## Part 1

## Housing Code

§101. Short Title. This Part shall be known as the "Housing Code of the Borough of East Rochester." (Ord. 207, 1/2/1979, §1)

§102. Proper Housing Standards. It is hereby declared that inadequate provision for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, dilapidation and disrepair or structures and habitation endanger the health, safety, morals and welfare of the community, and that the establishment and maintenance of proper housing standards and the rehabilitation of housing are essential to the public health, safety and welfare. (Ord. 207, 1/2/1979, §2)

§103. Definitions. The following terms, wherever used or referred to in this Part, shall have the following respective meanings, which definitions shall apply in the interpretation and enforcement of this Part unless a different meaning clearly appears from the context:

BASEMENT - a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BOROUGH - the Borough of East Rochester, Beaver County, Pennsylvania.

BUILDING INSPECTOR - the officer or other designated authority charged with the administration and enforcement of this Part, or his duly authorized representative.

CELLAR - a portion of a building located partly or wholly underground and having half, or more than half, of its floor-to-ceiling height below the average grade of the surrounding ground.

COUNCIL - the duly elected members of the Borough Council of the Borough of East Rochester, Beaver County, Pennsylvania. [A.O.]

DWELLING - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing, as hereinafter defined, shall not be regarded as a dwelling.

(1) DWELLING UNFIT FOR HUMAN HABITATION - any dwelling which by reason of overcrowding or service deficiencies in drainage, plumbing, water supply, light, heat, ventilation, floor area, rodent or pest control facilities or by reason of dilapidation, disrepair, or other similar conditions, or because of the need for major repairs to the roofs, walls, ceilings, floors, stairs or other parts of the dwelling, is unsanitary or unsafe and constitutes a serious hazard to the health, safety, or welfare of the occupants of the dwelling, or to the public.

(2) DWELLING UNIT - any room or group of rooms together with the means of ingress and egress thereto, located within a dwelling and forming a single habitable unit with facilities

which are used or intended to be used for living, sleeping, cooking and eating.

(3) MULTIPLE DWELLING - any dwelling containing two (2) or more dwelling units.

EXTERMINATION - the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the laws of the Commonwealth.

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

HABITABLE ROOM - a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, closets and storage places.

INFESTATION - the presence, within a structure and/or the surrounding grounds, of rats, mice, termites, lice, roaches, water beetles, or any similar pests, in such number to endanger the health or safety of the occupants or of the surrounding area.

OCCUPANT - any person over one (1) year of age living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

OPERATOR - any person who owns, has charge, care or control of a structure, or part thereof.

OWNER - any person who, alone or jointly or severally with others, shall have legal title to any structure, with or without accompanying actual possession thereof; or shall operate, have charge, care, or control of any structure under an article of agreement, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the person having legal title. Any person representing the owner as heretofore defined, as agent, shall be bound to comply with the provisions of this Part, to the same extent as if he were the owner, except that no agent of such owner shall be held personally responsible for the failure of the owner to make expenditures to comply with the terms of this Part.

PARTIES IN INTEREST - all individuals, associations and corporations who have interests of record in a dwelling or building and who are in possession thereof.

PERSON - any individual, firm, corporation, association or partnership.

PLUMBING - all of the following supplies, facilities and equipment: gas pipes, gas-burning and oil-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing and clothes-drying machines, catch basins, drains, vents and any other similar supplies or fixtures, together with all connections to water, sewer, gas or oil lines.

ROOMING HOUSE - any dwelling or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother, or those standing in such relationships, of the owner or operator.

ROOMING UNIT - any room or group of rooms forming a single habitable unit used, or intended to be used, for living and sleeping, but not for cooking or eating purposes.

RUBBISH or REFUSE - combustible and noncombustible waste materials, except garbage; the term shall include the residue from burning woods, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

STRUCTURES - buildings of all kinds, including partial and incomplete buildings and foundations whether being built or demolished, trailers of all kinds, and all mobile habitable units with or without wheels.

SUPPLIED - paid for, furnished or provided by or under control of the owner or operator.

TEMPORARY HOUSING - any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Whenever the words "structure," "dwelling," "dwelling unit," "rooming house," "rooming unit," and "premises" are used in this Part, they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular number include the plural; words in the plural number include the singular and the word "building" includes the word "structure."

