

CHAPTER 11

HOUSING

Part 1

Renting of Dwellings and Apartments Including Maintenance and Occupancy Requirements

- §11-101. Minimum Standards for Basic Equipment and Facilities
- §11-102. Minimum Standards for Light and Ventilation
- §11-103. Minimum Thermal Standards
- §11-104. General Requirements Relating to Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units
- §11-105. Minimum Density, Minimum Space, Use and Location Requirements
- §11-106. Responsibilities of Owners and Occupants
- §11-107. Nonrestrictive Clause
- §11-108. Adoption of Plans and Inspections
- §11-109. Powers and Duties of the Building Committee
- §11-110. Renting of Dwellings
- §11-111. Licensing and the Operation of Multiple Dwellings and Rooming Houses
- §11-112. Rules, Regulations and Enforcing Authority
- §11-113. Notice of Violation
- §11-114. Penalties
- §11-115. Repairs and Other Corrective Action; Demolition
- §11-116. Collection and Dissemination of Information
- §11-117. Applications for Reconsideration; Conferences; Hearings and Appeals
- §11-118. Emergencies
- §11-119. Notifying Borough of Adult Residents

Part 1

**Renting of Dwellings and Apartments Including
Maintenance and Occupancy Requirements**

§11-101. Minimum Standards for Basic Equipment and Facilities.

1. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and shall be equipped with the following:
 - A. A kitchen sink.
 - B. Cabinets and/or shelves for the storage of eating, drinking and cooking equipment, and of food. Said cabinets or shelves shall be of sound construction and shall be furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effects to food.
 - C. A stove or approved device for cooking food, and a refrigerator or approved device for the safe storage of perishable food provided that such stove or refrigerator need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide the same upon occupancy.
2. Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a flush water closet. Said water closet shall be properly connected to a water supply which provides an adequate amount of water under pressure and shall be connected to an approved sewage disposal system.
3. Within every dwelling unit there shall be a lavatory sink located in close proximity to the water closet.
4. Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower.
5. All kitchen sinks, lavatory sinks, bathtubs and/or showers as required by the provisions of this Part shall be in good working condition and properly connected to an approved water supply system which provides at all times an adequate amount of heated and unheated water under pressure, and shall be properly connected to an approved sewage disposal system.
6. Egress requirements shall be as follows:
 - A. Every dwelling unit in a multiple dwelling shall have access to one or more approved means of egress as required by the "Building Regulations for Protection from Fire and Panic" and its amendments, as promulgated by the Pennsylvania Department of Labor and Industry.

HOUSING

- B. In buildings of ordinary construction, a second means of egress shall be required from the third floor of a two-family dwelling where part or all of a second dwelling unit is located on a third floor.
 - C. In buildings occupied in part by a commercial establishment, the occupancy of the greatest fire hazard shall govern the number, capacity, construction and size of all exitways.
7. Structurally sound handrails shall be provided on any steps containing five risers or more. If steps are not enclosed, handrails and balusters spaced not more than 6 inches apart shall be provided. Porches and/or balconies located more than 3 feet higher than the surrounding adjacent area shall have structurally sound, protective hand rails and, if unenclosed, balusters spaced not more than 6 inches apart.
 8. Each dwelling unit shall have a medicine cabinet or similar facility for the safe storage of household chemicals and poisons.
 9. All apartment complexes having three or more units shall, within 90 days from the enactment of this Section of the Code, have or install self-locking outside entrance doors which shall be in operation at all times.

(Ord. 321, 8/24/1976, §801)

§11-102. Minimum Standards for Light and Ventilation.

1. Every habitable room shall have at least one window or sky light facing outdoors. The minimum total window or skylight area, measured between stops for every habitable room shall be at least 10% of the floor area of such room but if light obstruction structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.
2. Every habitable room shall have at least one window or sky light facing directly outdoors which can easily be opened or such other device as will adequately ventilate the room. The total of openable window or skylight area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight type window area size, as required in subsection (1), of this Section, except where there is supplied some other device affording adequate ventilation and approved by the Building Committee.
3. Every bathroom and water closet compartment, and nonhabitable room used for food preparation, shall comply with the light and ventilation requirement for habitable rooms contained in subsections (1) and (2), above, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition, which is approved by the Building Committee.

