

ORDINANCE #2013-3

An Ordinance of the Township of West Mahanoy, County of Schuylkill in the Commonwealth of Pennsylvania, Entitled "Rental Licensing and Inspection" to Require Licensing and Inspection of Residential Rental Properties, to Require Payment of Licensing and Inspection Fees, to Provide for Suspension and Revocation of Rental Licenses, to Require Access for Inspections, and to Provide for Penalties and Enforcement

WHEREAS, the current West Mahanoy Township Ordinances do not require a rental property to be licensed and inspected;

WHEREAS, the Board of Supervisors of West Mahanoy Township desires to require rental properties to be licensed and inspected, and to set a required payment fees, and provide penalties and enforcement

NOW, THEREFORE, the Board of Supervisors of West Mahanoy Township does hereby ordain as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as “the West Mahanoy Township Rental License and Inspection Code”

SECTION 2. PURPOSE

The purpose of this Article is to establish a licensing and inspection program for residential rental units within the Township of West Mahanoy in order to protect and promote the public health and safety of its citizens, to ensure that each rental property is properly maintained by the owner and occupant. This Article provides for a regular inspection program, registration and licensing of residential rental units and penalties for noncompliance.

SECTION 3. DEFINITIONS

The following words and phrases, as used in this Article, shall have the meanings ascribed to them in this section, unless the context indicates a different meaning. Where terms are not defined in this section, such terms shall have ordinarily accepted meanings by use of definitions provided in the codes and standards as contained in The Code of the Township of West Mahanoy

- (a) “AGENT” OR “REPRESENTATIVE” – A person who shall have charge, care or control of any structure as owner, or agent of the property owner, or as executor, executrix, administrator, trustee or guardian of the estate of the property owner. Any such person representing the property owner shall be bound to comply with the provisions of this Article to the same extent as if that person were the property owner.

- (b) “APPLICANT” – Shall mean the property owner, buyer, or agent thereof, including but not limited to a realtor, broker, etc. whom shall have control, authority and responsibility for the orderly processing of any real property regulated by this Article.
- (c) “BUILDING” – Any structure occupied or intended for supporting or sheltering any occupancy. For application of this Article, each portion of a building, which is completely separated from other portions by firewalls complying with the West Mahanoy Township Building Code or completely detached from any other building shall be considered as a separate building.
- (d) “CODE DEPARTMENT” – The Department Code of the Township of West Mahanoy Township charged with the enforcement of The Code of the Township of West Mahanoy.
- (e) “CODE” – Any code or ordinance adopted, enacted and/or in effect in the Township of West Mahanoy concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any buildings, structures, and/or portions of lots of ground or structures regulated by this Article.
- (f) “CODE ENFORCEMENT OFFICER” – The Code Enforcement of West Mahanoy Township, or person designated by him/her, charged with the administration and enforcement of this Article.
- (g) “COMMON AREA” – Space which is not a part of the rental unit and which is shared with other occupants of a rental unit, whether they reside in the rental unit or not. Common areas shall be considered part of the premises for the purpose of this Article.
- (h) “DWELLING UNIT” -A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (i) “LANDLORD” - One who grants a lease or rents real estate to another for dwelling or commercial purposes.
- (j) “MULTIPLE SINGLE FAMILY DWELLING” – A building or portion thereof that contains more than two (2) dwelling units.
- (k) “PERSON” - Any natural person, 18 years of age or older, partnership, association, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.
- (l) “PROPERTY OWNER” – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the Commonwealth of Pennsylvania, County of Schuylkill or West Mahanoy Township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor

or administrator of the estate of such person if ordered to take possession of real property by a court.

