.3. Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall commit a violation of this Construction Code and shall be subject to penalties or fines as provided in Section 113.4 and remedies as provided in Section 113.5.

Q. Section 115, Unsafe Structures and Equipment, of the International Building Code, 2003 is deleted. The Borough adopts § 403.84 of the L & I Regulations governing unsafe buildings, structures, or equipment.

R. Table R301.2(1) of the International Residential Code, 2003 is hereby completed by inserting the following information:

Ground snow load: 30 pounds per square foot.

Wind speed (mph): 90 mph.

Seismic design category: A, B, C, D.

Weathering: severe.

Frost line depth: 30 inches.

Termite: moderate to heavy.

Decay: slight to moderate.

Winter design temperature: 10°

Ice shield underlayment required: Yes

Flood hazard: October, 1977, as revised in 2004-2005

Air freezing index: 1000

Mean annual temperature: 50°

§ 205. Regulations and Ordinances in Effect Prior to Effective Date of this Part. [Ord. 845, 6/17/2004, § 2]

It is expressly intended that the provisions of this Part shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under Chapter 5, Part 2, or Chapter 5, Part 3, in effect prior to the effective date of this Part, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior regulations, and the provisions and penalties provided in Chapter 5, Part 2, or Chapter 5, Part 3, prior to the effective date of this Part shall remain effective as to said violation.

§ 206. Other Sections, Parts and Provisions of Code of Ordinances Remain in Effect. [Ord. 845, 6/17/2004, § 3]

All other sections, parts and provisions of the Code of Ordinances of the Borough of Elizabethtown shall remain in full force and effect as previously enacted and amended.

§ 207. Savings Clause. [Ord. 845, 6/17/2004, § 4]

In the event any provision, section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Part, it being the intent of Borough Council that the remainder of the Part shall be and shall remain in full force and effect.

§ 208. Effective Date. [Ord. 845, 6/17/2004, § 5]

This Part shall take effect and after its enactment by Borough Council of the Borough of Elizabethtown as provided by law. The Uniform Construction Code adopted by this Part shall take effect on July 8, 2004.

PART 3
RESIDENTIAL RENTAL UNITS REGULATIONS

§ 301. Purpose and scope. [Ord. 864, 11/17/2005]

The purpose of this Part and the policy of the Borough of Elizabethtown shall be to protect and promote the public health, safety and welfare of its citizens; to establish rights and obligations of owners and occupants relating to residential rental units in the Borough; and to encourage owners and occupants to maintain and improve the quality of rental housing within the Borough. As a means to these ends, this Part provides for a systematic inspection program, registration and licensing of residential rental units and penalties. In considering the adoption of this Part, the Borough makes the following findings:

- A. There is a concern in the Borough with the failure of some property owners to properly maintain residential rental units.
- B. Borough records indicate there is a greater incidence of problems with the maintenance and upkeep of residential properties which are not owner-occupied as compared to those that are owner-occupied.
- C. Borough records indicate that violations of the Borough's Ordinances are generally less severe at owner-occupied units as compared to residential rental units.
- D. Borough records indicate that there are a growing number of disturbances at residential rental units.

§ 302. Definitions. [Ord. 864, 11/17/2005]

Unless otherwise expressly stated, the following terms shall, for the purpose of this Part, have the meanings indicated as follows:

BOROUGH — The Borough of Elizabethtown, Lancaster County, Pennsylvania.

CODES COMPLIANCE OFFICIAL — A person designated by Borough Council to enforce this Part, including performance of inspections, issuance of residential rental licenses and issuance of citations.

CODES — Any state or local law, code or ordinance adopted, enacted or in effect in and for the Borough, including, but not limited to, the Existing Structures and Property Maintenance Code, codified as Chapter 5 of the Code of Ordinances of the Borough of Elizabethtown, Lancaster County, Pennsylvania.

COUNTY — The County of Lancaster.

DISRUPTIVE CONDUCT — Any act by an occupant of a residential rental unit or by a person present at a residential rental unit involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, unreasonable noise as defined by the Borough Noise Nuisance Ordinance, codified as Part 2, Noise Nuisance, of Chapter 10, of the Code of Ordinances, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as disorderly conduct in the Pennsylvania Crimes Code or any act prohibited in Chapter 10, Part 2 of the Borough's Code of Ordinances or which otherwise injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the gathering. 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 shall be deemed to have occurred unless a codes compliance official or 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 and, if applicable, the manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT — A written report of disruptive conduct to be completed by a police officer or codes compliance official who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Codes Compliance Official.