(Ord. 207, 1/2/1979, §3; as amended by Ord. 263, 4/7/1992)

§104. Responsibilities of Building Inspector.

1. The Building Inspector shall from time to time make preliminary surveys in any area of the Borough to determine the general condition of the buildings in that area and to determine whether unsafe and unsanitary conditions exist.

2. The Building Inspector is hereby authorized and directed to make special inspections to determine the condition of dwellings, dwelling units, rooming units, structures and premises located within the Borough of East Rochester in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Building Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, structures and premises where he has any reason to suspect that an unsafe or unsanitary condition may exist. Prior to the time of any such inspection a notice of intent to inspect shall be sent to the owner at least fifteen (15) days prior to the inspection date by certified mail. The owner or occupant, or the person in

charge thereof, shall give the Building inspector free access to such dwelling, dwelling units, rooming units, structures and the surrounding premises at all reasonable times for the purpose of making such inspection and examination. In the event that it becomes necessary under the terms hereof, every occupant or operator shall give the owner or his agent, or employee, access to any part of such building or the surrounding premises at any reasonable time for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Part or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Part.

3. The Building Inspector may delegate duties to any other properly qualified person approved by the Council, except that the Building Inspector may not delegate his power or duty to issue regulations under this Part.

4. The Building Inspector may issue regulations setting forth such standards, conditions and other specifications as he deems advisable for the proper interpretation and enforcement of the provisions of this Part. No regulations so issued shall be effective until approved by the Council. The regulations may include, but shall not be limited to, matters respecting:

A. Required facilities, utilities, and fixtures, illumination, ventilation, heating, structural condition, good repair and sanitary maintenance of dwellings.

B. The sanitary condition and maintenance of premises.

C. The occupancy of dwellings.

D. The elimination and prevention of infestation in dwellings.

E. The conditions under which a permit for the operation of a rooming house may be granted.

F. The records to be kept by rooming house operators.

5. The regulations shall not be in conflict with the provisions of this Part or with any other ordinance of the Borough.

6. The regulations shall have the same force and effect as the provisions of this Part, and the penalty for their violation shall be the same as the penalty for the violation of the provisions of this Part.

(Ord. 207, 1/2/1979, §4)

§105. Enforcement; Service of Notices and Orders; Hearings.

1. Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part, or any rule or regulation adopted pursuant hereto, he shall report the same to the Council. The Council shall then view the property, and if it shall be of the opinion that a nuisance exists, it shall declare, by resolution, that a nuisance exists and shall order the abatement thereof within thirty (30) days after notice given as hereinafter provided.

2. In order to determine the manner of abatement of any such nuisance, the Council may assign one (1) or more persons, experts in the field of building construction, to inspect any such structure, at the cost of the

Borough, and to witness to the Borough Council whether such structure is repairable. If such witness shall testify that any structure is not repairable, the same being found as fact by the Council, the owner or his agent or the occupant thereof shall be notified by the Borough Council to remove such structure within thirty (30) days; if such witness shall rule any structure to be repairable, the owner or his agent or the occupant thereof shall be notified by the Borough Council to repair such structure as required in such notice, within thirty (30) days, or otherwise, to remove such structure within such thirty (30) day period.

3. Every notice given under this Section shall:

A. Be put in writing.

B. Include a statement of the reasons why it is being issued.

C. State the time limit within which the act required by it shall be performed.

D. Be served upon the owner or his agent, or the occupant, as the case may require.

Provided, that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if the same cannot be served by certified mail, a copy of the order shall be published once a week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Part and with rules and regulations adopted pursuant hereto.

4. Within the thirty (30) days after any notice given as provided in Subsection (1) or (2) of this Section, the owner or occupant of the property to which such notice applies may appeal from such order by making written request to the Borough Council for a hearing, and execution of such order shall be stayed pending hearing. The Council shall hold such hearing within ten (10) days after such request, and shall notify the person requesting such hearing of the time and place thereof. [Ord. 263]

5. Following such hearing the Council shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of this Part and of the rules and regulations adopted pursuant hereto have been complied with. If the Council shall sustain or modify such notice, it shall be deemed to be an order. The proceedings at such hearing, including the findings and decision of the Borough Council, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Borough Secretary. Such record shall also include a copy of every notice or order issued in connection with the matter. Following such hearing, the Council shall also furnish copies of the findings and decision to all parties concerned, including the owner of the property and any other person allegedly affected thereby. Any person aggrieved by any such findings and decision of the Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Pennsylvania. [Ord. 263]