- (m) “RENTAL AGREEMENT” – A legal agreement between the property owner and tenant, embodying the terms and conditions relating to the use and occupancy of a rental unit.
- (n) “RENTAL LICENSE” – A document issued by the Code Department Officer to the property owner of a rental unit pursuant to this Article and required for the lawful rental and occupancy of any rental property.
- (o) “RENTAL PROPERTY” – A premises, property or portion thereof that is under a rental agreement, and/or contains one or more rental units.
- (p) “RENTAL UNIT” – Any dwelling, structure, building or portion thereof that is occupied or used under a rental agreement.
- (q) “RESIDENTIAL RENTAL UNIT” - A dwelling unit or rooming unit which is let for occupancy, is not occupied by the owner; and is occupied by one or more occupants.
- (q) “SINGLE-FAMILY DWELLING UNIT” – A building on a lot designed and occupied exclusively as a residence for one (1) family.
- (r) “TENANT” – Any individual or individuals who are a party to a legal agreement, such as a rental agreement, with the property owner, pursuant to which permission to use a dwelling, structure, building, ground or portion thereof, is granted by the property owner to the tenant. Tenant includes other individuals who, due to a relationship with the tenant, shall share such use of the rental unit as permitted by the rental agreement, and are party to a separate rental agreement.
- (s) “TOWNSHIP” – The Township of West Mahanoy of Schuylkill County, Pennsylvania.

SECTION 4. RENTAL LICENSE REQUIREMENT.

- (a) It shall be unlawful for any person to occupy, allow to be occupied, advertise for occupancy, or solicit occupants of any residential rental property within the Township without a rental license. The property owner or agent of each rental property shall register each rental unit with the Code Department and shall pay the required registration fee in Section 6. Registration forms shall be available within the Township building. The following information shall be submitted with the registration form:
 - (1) Name, address and telephone number of the property owner.
 - (2) Name, address and telephone number of the person appointed as an Agent and or manager of the premises.

- (5) Street address of the rental property.
- (6) Number and types of dwelling units within the rental property.
- (7) Date of application.

SECTION 5. BI-ANNUAL REGISTRATION; RENEWAL OF RENTAL LICENSE; CHANGE IN TYPE OF OCCUPANCY.

- (a) Issuance of Rental License – No rental license shall be issued until the residential rental property is in compliance with this Article.
- (b) Each license for a residential rental property shall be subject to bi-annual renewal (*i.e.*, every two years) pursuant to the terms of this Article.
- (c) If there is a change in the type of occupancy from the type stated on the registration statement, a new registration statement and license shall be required.
- (d) If there is a change in the owner of the property as stated on the registration statement, a new registration and license shall be required.
- (d) As for any residential rental property unoccupied or occupied by the owner on or after the effective date hereof, a certificate of compliance shall be issued and displayed. Prior to occupancy of such residential rental unit by anyone other than the owner and subsequent inspections shall occur as per this Article.

SECTION 6. FEES.

- (a) Upon application for a certificate of compliance and the payment to the Township of a fee of \$50.00 per residential rental unit for up to three (3) residential rental units plus \$15.00 per residential rental unit for each residential unit exceeding three (3). Failure to pay inspection fees shall be deemed a failure and/or refusal to comply with the provisions contained herein, and will be subject to the penalty contained in Section 23 of this Article.
- (b) Compliance Re-Inspection. There shall not be a fee set forth for one (1) compliance re-inspection. Any additional inspections shall be a fee of \$15.00 per residential rental unit. Failure to pay the inspection fees shall be deemed a failure and/or refusal to comply with the provisions contained herein, and will be subject to the penalty contained in Section 23 of this Article.

SECTION 7. METHOD AND MANNER OF CERTIFICATION.

- (a) Upon receipt of an initial application, the application shall be forwarded to the Code Enforcement Officer, who shall, within 10 (ten) working days of receipt the application, perform an inspection of the rental property to determine whether such property complies with the provisions of all applicable rules, standards, statutes and ordinances. The Code Enforcement Officer shall make a report thereon. No license shall be issued if all registration information required by this Article is not complete or if the rental property does not fully comply with the

and/or refusal to comply with the provisions contained herein, and will be subject to the penalty contained in Section 23 of this Article.

SECTION 7. METHOD AND MANNER OF CERTIFICATION.

- (a) Upon receipt of an initial application, the application shall be forwarded to the Code Enforcement Officer, who shall, within 10 (ten) working days of receipt of the application, perform an inspection of the rental property to determine whether such property complies with the provisions of all applicable rules, standards, statutes and ordinances. The Code Enforcement Officer shall make a report thereon. No license shall be issued if all registration information required by this Article is not complete or if the rental property does not fully comply with the provisions of all applicable rules, standards, statutes and ordinances pertaining to such rental property. Penalties for failure to comply with the provisions of this Article shall be as set forth herein.
- (b) If the inspection of the residential rental unit does not disclose violations, the Code Officer shall issue a certificate of compliance to the owner within ten (10) working days of the said inspection. The certificate shall be displayed in plain view within the residential rental unit or structure.

