

**BOROUGH OF MILESBERG
RENTAL CODE
ORDINANCE #358**

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PART I – GENERAL PROVISIONS

1.01 SHORT TITLE

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

1.02 PURPOSE

The purpose of this Rental 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 living spaces; and other commercial rental units not involving living spaces; or mixed uses containing both living spaces and nonresidential commercial rental units. It is intended that this Rental Code shall be prospective and forward looking in nature and that residential rental spaces and commercial rental spaces in the Borough shall be brought into compliance with the provisions of this Rental Code in a progressive, orderly and equitable fashion.

1.03 INTERPRETATION

In interpreting and applying the provisions in this Ordinance, they shall be construed to provide for 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. Any terms not specifically defined in this Ordinance shall be construed in accordance with their common definitions.

1.04 EFFECTIVE DATE

This Ordinance shall become effective on January 1, 2019.

1.05 DEFINITIONS

As used in this Rental 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. Portable heating equipment using liquid or gaseous fuels is not permitted to provide heat in any residential space or commercial space subject to this Rental Code.

(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 Milesburg Borough Council, sitting as the Board of Rental 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 "**Rental Code**" means the Milesburg Borough Rental Code; any regulations promulgated pursuant to that Code; and any portions or provisions of that Code adopted by the Milesburg Borough Council.

(11) "**Commercial Space**" or "**Commercial Spaces**" means any structure or portion thereof, located on real estate and not a residential space, designed, approved and/or offered for lease or rent for any duration, for retail or wholesale trade, hotel, motel; restaurant, tavern, offices, clinics, warehouses, light manufacturing and other such uses; but not for residential purposes.

(12) "**Dwelling**" means a public housing facility, except temporary housing, which may include one or more dwelling units.

(13) "**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.

(14) "**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.

(15) "**Garbage**" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(16) "**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.

(17) "**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.

(18) "**Infestation**" means the presence within or around a dwelling of numbers of insects, rodents or other pests.

(19) "**Motel**". (See "Hotel")

(20) "**Multifamily dwelling**" means any dwelling containing two or more units.

(21) "**Occupant**" means any person (including an operator) living and sleeping in a dwelling unit or rooming unit; or any person otherwise occupying a commercial rental unit that is not licensed as a living space.

(22) "**Operator**" means any person having charge, care, management or control of any structure that includes one or more residential spaces; as well as any structure that includes one or more commercial spaces that does not include living spaces; or a structure containing both one or more residential spaces and one or more commercial spaces.

(23) "**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 every five minutes; and

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

(24) "**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.

(25) "**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.

(26) "**Plumbing Code**" means the ordinances adopted by the Borough providing, or otherwise incorporating, rules, regulations and requirements for the construction of plumbing, potable water connections, house drainage, cesspools and sanitary sewers and any re-enactment, supplement and amendment thereof.

(27) "**Portable heating equipment**" means any unit intending to generate heat and designed to be carried by one person.

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

(29) "**Properly connected**" means connected in accordance with the requirements of the Uniform Construction Code as adopted by the Commonwealth of Pennsylvania.

(30) "**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 Rental Code. A public housing facility shall include any residential unit or other structure offered for rent or lease in connection with human occupancy for any duration.

(31) "**Residential space**" or "**Residential Spaces**" means any structure, or any portion thereof, that is rented, leased or offered for rent or lease for human occupancy for any duration. Residential spaces subject to the provisions of this Ordinance include, but are not limited to: apartments; dwellings; dwelling units; habitable rooms; hotels; motels; two-family and/or

multifamily dwellings; public housing facilities; rooming houses; and rooming units.

(32) "**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, motels, lodging houses, bed and breakfast establishments, convalescent homes, boarding homes for the aged, foster homes, group homes, nursing homes, assisted living facilities, and other similar establishments.

(33) "**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.

(34) "**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.

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

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

(37) "**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.

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

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

1.06 APPLICATION OF CODE; PERMIT REQUIRED; APPLICATION FOR PERMIT

(A) Application. The provisions of this Rental Code shall apply to all residential spaces including public housing facilities, commercially operated residential rental units, or portions thereof used, or designed or intended to be used, for human habitation; as well as to all commercial spaces.

(B) Rental Permit Required. From and after January 1, 2019, no person shall rent or lease, or offer for rent or lease, or operate any residential space or any commercial space unless such person has been issued a rental permit for that space by the Building Official. Failure to apply for, or to possess, such a permit for existing residential spaces and/or commercial spaces within sixty days of the passage of this ordinance (Ordinance No. 358, adopted December 10, 2018), or at any time thereafter, shall constitute a violation of this ordinance.