INSTITUTION AND INSTITUTIONAL FACILITY — An organization founded and united for a specific purpose (such as education or health care) consisting of a building or complex of buildings where an organization for the providing of a service or specific cause is situated.

INSTITUTIONAL FACILITY ROOM — A unit used as a residence and located in a structure owned and operated by an institution for a common purpose such as, without limitation, an educational facility or a nursing or retirement care facility.

MANAGER — A person retained by an owner to be responsible for one or more residential rental units within the Borough.

OCCUPANT — Any person living and sleeping in a residential rental unit or having actual possession of said residential rental unit.

OWNER — The person who holds record title and/or the equitable owner under an agreement of sale of a property upon which a residential rental unit is erected or maintained. If more than one person owns the residential rental unit as joint tenants, tenants in common, tenants by the entireties, or

tenants in co-partnership, each such person shall be considered an owner and shall have all the duties of an owner under this Part.

OWNER'S FAMILY — The person who holds record title and/or equitable owner to include his or her spouse, son, daughter, owner's parents or owner's spouses' parents only.

PERSON — A natural individual, unincorporated association, partnership, corporation, estate, trust or any other legally recognized entity, and the members of such partnership and the officers of such entities.

PREMISES — Any parcel of real estate within the Borough, including the land and all buildings and appurtenant structures, on which one or more residential rental units are located.

PROPERTY MAINTENANCE CODE — The existing Structures and Property Maintenance Code of the Borough of Elizabethtown enacted as Chapter 5 of the Code of Ordinances of the Borough of Elizabethtown, Lancaster County, Pennsylvania, as it may be amended from time to time.

RESIDENTIAL RENTAL UNIT LICENSE — A document issued by the Borough to the owner of a residential rental unit.

RESIDENTIAL RENTAL UNIT — (1) a rooming unit or (2) a dwelling unit let for rent or (3) a residential unit occupied by any persons other than one 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, and each rooming unit shall be considered a separate residential rental unit. If a structure contains a rooming unit or if any portion of the structure is let for rent, it shall be considered a residential rental unit whether or not the owner or a relative of the owner also resides in the structure. A residential rental unit includes dwelling units under lease-purchase agreements or long-term (greater than six months) agreements of sale. A residential rental unit shall not include a hotel unit or a hospital room utilized for medical services. It shall include an institutional facility room, but only as hereinafter set forth in § 309.

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.

§ 303. Duties of Owners and Managers of Residential Rental Units. [Ord. 864, 11/17/2005; as amended by Ord. 945, 2/21/2013]

1. It shall be the duty of every owner to:

- A. Keep and maintain all residential rental units in compliance with all applicable codes, ordinances and provisions of all applicable state laws and regulations, including, but not limited to, the Borough Zoning Ordinance and Existing Structures and Property Maintenance Code.
- B. Keep and maintain all premises in good and safe condition.
- C. Be aware of, and act to eliminate, disruptive conduct in all residential rental units.
- D. Employ policies to and actually manage the residential rental units under his/her control in compliance with the provisions of this Part, Borough Ordinances and applicable state laws.
- E. Pay or ensure payment of all real estate taxes, sewer charges, water charges, and trash collection fees to insure that such vital utilities are provided.
- F. Obtain and maintain a residential rental license for each residential rental unit.
- G. Provide the Borough within 10 days of occupancy with the names, physical address and mailing address, if different, of all tenants of the residential rental unit and notify the Borough of changes in the occupancy of the residential unit within 10 days thereof.
- H. Provide trash and recyclable collection and disposal services information and instruct tenants of the method of trash and recyclable collection (e.g., curbside or dumpster and day of pickup).
- I. Take all actions necessary to ensure that each residential rental unit is occupied by only one family. For the purposes of this paragraph, a "family" is defined in the Borough Zoning Chapter.
- J. Require a written rental agreement for each residential rental unit which shall include the names of all permitted occupants. Each lease shall contain a provision and notice to the tenant(s) that if the residential rental license for the leased unit is revoked, the owner shall have the right to terminate the lease and evict the tenant with 30 days written notice and that tenant agrees this procedure does not violate any part of the Landlord Tenant Act of Pennsylvania. Further, if the lease is so terminated as a result of the landlord not complying with the terms of this Part, the landlord may be subject to suit by the tenant for damages.
- K. Retain a manager when this Part requires that a manager be designated.
- L. When required by the International Residential Code, in all residential rental units, an approved carbon monoxide alarm shall be

installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Carbon monoxide alarms shall be installed in accordance with the manufacturer's installation instructions.