SECTION 8. TRANSFER OF PROPERTY.

- (a) Within thirty (30) days of the transfer of the ownership of rental property, the property owner/licensee shall give written notice, including the name and address of the transferee, to the Code Enforcement Officer. The transferee shall make application for transfer of the license for the rental property and shall pay the required fee for such transfer, within thirty-days (30) after the transfer of the rental property. The fees are set in Section 6. Failure to make application within the specified time limit shall result in automatic forfeiture of the license. Relicensing of any property for which the license has been forfeited shall require application for a new license. No application for transfer of a license shall be issued unless the Code Enforcement Officer determines that the rental property is in compliance with the requirements of all applicable rules, codes, statutes and ordinances. The fee for license transfer shall be set from time to time by the Board of Supervisors.

SECTION 9. LICENSE SUSPENSION AND REVOCATION.

- (a) Any rental license may be revoked or suspended at any time during the life of said license for the following reasons:
 - (1) False or misleading information given or provided in connection with the license application, renewal application or license transfer application;
 - (2) Failure to pay any fee;
 - (3) Failure to correct violations in the time period prescribed;

(4) Violations committed or permitted by the licensed property owner and/or the property owner's designated agent, of any rules, codes, statutes or ordinances relating to, pertaining to, or governing the license and the rental property.

- (b) A suspended license may be reinstated only after the Code Enforcement Officer determines that the circumstances leading to the suspension have been remedied and a reinstatement fee as set by the Board of Supervisors has been paid.

SECTION 10. MAINTENANCE OF RECORDS.

- (a) All records, files, and documents pertaining to a license issued pursuant to this Article shall be retained by the Township for five (5) years after expiration of such license, and shall be made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances.

SECTION 11. INSPECTION STANDARDS.

- (a) All rental property shall meet the inspection standards set forth in *Exhibit A*, attached hereto and made part hereof, in order to obtain and/or maintain a license pursuant to this Article.

SECTION 12. PROPERTY OWNER REQUIRED TO REQUEST INSPECTION.

- (a) It is the responsibility of the property owner/applicant or agent to contact the Code Department and schedule all inspections required pursuant to this Article. Inspection requests shall be made to the Code Department no less than Seventy two (72) hours prior to the time of the desired inspection.

SECTION 13. INSPECTION ACCESS.

- (a) Property owners and their agents shall permit the Code Enforcement Officer to inspect all property subject to this Article in order to determine if the property is operated as a rental property and/or to determine compliance with the provisions of this Article, and shall fully cooperate with such inspections. Property owners and their agents shall make reasonable efforts to notify tenants of planned inspections of their rental units to the extent required by state law.
- (b) If a property owner, occupant, or other person in charge of a dwelling unit fails or refuses to permit free access and entry to the structure or premises, or any part thereof, for an inspection, the Code Enforcement Officer may, upon a showing that probable cause exists for the inspection, obtain an order to inspect and/or a search warrant from a court of competent jurisdiction.
- (c) Property owners shall cooperate in the execution of all administrative search warrants and court orders, including providing access and entry to rented premises where directed to do so.

SECTION 14. REQUIRED AREA IF INSPECTION.

- (a) For premises covered by a Rental Housing License:
 - (1) Residential/Non Commercially Mixed Occupancies: All exterior areas, interior common areas, and the individual rental unit in question must be made available for inspection at the same time.
 - (2) Residential/Commercially Mixed Occupancies: All areas of mixed occupancies, such as and similar to Residential/Commercial Storefronts, shall be available for inspection at the same time to include each individual rental unit.
- (b) For properties containing one hundred (100) or more rental units:

When located in one or more buildings, owned by the same property owner, provided that the property complies with all of the requirements listed below, the Code Department shall inspect one third (1/3) of the total rental units each year so that said rental units shall be inspected once every three (3) years either on turnover or by appointment. Each rental unit must be inspected within this three year cycle. Common areas are to be inspected annually.

