

BOROUGH OF MILESBURG

PUBLIC HOUSING CODE

ORDINANCE # 254

Public Housing Code

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CROSS REFERENCES

Borough Code §1202 (24)
Milesburg Borough Zoning Ordinance

Milesburg Codified Ordinances

Amended by Ordinance #216

Amended by Ordinance #218

Amended by Ordinance #220

Amended by Ordinance #233

Amended by Ordinance #246

Amended by Ordinance #247

Ordinance #228 Adoption of BOCA Basic Plumbing Code 1987 Edition

Ordinance #251 Unsafe buildings and structures

Ordinance #252 Demolition of structures

100.01 SHORT TITLE

This Ordinance shall be known and may be cited as the "Milesburg Borough Public Housing Code" or just the "Housing Code".

100.02 PURPOSE

The purpose of this Housing Code is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of public housing facilities. It is intended that this Housing Code shall be prospective and forward looking in nature and that public housing units in the Borough shall be brought into compliance with the provisions of this Housing Code in a progressive, orderly and equitable fashion.

100.03 INTERPRETATION

In interpreting and applying the provisions in this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, and the general welfare of the Borough and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are not in conflict with any provisions of this Ordinance.

100.04 EFFECTIVE DATE

This Ordinance shall become effective immediately.

100.05 DEFINITIONS

As used in this Housing Code:

(1) "Adequate heat" means a minimum temperature of sixty -eight degrees Fahrenheit measured three feet above the floor approximately at the center of the room.

(2) "Adequately lighted" means illumination of at least one foot-candle at all times of the day and night.

(3) "Apartment" means a room or group of rooms within a dwelling and forming one habitable unit with facilities used or intended to be used for living, sleeping and preparation of meals.

(4) "Approved" means in accordance with regulations established by the Borough.

(5) "Basement" means a portion of any dwelling located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(6) "Board" means the Board of Housing Appeals.

- (7) "Borough" means the Borough of Milesburg or its duly authorized representative as appointed by Council.
- (8) "Building Official" means the Borough's authorized Building Official.
- (9) "Cellar" means a portion of a building fifty percent or more below the ground or grade level and not considered to be a story in determining the number of stories of a building.
- (10) "Code" or "Housing Code" means the Milesburg Borough Public Housing Code and the regulations adopted under it.
- (11) "Dwelling" means a public housing facility, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (12) "Dwelling unit" means a room or group of rooms located within a public housing facility and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (13) "Extermination" means the control and elimination of infestation of insects, rodents and other pests by destroying their harboring places, by removing or making inaccessible material that serves as their food, by spraying, poisoning, fumigating or trapping or by any other lawful means.
- (14) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (15) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, hallways, stairways, closets, basement recreation rooms and storage spaces.
- (16) "Hotel" or "motel" means a building or structure containing five or more units, where the public may, for a consideration, obtain sleeping accommodations, and which meets Commonwealth requirements and standards.
- (17) "Infestation" means the presence within or around a dwelling of numbers of insects, rodents or other pests.
- (18) "Motel. " (See "Hotel. ")
- (19) "Multifamily dwelling" means any dwelling containing two or more units.
- (20) "Occupant" means any person (including an operator) living and sleeping in

a dwelling unit or rooming unit.

(21) "Operator" means any person having charge, care, management or control of any dwelling, or part thereof, in which apartments or rooming units are let.

(22) "Other device approved by the Borough as affording adequate ventilation" means a device which:

(A) Is capable of changing the air content of a room or rooms not less than twelve times per hour; and

(B) Will have such protective screening or similar safety devices as to prevent injury to persons who may occupy the room.

(23) "Owner" means any person who, jointly or severally with others, holds legal or equitable title to any public housing facility, with or without accompanying actual possession thereof, or has charge, care or control of any public housing facility as owner or agent of the owner, or as personal representative, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance to the same extent as if he or she were the owner.

(24) "Plumbing and/or heating" means all or any one or more of the following supplied facilities and equipment: gas pipes, coal, gas and oil-burning equipment, water pipes, water heaters, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing and clothes-drying machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(25) "Plumbing Code" means the statutes of the Commonwealth and the ordinances of the Borough providing rules, regulations and requirements for the construction of plumbing, house drainage, cesspools and sanitary sewers and any re-enactment, supplement and amendment thereof.