4. Every dwelling unit and all public and common areas within the structure shall be supplied with electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the National Board of Fire Underwriters. The capacity of such services and the number of outlets and fixtures shall be as follows:
 - A. Every habitable room shall have electric service with adequate wattage to meet normal demand.
 - B. Every habitable room and every room used for food preparation, shall have at least one floor or wall-type electric convenience outlet for each 60 square feet or fraction thereof of total floor area, and in no case less than two such outlets.
 - C. Every water closet compartment, bathroom and kitchen or kitchenette, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type electric light fixture.
 - D. Switches or equivalent devices for turning on one light in each room or passageway shall be located in a convenient place so as to permit the area ahead to be lighted.
5. Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least 6 footcandles of light at the tread or floor level. Every public hall or stairway in structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(Ord. 321, 8/24/1976, §802)

§11-103. Minimum Thermal Standards.

1. Every dwelling shall have heating facilities which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 68° Fahrenheit at a distance of 18 inches above floor level under ordinary winter conditions.
2. No owner or occupant shall install, operate or use either an unvented or unventable heater employing a flame.

(Ord. 321, 8/24/1976, §803)

§11-104. General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units.

HOUSING

1. Every foundation, roof and exterior wall, door, skylight and window shall be reasonable weather-tight, water-tight and damp free, and shall be kept in sound condition and good repair. All exterior surfaces, other than decay resistant woods shall be protected from the elements and decay by paint or other protective covering or treatment using nontoxic materials where readily accessible to children. Walls shall be capable of affording privacy for the occupants. Every premises shall be graded, drained, free of standing water and maintained in a clean, sanitary and safe condition. Where interior painted surfaces are readily accessible to children, paints shall contain less than 1% lead by weight.
2. Every window, exterior door and basement hatchway or similar devices, shall be kept rodent-proof and reasonably water tight and weather-tight, and shall be kept in working condition and good repair.
 - A. During that portion of the year when there is a need for protection against flying insects, every door opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least 16 mesh and self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens:
 - (1) In rooms deemed by the Building Committee to be located high enough in the upper stories of a building as to be free from such insects.
 - B. Every window located at or near ground level used or in tended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate screen or such other devices as will effectively prevent their entrance.
3. Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which located shall be maintained so as to prevent and eliminate rodent harborage.
4. All fences shall be maintained in good condition, and any wood materials shall be protected against decay by use of paint or other preservative. Whenever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.
5. Accessory structures present or provided by the owner, agent or tenant occupant on the premises of a dwelling shall be structurally sound, be designed to prevent rodent harborage and be maintained in good repair and free of vermin by the owner, agent or occupant, or such structures shall be removed from the premises,
6. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads.

7. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition in compliance with appropriate ordinances or regulations.
8. Every water closet compartment, bathroom and kitchen floor and wall surface shall be constructed and maintained so as to be reasonable impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
9. Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this Part shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations.
10. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Part to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him; except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies when discontinuance of service is approved by the Building Committee.
11. All construction and materials, ways and means of egress, and installation and use of equipment shall conform to applicable State and local laws dealing with fire protection.

(Ord. 321, 8/24/1976, §804)

§11-105. Minimum Density, Minimum Space, Use and Location Requirements.

1. The maximum density of occupancy of any dwelling unit by persons shall not exceed either:
 - A. For first occupant, 150 square feet of floor space and at least 100 square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
 - B. A total number of persons equal to two times the number of its habitable rooms.
2. Not more than one family, plus two occupants unrelated to the family, except for guests or domestic employees, shall occupy a dwelling unit.
3. The ceiling height of any habitable room shall be at least 7 feet; except, that in any habitable room under a sloping ceiling at least ½ of the floor area shall have a ceiling height of at least 7 feet and the floor area of that part of such a room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor of the room for the purpose of determining the maximum permissible occupancy.

HOUSING

4. No space located partially or totally below grade shall be used as a habitable room of a dwelling unit unless approved by the Building Committee in writing and unless:
 - A. The floor and those portions of the walls below grade are of waterproof and dampproof construction.
 - B. The minimum window area is equal to at least that required in §11-102(1), and such window area is located entirely above the grade of the ground adjoining such window area, or if windows are located wholly or partly below grade, there be constructed a properly drained window well whose open area is equal to or greater than the area of the masonry opening for the window; the bottom of the window well is below the top of the impervious masonry construction under this window, and the minimum horizontal distance at a right angle from any point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the opening for the window; except where there is supplied adequate artificial illumination.
 - C. The total openable window area in each room is equal to at least the minimum as required under §11-102(1) of this Part, except where some other approved devices affording adequate ventilation and humidity control are supplied.
 - D. There are no pipes, ducts or other obstructions which interfere with the normal use of the room or area.
5. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant, and at least 50 square feet of floor space for each additional occupant thereof.
6. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
7. Every dwelling unit shall have at least 4 square feet of floor to ceiling height closet space for the personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

(Ord. 321, 8/24/1976, §805)

§11-106. Responsibilities of Owners and Occupants.

1. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
2. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.
3. Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.
4. Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage and any other organic waste which might provide food for insects and/or rodents, in a clean, sanitary and safe manner, and if a container is used for storage pending collection, it shall be rodent proof, insect proof and water tight.
5. Every owner of a dwelling containing three or more dwelling units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single or two-family dwellings it shall be the responsibility of the occupant to furnish such facilities or containers.
6. The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provision of this Part or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one season become the responsibility of the occupant.
7. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents, on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding, the foregoing provisions of this Section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
8. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
9. From September 1, until June 1, in every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68° degrees Fahrenheit shall be maintained in

HOUSING

all habitable rooms, bathrooms and water closet compartments at a distance of 18 inches above the floor level.

(Ord. 321, 8/24/1976, §807)

§11-107. Nonrestrictive Clause.

1. Nothing contained in these standards is intended to restrict, impede or prohibit the acceptance or application of new developments or technology related to housing construction, materials used in construction, utilities, facilities or fixtures.
2. The Building Committee may waive any provision of this Part providing that such waiver is in harmony with the general purpose and intent of these Sections; or where there are practical difficulties or unnecessary hardships in carrying-out the strict letter of these Sections.

(Ord. 321, 8/24/1976, §808)

§11-108. Adoption of Plans of Inspection.

The Building Committee is hereby authorized and directed to subject to the provisions of this Part including:

- A. A plan for the periodic inspection of multiple dwellings governing the licensing of the operation of such dwellings.
- B. A plan for the systematic inspection of dwelling units contained in such contiguous areas within this Borough of Rutledge as may from time to time be designated by the Building Committee.

(Ord. 321, 8/24/1976, §809)

§11-109. Powers and Duties of the Building Committee.

1. The Building Committee shall enforce the provisions of this Part and is hereby authorized and directed to make inspections pursuant to one or more of the plans for inspection authorized by §11-108 or in response of this Part or of applicable rules or regulations pursuant thereto may exist; or when the Building Committee has valid reason to believe that a violation of this Part or any rules and regulations pursuant thereto has been or is being committed.
2. Any member of the Building Committee or authorized representative is hereby authorized to enter and inspect between the hours of 8 a.m. and 7 p.m. all dwellings, dwelling units, and rooming houses, rooming units and dormitory rooms subject to

the provisions of this Part for the purpose of determining whether there is compliance with its provisions.

3. Any member of the Building Committee or authorized representative is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units and dormitory rooms subject to this Part for the purpose of determining whether there is compliance with its provisions.
4. The inspection officer and the owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room subject to this Part may agree to an inspection by appointment at a time other than the hours provided in subsection (2), above.
5. The owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room, upon presentation of proper identification by the inspection officer, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected shall give the inspection officer entry and free access to every part of the dwelling, dwelling unit, rooming unit or dormitory room or to the premises surrounding any of these.
6. The inspection officer shall keep confidential all evidence which it may discover or obtain in the course of an inspection made pursuant to this Section and such evidence shall be considered privileged. Evidence so obtained shall not be disclosed except as may be necessary in the judgment of the inspection officer for the proper and effective administration and enforcement of the provisions of this Part and rules and regulations issued pursuant thereto and shall not otherwise be admissible in any judicial proceeding without the consent of the owner, occupant or other person in charge of the dwelling unit or rooming unit inspected.
7. If any owner, occupant or other person in charge of a dwelling, dwelling unit or rooming unit, or of a multiple dwelling or a rooming house subject to licensing under §11-111, fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this Part is sought to be made, the inspection officer may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this Part with respect to such dwelling, dwelling unit, rooming unit, multiple dwelling or rooming house, petition and obtain such order from a court of competent jurisdiction.
 - A. Any person who refuses to comply with an order issued pursuant to this Part shall be subject to such penalties as may be authorized by law for violation of a court order.