(C) Permit Application. Applications for rental 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 owner and operator;
- (2) The location of the public housing facility by street and number;
- (3) The number of residential spaces 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) Permit Fees. The rental permit fees applicable to residential spaces and commercial spaces shall be established and amended by resolutions adopted by the Milesburg Borough Council from time-to-time.

1.07 RENTAL OCCUPANCY PERMITS

(A) No owner or operator shall offer for let a residential space or a commercial space unless an occupancy permit has been obtained for that space from the Borough. Occupancy permits shall be applied for pursuant to any renewal cycle established by resolution adopted by Milesburg Borough Council.

(B) Every person applying for a residential space occupancy permit shall supply such information as the Borough requires and shall pay the applicable fee bi-annually as established per the schedule of fees promulgated by resolution adopted from time-to-time by the Milesburg Borough Council.

(C) Every person applying for a commercial space occupancy permit shall supply such information as the Borough requires and shall pay the applicable fee annually as established per the schedule of fees promulgated by resolution adopted from time-to-time by the Milesburg Borough Council.

(D) The Borough shall, upon receipt of an application for an occupancy permit, immediately cause the Building Official to inspect the residential and/or commercial space and, if the space is found to be in compliance with this ordinance, the Borough shall issue the permit applied for.

(E) If the residential and/or commercial space is not in compliance with this ordinance, the Borough shall notify the applicant in writing and shall specify the noncompliance; and advise the applicant of the changes necessary to constitute compliance with this ordinance. Upon bringing the property into compliance, the Borough shall issue the permit applied for.

(F) Every permit shall specify the maximum number of occupants allowed to occupy the residential and/or commercial space.

(G) Every permit shall be displayed in the operator's office or in a public hallway within the structure.

(H) Every occupancy permit shall remain in force from the date of its issuance until the listed date of expiration, unless sooner revoked as provided in subsection (I) hereof.

(I) No permit required by this section shall be transferable. Upon any change in ownership, the new owner shall be required to apply for, and to obtain, a new occupancy permit.

(J) Whenever the Borough determines that there exists a violation of any of the provisions of this ordinance, it shall serve notice as provided herein and may notify the owner or operator that unless the notice of violation is complied with, the occupancy permit may be revoked. In the event of exigent circumstances involving life safety concerns, any occupancy permit may be immediately revoked. After the expiration of the time for provided for compliance, 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 occupancy permit and in such event shall serve written notice upon the owner or operator of such action.

(K) Any person whose occupancy permit has been revoked or whose application for an occupancy permit has been denied, may appeal to the Board of Rental Appeals as provided in this ordinance.

(L) Any alteration to a structure that increases or decreases the occupancy, shall be subject to the approval of the Building Official. A building permit and/or a new occupancy permit may be required.

1.08 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, and establish an/or revise fees applicable to enforcement of this Ordinance.

1.09 FEDERAL STATE AND LOCAL LAWS AND REGULATIONS.

All residential spaces and all commercial spaces subject to this Rental Code shall at all times be in compliance with any applicable federal, state and local laws and regulations.

1.10 SEVERABILITY

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

1.11 REPEALER

Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith, and any amendments thereof, are hereby expressly repealed, including the entirety of the Milesburg Borough Rental Property Maintenance Code (Ordinance No. 331 adopted May 10, 2010); and amendments to the Milesburg Borough Rental Property Maintenance Code (Ordinance No. 349 adopted April 13, 2015).

PART II - LIVING SPACES

2.01 MINIMUM REQUIREMENTS FOR BASIC EQUIPMENT AND FACILITIES.

No person shall let to another for occupancy any residential space, which does not comply with the following minimum requirements for basic equipment and facilities:

(A) Every residential space, 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 residential space, 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 residential space, 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 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 residential spaces 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 residential space of another person or outside the residential space.

(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 residential space without going through the residential space of another person or outside the structure.

(E) Each kitchen sink, lavatory and bathtub or shower required by this ordinance shall be properly connected with hot and/or cold water lines as appropriate, 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.

(F) All plumbing fixtures required by this ordinance shall be connected to a potable water source 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 Uniform Construction Code and any applicable ordinances, rules, and regulations incorporated, adopted or promulgated by the Borough.

(G) Every dwelling 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 any applicable ordinances enacted by Milesburg Borough, as amended.

(H) Every stairway, and all steps having more than three (3) risers, shall have a handrail in accordance with the Uniform Construction Code.

(I) All electrical outlets located within six(6) feet of any water source other than swimming pools and hot tubs shall include ground fault interruption protection as required by the Uniform Construction Code.