(26) "Portable heating equipment" means any unit employing flames and designed to be carried by one person.

(27) "Premises" means a lot, plot or parcel of land, including the buildings and structures thereon.

(28) "Properly connected" means connected in accordance with the requirements of the Plumbing Code.

(29) "Public housing facility" means any structure or part thereof converted or

designated for use as rented property to house one or more families or persons unrelated by blood or marriage, whether an apartment, a room or a rooming unit equipped with or without cooking facilities. A detached building designated for and used exclusively for occupancy by one family shall be considered a public housing facility if offered for lease or rent and shall be considered as being included in this Housing Code.

(30) "Rooming house" means any dwelling or part thereof containing one or more rooming units in which space is let to one or more persons. The term includes, but is not limited to, hotels, lodging houses, convalescent homes, boarding homes for the aged, foster homes, nursing homes and other similar establishments.

(31) "Rooming unit" means 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.

(32) "Rubbish" means any and all waste materials which result from the ordinary conduct of housekeeping, except garbage and except ashes in those cases where specific provision is made relating to ashes which are waste products of coal.

(33) "Supplied" means installed, furnished or provided by or under the control of the owner or operator at his or her expense.

(34) "Structure" means public housing facilities of any kind, including partial and incomplete buildings situate upon the same premises as one or more dwellings owned by the same person.

(35) "Temporary housing" means any tent, trailer or other structure used for human shelter which is designed to be transportable and is not attached to the ground, to another structure or to any utility system on the same premises for more than thirty consecutive days.

(36) "Two-family dwelling" means any dwelling containing two dwelling units.

(37) "Yard" means all ground, lawns, walks, driveways or other open space constituting a part of the same premises upon which a dwelling is situate.

100.06 APPLICATION OF CODE; PERMIT REQUIRED; APPLICATION FOR PERMIT

(A) Application. The provisions of this Housing Code shall apply to all public housing facilities or portions thereof used, or designed or intended to be used, for human habitation.

(B) Public Housing Permit Required. From and after January 1, 1998, no person shall operate any public housing facility or let to another for occupancy any public housing facility unless he or she has been issued a public housing permit by the Building Official. Failure to apply for such a permit for existing public housing facilities within sixty days of the passage of this ordinance (Ordinance 254, passed January 5, 1998) shall constitute a violation of this ordinance.

(C) Permit Application. Applications for permits shall be made to the Building Official on forms furnished by him or her, which applications shall include:

- (1) The name and address of the operator if he or she is not the owner;
- (2) The location of the public housing facility by street and number;
- (3) The number of dwelling or rooming units available for occupancy and the number of persons who may be accommodated in accordance with the provisions of this ordinance; and
- (4) Such other information as the Borough may require.

(D) Late Fee. Any person who operates a public housing facility who fails to return his or her annual application with the appropriate fee by January 31 of each year will be charged an additional late fee of five dollars (\$5.00) per application. Failure to receive an application in the mail will not exonerate a public housing operator from the annual January 31 deadline for filing an application.

100.07 APPLICATION OF BUILDING REGULATIONS OF THE PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY.

The provisions of the building regulations of the Pennsylvania Department of Labor and Industry relating to protection from fire and panic shall apply to those occupancies regulated by this Housing Code.

100.08 REGULATIONS GOVERNING INSPECTIONS.

Council may from time to time, by resolution, promulgate regulations governing the conduct of inspections by the Building Official and set certain standards for such inspection.

100.09 MINIMUM REQUIREMENTS FOR BASIC EQUIPMENT AND FACILITIES.

No person shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum requirements for basic equipment and facilities:

(A) Every dwelling unit, except as otherwise provided in subsection (d) hereof, shall contain within its walls a room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet.

(B) Every dwelling unit, except as otherwise provided in subsection (d) hereof, shall contain within its walls a lavatory basin located in the same room as the required flush water closet except that in existing structures the requirement of a lavatory basin shall be eliminated where a bathtub exists in the same room as the flush water closet on the effective date of this ordinance.