(Ord. 321, 8/24/1976, §810)

§11-110. Renting of Dwellings.

HOUSING

1. No person, firm or corporation owning, managing, conducting or operating a dwelling shall rent, lease or let out or permit it to be occupied unless he holds a current, unrevoked operating license issued by the Building Committee in his name for the specific named dwelling. Any person, firm or corporation failing to obtain an operating license as required in this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. [*Ord. 428*]
2. In order to be eligible for an operating license, the said dwelling must comply with all ordinances, regulations and applicable rules of the Borough of Rutledge and the laws of the Commonwealth of Pennsylvania now in existence or hereafter passed, pertaining to building, plumbing, electrical, oil burning equipment, zoning, health and safety, fire or fire prevention, minimum housing standards and all departmental regulations established pursuant to said ordinances and laws.
3. A fee, in an amount as established from time to time by resolution of Borough Council, shall be charged for the issuance of each operating license issued under provisions of this Part. [*Ord. 428*]

(*Ord. 321, 8/24/1976, §811; as amended by Ord. 351, 8/2/1983, §V; by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001*)

§11-111. Licensing of the Operation of Multiple Dwellings and Rooming Houses.

1. No person shall operate a multiple dwelling or rooming house unless he holds a current, unrevoked operating license issued by the Building Committee in his name for the specific named multiple dwelling or rooming house. Any person failing to obtain a license as required in this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. [*Ord. 428*]
2. Every operating license shall be issued for a period of 1 year from its date of issuance, that being April 1 of each calendar year, unless sooner revoked, and may be renewed for successive periods not to exceed 1 year. [*Ord. 349*]
3. The Building Committee is hereby authorized upon application therefor to issue new operating licenses and renewals thereof, in the names of applicant owners or operators of multiple dwellings and rooming houses. No such license shall be issued unless the multiple dwellings or rooming house in connection with which the license is sought is found after inspection to meet all requirements of this Part and of applicable rules and regulations pursuant thereto.
4. No operating license shall be issued or renewed unless the applicant owner or operator has first made application therefor on an application form provided by the

Building Committee. The Building Committee shall develop such forms and make them available to the public.

5. No operating licenses shall be issued or renewed unless the application form is accompanied by payment of a license fee, in an amount to be established from time to time by resolution of Borough Council. [*Ord. 428*]
6. No operating licenses shall be issued or renewed unless the applicant, owner or operator agrees in his application to such inspections pursuant to §§11-108 and 11-109 of this Part, as the Building Committee may require to determine whether the multiple dwelling or rooming house in connection with which such license is sought is in compliance with the provisions of this Part and with applicable rules and regulations pursuant thereto.
7. No operating license shall be issued or renewed for a noncounty resident applicant, unless such applicant designates in writing to the Building Committee the name of his agent for the receipt of service of notice of violation of the provisions of this Part and for service of process pursuant to this Part.
8. No operating license shall be issued or renewed for a resident applicant, unless such applicant has first designated an agent for the receipt of service of violations of this Part and for service of process pursuant to this Part, when said applicant is absent from this County for 30 or more days. Such a designation shall be made in writing, and shall accompany each application form. The applicant may designate any person resident in this County his agent for this purpose.
9. No operating license shall be renewed unless an application therefor has been made within 60 days prior to the expiration of the present operating license.
10. Each license shall be displayed in a conspicuous place within the common ways of the multiple dwelling or rooming house. No license shall be transferable to another person, or to another multiple dwelling or rooming house. Every person holding an operating license shall give notice in writing to the Building Committee within 24 hours after having transferred or otherwise disposed of legal control of any licensed multiple dwelling or rooming house. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such multiple dwelling or rooming house.
11. Every owner or operator of a licensed multiple dwelling or rooming house shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this Part and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the owner or operator to the Building Committee for inspection and copying upon request. Such records shall be admissible in any administrative or judicial proceeding pursuant to the provisions of ordinance as prima facie evidence of the violation or the correction of violation of this Part or applicable rules and regulations pursuant thereto.