2. If the owner has appointed a manager, the manager shall be jointly responsible to fulfill all of the obligations set forth in § 303 hereof. No owner may relieve himself of the responsibility to perform the duties set forth in § 303 by appointing a manager.
3. It shall be unlawful for any person to conduct or operate or cause to be rented either as owner or manager any residential rental unit within the Borough without having a residential rental license as required by this Part.
4. It shall be the responsibility of every owner and every manager to display the residential rental license in the residential rental unit. The residential rental license shall include the following information:
 - A. Address and telephone number of the owner or manager.
 - B. Of expiration of the residential rental license.
5. No residential rental license shall be issued to any owner residing more than 20 miles from the municipal limits of the Borough unless the owner provides the Borough with the name, mailing address and telephone number of a manager residing within 20 miles of the municipal limits of the Borough, authorized to accept service of process on behalf of the owner. For the purpose of this Section, a post office box is not acceptable for the manager's address. This designation shall not be valid unless signed by the owner and the manager designated to act on behalf of the owner. The owner shall notify the Borough within 10 days of any change in manager.

§ 304. Duties of Occupants of Residential Rental Units. [Ord. 864, 11/17/2005]

It shall be the duty of each occupant of a residential rental unit to:

- A. Comply with all obligations of this Part and all applicable Codes and Borough 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 premises and within their residential rental unit with their consent to conduct themselves in a manner that will not constitute disruptive conduct nor 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 premises to cause damage to the residential rental unit or engage in disruptive conduct, or other violations of this Part, Codes, Borough Ordinances, or applicable state laws.

- D. Use the trash and recyclable collection provided by the owner to include placing trash out for weekly pickup.
- E. Use the residential rental unit for no purpose other than as a residence.
- F. Allow the Codes Compliance Official to inspect the residential rental unit in accordance with this Part at reasonable times.
- G. Not allow persons other than those identified on the lease to reside in the residential rental unit.
- H. Not allow the possession of, serving to or consumption of alcohol by underage persons, nor allow the possession of, providing to or use of controlled substances by any person in an illegal fashion.

§ 305. Residential Rental Unit Licensing and Fees. [Ord. 864, 11/17/2005]

- 1. By December 31 of each calendar year, the owner and, if applicable, the manager of each residential rental unit shall apply for a residential rental license from the Borough, which shall be valid from January 1 to December 31 of the following year.
- 2. The Codes Compliance Official shall issue a residential rental license if the owner provides the name, address and phone number of a manager (if applicable), pays the registration fee, submits a complete and accurate occupant listing for the residential rental units by December 31 of each year and is current on real estate taxes, sewer fees, water fees and trash collection fees for the residential rental unit.
- 3. The Codes Compliance Official shall deny and may revoke a residential rental license if the owner does not provide the name, address and phone number of a manager (if applicable), does not pay the annual registration fee, is not current on real estate taxes, sewer fees, water fees or trash collection fees for the residential rental unit, does not correct a code violation within the time frame cited by the Codes Compliance Official, and/or has not complied with any requirements of this Part.
- 4. The Codes Compliance Official shall forward written notice to the owner if the Codes Compliance Official will deny, refuse to renew or revoke a residential rental license. The notification shall (1) identify the residential rental unit (2) the grounds for the denial, nonrenewal or revocation, including the factual circumstances and the Section of this Part supporting such determination; and (3) inform the owner of the right to appeal the denial, nonrenewal or revocation of the residential rental license to Borough Council under this Part.
- 5. The Codes Compliance Official may reinstate a residential rental license if the owner or manager corrects the reason for the revocation of the residential rental license has paid the proper fees and is otherwise in

compliance with this Part and all other applicable rules, regulations, ordinances and laws.

6. Elizabethtown Borough Council shall be authorized from time to time to establish by resolution such fees as they determine are necessary to administer all provisions of this Part.

§ 306. Inspection of Residential Rental Units. [Ord. 864, 11/17/2005]