(C) Every dwelling unit, except as otherwise provided in subsection (d) hereof, shall contain within its walls a room, separate from the habitable rooms, which affords privacy to a person in the room and which is equipped with a bathtub or shower.

(D) The occupants of not more than two dwelling units which are located in the same dwelling may share a single flush water closet, a single lavatory basin and a single bathtub or shower if:

(1) The occupancy of such dwelling units does not exceed eight.

(2) The water closet and lavatory basin are within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling of another person or outside the dwelling.

(3) The bathtub or shower is within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling.

(E) Every dwelling unit shall contain within its walls a kitchen sink.

(F) Each kitchen sink, lavatory and bathtub or shower required by this

Housing Code shall be properly connected with both hot and cold water lines, which are capable of applying volume and pressure to meet the reasonable needs of the occupants. The hot water lines shall be connected with supplied water heating facilities capable of heating water to a temperature of not less than 120 degrees Fahrenheit at all times.

(G) All plumbing fixtures required by this ordinance shall be connected to the Borough water system and to the Borough sewage collection system where available; when not available, they shall be connected to a disposal system in good working order in compliance with the Pennsylvania Sewage Facility Act and related Acts. All plumbing fixtures shall be installed in accordance with the laws of the Commonwealth, the statutes, rules and regulations of the United States and the ordinances, rules and regulations of the Borough.

(H) Every dwelling unit, apartment and rooming house shall have approved garbage and rubbish storage or disposal facilities and the refuse, rubbish, garbage and other organic waste from such dwelling units, apartments and rooming houses shall be disposed of under and subject to the requirements of Milesburg Codified Ordinances as amended.

100.10 MINIMUM REQUIREMENTS FOR LIGHT, VENTILATION AND HEATING.

No person shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum requirements for light, ventilation and heating:

(A) Every habitable unit shall be adequately ventilated by either an operable window or windows, the total area of which shall be five percent of the floor area, or the use of some other device such as ventilating fans or door louvers adequate to change air in a room every five minutes as approved by the Building Official.

(B) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in this section.

(C) Every public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be ventilated.

(D) Every habitable room shall contain at least two separate floor or wall-type electric convenience outlets, or one convenience outlet and one supplied ceiling type electric fixture; one must be switched.

(E) Every water closet compartment, bathroom, laundry room and furnace

room shall contain at least one supplied ceiling or wall-type light fixture which must be switched.

(F) Every public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be adequately lighted at all times except that in apartments an adequate lighting system that may be turned on when needed by conveniently located light switches shall be permitted.

(G) Every outlet and fixture shall be properly installed and maintained in safe working condition and in compliance with all electric, fire, building and other applicable ordinances of the Borough, statutes of the Commonwealth and regulations of the American Insurance Association, successor to the National Board of Fire Underwriters.

(H) Every dwelling unit shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartment within its walls to a temperature of at least sixty-eight degrees Fahrenheit when the outside temperature is ten degrees Fahrenheit, and all such facilities shall be properly installed and maintained in safe working condition and in compliance with the plumbing, building and other applicable ordinances of the Borough, the statutes of the Commonwealth and the regulations of the American Insurance Association, successor to the National Board of Fire Underwriters. If the outside temperature falls below ten degrees Fahrenheit for more than twenty-four hours, such event shall constitute a temporary weather emergency, during which time the heating facilities of any dwelling unit shall be required to maintain an inside heated temperature of sixty-eight degrees Fahrenheit or an inside temperature reduced one degree for every two degrees in outside temperature for such period. For example, if the outside temperature is zero degrees Fahrenheit, the inside temperature shall be at least sixty-three degrees Fahrenheit. If the outside temperature is minus two degrees Fahrenheit, the inside temperature shall be at least sixty-two degrees Fahrenheit. Portable heating equipment employing a flame and portable heating equipment using gasoline or kerosene does not meet the standards of this ordinance and are prohibited, except in emergencies. All temperatures shall be measured in degrees Fahrenheit for the purposes of this subsection.