2.02 MINIMUM REQUIREMENTS FOR LIGHT, VENTILATION AND HEATING.

No person shall let to another for occupancy any residential space which does not comply with the following minimum requirements for light, ventilation and heating:

(A) Every habitable room 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 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.

(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. 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 does not meet the standards of this ordinance and are prohibited, except in public emergencies. All temperatures shall be measured in degrees Fahrenheit for the purposes of this subsection.

2.03 MINIMUM REQUIREMENTS FOR SAFETY FROM FIRE AND CARBON MONOXIDE.

No person shall let to another for occupancy any residential space which does not comply with the applicable provisions of the Fire Prevention Code as adopted by the Commonwealth Of Pennsylvania and the following additional requirements for safety from fire:

(A) No residential space 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 residential space shall have safe means of egress leading to safe and open space at ground level.

(C) No storage room or storage locker in the residential space 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 containing residential spaces, 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 operating, one or more residential spaces subject to this ordinance shall install approved smoke detectors, to be located in such residential spaces in a manner so as to give warning of fire or smoke in the unit to persons occupying such space. The alarm of the smoke detector shall be clearly audible in the master bedroom of such space. 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 Rental 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.

(J) The owner of, or other person responsible for operating, a residential space subject to this ordinance shall install approved carbon monoxide detectors, to be located in such public housing unit in a manner so as to give warning of dangerous levels of carbon monoxide in the unit to persons occupying such unit. All approved carbon monoxide 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.

2.04 MINIMUM REQUIREMENTS FOR SPACE, USE AND LOCATION.

No person shall let to another for occupancy any residential space, which does not comply with the following minimum requirements for space, use and location:

(A) Every dwelling unit 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) Every dwelling 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 an additional fifty square feet of floor area for each occupant twelve years of age and over and at least an additional 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) 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 2.02.

2.05 MINIMUM REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE.

No person shall let to another for occupancy residential space 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 be 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 Uniform Construction 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 ordinance, and every chimney and flue, smoke pipe, and/or vent shall be so constructed and installed that it will function safely and effectively and shall be maintained in accordance with the Uniform Construction Code.

(H) Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(I) Every structure shall be maintained in a manner consistent with the provision of safe and sanitary living conditions, free of hazards, unhealthy conditions (including but not limited to molds, insects, rodents and other vermin) and unsafe conditions

2.06 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 ordinance.

2.07 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

Where in this ordinance the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator and occupant of any residential space is as follows:

(A) Every occupant of a residential space shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which they occupy and control, and shall be responsible for their own misuse of areas and facilities available in common.

(B) Every owner or operator of a dwelling shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.

(C) Every occupant of a residential space, including any 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. The owner or operator 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 operator 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 residential space 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 multifamily dwelling, the occupant shall be responsible for such extermination whenever their 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 of a residential space 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 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 of a structure containing residential spaces shall be responsible for the cutting of weeds and growth on the premises.

(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 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 of a residential space shall cause any service equipment or utility which is required by this ordinance to be removed, shut off or discontinued for any occupied dwelling, , except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies (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 ordinance.

(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.

(N) Every owner or operator, in addition to every occupant, shall be responsible for compliance with Borough Ordinance No. 356 relating to the Keeping and Control of Cats.

2.08 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 requirements;

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

Section 2.01 (minimum requirements for hot and cold water lines, water heating facilities and continuation of service);

Section 2.02 (minimum requirements for light, ventilation and heating);

Section 2.03 (minimum requirements for safety from fire);

Section 2.04 (minimum requirements for space, use and location);

Section 2.05 (minimum requirements for safe and sanitary maintenance); and

Section 2.07 (the subsections 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 less 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 system.-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 2.01 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.

PART III – COMMERCIAL SPACES

3.01 MINIMUM REQUIREMENTS FOR LIGHT, VENTILATION AND HEATING.

No person shall let to another for occupancy any commercial space which does not comply with the following minimum requirements for light, ventilation and heating:

(A) Every 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 building containing one or more commercial rental units 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 building containing one or more commercial spaces shall be adequately lighted at all times when the building is occupied.

(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.

(H) Every commercial space other than a garage or warehouse 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. 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 does not meet the standards of this ordinance and are prohibited, except in public emergencies. All temperatures shall be measured in degrees Fahrenheit for the purposes of this subsection.

3.02 MINIMUM REQUIREMENTS FOR SAFETY FROM FIRE AND CARBON MONOXIDE.

No person shall let to another for occupancy any commercial space which does not comply with the applicable provisions of the Fire Prevention Code as adopted by the Commonwealth Of Pennsylvania and the following additional requirements for safety from fire:

(A) No commercial space 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 commercial space.