SECTION 15. SPECIAL INSPECTION AND CERTIFICATIONS.

- (a) The Code Enforcement Officer shall be authorized to require additional engineering or specialty inspections and certifications by third party experts for conditions that are beyond the scope of the Code Enforcement Officer's expertise.

SECTION 16. METHOD OF CORRECTION.

- (a) Whenever a Code Enforcement Officer determines that any residential rental property fails to meet the requirements set forth in applicable rules, standards, statutes or ordinances; he or she shall issue a correction notice setting forth the violations and ordering the occupant, property owner and/or property owner's designated agent to correct such violations. This notice and order shall:
 - (1) Be in written form;
 - (2) Be sent by certified mail, return receipt requested;
 - (3) Describe the location and nature of the violation;
 - (4) Establish a reasonable time for the correction of any violation including a provision allowing for a reasonable time extension upon the owner showing a good faith compliance to the satisfaction of the Code Officer; and
 - (5) Be served upon the property owner, the property owner's designated agent and/or the occupant as determined by the Code Enforcement Officer.

- (6) Identify the date and time of the inspection.
- (7) Give notice that, if the conditions are not repaired with in the time specified, the residential rental unit may be posted as unfit for human occupancy.
- (b) For the purpose of this ordinance, any notice hereunder that is given to the Agent shall be deemed as notice given to the Owner.
- (c) Subject to paragraph (b) above, a claimed lack of knowledge by the Owner or Agent, if applicable, of any violation hereunder cited shall be no defense to closure of rental properties, as long as all notices to such proceedings have been given and deemed received in accordance with the provisions of this ordinance.

SECTION 17. APPOINTMENT OF AN AGENT AND/OR MANAGER.

- (a) Each owner who is not an owner-occupant, or who does not reside in the Township of West Mahanoy or within a ten (10) mile air radius of the Township limits, shall appoint an Agent who shall reside within the Township or within ten (10) mile air radius of the Township limits.

SECTION 18. INSPECTION REPRESENTATIVE.

- (a) An authorized representative of the property owner shall be present on the premises during inspections; however, failure of a property owner to comply with this requirement shall not deprive the Township of the authority to inspect.
- (b) Failure of a property owner to obey any of the requirements of this Article shall subject the property owner to suspension or revocation of license, in addition to other remedies and/or penalties provided by law. Any such suspension or revocation shall continue until the inspection sought has been completed, any violations have been satisfactorily remedied and any outstanding fees or penalties have been paid.

SECTION 19. TENANT REQUEST INSPECTION

- (a) A tenant may at any time request an inspection of the rental property in which he or she currently resides. A fee for such inspection shall be imposed on the tenant only if the Code Enforcement Officer finds, by a preponderance of the evidence, that the request was made in bad faith.

SECTION 20. ADDITIONAL OWNER RESPONSIBILITIES.

- (a) It shall be the duty of every property owner or agent to keep and maintain all rental units in compliance with all applicable codes and ordinances of the Township. The property owner shall not knowingly permit others on the premises to:

- (1) Engage in any conduct declared illegal under the Pennsylvania Crimes Code, Liquor Code, or Controlled Substance, Drug and Device Cosmetic Act; or
- (2) Use the rental unit in violation of The Code of the Township of West Mahanoy.

SECTION 21. AUTHORITY.

- (a) Nothing in this Article shall prevent the Township from taking action under any applicable rule, standard, statute or ordinance for violations thereof or to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Article shall prevent the Township from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Article on registration and licensing, including an order prohibiting the occupancy of such rental unit until violations of this Article have been remedied by the property owner or designated agent.

SECTION 22. EQUITABLE REMEDIES.