1. Prior to initial occupancy of newly constructed residential rental units, newly created residential rental units, or substantially rehabilitated residential rental units, the owner or manager shall register with and make written application to the Borough for a residential rental license as herein provided. Such initial inspections will occur in accordance with a phased-in systematic inspection program to be prepared and made available upon request by the Codes Compliance Official. A minimum of 15 days' prior written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be denial of the residential rental license.
2. The Codes Compliance Official shall inspect all other residential rental units in accordance with a systematic program. The Codes Compliance Official may also inspect residential rental units upon a change in occupancy of the residential rental unit, upon receipt of complaints and for any other reasonable cause.
3. If the Codes Compliance Official, upon completion of the inspection, finds that the residential rental unit(s) is/are not in compliance with all applicable codes, the Codes Compliance Official shall issue notices and, if appropriate, commence enforcement actions under the procedures set forth in the Code which may include directing the landlord to begin eviction proceedings against a tenant, but only at the expiration of any designated time period set forth at § 305(3) with no cure being accomplished. Notice provided to a manager shall be deemed notice provided to the owner. The following notices shall be issued to the owner of the residential rental unit or the manager:
 - A. If the Codes Compliance Official finds violations warranting condemnation of the residential rental unit under the Property Maintenance Code, in addition to the remedies under the Property Maintenance Code, the Codes Compliance Official shall:
 - (1) Issue a ten-day notice of violation; and
 - (2) If after 10 days from the date of the ten-day notice of violation, a reinspection reveals that the violations are not corrected and arrangements satisfactory to the Codes Compliance Official have not been made, the residential rental license for that unit shall be revoked and if the unit is vacant, it shall remain vacant.

- B. If the Codes Compliance Official finds violations not warranting condemnation of the residential rental unit under the Property Maintenance Code, the Codes Compliance Official shall issue a thirty-day notice of violation.
- (1) If after 30 days from the date of the thirty-day notice of violation, the first re-inspection reveals that all violations have not been corrected, a thirty-day legal action warning shall be issued.
 - (2) If after 30 days from the date of the thirty-day legal action warning, the second re-inspection reveals that all violations have not been corrected, the Codes Compliance Official shall revoke the residential rental license for that residential rental unit, and if the unit is vacant, it shall remain vacant.
 - (a) A fee will be charged for each re-inspection. The Codes Compliance Official shall maintain a list of all residential rental units and their ownership that have been the subject of prosecutions during the previous five years.

§ 307. Disruptive Conduct. [Ord. 864, 11/17/2005]

1. Police officers or Codes Compliance Officials shall investigate alleged incidents of disruptive conduct. The police officer or Codes Compliance Official conducting the investigation shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct. 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. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner and, if applicable, the manager within 10 working days of the occurrence of the alleged disruptive conduct.
2. The occupant or the owner and, if applicable, the manager shall, if they desire, have 10 working days from the date of a disruptive conduct report to appeal the disruptive conduct report. The appeal shall be made in writing and submitted to the Codes Compliance Official.
3. After three disruptive conduct incidents in any twelve-month period by an occupant documented by disruptive conduct reports, the owner and, if applicable, the manager shall have 10 working days from the date of the third disruptive conduct report to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the residential rental license. The residential rental unit involved shall not have its residential rental license reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the

district justice has ruled in the occupant's favor, the district justice 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 re-occupy any residential rental unit on the same premises involved for a period of at least one year from date of eviction. This subsection is not intended to limit or inhibit the owner and, if applicable, the manager's right to initiate eviction actions prior to the issuance of the third disruptive conduct report in a twelve-month period.

4. The disruptive conduct report shall count against all occupants of the residential rental unit. More than one disruptive conduct report filed against the occupants of a residential rental unit in a twenty-four-hour period shall count as a single disruptive conduct report for the purpose of § 306(3). The Codes Compliance Official shall maintain a list of the names of all occupants evicted as a result of § 306(3). The names shall remain on the list for a period of three years.

§ 308. Sale or Transfer of Residential Rental Units. [Ord. 864, 11/17/2005]

A residential rental license shall not be transferred. In the case of licensed residential rental units that are sold or transferred, the new owner shall seek a residential rental license for each residential rental unit and have each residential rental unit inspected. Failure to seek a residential rental unit license for each residential rental unit within 30 days of the date of sale or transfer of ownership shall result in the revocation of the residential rental license.

§ 309. Institutional Facilities. [Ord. 864, 11/17/2005]

1. Institutional facility rooms shall be subject to the provisions of this Part, subject, however, to the provisions of this § 309.
2. If an institutional facility has in place a program of control and inspection for all of its rooms and desires to be exempt from the provisions of this Part, it may make application to Borough Council. In doing so, a representative of the institution shall appear before Borough Council at a meeting thereof and shall establish to Council's satisfaction that it has in place an adequate program of control and inspection so as to itself assure compliance with the provisions and purposes of this Part. The exemption request application shall be forwarded to Borough Council together with the application fee for this purpose which shall be established from time to time by resolution of Borough Council.
3. Borough Council shall grant or deny such request for exemption based on its sound discretion.
4. If an exemption is granted, Borough Council shall have the absolute right to revoke same if information is received that the institution's program of

control and inspection is not satisfactory to assure compliance with the provisions and purposes of this Part.

5. If an exemption is granted, Borough Council shall be forwarded copies of the internal, or related third party, inspection reports from the exempted institution in a timely manner as determined solely by Borough Council.

