

CHAPTER XI

HOUSING

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Section 1. Short Title.¹ The short title of the ordinance² shall be the "Beech Creek Housing Code."³ (May 4, 1971, Section 1)

Section 2. Definitions. As used in this Code,⁴ the following terms have the indicated meanings:

1. "Approved" means in accordance with regulations established by the Bureau of Building Inspection and the Department of Health.
2. "Basement" means a portion of any dwelling located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
3. "Building" means any permanently erected structure whether or not used or intended to be used for living or sleeping by human inhabitants including garages, barns, and outbuildings.

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1. This heading, and those of Sections 2 to 16 of this chapter, are part of the ordinance as enacted.
 2. This ordinance, Sections 1 to 16 of this chapter.
 3. Section 17 of this ordinance provided that the effective date be July 6, 1971.
 4. Sections 1 to 16 of this chapter.

4. "Cellar" means a portion of any dwelling having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

5. "Dwelling" means a building or structure which is wholly or partly used or intended to be used for the living or sleeping by human occupants.

6. "Dwelling unit" means a room or group of rooms located within a dwelling and forming a simple habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

7. "Extermination" means 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 their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Public Officer.

8. "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, including bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, and storage spaces.

9. "Multi-family dwelling" means any dwelling or part thereof containing three or more dwelling units.

10. "Occupant" means any persons (including an owner or operator) over 1 year of age living and sleeping in a dwelling unit or rooming unit.

11. "Openable area" means the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

12. "Operator" means any person having charge, care, management, or control of any dwelling or part of it, in which dwelling units or rooming units are let.

13. "Owner" means any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit, or rooming unit, or building.

14. "Person" means an individual, firm, corporation, association or partnership.

15. "Plumbing" or "plumbing fixtures" means gas pipes and gas-burning equipment, water-heating facilities, water pipes, garbage disposal units, waste pipes, water pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washers machines, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer and gas lines.

16. "Public Officer" means the Code Enforcement Officer of the Borough of Beech Creek, or his authorized representative.

17. "Premises" means a lot, plot, or parcel of land including the buildings and structures thereon.

18. "Rooming house" shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons.

19. "Rooming unit" shall mean 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, except that a light housekeeping unit is included in this definition if there is not more than one occupant.

20. "Supplied" means installed, furnished, or provided by the owner or operator at his expense.

21. "Yard" means all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a building or dwelling.

22. "Housing Review Board" means a three-member board created under this ordinance,⁵ and appointed by Council. Tenure will be for three (3) years, with each member being appointed such that the term of one member shall expire annually. The Board shall elect its own chairman and set forth and adopt such rules as are necessary for its operation.

23. "Department of Health" or "Department of Public Health" shall mean the Pennsylvania Department of Environmental Resources or the Pennsylvania Department of Health, whichever department shall have jurisdiction.

(May 4, 1971, Section 2, as amended by Ordinance 60, September 6, 1977, Sections 1 to 3)

Section 3. Minimum Standards for Basic Equipment and Facilities. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for basic equipment and facilities:

1. Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet and a lavatory basin.

2. Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy to a person in the room and which is equipped with a bathtub or shower.

5. Sections 1 to 16 of this chapter.

3. Every dwelling unit shall contain within its walls a kitchen sink.

4. Every kitchen sink, lavatory basin and bathtub or shower required for this Code⁶ shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit even when the dwelling heating facilities required by Section 4.5 of this Code⁷ are not in operation.

5. All plumbing fixtures required for this section shall be properly connected to an approved water system and to an approved sewerage or sewage disposal system.

6. Every dwelling unit shall have approved garbage and rubbish storage or disposal facilities. In every multi-family dwelling, such facilities shall be placed in an approved location.

(May 4, 1971, Section 3)

Section 4. Minimum Standards for Light, Ventilation, and Heating. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for light, ventilation, and heating:

1. Every habitable room shall have a window or skylight opening directly to the outdoors. The total area of which such window or skylight shall not be less than ten percent of the floor area of such room for sleeping rooms and seven percent for all other habitable rooms. All windows and skylights shall be enclosed with glass and shall be provided with suitable hardware and made to open to the extent of five percent of the floor area. In the absence of natural ventilation, every habitable room shall be ventilated by approved mechanical means.

2. Every bathroom and water closet compartment shall have at least one window facing to the outdoors and having a minimum openable area of four percent of the floor area of such room except where there is supplied some other device approved by the Department of Public Health as affording adequate ventilation.

3. Every laundry room shall have a minimum openable area of at least two square feet except where there is supplied some other device approved by the Department of Public Health as affording adequate ventilation.