- (a) This Article is not intended to, nor shall its effect be, to limit any other enforcement remedies, which may be available to the Township relating to the abatement of nuisances or correction of violations.
- (b) The Code Enforcement Officer may enforce this Article as follows once he or she determines that the structure of a rental property is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, or unsanitary or otherwise unfit for human habitation or occupancy:
 - (1) Order the property to be vacated;
 - (2) Order the owner to abate or stabilize the property or structures thereon if such structures are capable of being made safe by repairs, to repair and make safe and sanitary at the owner's expense; or
 - (3) Order the demolition of the structure and/or the condemnation of the property at the owner's expense, which in the Township Engineer's judgment and certification, is such that it is unreasonable to repair the structure.
- (c) The property owner shall receive notice and opportunity to be heard upon the Code Enforcement Officer's determination to issue any of the remedies described in this section. All determinations of the Code Enforcement Officer are subject to appeal in accordance with this Article.
- (d) If any building, structure or land is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Article, the Code Enforcement Officer may, in addition to other remedies, institute in the

name of the Township any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting such violation.

- (e) Any expenses incurred by the Township in connection with the remedies provided herein shall be recoverable from the owner of the property, land, building or structure involved, together with a penalty of ten (10) percent of such expense, in a manner provided by law for the collection of municipal claims. In addition, any person violating the provisions of this Article shall be subject to the penalty provided in Section 23 of the Article.

SECTION 23. VIOLATIONS AND PENALTIES.

- (a) Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this chapter shall, upon conviction, be sentenced to pay a fine subject to the following penalties
 - (1) First Violation: cost of prosecution and a either the fine not to exceed \$300.00 (three hundred dollars) or imprisonment not exceeding 30 (thirty) days or both.
 - (2) Second Violation: cost of prosecution and either the fine not to exceed \$600.00 (six hundred dollars) or imprisonment not exceeding 60 (sixty) days or both.
 - (3) Third Violation: cost of prosecution and either the fine not to exceed \$1000.00 (one thousand dollars) or imprisonment not exceeding 90 (ninety) days or both.
- (b) Every day that a violation of this Ordinance continues shall constitute a separate offense, provided, however that failure to register or renew or pay appropriate fees in a timely manner shall not constitute a continuing offence but shall be a single offense not subject to daily fines.

SECTION 24. APPLICABLE LAWS.

- (a) Persons subject to the provisions of this Article shall be subject to all applicable rules, standards, statutes and ordinances; and except as provided herein, this Article shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances.

SECTION 25. RULES, POLICIES AND PROCEDURES.

- (a) The Board of Supervisors of the Township of West Mahanoy Township may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this Article. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this Article.

SECTION 27. ENFORCEMENT

- (a) The following persons are hereby authorized to enforce this Ordinance
 - 1. Chief of Police
 - 2. Any Police Officer
 - 3. Code Enforcement Officer
 - 4. Third Party Inspector, contracted by the Township

SECTION 28. APPEALS BOARD.

- (a) Application for Appeal: Any person directly affected by a decision of the code official or a notice or order under this code, shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day of decision, notice or order was served. An application for this appeal shall be based on a claim that the true intent of this ordinance or the rules adopted in this ordinance has been incorrectly interpreted or the provisions of this ordinance do not apply.
- (b) Membership: The Board of Appeals shall consist of three members. Those members shall be a Township Supervisor, Chief of Police and Fire Chief.
- (c) Board decision: The Board of Appeals shall modify or reverse the decision of the code official only by a concurring vote of the majority of the total number of appointed board members.

SECTION 30. EXEMPTIONS TO THE ORDINANCE

- (a) The provisions of the ordinance shall not apply to the following properties, which are exempt from registration and license requirements.
 - (1) Hotels, and motels

SECTION 29. DISCLAIMER

Nothing herein is intended to modify, enlarge or diminish any rights or responsibilities under the West Mahanoy Township Zoning Ordinance

In interpreting and applying the provisions of this Article, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. Where the provisions of this Article impose greater restrictions than those of any other Ordinance or regulation, the provisions of this chapter shall control.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Article to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Article shall continue to be separately and fully effective.

SECTION 30. EFFECTIVE DATE.

The provisions if this Ordinance shall become effective immediately upon enactment by the Board of Supervisors of the West Mahanoy Township.