(B) Every commercial space shall have safe means of egress leading to safe and open space at ground level.

(C) There shall be at least two means of egress from each occupied story above the second story of every structure containing a commercial space. All new and remodeled commercial spaces, after the effective date of this ordinance shall be in compliance with the standards set by the Pennsylvania Department of Labor and Industry and this ordinance. A basement used as a commercial space shall not count as a story for purposes of this section

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

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

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

(G) Any basement used as a commercial space shall have two separate means of egress and ingress.

(H) The owner or operator of any commercial space subject to this ordinance shall install approved smoke detectors, to be located in such commercial spaces 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 all rooms of such unit. All smoke detectors must comply with, and be installed in accordance with, the requirements of the Uniform Construction Code. New construction of commercial spaces subject to this ordinance which is commenced after such effective date shall contain approved smoke detectors which shall be installed and operable prior to the occupancy of any commercial space thereof, or prior to the receipt of an occupancy permit from the Borough, whichever occurs first. All approved smoke detectors installed in commercial spaces pursuant to this subsection shall be maintained by the owner or other responsible person in first class operating condition at all times.

(I) The owner of, or other person responsible for, any commercial space subject to this ordinance shall install approved carbon monoxide detectors, to be located in such each such unit in a manner so as to give warning of dangerous levels of carbon monoxide in the unit to persons occupying such unit where there exists apparatus for the burning of coal, wood, pellets or other combustible fuels is present. All approved carbon monoxide detectors installed in commercial spaces pursuant to this subsection shall be maintained by the owner or other responsible person in first class operating condition at all times.

3.03 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.

Where in this ordinance the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator and occupant of any commercial space is as follows:

(A) Every occupant of a commercial space shall maintain in a clean and sanitary condition that part of the unit and yard they occupy and control and shall be responsible for their own misuse of areas and facilities available in common.

(B) Every owner or operator of a multi-unit commercial space shall maintain in a clean and sanitary condition the shared or public areas of the building and yard.

(C) Every occupant of a commercial space 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 commercial space and shall maintain them in a clean and sanitary manner. The owner or operator of a building containing more than one commercial space shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. The owner or operator 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, operator or occupant of every commercial space 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 commercial space shall be responsible for the

extermination of any rodents or other pests in it or in the yard. In a building containing more than one commercial space, the occupant shall be responsible for such extermination whenever his or her rental unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a structure 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 commercial spaces in any structure, or in the shared or public areas of any property containing multiple commercial spaces and/or residential spaces.

(G) Every owner or operator of a building containing commercial spaces 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.

(I) Every occupant of a commercial space 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 building containing commercial spaces shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each 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 ordinance to be removed, shut off or discontinued for any occupied commercial space, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

(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 ordinance.

(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 ordinance.

(N) Every owner or operator, in addition to every occupant, shall be responsible for compliance with Borough Ordinance No. 356 relating to the Keeping and Control of Cats.

3.04 MINIMUM REQUIREMENTS FOR COMMERCIAL RENTAL UNITS.

No owner or operator shall advertise or let to another for occupancy any commercial space unless such unit complies with the following minimum standards;

(A) Every commercial rental unit shall be in compliance with the minimum standards set forth in the following sections:

Section 2.01 (minimum requirements for hot and cold water lines, water heating facilities and continuation of service);

Section 2.02 (minimum requirements for light, ventilation and heating);

Section 2.03 (minimum requirements for safety from fire);

Section 2.04 (minimum requirements for space, use and location);

Section 2.05 (minimum requirements for safe and sanitary maintenance); and

Section 2.07 (the subsections which set forth responsibilities of an owner or operator of a building containing one or more residential rental units shall be applicable to the owner or operator of a building containing one or more commercial spaces).

(B) Every building containing at least one commercial space shall be equipped with at least one flush water closet, and one lavatory that are accessible to all tenants, their employees, and their customers or invitees. All such facilities shall be properly connected to an approved water and sewerage system.-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, and lavatory basin required by Section 2.01 shall be located within the building containing commercial spaces 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 rental unit of any occupant intended to share the facilities.

PART IV – CODE ADMINISTRATION

4.01 INSPECTION AND ACCESS TO RESIDENTIAL AND COMMERCIAL SPACES.

(A) Every owner, operator or occupant of any structure that includes a residential space for rent and/or a commercial space for rent shall allow the Building Official to make an inspection of the structure to determine compliance with this Rental 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) If it becomes necessary for the Building Official to make a second or subsequent inspection of a housing unit or commercial rental unit to ensure compliance with this Rental Code, there shall be a charge as established by any schedule of fees adopted by resolution of the Milesburg Borough Council.