100.11 MINIMUM REQUIREMENTS FOR SAFETY FROM FIRE.

No person shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the applicable provisions of the Fire Prevention Code and the following additional requirements for safety from fire:

(A) No dwelling unit or rooming unit shall be located within a building

containing an establishment handling, dispensing or storing flammable liquids, unless separate means of egress are provided and maintained for any such dwelling unit or rooming unit.

(B) Every dwelling unit and every rooming unit shall have safe means of egress leading to safe and open space at ground level.

(C) No storage room or storage locker in the dwelling unit or rooming unit shall be used for storage of rubbish or waste.

(D) This section shall be prospective in nature and not applicable retrospectively or to existing buildings. There shall be at least two means of egress from each occupied story above the second story of every multifamily dwelling and of every rooming house. All new and remodeled dwellings, after the effective date of this ordinance shall be in compliance with the standards set by the Pennsylvania Department of Labor and Industry. A basement used as a dwelling unit shall not count as a story for purposes of this section

(E) All flues and/or vent stacks shall be in a safe and operating condition.

(F) All gas-burning appliances and devices that require vents must be properly ventilated.

(G) Any new installation or replacement of water heating equipment shall be equipped with temperature pressure relief valves.

(H) Any basement used as a dwelling unit shall have two separate means of egress and ingress.

(I) The owner of, or other person responsible for, a public housing unit subject to this Housing Code shall install, within 240 days of the effective date of this ordinance, approved smoke detectors, to be located in such public housing unit in a manner so as to give warning of fire or smoke in the unit to persons occupying such unit. The alarm of the smoke detector shall be clearly audible in the master bedroom of such unit. A list of approved smoke detectors shall be maintained by the Building Official, and a copy thereof shall be readily available, on request, during normal business hours at the Borough Office. New construction of public housing units subject to this Housing Code which is commenced after such effective date shall contain approved smoke detectors which shall be installed and operable prior to the occupancy of any sold unit thereof, or prior to the receipt of an occupancy permit from the Borough, whichever occurs first. All approved smoke detectors installed in public housing units pursuant to this subsection shall be maintained by the owner or other responsible person in

first class operating condition at all times.

100.12 MINIMUM REQUIREMENTS FOR SPACE, USE AND LOCATION.

No person shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit constructed or connected after the date of this ordinance which does not comply with the following minimum requirements for space, use and location:

(A) Every dwelling shall contain at least 150 square feet of habitable floor area for the first occupant and at least 100 square feet of additional habitable floor area for each additional occupant.

(B) In every dwelling unit and rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor area for each occupant twelve years of age and over and at least thirty-five square feet of floor area for each occupant less than twelve years of age.

(C) Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than ten percent of the required habitable floor area. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

(D) For purposes of this section a person less than one year of age shall not be counted as an occupant.

(E) No basement or cellar shall be used for living purposes unless:

(1) The floors and walls are substantially watertight.

(2) The window areas for dwelling units meet all window and ventilation requirements set forth in Section 100.10.

100.13 MINIMUM REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE.

No person shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum requirements for safe and sanitary maintenance:

- (A) Every foundation, exterior wall and exterior roof shall be substantially weather tight and watertight; shall be kept in sound condition and good repair; and shall safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (B) Every floor, interior wall and ceiling shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (C) Every window, exterior door and basement or cellar door and hatchway shall be substantially weather tight and watertight and shall be kept in sound working condition and good repair.
- (D) Every inside and outside stair, porch and appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- (E) Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks and obstructions and in accordance with the Plumbing Code.
- (F) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be easily kept clean and in a sanitary condition.
- (G) Every supplied facility, piece of equipment or utility that is required under this Housing Code, and every chimney and smokepipe, shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.
- (H) Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

100.14 MINIMUM REQUIREMENTS FOR COOKING EQUIPMENT.

No owner shall furnish, and no operator or occupant shall furnish or use, any cooking equipment that is not so constructed and installed that it will function safely and effectively. All cooking equipment shall be maintained in sound working condition and in compliance with this Housing Code.

100.15 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

Where in this Housing Code the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator and occupant is as follows:

(A) Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he or she occupies and controls and shall be responsible for his or her own misuse of areas and facilities available in common.