ORDAINED AND ENACTED THIS 20 DAY OF AUGUST, 2013

ATTEST:

M. D. S. Malone
Secretary

Chris Malocu
Chris Malocu

Mary Ann Wisniefshky
Mary Ann Wisniefshky

Paul Martin
Paul Martin

EXHIBIT A
SPECIFIC REQUIREMENTS FOR RESIDENTIAL RENTAL PROPERTY
ELECTRICAL REQUIREMENTS

- a. General** – All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe manner.
- b. Outlets/Receptacles** – Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every basement, laundry area, bathroom, furnace room, utility room shall contain at least one receptacle.
- c. Ground Fault Interrupters (GFI's)** – Receptacles in bathrooms, kitchens, and laundry rooms must be GFI's where receptacles are within 6 feet of a water supply.
 - 1. Where present, exterior receptacles must have GFI protection with appropriate waterproof protective covers.
 - 2. All electrical boxes on the exterior of a dwelling must have an appropriate listed and approved cover for that location and purpose.
- d. Lighting** – Every public or private hall, interior stairway, toilet room, kitchen, dining room, basement, bathroom, laundry room, boiler room, furnace room, outdoor entries and similar areas shall contain at least one working electrical lighting fixture. Living or sleeping rooms may be provided with switched outlets for the use of lamps.
- e. Extension Cords** – Must not be used to supply current to microwave ovens, stoves, refrigerators, air conditioners, furnaces, water heaters, water softeners, clothes washers or dryers. Power strips are allowed for computers, TV's, radios, stereos, VCR's, CD players and other such electronic equipment.
- f. Electrical Panels** – Access to the electrical panels must not be blocked and must have appropriate covers.
- g. Electrical Hazards** – Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard.

FIRE PROTECTION

- a. General** – All equipment, systems and individual parts shall be properly installed and maintained in a safe manner.
- b. Smoke Detectors/Alarms** – Any room used for sleeping purposes shall be provided with smoke detectors. When a dwelling unit has more than one story and in dwellings with basements, a detector shall also be installed on each story including the basement. All smoke detectors shall be maintained operational at all times.

- c. Multi-Story Buildings** – In multi-story apartment buildings where an approved fire alarm system has been installed and provides equivalent protection to smoke detectors, the smoke alarm system, if not otherwise required, may be waived.
- d. Egress** – A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.
- e. Egress Windows** – Where required by code, emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. All basement bedrooms shall meet egress window requirements; escape or rescue windows shall have a minimum net clear openable area of 5.7 sq.ft. The minimum net clear openable height dimensions shall be 24", the width 20". When windows are provided as a means of escape or rescue, there shall be a maximum of 44" from the floor to the window opening.
- When windows are higher than 44", a permanent platform must be installed at a height which is halfway between the floor and the window opening. The platform must be the same width as that of the window it serves. The depth must correspond to the height of the platform; for any platform up to 24" high, the platform must be 16" deep; for a platform between 24" and 30" high, the platform must be 30" deep; for a platform between 30" and 44" high, the platform must be 36" deep.

- f. Window Wells** – Window wells with a vertical depth of more than 44" shall be equipped with an approved permanent affixed ladder or stairs that are accessible with the window in the fully open position. The ladder or stairs shall not encroach into the required dimensions of the window well by more than 6".

EXTERIOR STRUCTURE

- a. General** – The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. Overgrown vegetation, junk/unlicensed vehicles, storm water runoff caused by manmade reasons, and unpermitted construction and/or use shall be considered violations of this requirement.
- b. Protective Treatment** – all exterior surfaces, including but not limited to, doors, door thresholds, door and window frames, cornices, gutters, porches, trim, roofs, balconies, decks, fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. All structural members shall be maintained in sound condition and capable of supporting the imposed loads.

- c. **Glass** – All broken and/or unstable cracked glass must be replaced.
- d. **Doors** – In general, exterior doors must be weather tight, rodent proof, afford privacy and operate correctly.
- e. **Windows** – Those windows on the first story or below, other than those which are fixed, shall be easily operable and capable of being locked in the closed position for the purpose of providing security. Screens, combinations and storms are not considered sufficient for security. The lock must be on the interior window sash.
- f. **Screens** – Every basement or cellar opening used or intended to be used for ventilation which might provide entry for rodents shall be supplied with a screen or storm/screen combination.