HOUSING

12. Whenever, upon inspection of the licensed multiple dwelling or rooming house, or of the records required to be kept by subsection (11), above, the inspection officer finds that conditions or practices exist which are in violation of the provisions of this Part or of any applicable rules and regulations pursuant thereto, he shall serve the owner or operator with notice of such state that unless the violation cited are corrected within reasonable time, the operating license may be suspended.
13. At the end of the time he has allowed for correction of any violation cited, the inspection officer shall reinspect the multiple dwelling or rooming house, and if he determines that such conditions have not been corrected, he may issue an order suspending the operating license.
 - A. The inspection officer shall be authorized to charge an additional fee computed at an hourly rate, an amount as established from time to time by resolution of Borough Council, for the time actually expended to conduct more than one reinspection. [*Ord. 428*]

[*Ord. 364*]

14. Any person whose license to operate a multiple dwelling or rooming house has been suspended shall be entitled to a reconsideration of the order or a formal hearing, in the manner hereinafter provided by this Part. If no request for consideration or petition for hearing reaches the Building Committee Chairman within 21 days following the issuance of the order of suspension, the license shall be revoked, except that prior to revocation any person whose license has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.
15. If, upon reinspection, the inspection officer finds that the multiple dwelling or rooming house in connection with the notice was issued is now in compliance with this Part and with applicable rules and regulations issued pursuant thereto, he shall reinstate the license. A request for reinspection shall not extend the suspension period, unless the Building Committee grants such request.

(*Ord. 321, 8/24/1976, §812; as amended by Ord. 349, 3/1/1983; by Ord. 364, 12/8/1986, §II; by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001*)

§11-112. Rules, Regulations and Enforcing Authority.

The Building Committee is hereby appointed as the enforcement agent and authorized to make, adopt, revise and amend such rules and regulations as it deems necessary for the carrying out of the purposes of this Part.

(*Ord. 321, 8/24/1976, §813*)

§11-113. Notice of Violation.

Whenever the Building Committee determines that any dwelling, dwelling unit or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this Part or in applicable rules and regulations issued pursuant thereto, he shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:

- A. Be in writing.
 - B. Set forth the alleged violations of this Part or of applicable rules and regulations issued pursuant thereto.
 - C. Describe the dwelling, dwelling unit or rooming unit where the violations are alleged to exist or to have been committed.
 - D. Provide a reasonable time, not to exceed 60 days, for the correction of any violation alleged.
 - E. Be served upon the owner, occupant, operator or agent of the dwelling, dwelling unit or rooming unit personally, or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator, or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation for a period of 3 consecutive days.
 - F. Be served upon a resident agent for the receipt of such service of notice designated pursuant to §11-111(8).
2. At the end of the period of time allowed for the correction of any violation alleged, the inspection officer shall reinspect the dwelling, dwelling unit or rooming unit described in the notice.
 3. If upon reinspection the violations alleged are determined by the inspection officer not to have been corrected, he shall issue a second notice of violation which shall constitute an order requiring that the then existing failures to meet the requirements of this Part or of applicable existing rules or regulations issued pursuant thereto, shall be corrected within a reasonable time allowed, but not to exceed 60 days after the date of such reinspection, if the person served with such notice does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided.
 4. The inspection officer shall cause a copy of the second notice to be posted in a conspicuous place in or about the dwelling, dwelling unit or rooming unit where the violation are alleged to exist, and shall serve it in the manner provided in subsection (1)(A) through (F).

HOUSING

5. The Building Committee, after the expiration of time granted the person served with such second notice to seek reconsideration or a hearing in the manner hereinafter provided by this Part, or after a final decision adverse to such person served has been rendered by a hearing or by a court of competent jurisdiction to which an appeal has been taken, shall cause the second notice to be recorded in the Delaware County Registry of Deeds.
6. All subsequent transferees of the dwelling, dwelling unit or rooming unit in connection with which a second notice has been so recorded shall be deemed to have notice of the continuing existence of the violation alleged, and shall be liable to all penalties and procedures provided by this Part and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

(Ord. 321, 8/24/1976, §814)

§11-114. Penalties.

Any owner, occupant, operator or agent of a dwelling, dwelling unit or rooming unit who has received the second order or notice of a violation of this Part shall, upon conviction thereof be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days; for each day each violation continues after expiration of the specified reasonable consideration period; provided that no such penalty shall be applicable while a reconsideration, hearing or appeal to a court of competent jurisdiction is pending in the matter.

(Ord. 321, 8/24/1976, §815; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)

§11-115. Repairs and Other Corrective Action; Demolition.