6. Whenever the Building Inspector finds that a localized emergency exists which requires immediate action to protect the public health or

safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as necessary to meet such emergency. Notwithstanding any other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but, upon petition, may appeal to the Council, which shall give priority to such appeal. After such hearing, depending upon the findings as to whether the provisions of this Part and of the rules and regulations adopted pursuant hereto have been complied with, such order shall continue in effect, or it may be modified or revoked.

7. If any property owner fails to comply with any notice, given as provided in this Section, to remedy any condition or to repair or remove a structure, within the time limit stated in such notice, or with any order made by the Borough Council following hearing, within the time limit stated in such order, the Building Inspector, either through the regular employees of the Borough or by contract made for such purpose, may enter upon the property and abate the nuisance by remedying the condition or by repairing or removing the structure, and the cost thereof, with an additional charge of ten (10%) percent, shall be charged against the property and collectible by the Borough. [Ord. 263]

(Ord. 207, 1/2/1979, §5; as amended by Ord. 263, 4/7/1992)

§106. Structures Unoccupied, Unfit for Human Habitation or Unsafe for Any Use; Demolition.

1. At least fifteen (15) days prior to the date of initial inspection, the Building Inspector shall give notice thereof.

2. The Building Inspector shall make periodic inspection of any dwelling vacated as unfit for human habitation or any other vacant structure. Whenever an inspection of any such structure discloses that the structure by reason of its being a rat harborage or for any other reason has become a public nuisance or a hazard to the health, safety or welfare of the public, the Building Inspector shall issue a written notice requiring the owner to remove or demolish the structure.

3. In the event of the failure to comply with an order issued pursuant to this Section of this Part, the Building Inspector with the approval of the Borough Council may institute appropriate actions or proceedings at law or in equity to restrain, correct or abate the violation of the order, or may cause the order to be carried out at the expense of the Borough. The Borough shall recover the amount of the expense from the owner by a municipal lien filed against the real property or in any other manner provided by law for the collection of municipal claims. If the structure is removed or demolished by the order of the Building Inspector, he shall sell the materials or such structure for the best price obtainable, and shall credit the proceeds of such sale against the cost of removal or demolition, and any balance remaining shall be disbursed to the owner or paid into the office of the prothonotary of Beaver County in accordance with existing law for payment of money into Court. [Ord. 263]

(Ord. 207, 1/2/1979, §6; as amended by Ord. 263, 4/7/1992)

§107. Prohibitions.

1. If any order issued and served in accordance with this Part is not complied with within the time specified therein, the structure with respect to which the order has been issued is hereby declared to be a public nuisance, and it shall be unlawful for any person, firm, or corporation that has knowledge of the issuance of the said order, to occupy, as a human habitation, or in any manner use the said structure or any part thereof.

2. No person, firm or corporation shall, without the written consent of the Building Inspector, remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this Part.

3. When the Building Inspector finds that a structure is unfit for human habitation or is dangerous within the meaning of this Part, and has notified the owner or his agent to such effect and the time limits set for the correction of the defects, or for the repair, alteration or improvement, or for the vacation, closing or removal thereof have expired, no person shall receive rentals, offer rent, or occupy such structure as a human habitation or for any other purpose.

(Ord. 207, 1/2/1979, §7)

§108. Minimum Standards for Light and Ventilation for Future Construction.

1. Every habitable room in buildings hereafter constructed shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room, shall be ten (10%) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than three (3') feet from the window and extend to a level above that of the ceiling of the room, such a 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. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least ten (10%) percent of the total floor area of such room. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of operable window area in every habitable room shall be equal to at least twenty-five (25%) percent of the minimum window area size or minimum skylight-type window size, as hereinabove provided, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

2. All existing rooms used or to be used for living purposes must conform to the requirements for light and air. In the event that extreme hardship is encountered in meeting these requirements, adequate artificial lighting and ventilation may be approved by the Building Inspector. The cutting of window space through an outside wall shall not be deemed a hardship.

