

**File of the
Council of the City of Easton, Pa.**

Ordinance No. 5566

SESSION 2016

Bill No. 36

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Introduced by: David O'Connell – September 14, 2016
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Enacted by Council: September 28, 2016
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AN ORDINANCE TO AMEND the Code of the City of Easton, Pa., by adding a new Chapter 295, to be entitled Fire Safety Inspection.

THE CITY OF EASTON HEREBY ORDAINS:

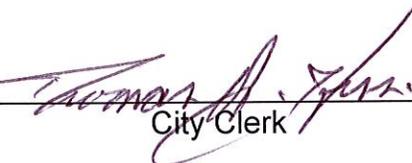
SECTION 1. The Code of the City of Easton, Pa., be and it is hereby amended by adding Chapter 295, Fire Safety Inspection to read as per Exhibit "A"

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

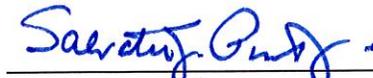
SECTION 3. This Ordinance shall become effective 30 days following adoption by Council.

Signed the 28th day of September, 2016

ATTEST:



City Clerk



Mayor

EXHIBIT "A"

Chapter 295 Fire Safety Inspection

295-1 Purposes

Purposes. This article is intended to serve the following purposes:

- A. To assist the City of Easton (the "City") in protecting and promoting the public health, safety and welfare of its citizens;
- B. To ensure that owners, managers and occupants share responsibilities to comply with codes, and;
- C. To provide for a system of inspections and for issuance of certificate of compliance and to establish penalties for violations.

295-2 Definitions

As used in this article, the following terms shall have the following meanings. If a term is not defined in this article, but is defined in the City's Code of Ordinances, Property Maintenance or Construction Code, then that definition shall apply to this article. If a term is not defined in any of those codes, but is defined in Chapter 595, Zoning, of the City's Code, then the definition in such chapter shall apply to this article.

BUSINESS DAYS

Days in which the offices of the City of Easton are open for public business.

CERTIFICATE OF COMPLIANCE

A document issued by the City Department of Code Enforcement certifying a building, structure, unit or portion thereof is in compliance with the applicable regulations as indicated in this article.

CITY

The City of Easton, Northampton County, Pennsylvania.

CODE

Any code or ordinance adopted, enacted and/or in effect in and for the City of Easton concerning fitness for habitation or the construction, maintenance, operation, occupancy, use, vermin or rodent control, or public health matters of any premises or dwelling unit. This shall

include, but not be limited to, the City's Property Maintenance Code, the Electrical Code, the construction codes, solid waste and water ordinances, public health ordinances, noise control ordinances, and other applicable codes and standards.

CODE OFFICER

The duly appointed Code Enforcement Officer(s), Code Compliance Officer(s), or Code Inspector(s) having the duty to enforce this article, the City's Property Maintenance Code and similar codes of the City of Easton, and any assistants or deputies thereof.

COMMON AREA

In multiunit buildings, space which is not part of an individual regulated rental unit and which is shared among occupants of the dwellings. Common areas shall be considered as part of the premises for purposes of this article.

OWNER

One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including but not limited to a mortgage holder who is in possession of a regulated rental unit.

PERSON

A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

PREMISES

Any parcel of real property in the City, including the land and all buildings and structures, on which one or more regulated rental units is located.

REGULATED COMMERCIAL UNIT

A commercial, educational, or institutional unit.

TENANT

An occupant of a regulated commercial unit with whom a legal relationship with the owner is established by a lease or other enforceable agreement under the laws of the Commonwealth of Pennsylvania.

295-3 Owner's duties.

A. General.

- a. It shall be the duty of every owner to keep and maintain all regulated commercial units in compliance with the City of Easton Unit Maintenance Code, and to keep such unit in good and safe condition.
- b. As provided for in this article, every owner shall be responsible for regulating the proper and lawful use and maintenance of every unit which he, she or it owns.
- c. A business license, certificate of occupancy and certificate of compliance, required by §295-5, are required for each regulated commercial unit. If the business license, certificate of occupancy or certificate of compliance has not been issued, or has been revoked, then the regulated commercial unit shall not be used. If a regulated commercial unit is used without a valid business license, certificate of occupancy or certificate of compliance such action shall be a violation of this article.
- d. This article shall not be construed as diminishing or relieving in any way the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this article be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.
- e. This article is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the City against an owner, occupant or guest thereof.
- f. The owner and/or owner's agent shall accompany the Code Enforcement Officer in all scheduled inspections at the unit conducted under this article.

B. Maintenance of premises.

- a. The owner shall maintain the premises in compliance with the City of Easton Unit Maintenance Code, and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
- b. However, the owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling if such responsibilities are established in writing. Such an agreement may be entered

into between the owner and occupant only if entered into in good faith and not for the purpose of evading the obligations of the owner or occupant.