1. Repairs and Corrective Action.

- A. Whenever the owner, operator or agent of a dwelling, dwelling unit or rooming unit fails, neglects or refuses to make repairs or other corrective action called for by a second order or notice of violation issued pursuant to §11-113(3), the Borough of Rutledge may undertake such repairs or action, when in its judgment a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs and action will not exceed 50% of the fair market of the structure to be repaired.
- B. Notice of the intention to make such repairs to take other corrective action shall be served upon the owner, operator or agent pursuant to §11-113; or upon the resident agent of the owner, as designated agent for service pursuant to §11-811(8).
- C. Every owner, operator or agent of a dwelling, dwelling unit or rooming unit who has received notice of the intention of the Borough to make repairs or take

other corrective action shall give entry and free access to the agent of the Borough for the purpose of making such repairs. Any owner, operator or agent of a dwelling, dwelling unit or rooming unit, who refuses, impedes, interferes with, hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days, for each failure to comply with this Section. [*Ord. 428*]

- D. When repairs are made or other corrective action taken at the direction of the Borough, cost of such repairs and corrective action shall constitute a debt in favor of this Borough against the owner of the repaired structure. In the event such owner, fails, neglects or refuses to pay this Borough the amount of this debt, it shall be recoverable in a civil action against the owner or his successor, brought in a court of competent jurisdiction by this Borough which shall possess all rights of a private creditor.

2. Designation of Unfit Dwellings, Dwelling Units and Rooming Units.

- A. Any dwelling, dwelling unit or rooming unit shall be designated as unfit for human habitation, when any of the following defects or conditions are found, and when, in the judgment of the Building Committee, these defects create a hazard to the health, safety or welfare of the occupants or of the public:
 - (1) Is damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested.
 - (2) Lacks illumination, ventilation or required sanitation facilities.
 - (3) The general condition of location is unsanitary, unsafe or unhealthful.
- B. Whenever any dwelling, dwelling unit or rooming unit has been designated as unfit for human habitation, the Building Committee shall placard the dwelling, dwelling unit or rooming unit, indicating that it is unfit for human habitation, and, if occupied, shall order the dwelling, dwelling unit or rooming unit vacated within a reasonable time, such time to be not less than 48 hours nor more than 31 days.
- C. No dwelling, dwelling unit or rooming unit which has been designated as unfit for human habitation and which has been placarded as such and has been vacated shall be used again for human habitation until written approval is secured from the Building Committee and the placard removed by the Building Committee.
- D. The Building Committee shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and such placarding was based has been removed or eliminated as to cause the dwelling, dwelling unit or rooming unit to be

HOUSING

deemed by the Building Committee as a safe, sanitary and fit place or unfit for human habitation.

- E. No person shall deface or remove the placard from any dwelling, dwelling unit or rooming unit which has been designated as unfit for human habitation and has been placarded as such, except as provided in subsection (2)(D), above.
- F. Any person affected by any decision of the Building Committee or by any designation or placarding of a dwelling, dwelling unit or rooming unit as unfit for human habitation shall be granted a hearing on the matter before the Building Committee under the procedure set forth in §811-117 of this Part.

3. **Demolition of Dwelling, Dwelling Unit or Rooming Units Designated as Unfit for Human Habitation.**

- A. The Building Committee shall order a dwelling, dwelling unit or rooming unit to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair as to rescind the designation as unfit for human habitation and to cause the placard to be removed, and is determined by the Building Committee not to warrant repair under subsection (1)(A), above.
- B. The owner of any dwelling, dwelling unit or rooming unit which has been ordered demolished shall be given notice of this order in the manner provided for service of notice in §11-113 shall be given reasonable time, not to exceed 90 days, to demolish such structure.
- C. Any owner aggrieved by the notice to demolish may, within 10 days, seek a reconsideration of the matter in the manner hereinafter provided, and may seek a formal hearing in the manner provided in §11-117.
- D. When the owner fails, neglects or refuses to demolish rooming unit within the requisite time, the Building Committee may apply to a court of competent jurisdiction for a demolition order to undertake the demolition. The court may grant such order when no reconsideration or hearing on the matter is pending. The cost of such demolition shall create a debt in favor of this Borough against such owner, and shall be recoverable in a civil action brought by this Borough which shall possess all the rights of a private creditor.
- E. Whenever a dwelling is demolished, whether carried out by the owner or by the Borough of Rutledge, such demolition shall include the filling in of the excavation remaining on the property on which the demolished dwelling was located, in such manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation.
- F. All demolition shall be preceded by an inspection of the premises by the Borough to determine whether or not extermination procedures are necessary. If the premises are found to be infested, appropriate rat extermination to

prevent the spread of rate to adjoining or other areas shall be instituted before, during and after demolition.