(B) Every owner or operator of a two-family dwelling, multifamily dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.

(C) Every occupant of a dwelling or dwelling unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities for and within his or her dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multifamily dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He or she shall be responsible, further, for placing out for collection all common garbage and rubbish containers, except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection.

(D) Every owner or occupant of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities which are safe and sanitary.

(E) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any rodents or other pests in it or in the yard. In a two-family dwelling or a multifamily dwelling, the occupant shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent proof or substantially insect proof condition, extermination shall be the responsibility of the owner or operator.

(F) Every owner or operator shall be responsible for extermination of any rodents or other pests whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public areas of any two-family dwelling or any multifamily dwelling.

(G) Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard.

(H) Every owner or operator shall be responsible for the cutting of weeds and growth on the premises where the number of dwelling units in a dwelling exceeds one, or if the dwelling unit is unoccupied.

(I) Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

(J) During that time of the year when it is necessary, as determined by the Borough, every owner or operator of every two-family dwelling, multifamily dwelling and rooming house shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each dwelling unit, which facilities are under the sole control of the occupant of such dwelling unit.

(K) No owner, operator or occupant shall cause any service equipment or utility which is required by this Housing Code to be removed, shut off or discontinued for any occupied dwelling let or occupied by him or her, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies, and except when the tenant breaches his or her lease terms or terms of the Landlord-Tenant Act in effect at the time.

(L) A contract effective as between owner and operator, operator and occupant, or owner and occupant, with regard to compliance hereunder shall not relieve any party of his or her direct responsibility under this Housing Code.

(M) Every owner or operator shall advise the occupant in writing, either by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in the occupied premises under this Housing Code.

100.16 MINIMUM REQUIREMENTS FOR ROOMING HOUSES.

No person shall operate a rooming house or let to another for occupancy any rooming unit unless such rooming house or rooming unit complies with the following minimum standards:

(A) Every rooming house and every rooming unit shall be in compliance with the minimum standards set forth in the following sections:

Section 100.09 (minimum requirements for hot and cold water lines, water heating facilities and continuation of service);

Section 100.10 (minimum requirements for light, ventilation and heating);

Section 100.11 (minimum requirements for safety from fire);

Section 100.12 (minimum requirements for space, use and location);

Section 100.13 (minimum requirements for safe and sanitary maintenance);

and the subsections of Section 100.15 which set forth responsibilities of an owner or operator of a rooming house.

(B) Every rooming house shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each six persons or fraction thereof within the rooming house, including the members of the family of the owner or operator if they share the use of the facilities. In a rooming house in which rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this subsection except when approved by the Borough.

(C) Every flush water closet, flush urinal, lavatory basin and bathtub or shower required by Section 100.09 shall be located within the rooming house in a room or rooms which:

- (1) Afford privacy and are separate from the habitable rooms;
- (2) Are accessible from a common hall and without going outside the rooming unit of any occupant intended to share the facilities; and
- (3) Are not more than one story removed from the rooming unit of

any occupant intended to share the facilities.

(D) Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner and shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

100.17 PERMITS FOR ROOMING HOUSES.

(A) No person shall operate a rooming house unless he or she has obtained from the Borough a permit to do so.

(B) Every person applying for a permit shall supply such information as the Borough requires and shall pay the applicable fee annually as follows:

1 to 4 rooms, inclusive \$ 6.00
5 to 8 rooms, inclusive \$12.00
9 to 12 rooms, inclusive \$18.00
13 to 16 rooms, inclusive \$24.00
17 or more rooms \$30.00

The applicant for a renewal permit shall pay the same fee on an annual basis.

(C) The Borough shall, upon receipt of an application for a rooming house permit, immediately cause the Building Official to inspect the rental dwelling and, if the rooming house is found to be in compliance with this Housing Code, the Building Official shall issue the permit applied for.

(D) If the rooming house is not in compliance with this Housing Code, the Borough shall notify the applicant in writing and shall specify the noncompliance advising the applicant of the changes necessary to constitute compliance with this Housing Code. Upon the completion of such changes, the Borough shall issue the permit applied for.