(Ord. 207, 1/2/1979, §8)

§109. General Requirements Relating to Safe and Sanitary Maintenance of Parts of Structures.

1. No person shall occupy as owner-occupant or let to another for occupancy any structure, for the purpose of living or transaction of business therein, which does not comply with the requirements of this Part.

2. All materials used in the construction of basements, cellars, dwellings, dwelling units, multiple dwellings, rooming houses, rooming units and structures shall be durable, of good quality and acceptable in the trade, profession and industry. Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, watertight and rodent-proof, shall be capable of affording privacy, and shall be kept in good repair. Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent-proof, and shall be kept in sound working condition and good repair. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair by the person responsible under this Part. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be easily kept in a clean and sanitary condition. Every supplied facility, piece of equipment or utility which is located in any structure and which is essential to public health shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition by the person responsible under this Part. No owner shall occupy or let to any other occupant any vacant structure unless it is clean, sanitary and fit for human occupancy. No owner, operator, or occupant shall cause any service facility, equipment, or utility which is located in any dwelling unit to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Building Inspector.

(Ord. 207, 1/2/1979, §9)

§110. Minimum Space, Use and Location Requirements.

1. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this Part.

2. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least

forty (40) square feet of floor space for each occupant thereof. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of at least seven (7') feet; and the floor area of that part of any room where the ceiling height is less than four (4') feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. No basement shall be used as a habitable room or dwelling unit unless the floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness; the total of window area in each room is equal to at least the minimum window area sizes as required; such required minimum window area is located entirely above the grade of the ground adjoining such window area; and the total of openable window area in each room is equal to at least the minimum as required by this Part, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector. No cellar shall be occupied as a dwelling unit or habitable room. This Section shall not be construed to prohibit workrooms, playrooms, or other recreation rooms in cellars. In the event that a cellar is used as a workroom, playroom or other recreation room it must comply with the following requirements:

A. The floors and walls shall be impervious to leakage of underground and surface runoff water and protected against dampness. The floors shall be constructed of material which is easy to keep in a clean and sanitary condition.

B. There shall be adequate lighting and ventilation and safe and unobstructed means of egress.

(Ord. 207, 1/2/1979, §10)

§111. Utilities and Fixtures.

1. Responsibility for Compliance. Except as provided elsewhere in this Section, the responsibility for compliance with the applicable requirement of this Section shall be upon the person who occupies as owner-occupant or lets to another for occupancy the dwelling, dwelling unit or rooming unit. Every occupant of a dwelling unit shall keep all electric, heating, and water supplies and fixtures therein in a clean and sanitary condition and shall exercise reasonable care in their proper use and operation.

2. Electricity Supply. Every rented dwelling within three hundred (300') feet of power lines shall be supplied with electricity. Every habitable room offered for rent shall be supplied with electric lighting facilities.

3. Electric Fixtures and Outlets.

A. Every communicating corridor, public hall and stairway shall contain at least one (1) ceiling or wall type electric service. Every outlet and fixture shall be properly installed, maintained in good and safe working condition and connected to the source of electric energy in a safe working condition and connected to the source of electric energy in a safe manner in accordance with the requirements of the National Board of Fire Underwriters.

B. Every public hall and stairway in every rooming house and in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in every other dwelling may have conveniently located light switches which may be turned on when needed instead of full-time lighting. The Building Inspector may require the adequate lighting at all times of any public hall or stairway leading to one (1) or more dwelling units or rooming units in any building or structure occupied in part as a dwelling and in part for industrial or commercial purposes.

4. Heating. Every dwelling shall have heating facilities which are properly installed, maintained in safe and good working condition and capable of safely and adequately heating all habitable rooms, rooms containing a water closet, bathtub or shower and communicating corridors in dwelling units and communicating corridors from rooming units to rooms containing a water closet, bathtub or shower. The Building Inspector may prohibit the use of any gas space heater where the heater may constitute a danger to health or safety. No oil-fired space heaters will be permitted under any condition in any dwelling or in commercial or industrial establishments.

5. Water Supply. Every dwelling unit and rooming house shall be supplied with piped running water to provide an adequate, safe, and sanitary water supply to every fixture connected with the water supply and drainage system.

