

Chapter 435, PROPERTY MAINTENANCE AND HOUSING STANDARDS

[HISTORY: Adopted by the Council of the City of Easton 12-14-1988 by Ord. No. 2986 (Arts. 1193 and 1197 of the 1965 Codified Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Buyer notification -- See Ch. 222.

Construction codes and enforcement -- See Ch. 245.

Fees -- See Ch. 285.

Public health standards -- See Ch. 444.

ARTICLE I, Existing Structures Code

§ 435-1. Adoption. [Amended 12-14-1988 by Ord. No. 2986]

The BOCA National Existing Structures Code/1987, Second Edition, and 1988 and 1989 accumulative supplements, is adopted as the Property Maintenance Code of the City, subject, however to the further provisions of this article.

§ 435-2. Amendments.

The BOCA National Existing Structures Code/1987, Second Edition, and 1988 and 1989 accumulative supplements, adopted herein, is hereby amended and changed in the following respects:

A. BOCA ES-100.1 Title (amended).

These regulations shall be known as the Existing Structures Code of the City of Easton, hereinafter referred to as the "Existing Structures Code" or "this code."

B. BOCA ES-104.6 Rule making authority (deleted).

C. BOCA ES-107.3 Service (amended).

Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at his last known address with return receipt requested; if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.

D. BOCA ES-110.2 Penalty (amended).

Any person, firm or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 and costs, or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues after due

notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

E. BOCA ES-111.3 Order (amended).

The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building.

F. BOCA ES-112.1 Petition (amended).

(1) Any person affected by this notice of violation issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Property Maintenance Board of Appeals. Such person shall file, in the office of the Bureau of Codes, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within 10 days after the day the notice was served. Upon the receipt of such petition, the Bureau of Codes shall set a time and place for such hearing and shall give the petitioner written notice of the time and place thus set. [Amended 3-28-2007 by Ord. No. 4942; 11-28-2007 by Ord. No. 5039; 2-11-2009 by Ord. No. 5178]

(2) The filing of the petition for hearing within the above-prescribed time period shall relieve the petitioner from compliance with such notice while the hearing is pending, except that whenever the Code Official has issued a notice which requires immediate abatement under the emergency provisions of this code as set forth in Section ES-109, the petition for hearing shall not operate to relieve the person affected from immediate compliance with such notice.

(3) At such hearing the petitioner shall be given an opportunity to be heard and show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 40 days after the day on which the petition was filed, provided that, upon application of the petitioner, the Property Maintenance Board of Appeals may postpone the date of the hearing for a reasonable time beyond such forty-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement. [Amended 11-28-2007 by Ord. No. 5039; 2-11-2009 by Ord. No. 5178]

(4) The Property Maintenance Board of Appeals shall keep or cause to be kept a summary of testimony and a copy of every relevant notice or order, the request for hearing, entries of appearances, finding of fact, if any, and the final determinations. Such record shall be maintained as a public record. [Amended 11-28-2007 by Ord. No. 5039; 2-11-2009 by Ord. No. 5178]

G. BOCA ES-112.2 Appeals Board (amended). [Amended 11-28-2007 by Ord. No. 5039; 2-11-2009 by Ord. No. 5178]

BOCA ES-112.2 Finding of hearing.

After a hearing held in accordance with Section ES-112.1, and upon consideration of the evidence presented, the Property Maintenance Board of Appeals shall make one of the following findings:

(1) That there has been a violation of the provisions of this code but that such violation does not constitute a public nuisance. Pursuant to this finding, the Property Maintenance Board of Appeals shall issue an order to comply with the provisions of this code within a reasonable time, and upon failure of the person affected so to comply, the City shall, through its authorized officers and

agents, have the power to file a complaint based on the violation of this code before the appropriate Magisterial District Judge pursuant to Section ES-110.

(2) The Property Maintenance Board of Appeals may make a finding that there is a violation of a provision or provisions of this code and that such violation is detrimental to public health and thus constitutes a public nuisance. In such case, the Property Maintenance Board of Appeals shall issue an order allowing a reasonable time for the person affected to abate the nuisance and, notice of such order shall be served upon the person, if any, whom the Property Maintenance Board of Appeals deems responsible therefor or concerned therein and upon the owner or abutting owner of the land, premises or other places whereon such a nuisance is or is about to be, if any. In case no such party or parties can be discovered by the Property Maintenance Board of Appeals, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least 10 days. The notice of the Property Maintenance Board of Appeals' order shall contain all information required by 53 P.S. § 37322 (Third Class City Code), and upon failure of the person affected to abate such nuisance, the City may proceed to abate such nuisance, following the procedures outlined in the Third Class City Code.