(E) Every permit shall specify the maximum number of occupants allowed to occupy the rooming house.

(F) Every permit shall be displayed in the operator's office or in a public hallway within the rooming house.

(G) Every rooming house permit shall remain in force for one year from the date of its issuance, unless sooner revoked as provided in subsection (I) hereof.

(H) No permit required by this section shall be transferable unless the new

owner or operator gives notice in writing to the Borough within ten days after the transfer, in any manner, of ownership or control of the interest in such rooming house. Such notice shall include the name and address of the person succeeding the ownership or control.

(I) Whenever the Borough determines that there exists a violation of any of the provisions of this Housing Code, it shall serve notice as provided herein and may notify the owner or operator in writing that unless the notice of violation is complied with, the rooming house permit may be revoked. After the expiration of the time for compliance, as stated on the notice of violation, a re-inspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Borough may revoke the rooming house permit and in such event shall serve written notice upon the owner or operator of such action.

(J) Any person whose rooming house permit has been revoked or whose application for a permit to operate a rooming house has been denied, may appeal to the Board of Housing Appeals as provided in this Housing Code.

(K) Any alteration that increases or decreases the habitable occupancy of any public housing facility shall be subject to the approval of the Building Official. A building permit issued for such purpose shall be obtained by the owner of the premises or his or her agent. Such alterations shall comply with this ordinance.

100.18 PERMIT FOR RENTAL DWELLINGS USED FOR PUBLIC HOUSING.

(A) No person shall operate a rental dwelling for public housing unless he or she has obtained from the Borough a permit to do so.

(B) A permit required under subsection (a) hereof is an annual permit which shall expire one year from the date of issuance. Every application for the renewal of such a permit shall be filed with the Building Official on or before January 31 of the year for which the renewal is required. Prior to filing such an application, the applicant shall complete the permit application form provided by the Borough and include all information requested therein. The permit fee is sixteen dollars (\$16.00) per rental unit, regardless of whether the permit is a new permit or a renewal permit.

(C) The Borough shall, upon receipt of a permit application, cause, in due course, the Building Official to inspect the rental dwelling. If the rental dwelling is found to be in compliance with this Housing Code, the Building Official shall issue the permit requested in the application.

(D) If the rental dwelling is not in compliance with this Housing Code, the Borough shall notify the applicant in writing and shall specify the noncompliance advising the applicant of the changes necessary to constitute compliance with this Housing Code. Upon the completion of such changes, the Borough shall issue the permit applied for.

(E) No permit required by this section shall be transferable unless the new operator gives notice in writing to the Borough within ten days after the transfer, in any manner, of ownership or control of the interest in such rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control.

(F) Whenever the Borough determines that there exists any violation of any of the provisions of this Housing Code, it shall serve notice as provided herein and may notify the owner or operator in writing that unless the notice of violation is complied with, the rental dwelling permit may be revoked. After the expiration of the time for compliance, as stated on the notice of violation, a reinspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Borough may revoke the rental dwelling permit and in such event shall serve written notice upon the owner or operator of such action.

(G) Any person whose rental dwelling permit has been revoked or whose application for a permit to operate a rental dwelling has been denied, may appeal to the Board of Housing Appeals as provided in this Housing Code.

(H) Any alteration that increases or decreases the habitable occupancy of any public housing facility shall be subject to the approval of the Building Official. A building permit issued for such purpose shall be obtained by the owner of the premises or his or her agent. Such alterations shall comply with this ordinance.

100.19 INSPECTION AND ACCESS TO DWELLINGS.

(A) Every owner, operator or occupant of any public housing facility shall allow the Building Official to make an inspection of the dwelling unit to determine compliance with this Housing Code. Such inspection shall be at the convenience of both parties and upon display of proper identification by the Building Official, and after an advance notice in writing of at least twenty-four hours stating the purpose of the inspection.

(B) Every occupant of a public housing facility shall grant to the owner or operator thereof or his or her agent or employee, or to any person with whom the Borough has contracted under Section 100.22, free access to it at all reasonable times for the purpose of making repairs or alterations to effect compliance with this Housing Code and with any notice or order issued under this Housing Code.