§ 310. Appeals. [Ord. 864, 11/17/2005]

An appeal from any decision of the Codes Compliance Official shall be taken to Borough Council. Such appeal shall be made in writing within 10 days after such decision has been made. The appeal shall be verified by an affidavit, shall state the grounds therefor and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee which shall be established from time to time by this Part or by resolution of Borough Council. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council shall make a decision on such appeal within 10 days of the hearing. Borough Council shall render a written decision, copies of which shall be provided to the Codes Compliance Official and the appellant.

§ 311. Violations and Penalties. [Ord. 864, 11/17/2005]

1. Violations. It shall be a violation of this Part to commit or to permit any other person to commit any of the following acts:
 - A. To lease, let, or allow the occupancy of a residential rental unit without obtaining a residential rental license where required by this Part.
 - B. To refuse to permit inspections required under this Part for a residential rental unit.
 - C. To fail to perform the duties established by § 303 of this Part if such person is an owner or a manager of a residential rental unit.
 - D. To fail to perform the duties established by § 304 of this Part if such person is an occupant of a residential rental unit.
 - E. To place false information on to or omit relevant information from an application for a residential rental unit.
 - F. To fail to comply with any other provision of this Part.
2. Penalties and Remedies.
 - A. Allowing Occupancy of a Residential Rental Unit After the Residential Rental License Has Been Revoked. A fine of not less than \$500 per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

- B. Failure to Seek a Residential Rental License. The owner or manager shall be sent a thirty-day notice of violation, warning them of their failure to comply with the terms of this Part. If they do not comply at the end of 30 days, there shall be a fine of not less than \$500 per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- C. Whoever violates any other provision of this Part shall upon a first offense be fined not more than \$1,000 or be imprisoned not more than 30 days, or both.
- D. In addition to prosecution of persons violating this Part, the Codes Compliance Official, or any duly authorized agent of the Borough, may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this Part.
- E. The provisions of this Section and the provisions of this Part governing revocation, suspension or nonrenewal of residential rental licenses shall be independent, nonmutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate. The remedies and procedures in this Part are not intended to supplant or replace, to any degree, the remedies provided to the Borough in the Property Maintenance Code, Zoning Ordinance or any other Code, law, rule or regulation.

PART 4
REMOVAL OF SNOW AND ICE

§ 401. Definitions. [Ord. 957, 5/15/2014]

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUSINESS DAY — Any day not a Sunday or a national holiday.

BUSINESS HOURS — Hours between 9:00 a.m. and 5:00 p.m. on any business day.

CARTWAY — The portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

CORPORATION — A natural person, partnership, corporation, association, or any other legal entity.

SIDEWALK — The portion of a street between the curblines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

STREET or HIGHWAY — The entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

§ 402. Responsibility for Removal of Snow and Ice From Sidewalks. [Ord. 957, 5/15/2014]

Every property owner of a building or lot of land shall be responsible for the removal of snow and/or ice from a public sidewalk (as defined in § 401), clearing a path of at least 30 inches in width, including the access to a public street or alley.

- A. Except as provided in the immediately following Subsection, snow and ice shall be removed from sidewalks within 12 hours after the cessation of any fall of snow, sleet or freezing rain.
- B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in the immediately preceding Subsection, cause enough sand, cat litter or other abrasive material to be put on the sidewalk to make travel reasonably safe and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

§ 403. Responsibility for Removal of Snow and Ice From Roofs. [Ord. 957, 5/15/2014]

Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which presents a risk of danger of falling on any sidewalk, street or highway. Such work shall be completed within a reasonable time, but not later than 12 hours after the cessation of any fall of snow, sleet or freezing rain.

§ 404. Depositing of Snow and Ice Restricted. [Ord. 957, 5/15/2014]

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the Borough on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

§ 405. Violations and Penalties. [Ord. 957, 5/15/2014]

Any person, firm, corporation or any legal entity who shall violate any provisions of this Part shall, upon conviction thereof, be subject to a fine of not less than \$200 nor more than \$1,000 plus costs of prosecution and, in default of payment of said fine and costs, to a term of imprisonment for a term not to exceed 30 days. The costs of prosecution shall include without limitation any court filing fees and the expenses incurred by the Borough for its employees to collect any such sums as well as attorney fees incurred by the Borough. After 12 hours have elapsed following the cessation of any fall of snow, sleet or freezing rain and a violation has been committed hereunder, each ensuing twenty-four-hour time period during which a violation of the provisions of this Part continues shall be deemed a separate offense and shall be prosecutable as such.