- c. The existence of an agreement between owner and occupant shall not relieve an owner of any responsibility under this article or other City codes for proper repair and maintenance of a building or premises.

295-4 Registration of Commercial Units

The owner or operator of all commercial, educational and institutional units operating within the City of Easton shall register such use on a form provided by the Code Enforcement Department by December 1, 2016 and by December 1 of each subsequent year. Any building containing three or more dwelling or sleeping units shall be included in this program.

295-5 Fire Safety Inspection

Inspection

- A. Pursuant to the Fire and Safety Inspection Program, each regulated commercial unit, shall be subject to inspection of the following:
 - a. Proper use in accordance with occupancy use classification.
 - b. Cooking hood fire protection system.
 - c. Portable extinguishers.
 - d. Fire protection systems, including stand pipes and sprinkler systems.
 - e. Fire, smoke and safety alarms.
 - f. Emergency power systems.
 - g. Exit and emergency area lighting.
 - h. Storage of hazardous and nonhazardous materials.
 - i. Stacking and storage of combustible materials.
 - j. Exit/emergency egress doors.
 - k. Records of evacuation plans, fire drills.
 - l. Records of fire protection and alarm system tests.
 - m. Anti-backflow device test records.
 - n. Other items required by the Pennsylvania Uniform Construction Code, 35 P.S. §7210.101 et seq., or NFPA to be periodically tested and/or inspected shall be included.
 - o. Items added by subsequent revisions to the codes are hereby automatically incorporated into this program without amendment to this Part.
- B. Each regulated commercial unit shall be subject to inspection by a Code Officer or another duly authorized agent of the City under the schedule outlined in this article.

- C. City Code Officers or those authorized by the Chief Code Administrator are the officials authorized to enforce this article and to take appropriate measures to abate violations hereof for and on behalf of the City of Easton.
- D. This article shall not be construed as to limit the Code Officer's authority to conduct inspections or enforcement actions under other City codes or to require that a unit be made available for inspection whenever there is reasonable cause that a violation of City codes may be present.
- E. Each regulated commercial unit shall be subject to a minimum of at least one inspection every three years, based upon a schedule established by the Chief Codes Enforcement Administrator. The City is not obligated to complete all inspections within this schedule. If the City, through no fault of the owner, manager or tenant, was not able to complete an inspection in a regulated commercial unit in the designated year, the City shall inspect the unit in the following year.
- F. Warrant. Within the limitations of federal and state law, a Code Enforcement Officer may apply to a Magisterial District Judge having jurisdiction for an administrative search warrant to enter and inspect a regulated commercial unit and the premises. Such warrant is only required where access to a regulated commercial unit or common areas is denied to the Code Enforcement Officer after a request.

295-6 Certificate of Compliance

Certificates of compliance shall be issued by the code enforcement department only after inspection and acceptance of the unit by the City Code Officials. All regulated commercial units shall be required to obtain a certificate of compliance by December 1, 2018 and within two years each year thereafter.

295-7 Fees

Annual fees for inspections and certificates of compliance shall be in amounts as established in §285-9.

295-8 Violations and penalties

- A. Basis for violation. It shall be unlawful for any person, as either owner or manager of a regulated commercial unit, to operate or permit to operate without a valid, current business license, certificate of occupancy or certificate of compliance issued by the City authorizing such operation. It shall also be unlawful for any person, either owner or manager, to violate any other provision of this article.
- B. Any violation discovered during inspection shall require the inspecting official to give written notice to the unit owner, or designated responsible party, stating all violations, and to give the unit owner 30 days' notice to correct, abate, repair or otherwise remove

the violations. If the violations are not corrected, abated, repaired or removed within the 30-day period, the unit owner shall be subject to penalties in accordance with §295-7(C).

C. Penalties

- a. The penalties and remedies for a violation of the City's Unit Maintenance Code shall be as established in such code.
- b. Any person who violates a provision of this article shall be subject to revocation of license or certificate occupancy or certificate of compliance, and, upon conviction thereof before a Magisterial District Judge, be liable to pay the following penalties:
 - i. A fine of not less than \$300 and not more than \$1,000, in addition to other remedies or courses of action taken by the City.
 - ii. For each day that a violation continues to exist after the time limit established for correction of the violation by a Code Officer, a separate violation shall have been deemed to occur, requiring an additional fine.

D. Nonexclusive remedies. The penalty provisions of this article shall not limit the ability of the City to enforce other City ordinances and to utilize the penalties, remedies and procedures provided under such other City ordinances and state law.

295-9 Appeals

Any person affected by a decision, notice or order of a Code Enforcement Officer under this article shall have the right to appeal to the City of Easton Unit Maintenance Board of Appeals in accordance with the City of Easton Unit Maintenance Code §435-1.