(3) The Property Maintenance Board of Appeals may make a finding that there is no violation of this code and no public nuisance, in which case the notice of violation shall be withdrawn.

H. BOCA ES-112.2.1 Membership (deleted).

I. BOCA ES-112.2.2 Vote (deleted).

J. BOCA ES-112.3 Records (deleted). BOCA ES-112.3 Appeal fees (added). [Amended 11-28-2007 by Ord. No. 5039; 2-11-2009 by Ord. No. 5178]

BOCA ES-112.3 Appeal fees.

A fee as specified in Chapter 285, Fees, payable in advance, shall be paid for each appeal taken to the Property Maintenance Board of Appeals from a decision of the Bureau, to cover the costs of mailing notices and the hearing of the appeal.

K. BOCA ES-201.0 Definition of family (amended).

Family: An individual or married couple and the children thereof, including adopted and/or foster children over whom such individual or married couple stands in loco parentis, together with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than three unrelated persons living together as a single housekeeping unit in a dwelling unit.

L. BOCA ES-301.2 Grading and drainage (amended).

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. An approved system of stormwater disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises.

M. BOCA ES-301.6 Weeds (amended).

All lots shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as "all grasses, annual plants and vegetation other than trees or shrubs"; provided, however, this term shall not include cultivated flowers and gardens. The provisions in Chapter 444, Article XXVI, Noxious Weeds or Bushes, of the Code of the City of Easton may be used in conjunction with this code.

N. BOCA ES-301.7 Storage areas (amended).

All approved open salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than eight feet (2,438 mm) in height. Storage of debris, junk or construction materials, which are not associated with an approved use or permitted construction at that site, shall be prohibited.

O. BOCA ES-301.9 Accessory structures (amended).

All accessory structures, including detached garages, storage sheds, fences and walls, shall be maintained structurally sound and in compliance with Sections ES-302.0 and ES-303.0 of this code.

P. BOCA ES-301.10 Motor vehicles (amended).

Motor vehicles shall be subject to the following requirements. Except as provided in other regulations, not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and such vehicle shall not at any time be in a state of disassembly or disrepair nor shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including bodywork, in a residential district. Except that a vehicle owned by an occupant of the premises may perform work on a vehicle owned by him, so long as all work is performed within an enclosed garage or other structure.

Q. BOCA ES-302.3 Exterior surfaces (foundations, walls and roofs) (amended).

Every foundation exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rats. If any exterior surface of a structure has been previously surface-coated with paint, stain or other similar material, such exterior surface must be maintained thereafter in a condition free of cracking, peeling, chipping or other deterioration of such surface coating.

R. BOCA ES-302.5 Storefronts (added).

All storefronts shall be kept in good repair, painted where required and shall not constitute a safety hazard or nuisance. Display windows or storefronts constructed of plate glass shall be kept (maintained) clean and free of cracks. No storage shall be permitted in the show window areas unless shielded from the public view.

S. BOCA ES-303.3.1 Lead-based paint (amended).

Lead-based paint shall not be applied to any interior or exterior surface of a dwelling unit or child-care facility, including fences and outbuildings at these locations.

T. BOCA ES-303.3.2 Bathroom and kitchen floors (amended).

Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

U. BOCA ES-303.4 Free from dampness (amended).

In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure. The floors and walls shall be impervious to leakage of underground or surface runoff water and protected against dampness in an approved manner. The floors shall be constructed of material which conforms to the provisions of the Building Code as listed in Appendix A of this code.EN

V. BOCA ES-303.9 Asbestos (added).

Asbestos materials, when deemed to be hazardous by the Code Official, shall be removed only by a contractor experienced in the removal, handling and disposal of asbestos material. All asbestos materials shall be removed, handled and disposed of under approved control methods.

W. BOCA ES-401.2 Habitable room (amended).

Every habitable room having an exterior wall shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) 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, nor to a court, and shall not be included as contributing to the required minimum total window area for the room.

Exceptions: Dwellings in a neighborhood with dimensional deviations from this section that are common and due to the character of the original construction.

X. BOCA ES-402.2 Habitable rooms (amended).

Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least 45% of the minimum window area size required in Section ES-401.2.

Exceptions: Dwellings in a neighborhood with percent deviations from this section that are common and due to the character of the original construction.

Y. BOCA ES-402.4 Cooking facilities (amended).

Unless approved through the certificate of occupancy, cooking shall not be permitted in any sleeping room, dormitory unit, hotels or motels, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit, hotel or motel.