(C) At the time of any inspection, all liquid or gaseous fuel supply systems located on the premises shall be inspected to verify that all such systems, and any tanks appurtenant thereto, are in compliance with any applicable federal, state and local laws, regulations and ordinances.

4.02 BOARD OF RENTAL APPEALS.

(A) Council shall sit as the Board of Rental Appeal.

(B) The Board of Rental 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 Official in the enforcement of this ordinance.

(C) In deciding the appeals, the Board of Rental Appeals 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 of Rental Appeals 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) In any instance or circumstance where an appeal to the Board of Rental Appeals has been filed and such Board is unable to convene because Borough Council lacks the requisite number of members present for a quorum, Council may call a special meeting to consider the appeal at a later date.

(F) Any person aggrieved by any decision of the Board of Rental Appeals 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 (30) days after filing of any decision or adjudication by the Board of Rental Appeals and such appeal shall be taken in accordance with the provisions of the statutory provisions relating to judicial review of a local agency action,

4.03 NOTICES AND APPEALS.

(A) When the Borough and/or Building Official determines that there exists a violation of any provision of this ordinance, it shall give written notice of such violation to the violator via personal service or certified mail.

(B) Whenever a Building Official deems that there has been a violation of any provision of this ordinance, he or she shall give notice of such violation in the manner hereinafter provided to the person responsible for compliance under this ordinance. 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 their right to a hearing. Such notice shall be served upon the person responsible by handing a copy to them personally, or to any adult present at their place of residence, or by sending them a copy to the 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 structure affected by such notice.

(C) If said violation is not brought into compliance within 15 days of receipt of said notice, the Borough, through the Building Official, shall be empowered to assess fines pursuant to the fine structure adopted by the Borough Council pursuant to resolution, as amended from time-to-time.

(D) Any person aggrieved by a decision or an action of the Borough may appeal to the Board of Rental 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.

(E) 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 Building Official shall order the violation corrected as specified in Section 4.01 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.

(F) Whenever a Building Official 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 of Rental Appeals. Any person aggrieved by such notice of violation may appeal to the Board of Appeals as provided heretofore. The Board of appeals shall give priorities to such an appeal.

4.03 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.

4.04 DESIGNATION OF RESIDENTIAL SPACES OR COMMERCIAL SPACES AS UNFIT FOR HUMAN HABITATION OR HUMAN OCCUPANCY.

(A) Whenever the Borough finds that any residential space or commercial space 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 ordinance, the Building Official shall designate such structure as unfit for human habitation or occupancy. Such designation shall be posted on the structure containing the dwelling or commercial space and shall specify the reason. No person shall remove such notice except as provided in subsection (b) hereof.

(B) Any residential space or commercial space so designated as unfit for human habitation or occupancy shall be vacated immediately and shall not again be used for human habitation or occupancy 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 or occupancy may appeal to the Board of Rental Appeals as provided in Sections 4.02 and 4.03.

4.05 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 residential space or commercial space is unfit for human habitation or occupancy 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 residential space or commercial space 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 or commercial space 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 residential space, commercial space, 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 residential space or commercial space 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 or the Commonwealth of Pennsylvania, 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.)

4.06 DANGEROUS BUILDINGS AS NUISANCES.

Any dwelling or commercial space unfit for human habitation or occupancy is hereby declared to be a public nuisance and shall be repaired, vacated or demolished as herein provided and/or as provided in any currently existing, subsequently amended, or subsequently enacted ordinance containing provisions applicable to nuisances.

4.07 ADDITIONAL REGULATIONS.

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

4.08 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.

4.09 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.

4.10 TAMPERING WITH OR INJURY TO SMOKE DETECTORS OR CARBON MONOXIDE DETECTORS.

No person shall damage, destroy, render inoperable or otherwise tamper with an approved smoke detector or carbon monoxide detector located at or installed in any residential space or in any commercial space as required by the provisions of this Ordinance.

4.11 PENALTY.

Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) not more than one thousand dollars (\$1,000.00) 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.

In the event of a repeat violation occurring within a period of 365 days from the date of the first notice of violation, the minimum fine shall be increased as follows:

Second Violation: \$150.00
Third Violation: \$300.00
Fourth Violation: \$600.00.

ENACTED INTO AN ORDINANCE, this 10th day of December, 2018 by the Council of the Borough of Milesburg, in a lawful session assembled.

BOROUGH OF MILESBURG

ATTEST:

Paul J. Hall
Secretary - Treasurer
Manager

By: [Signature]
Council President

AND NOW, to-wit, this 10th day of December, 2018, the within and above Ordinance is approved.

[Signature]
Mayor of Milesburg