(*Ord. 321, 8/24/1976, §816; as amended by Ord. 428, 7/2/2001*)

§11-116. Collection and Dissemination of Information.

The Building Committee is hereby authorized to collect and disseminate information concerning techniques of maintenance, repair and sanitation in housing, and concerning the requirements of this Part and applicable rules and regulations issued pursuant thereto.

(*Ord. 321, 8/24/1976, §817*)

§11-117. Applications for Reconsideration, Conferences, Hearings and Appeals.

1. Application for Reconsideration.

- A. Any person aggrieved by a notice of the Building Committee issued in connection with any alleged violation of this Part or of applicable rules and regulations issued pursuant thereto, or by any order requiring repair or demolition pursuant to §11-115, may apply to the Building Committee for a reconsideration of such notice or order within 21 days after it has been issued.
- B. The Building Committee Chairman shall set a time and place for an informal conference on the matter within 10 days of the receipt of such application, and shall advise the applicant of such time and place in writing.
- C. At the informal conference, the applicant shall be permitted to present his grounds for believing that the order should be revoked or modified to one or more representatives of the Building Committee.
- D. Within 10 days following the close of the informal conference, the Building Committee Chairman shall advise the applicant whether or not it will modify or set aside the notice or order issued by the Building Committee.

2. Hearings.

- A. Any person aggrieved by a notice of the Building Committee issued in connection with any alleged violation of the provisions of this Part or of any applicable rules and regulations pursuant thereto, or by any order requiring repair or demolition pursuant to §11-115, may file with the Building Committee a petition setting forth his reasons for contesting the notice or order.

HOUSING

- B. Such petition shall be filed within 21 days after the notice or order is served on petitioner in the manner prescribed by §11-113.
 - C. Upon receipt of a valid petition, the Building Committee shall either grant or deny the hearing requested, and shall advise petitioner of its decision in writing within 10 days of the day on which his petition was received.
 - D. When the Building Committee determines to hold a hearing, it shall serve the petitioner with notice of its decision in the manner provided for service of notice in §11-113. Such notice shall be served within 10 days of the receipt of the petition.
 - E. At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.
 - F. The Building Committee shall have the power to affirm, modify or revoke the notice or order, and may grant an extension of time for the performance of any act required of not more than 2 additional months where the Building Committee finds that there is practical difficulty or undue hardship connected with the performance of any act required by tile provisions of this Part or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this Part to secure the public health, safety and welfare.
 - G. The Building Committee may grant variances from the provisions of this Part or from applicable rules and regulations issued pursuant thereto when the Building Committee finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this Part and applicable rules and regulations pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand, and that such variance is in harmony with the general purposes of this Part to secure the public health, safety and welfare.
3. Any person aggrieved by the final decision of the Building Committee may obtain judicial review by filing in a court of competent jurisdiction within 21 days of the announcement of such decision a petition praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the Building Committee which shall file in court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify or vacate the decision complained of in whole or in part. The findings of the Building Committee with respect to questions of fact shall be sustained if supported by substantial evidence on the record, considered as a whole.

(Ord. 321, 8/24/1976, §818)

§11-118. Emergencies.

1. Whenever, in the judgment of the inspection officer, an emergency exists which required immediate action to protect the public health, safety or welfare, an order may be issued, without notice, conference or hearing, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or rebate the emergency. If circumstances warrant, the inspection officer may act to correct or rebate the emergency.
2. The owner, occupant, operator or agent shall be granted a conference on the matter upon his request, as soon as practicable, but such conference shall in no case stay the abatement of correction of such emergency.

(Ord. 321, 8/24/1976, §819)

§11-119. Notifying the Borough of Adult Residents.

1. It shall be the duty of every owner of a dwelling, dwelling unit or rooming unit located within the Borough of Rutledge to notify the said Borough of all adult (over 18 years of age) residents within the meaning of this Part, upon his said real estate within 30 days after the adult resident first presents himself.
2. Any person who fails to comply with the terms of this shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [*Ord. 428*]

(Ord. 321, 8/24/1976, §820; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)