Z. BOCA ES-601.1 Residential buildings (amended).

Every tenant-occupied unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 65° F., at a point three feet above the floor and three feet from an exterior wall in all habitable rooms, bathrooms and toilet rooms. During the normal heating period of October 1 to May 15, when the outside temperature is less than 65° F., the interior must be maintained at a minimum of 65° F. The provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a malicious act of the occupant.

AA. BOCA ES-601.2 Other structures (amended).

Every owner of any structure who rents, leases or lets the structure or any part thereof on terms, either express or implied, to furnish heat to the occupant thereof; and every occupant of any structure or part thereof who rents or leases such structure or part thereof on terms, either express or implied, to supply its own heat, shall supply sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65° F. (18° C.) during all working hours in all enclosed spaces or rooms where persons are employed and working. The temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls.

EXCEPTIONS:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

BB. BOCA ES-601.4.3 Safety controls (amended).

All safety controls for fuel-burning equipment shall be maintained in effective operation. Emergency shutoff switches shall be supplied for heating units utilizing electricity and, where possible, shall be located at the top of the basement steps.

CC. BOCA ES-601.5 Boiler inspection (deleted).

DD. BOCA ES-601.8 Portable heating equipment (added).

Portable heating equipment using liquids, gaseous or solid fuel and other portable heating equipment shall be permitted in single-family dwellings, provided that such portable heating equipment is auxiliary to the structure's primary system and provided further that such other portable heating equipment is approved by the Code Official. No portable heating equipment as described above will be permitted in any other structure other than a single-family dwelling.

EE. BOCA ES-602.1.1 Outlets required (amended).

Where there is electric service available to a structure, every habitable room of a dwelling unit and every guest room shall contain at least two separate and remote outlets. In a kitchen, there shall be three separate and remote wall-type electric convenience outlets. Ground-fault outlets shall be located within six feet of any kitchen sink. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one grounded fault-type electric outlet.

FF. BOCA ES-602.1.3 Electrical service (amended). [Amended 2-11-2009 by Ord. No. 5178]

Every dwelling unit, dwelling, rooming house and rooming unit shall be provided with electrical service which is properly connected to a source of electric power in accordance with the Electrical Code in effect in the City. Single-family dwellings shall have a minimum of 100 ampere service. Service to multiple customer dwellings and if more than one dwelling (not using electric heat) is supplied from a common service and each unit has more than one branch circuit, each unit shall have a three-wire service entrance of not less than 100 amperes. The following is a listing of the minimum ratings of common service entrance conductors: two-, three- and four-family dwellings: 150 amperes; five- and six-family dwellings: 200 amperes; over six-family dwellings: 200 amperes plus 15 amperes per unit in excess of six. In single-family dwellings, however, existing wiring which conformed to applicable laws in effect at the time of installation and which has been maintained in good condition and which is not being altered or extended and is being used in a safe manner may continue in use until title to such property is transferred, at which time the electrical service must be upgraded to the standards contained herein. The electrical system equipment and facilities in all other dwellings and structures shall conform to the requirements of the applicable Electrical Code.

GG. BOCA ES-702.1 Accumulations (amended).

Waste, refuse or other materials and objects shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

HH. BOCA ES-800 General. [Amended 2-11-2009 by Ord. No. 5178]

BOCA ES-800.1 Scope.

The provisions of this article shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof. In addition to this article, all City ordinances as

contained in Chapter 500, Solid Waste; Recycling, shall apply as such relates to Section ES-801.0 entitled Sanitary Condition.

II. BOCA ES-900.4 Alternative methods and systems (amended).

The provisions of this article are not intended to exclude the acceptance and approval of alternative methods and systems if such alternative methods and systems provide equivalent safety to the occupant of the existing buildings. Consideration to alternative methods and systems shall be submitted to the Building Inspector, in writing and as prescribed, by the owner or his designated agent.

JJ. BOCA ES-904.3. Fire standpipe (amended).

All buildings having floors used for human occupancy located four stories or more above grade shall be provided with standpipes according to the Building Code listed in Appendix A of this code. The standpipes shall have an approved Fire Department connection with hose connections at each floor level.

KK. BOCA ES-906.1 Smoke and heat detection (amended).

Each recirculating air or exhaust system which serves more than one floor in buildings which exceed four stories in height shall be equipped with approved smoke and heat detection devices in accordance with the Mechanical Code listed in Appendix A of this code. EN The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or control system. EN

ARTICLE II, Rooming Houses

§ 435-3. Permit required.

No person shall operate a rooming house, or occupy or let to another for occupancy any rooming unit in any rooming house, unless he holds a rooming house permit issued by the Chief Codes Administrator. This permit shall be posted in a conspicuous place in the rooming house.