6. Installation and Maintenance. Every gas pipe, water pipe, garbage disposal unit, waste pipe, water closet, flush urinal, sink, installed dishwasher, lavatory basin, drain, vent, gas-burning fixture, any device connected with the water supply and drainage systems, or any other similar fixture together with all connections to water, sewer or gas lines shall be cleanable and shall be installed and maintained in good, sanitary working condition, free from defects, leaks and obstructions, and in accordance with the laws of the Commonwealth of Pennsylvania and the ordinances of the Borough. Every kitchen sink, lavatory basin, water closet, flush urinal, bathtub or shower shall be connected to the water supply system and to a sewer system which is subject to the approval of the Building Inspector. All gas-burning equipment and plumbing equipment must be vented to the exterior of the building.

7. Kitchen Sinks. Every dwelling unit shall contain an installed sink which shall be located in the kitchen, pantry or utility room.

8. Water Closets, Lavatory Basins and Bathtubs or Showers in Dwellings Other than Rooming Houses. Every dwelling unit shall be provided with at least one (1) flush water closet, lavatory basin, and bathtub or shower within the dwelling unit, except that the occupants of not more than two (2) dwelling units may share a single water closet, a single lavatory basin, and a single bathtub or shower within the dwelling if neither of the dwelling units contains more than two hundred fifty (250) square feet of floor area. Each dwelling unit shall be situated so that access to a water closet, lavatory basin and bathtub or shower may be made independent of other dwelling units.

9. Water Closets, Lavatory Basins and Bathtubs and Showers in Rooming Houses. There shall be at least one (1) flush water closet, one (1) lavatory basin, one (1) bathtub or shower within every rooming house for each six (6) persons or fraction thereof, including members of the operator's family whenever they share the use of said facilities. Means of ingress to each water closet, lavatory basin, bathtub, or shower shall be made without entering a rooming unit of another occupant.

(Ord. 207, 1/2/1979, §11)

§112. Rodent and Pest Control; Responsibility for General Measures. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in the dwelling or on the premises. Every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for extermination whenever his dwelling unit is the only one (1) infested, except that where infestation is caused by failure of the owner to maintain the dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling, extermination shall be the responsibility of the owner. Whenever infestation exists in any rooming house, extermination shall be the responsibility of the operator. Whenever infestation exists in any other structure, extermination shall be the responsibility of the occupant, or the owner if vacant. (Ord. 207, 1/2/1979, §12)

§113. Refuse; Facilities Required; Responsibility for Proper Storage and Disposal.

1. Every dwelling unit shall be supplied by the occupant with adequate refuse storage facilities or refuse disposal facilities. Refuse storage facilities shall be made of metal or equivalent materials, shall be watertight, and provided with tight covers which shall be kept securely closed at all times. The type and location of refuse storage facilities and refuse disposal facilities shall be subject to approval by the Building Inspector.

2. The occupant of every dwelling unit or rooming unit shall be responsible for the storage of garbage and rubbish in a clean and sanitary manner in accordance with the provisions of this Part, and in compliance with the ordinances of the Borough. Except where otherwise provided in this Section, the occupant of every dwelling unit where an incinerator is used shall be responsible for the clean and sanitary disposal of any residue remaining after incineration. Where an incinerator is used in a rooming house, the owner or operator shall be responsible for the clean and sanitary disposal of any residue remaining after incineration.

(Ord. 207, 1/2/1979, §13)

§114. General Sanitation.

1. Drainage. No person shall occupy as owner-occupant or let to another for occupancy and dwelling unless the premises are properly graded and drained. Any drainage required by the laws of the Commonwealth or the

ordinances of the Borough shall be constructed in accordance with such laws or ordinances.

2. Occupant or Operator Responsibility.

A. Every occupant of a dwelling unit shall keep in a clean and sanitary condition and free from any accumulation of dirt, refuse, debris or other matter that part of the dwelling and premises which he occupies and controls, including the shared and public areas.

B. Every means of ingress and egress of commercial establishments shall be kept unobstructed and free of an accumulation of debris by the operator.

C. Rooming Houses. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every part of the rooming house.

D. Occupancy and Letting of Dwelling Units and Rooming Units. No person shall occupy as owner-occupant or let to another for occupancy any vacant dwelling unit or rooming unit unless it is clean, sanitary, in good repair and fit for human occupancy.

(Ord. 207, 1/2/1979, §14)

§115. Rooming House.