(C) If it becomes necessary for the Building Official to make a second or subsequent inspection of a housing unit to ensure compliance with this Housing Code, there shall be a charge of fifteen dollars (\$15.00) for each unit reinspected.

100.20 BOARD OF HOUSING APPEALS.

(A) Council shall appoint, in the manner prescribed by law, a Board of Housing Appeals consisting of three members, which members shall be residents of the Borough.

(B) The Board of Housing Appeals shall have jurisdiction under this ordinance to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Borough in the enforcement of this ordinance.

(C) In deciding the appeals, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made.

(D) The Board shall fix a time and place for the hearing of appeals and such hearings shall be had within thirty days after filing the notice of appeal. Notice of the time and place of hearing shall be sent by mail to the appellant or to his or her attorney of record and such hearing shall not be less than ten days after the mailing of the notice.

(E) The Board shall adopt rules and regulations in accordance with the provisions of this ordinance and may adopt bylaws to prescribe its conduct. All hearings, appeals and adjudications shall be conducted under the terms of the Local Agency Law, being the Act of December 2, 1968, P.L. 1133, 53 P.S. §§11301 et seq.

(F) Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the absence the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and the minutes thereof shall be recorded.

(G) Any person aggrieved by any decision of the Board or any taxpayer or any office of the Borough may appeal such decision to the Court of Common Pleas of Centre County. Such petitions must be presented to the Court of Common Pleas within thirty days after filing of any decision or adjudication by the Board and such appeal shall be taken in accordance with the provisions of the Local Agency Law, being the Act of December 2, 1968, P. L. 1133, 53 P.S. §§11301 et seq.

100.21 NOTICES AND APPEALS.

(A) When the Borough determines that there exists a violation of any provision of this Housing Code, it shall give written notice of such violation to the violator.

(B) Whenever a Building Inspector deems that there has been a violation of any provision of this Housing Code, or of any rule or regulation promulgated hereunder, or of any other applicable ordinance, rule or regulation governing public housing, he or she shall give notice of such violation in the manner hereinafter provided to the person responsible for compliance under this ordinance or the applicable ordinance, rule or regulation. Such notice shall be in writing, shall include a detailed statement of the reasons for its issuance and shall specify a reasonable time, not less than five nor more than ninety days, for performance of any act required and shall inform the person responsible for compliance of his or her right to a hearing. Such notice shall be served upon the person responsible by handing a copy to him or her personally or to an adult member of his or her family at his or her place of residence, or by sending a copy to his or her last known address by certified mail, with request for a return receipt, or by posting a copy in a conspicuous public place in or about the public housing facility affected by such notice.

(C) Any person aggrieved by a decision or an action of the Borough may appeal to the Board of Housing Appeals for a review of the decision in accordance with procedures prescribed by the Board. If this appeal is filed

within ten days after giving notice of the decision or action of the Borough, compliance with a notice of violation shall not be required when the appeal is pending before the Board or before a court, except as provided in subsection (e) hereof.

(D) After the expiration of the time for compliance as stated on the notice of violation, a reinspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Building Official shall order the violation corrected as specified in Section 100.22 or shall institute prosecution for the violation, or both. However, the Board may grant a reasonable extension of time for compliance in cases of hardship.

(E) Whenever a Building Inspector deems that an emergency exists necessitating immediate action to protect the public health, safety or welfare, he or she shall report such fact to the Borough Council and they may, without prior notice, issue a written order reciting the existence of the emergency and requiring such prompt action as they deem advisable to meet the emergency. Any person to whom such notice is directed shall comply immediately even though an appeal is taken to the Board. Any person aggrieved by such notice of violation may appeal to the Board as provided heretofore. The Board shall give priorities to such an appeal.

100.22 ABATEMENT OF VIOLATIONS BY BOROUGH; COSTS.

When, upon re-examination after the expiration of the time for compliance, the Borough finds that the violation has not been corrected, and when the Borough finds that the continuation of such violation constitutes a public nuisance, it may itself, or by contract, correct the violation; charge the cost thereof to the violator; and, with the approval of the Borough Solicitor, collect such cost by lien and/or otherwise as may be authorized by law.