INTERIOR STRUCTURE

- a. **General Conditions** – The interior of a structure shall be maintained in good repair and sanitary condition.
- b. **Structural members** – shall be maintained in sound condition and capable of supporting the imposed loads.
- c. **Glass** – Broken and/or unstable cracked glass must be replaced.
- d. **Doors** – Doors must be operating correctly. Doors to bathrooms and bedrooms must afford privacy.
- e. **Floors** – Damaged, rotten, or loose floor sheathing shall be secured or replaced.
- f. **Floor coverings** – Coverings which are loose, torn, broken or in such a condition to cause tripping and or injury shall be secured or replaced.
- g. **Walls** – Damaged, rotten or loose wall coverings or sheathing shall be repaired, replaced or secured in place.
Bathroom walls and finishes around tubs and showers shall be in sound condition and nonabsorbent wall finishes shall be in place with no cracks, holes or other defects which would allow moisture entry into the wall.
Wall assemblies that support tile, surrounds or other forms of waterproofing shall be structurally sound. All penetrations through and around the tile or surround must be caulked and/or sealed.
- h. **Ceilings** – Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- i. **Stairs, Handrails & Guardrails** – Need to be in good repair and maintained as per applicable codes.

MECHANICAL REQUIREMENTS

- a. **General Conditions** – All mechanical equipment, chimneys, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition. Decorative fireplaces not intended for use shall be allowed to exist provided that the owner notifies the occupant in writing that fireplace unit is not usable, both the owner and occupant shall sign such document. Space heaters and auxiliary heating units must comply with manufacturer's recommendations and conform to the intended use.
- b. **Equipment** regulated hereunder, which is unsafe or which constitutes a fire or health hazard, or is otherwise dangerous to human life, is, for the purpose of this

section, unsafe. Use of equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment, is an unsafe use. Unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.

c. Appliances which burn gas, propane gas or fuel oil shall be provided with an approved independent shut-off valve in an accessible location, within the same room, within twelve (12) feet of the appliance. Shut-off valves must be attached to rigid pipe, have handles permanently affixed and fastened to the valve.

d. Heating Facilities – Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. in all habitable rooms, bathrooms, toilet rooms, hallways and utility room; by means of diffuser, separate heating unit or transfer grill.

e. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

f. The exhaust system must be properly supported to maintain proper clearance, to prevent physical damage and to prevent separation of the joints.

g. The exhaust system shall be connected to the appliance in a safe manner and/or in accordance with the listing and manufacturer's installation instructions and applicable standards. Power or fan-assisted appliances must have separate venting systems.

Electric stoves/ranges do not require an exhaust venting system.

h. Proper clearances shall be maintained between exhaust system vents and combustibles. Prohibited exhaust spaces shall include but are not limited to: attics, crawl spaces, fireplaces, basements, or attached accessory use space such as garages, workshops, floor, ceiling and wall spaces.

g. Environmental Ventilation – Habitable rooms within a dwelling shall be provided with natural ventilation by means of openable exterior openings or a mechanical ventilation system.

h. Bathrooms, water closets, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings not less than 3 sq. ft. In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing five air changes per hour shall be provided. The point of discharge of exhaust air shall be at least 3 feet from any opening into the building. Bathrooms which contain only a water closet and lavatory, and similar rooms, may be ventilated with an approved mechanical system.

i. The ventilation systems must discharge directly outside and the terminations must be connected to an appropriate hood or cap specifically designed for the application. Prohibited termination spaces shall include but are not limited to: attics, crawl spaces, fireplaces, basements, or attached accessory use space such as garages, workshops, floor, ceiling and wall spaces.

PLUMBING

a. General – The plumbing system must be maintained in a safe and sanitary condition. These standards are founded upon certain basic principles of environmental sanitation and safety through properly designed, acceptably installed and adequately maintained plumbing systems. Some of the details of plumbing construction may vary but the basic sanitary and safety principles desirable and necessary to protect the health of the people are the same everywhere. As interpretations may be required, and as unforeseen situations arise which are not specifically covered in these standards, the twenty-three principles which follow shall be used to define the intent of this section.