1. No person shall operate a rooming house or shall let to another for occupancy any rooming unit in any rooming house, unless he or she first applies for and receives a non-transferable permit to operate such rooming house. Application for such permit shall be made at the office of the Borough Secretary. The operator of every rooming house shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner, and all bed linen and towels shall be changed at least once each week and prior to the letting of any room to any occupant. Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, or in the event of more than one (1) person per room, at least forty (40) square feet of floor space per person.

2. Whenever, upon the inspection of any rooming house, the Building Inspector finds conditions or practices in violation of this Part, notice in writing of such violation shall be given to the operator of such rooming house that, unless such conditions and/or practices are corrected within a period of time to be set by the Building Inspector, the operator's permit shall be suspended. At the close of this period of time, if said violations still are not corrected, the operator's permit shall be revoked. Said operator may request and be granted a hearing of any violation before the Borough Council under the provisions of this Part. [Ord. 263]

(Ord. 207, 1/2/1979, §15; as amended by Ord. 263, 4/7/1992)

§116. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand ($1,000.00) dollars and costs and, in default of payment

thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 207, 1/2/1979, §16; as amended by Ord. 263, 4/7/1992)

§117. Enforcing Officer. The Building Inspector of the Borough of East Rochester is hereby designated as the officer to exercise the powers prescribed by this Part; he shall submit periodic reports and recommendations for additional regulations to the Borough Council. The powers conferred upon the Inspector by the provisions of this Part shall be in addition and supplemental to the powers conferred upon the Inspector by any other ordinances. Nothing herein shall be construed to impair or limit in any way the power of the Borough to define and declare nuisances and to cause their removal or abatement by proper proceedings. The measures and procedures herein provided for do not supersede, and this Part does not repeal, any other measures or procedures which are provided by ordinance or State law for the elimination, repair or correction of the conditions referred to in this Part and the measures and procedures herein provided for shall be in addition to the same, except that where any provision of this Part conflicts with a provision of any other ordinance of the Borough of East Rochester. (Ord. 207, 1/2/1979, §17)

## Part 2

## Occupancy Status Report

§201. Definitions. The following words when used in this Part shall have the meaning ascribed to them in this Section except where the context clearly indicates or requires a different meaning:

BOROUGH - Borough of East Rochester, Beaver County, Pennsylvania.

LESSEE - person or persons who have the use of real estate as a lessee and are thereby responsible for the giving of any type of consideration therefore, excluding those who are lessees for a period of less than thirty (30) days.

LESSOR - any person who grants a lease or rents real estate or otherwise permits the use of real estate or a portion thereof for a consideration, monetary or otherwise.

PERSON - any natural person, partnership, association or corporation.

(Ord. 226, 9/7/1982, §1)

§202. Reports Required. All lessors within thirty (30) days after the effective date of this Part or in the case of real estate hereafter acquired or hereafter rented or becoming available for rental, within thirty (30) days after the acquisition, rental or availability for rental thereof, as the case may be, shall report to the Borough Secretary the number of parcels or units of real estate presently or hereafter rented and available for rental, a description (by address, number and/or some other meaningful method) of the said parcels or units, and the names of its lessees at the time of such report, together with a designation as to which unit or parcel is occupied by each lessee. (Ord. 226, 9/7/1982, §2)

§203. Change in Occupancy. Any change in the occupancy of real estate rented or leased or in the identity of the lessee from that shown in the report of the lessor as required in §202 of this Part, shall be reported by the lessor to the Borough Secretary within ten (10) days after such change. It is intended hereby that lessors shall report a new lessee or a lessee who rents or leases a different unit or parcel of lessor's real estate, when a unit or parcel of real estate becomes vacant and when a unit or parcel of real estate first becomes available for rent. (Ord. 226, 9/7/1982, §3)

§204. Preparation of Report. The Borough Secretary may prepare a report form entitled "Status of Occupancy Report" which report form may require the information set forth in §203 of this Part and such other pertinent information as the Borough Council by resolution may direct. The failure to have such report forms, however, shall not excuse the obligation of lessors to provide the information required herein. (Ord. 226, 9/7/1982, §4)

§205. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred ($600.00) dollars and costs and, in default of payment

thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 226, 9/7/1982, §5; as amended by Ord. 263, 4/7/1992)