100.23 DESIGNATION OF DWELLING AS UNFIT FOR HUMAN HABITATION.

(A) Whenever the Borough finds that any dwelling constitutes a serious hazard to the health or safety of the occupants or to the public because it is dilapidated, unsanitary, vermin-infested or lacking in the facilities and equipment required by this Housing Code and its companion regulations, it shall designate such dwelling as unfit for human habitation. Such designation shall be posted on the dwelling and shall specify the reason. No person shall remove such notice except as provided in subsection (b) hereof.

(B) Any dwelling so designated as unfit for human habitation shall be vacated within thirty days or within such other reasonable time specified by the Borough and shall not again be used for human habitation until the hazard has been eliminated and the Borough has removed the designation

and given written approval for occupancy.

(C) Any person aggrieved by a designation of unfitness for human habitation may appeal to the Board of Housing Appeals as provided in Sections 100.20 and 100.21.

100.24 STANDARDS FOR REPAIR, VACATION AND DEMOLITION.

The following standards shall be followed in substance by those persons charged with the administration and enforcement of this ordinance in ordering repair, vacation or demolition.

(A) If any dwelling is unfit for human habitation and can reasonably be repaired so that it will no longer exist in violation of the provisions of this ordinance, it shall be ordered repaired.

(B) If any dwelling is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated, unless plans for repair of the dwelling are made to the satisfaction of the Building Official.

(C) In all cases where a building cannot be repaired so that it will no longer exist in violation of the provisions of this ordinance, it shall be demolished. In all cases where a dwelling or building is a fire hazard existing or erected in violation of the provisions of this or any ordinance of the Borough or statute of the Commonwealth, it shall be demolished. (Ord. 251. Passed 7/22/96. Ord. 252. Passed 7/22/96.)

(D) In any case where any dwelling is fifty percent damaged by fire or other cause and where it cannot be repaired in compliance with this ordinance or with the building, zoning and other applicable codes or ordinances of the Borough, it shall be demolished. (Ord. 251. Passed 7/22/96. Ord. 252. Passed 7/22/96.)

(E) Any demolition work shall be completed within established ordinance time constraints unless written permission of extension is granted by the Borough Council for extraordinary circumstances. (Ord. 251. Passed 7/22/96. Ord. 252. Passed 7/22/96.)

100.25 DANGEROUS BUILDINGS AS NUISANCES.

Any dwelling unfit for human habitation is hereby declared to be a public nuisance and shall be repaired, vacated or demolished as herein before and here in after provided. (Ord. 251. Passed 7/22/96. Ord. 252. Passed 7/22/96.)

100.26 ADDITIONAL REGULATIONS.

Council may, by resolution, make regulations as may be appropriate to effectuate the administration and enforcement of this Housing Code.

100.27 CONFLICT OF LAWS.

In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Borough or law, rule or regulation of the Commonwealth, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of another ordinance or code of the Borough or law, rule or regulation of the Commonwealth which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision of this ordinance shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

100.28 VIOLATIONS.

(A) A separate offense shall be deemed committed each day during or on which a violation of or noncompliance with any of the provisions of this ordinance continues beyond the time limits established in this ordinance.

(B) No owner, operator or occupant shall fail to comply with any notice or order given as provided for in this ordinance.

100.29 TAMPERING WITH OR INJURY TO SMOKE DETECTORS.

No person shall damage, destroy, render inoperable or otherwise tamper with an approved smoke detector located at or installed in a public housing unit as required in Section 100.11 (l).

100.99 PENALTY.

Any person, firm or corporation, who shall violate any provision of this Part or this code shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

ENACTED INTO AN ORDINANCE, this 5th day of January,
1998, by the Council of the Borough of Milesburg, in a lawful
session assembled.

BOROUGH OF MILESBURG

ATTEST:

Paula J. Wall
Sec. - Treas.

By: James S. Leigh
Council Pres.

AND NOW, to wit this 5th day of January, 1998,
the within and above Ordinance is approved.

Phyllis G. Joder
Mayor of Milesburg