All premises intended for human habitation, occupancy, or use shall be provided with a potable water supply which meets the requirements of the commissioner of health. Such water supply shall not be connected with unsafe water sources nor shall it be subject to the hazards of backflow or back-siphonage.

Proper protection shall be provided to prevent contamination of food, water, sterile goods, and similar materials by backflow of sewage.

Each family dwelling unit shall have at least one water closet, one lavatory, one kitchen type sink, and one bathtub or shower to meet the basic requirements of sanitation and personal hygiene. All other structures for habitation shall be equipped with sufficient sanitary facilities.

Every building with installed plumbing fixtures and intended for human habitation, occupancy, or use when located on premises where a public sewer is available within a reasonable distance shall be connected to the sewer.

Each vent terminal shall extend to the outer air and be so installed as to minimize the possibilities of clogging and the return of foul air to the building. No substance which will clog or accentuate clogging of pipes, produce explosive mixtures, destroy pipes or other joints, or interfere unduly with the sewage disposal process shall be allowed to enter the drainage system.

The piping of the plumbing system shall be of durable material free from defective construction and so designed and constructed as to give satisfactory service for its reasonable expected life.

Plumbing systems shall be maintained in a safe and serviceable condition from the standpoint of both mechanics and health.

Plumbing fixtures, devices, and appurtenances shall be supplied with water in sufficient volume and at pressures adequate to enable them to function properly. Each fixture shall be provided with a separate, accessible water-seal trap placed as near to the fixture as possible.

No water closet or similar fixture shall be located in a room or compartment which is not properly lighted and ventilated.

Where a health or safety hazard exists by reason of an existing plumbing installation or lack thereof, the owner or the owner's agent shall be responsible for installing additional plumbing or making such corrections as may be necessary to abate such nuisance and bring the plumbing installation within the provisions of these standards.

Required Facilities -- every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such

water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water where necessary for its normal operation. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than 120 degrees F. A gas or oil burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided as prescribed by the manufacturer.

An approved combination temperature and pressure-relief valve and relief discharge pipe shall be properly installed and maintained on water heaters and boilers.

Discharges from sump pumps may not discharge into sanitary system.

APPLIANCES

- a.** All dwelling units must be equipped with a stove or alternative cooking appliance, and a refrigerator capable by design and function of keeping food items cold and safe for use.

RUBBISH/GARBAGE

- a. All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.
- b. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in appropriate containers.
- c. The owner of a rental unit with more than 4 (four) units shall provide adequate, leak proof containers for the storage of such materials until removal from the premises for disposal according to current Township Code.

GENERAL BUILDING REQUIREMENTS

- a. Privacy for each dwelling unit must be capable of being entered without having to go through another unit.
- b. Every foundation, floor, wall, ceiling, roof, window, exterior door, basement and cellar hatchway shall be reasonably weather tight; rodent proof; capable of affording privacy; and kept in good repair.
- c. Premise ID, approved numbers or addresses shall be provided in such a position as to be plainly visible and legible from the street or road fronting the property.
- d. Any building with an elevator must have a current inspection on file.
- e. Buildings with more than 4 units -- the path of egress travel to and within the exits shall be identified by exit signs.
- f. All exit signs shall be readily visible from any direction of approach, located as necessary to clearly indicate the direction of egress travel.
- g. Exit signs shall be either externally or internally illuminated and remain illuminated at all times.
- h. Exit signs shall contain the word "exit" on the sign in block capital letters not less than 6" high with a stroke of not less than $\frac{3}{4}$ ". The color and design of the letters, arrow, and other symbols on the signs shall be in high contrast with their backgrounds.
- i. Infestations – The property must be free of rodent and insect infestations.

ENVIRONMENTAL HAZARDS

- a. **General** – Any suspected environmental hazards shall be pursued with the appropriate agency having jurisdiction.

STAIRS & RAILS

- a. All stairs, landings and railings shall be maintained in sound condition and good repair, be firmly fastened, and capable of supporting normally imposed loads.
- b. Guardrails in 1 (one) or 2 (two) family dwellings shall be a minimum of 36" in height above finished floors. In all other applications and occupancies, guardrails shall be a minimum of 42" above the floor.

EXCEPTION: Existing handrails and guards must be maintained as per the applicable codes at the time of installation.