§ 435-4. Permit application.

Application for a permit shall be made by the operator to the Chief Codes Administrator on forms furnished by the Chief Codes Administrator and shall include the following:

- A. The name and address of the operator, and the name and address of the owner if the operator is not the owner.
- B. The location of the rooming house, including the street and number of each entrance.
- C. The number of rooming units occupied or available for occupancy and the number of persons who may be accommodated in accordance with the provisions of the Existing Structures Code and with the regulations issued thereunder. EN
- D. Such other information as the Chief Codes Administrator may require.

§ 435-5. Issuance of permit.

A permit shall be issued by the Chief Codes Administrator upon reasonable proof that:

A. The rooming house complies with the applicable provisions of this code and with the regulations issued thereunder.

B. The permit fee required in § 435-7 has been paid.

§ 435-6. Notice of permit denial.

In the event a permit is denied, the Chief Codes Administrator shall give prompt written notice to the applicant.

§ 435-7. Permit fee and term.

The permit fee as specified in Chapter 285, Fees, shall be paid to the City License Officer. No reduction in the fee shall be made for fractional yearly permits. The permit shall expire at the end of the calendar year in which it is issued and shall be renewed annually at the rate established for the initial permit fee.

§ 435-8. Permits nontransferable.

Permits are not transferable. The operator shall promptly notify, in writing, the Chief Codes Administrator of any transfer of the dwelling to a new owner.

§ 435-9. List of registrants.

The operator shall at all times keep an up-to-date list of registrants in a bound volume and in which there shall be set forth, in ink, the name and last permanent address and signature of each occupant. Registration of a false name is prohibited.

§ 435-10. Prosecution for violations.

Any person who operates a rooming house without a currently valid permit issued by the Chief Codes Administrator or who violates any other provision of this article shall be subject to prosecution in accordance with § 435-2.

§ 435-11. Denial of permit; hearing. [Amended 2-11-2009 by Ord. No. 5178]

Any person whose application for a rooming house permit has been denied for the reason that the rooming house does not comply with the applicable provisions of the Existing Structures Code or the rules and regulations issued thereunder as required shall, upon request, be granted a hearing before the Property Maintenance Board of Appeals under the procedure provided by § 435-2. The petition for a hearing shall be filed within 10 days from the day written notice of denial is received by the applicant. If the Property Maintenance Board of Appeals does not sustain the denial of the permit, the Chief Codes Administrator shall issue the permit forthwith.

§ 435-12. Suspension and revocation of permit. [Amended 2-11-2009 by Ord. No. 5178]

Whenever the Chief Codes Administrator determines that conditions or practices exist in the operation of a rooming house which are in violation of the Existing Structures Code or of any other regulation issued thereunder, he shall give notice to the operator under the procedure provided by § 435-2. The operator shall, upon request, be granted a hearing before the Property Maintenance Board of Appeals under the procedure provided by § 435-2. If the Property Maintenance Board of Appeals sustains the notice of the Chief Codes Administrator or if a request for a hearing is not made within 10 days from the day the notice was served, the Chief Codes Administrator shall revoke the permit if the operator does not comply with the order of the Chief Codes Administrator within the period prescribed in such order.

§ 435-13. Emergency suspension. [Amended 2-11-2009 by Ord. No. 5178]

If the Chief Codes Administrator determines that an emergency exists which necessitates immediate action to protect the public health, safety or welfare, he may direct that a service of notice under this section shall constitute a suspension of the permit until the suspension is lifted by action of the Property Maintenance Board of Appeals or by compliance with the notice or order of the Chief Codes Administrator or until the permit is revoked by failure to comply with the order of the Chief Codes Administrator. When a rooming house permit has been suspended or revoked, the operator shall immediately cease operation of the rooming house and no person may occupy any rooming unit therein.

§ 435-14. Supplied linens.

The operator of every rooming house shall change all supplied bed linen and towels therein at least once a week and prior to letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding, linens and towels in a clean and sanitary manner.

§ 435-15. Occupancy by minors prohibited.

The occupancy of any rooming unit in an establishment subject to certification and/or licensing by an unemancipated minor is hereby prohibited, and the operator and occupant of the premises in which such occupancy occurs shall be liable hereunder.

§ 435-16. Egress directional signs.

Every licensed establishment shall have exit signs posted in common hallways visible from the door of every rooming unit, which signs shall indicate the direction of and location of the nearest means of egress. All such signs shall be of a size and color and be illuminated in accordance with the regulations of the Chief Codes Administrator.

§ 435-17. Room and space designation.

Every room, bathroom, closet, storage area or other space within the structure shall be numbered for identification purposes.
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