6. Sections 1 to 16 of this chapter.

7. Section 4(5) of this chapter.

4. Every dwelling shall be supplied with electricity, if within 300 feet of available service from power lines. Within such dwelling:

(a) Every habitable room shall contain at least two separate floor or wall-type electric outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture;

(b) Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture; and

(c) Every outlet and fixture shall be properly installed and maintained in good and safe working condition.

5. Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments within its walls to a temperature of at least seventy degrees Fahrenheit at a location three feet above floor level, when the outside temperature is ten degrees Fahrenheit.

6. All fuel-burning heating facilities in any dwelling unit shall be permanent installations attached to an approved flue after ninety (90) days from the effective date of this ordinance.⁸

(May 4, 1971, Section 4, as amended by Ordinance 60, September 6, 1977, Section 4)

Section 5. Minimum Standards for Safety from Fire. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for safety from fire:

1. No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids in any quantity which endangers the lives of the occupants.

2. Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

3. Every hallway, stairway, corridor, exit, fire escape door and other means of egress shall be kept clear at all times.

4. Storage rooms and storage lockers or closets shall not be used for storage of junk, rubbish, waste or inflammable material.

5. There shall be at least two means of egress available for all multi-family houses exceeding two (2) stories above the basement and every two (2) story multi-family house having more than six (6) apartments or

8. See Note 3 of this chapter.

having more than 2500 square feet in area, on each floor, shall have at least two (2) separate exits.

(May 4, 1971, Section 5)

Section 6. Minimum Standards for Space, Use and Location. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for space, use and location:

1. Every dwelling unit shall contain at least one hundred fifty square feet of habitable floor area for the first occupant, at least one hundred square feet of additional habitable floor area for each of the next three occupants, and at least seventy-five square feet of additional habitable floor area for each additional occupant.
2. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least forty-five square feet of floor area for each occupant twelve years of age and over and at least thirty-five square feet of floor area for each occupant under twelve years of age.
3. Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than ten percent of the required habitable floor area. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.
4. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a sleeping room can be had only by going through a bathroom or water closet compartment.
5. No sleeping room shall be occupied by more than two adults except that one child under eight years of age in addition to the two adults may be permitted, and except that rooms occupied by persons of the same sex or by children under five (5) years of age may be occupied by more than two persons where space permits.
6. No cellar shall be used as a habitable room or dwelling unit.
7. No basement shall be used as a habitable room or dwelling unit unless:
 - (a) The floors and walls are substantially watertight.

(b) The total window area, total openable area and ceiling height are in accordance with this Code;⁹ and

(c) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

(May 4, 1971, Section 6)

Section 7. Minimum Standards for Safe and Sanitary Maintenance. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for safe and sanitary maintenance:

1. Every foundation, exterior wall and exterior roof shall be substantially weathertight, and rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
2. Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
3. Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight, and rodent-proof; and shall be kept in sound working condition and good repair.
4. Every inside and outside stair, porch, and any appurtenance thereto shall 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.
5. Every plumbing fixture shall be properly installed and maintained in sanitary working condition, free from defects, leaks and obstructions and in accordance with the plumbing code of the Borough of Beech Creek.
6. Every water closet compartment 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 clean and sanitary condition.
7. Every supplied facility, piece of equipment or utility, which is required under this Code,¹⁰ and every chimney and smokepipe shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

9. Sections 1 to 16 of this chapter; see especially Section 4.

10. Sections 1 to 16 of this chapter.

8. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

9. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement or cellar which might provide an entry for rodents, shall be supplied with a screen or other device which will effectively prevent their entrance.

(May 4, 1971, Section 7)

Section 8. Responsibilities of Owners and Occupants. Where in this Code¹¹ the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator, and occupant is as follows:

1. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit, buildings, and yard which he occupies and controls.

2. Every owner or operator of a two-family dwelling, multi-family dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.

3. Every occupant of a dwelling or dwelling unit shall dispose of all rubbish, ashes, garbage, and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities and shall maintain them in a clean and sanitary manner. The owner or operator of a multi-family dwelling shall furnish common storage or disposal facilities, and shall be responsible for the clean and sanitary maintenance of them. Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary.

4. 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 outbuildings or in the yard. In a two-family dwelling or a multi-family dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

5. Every owner or operator shall be responsible for extermination of any insects, rodents, or other pest whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public area of any two-family dwelling or any multi-family dwelling.

11. Sections 1 to 16 of this chapter.

6. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard.

7. Every occupant of a dwelling unit shall keep all plumbing fixtures in it in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation.

8. During that time of the year when it is necessary, as determined by regulations issued by the Department of Public Health, every owner or operator of every two-family dwelling, multi-family dwelling and rooming house shall supply adequate heat to every habitable room therein except where there are separate facilities for each dwelling unit, which facilities are under the sole control of the occupant of each dwelling unit.

(May 4, 1971, Section 8)

Section 9. Minimum Standards for Rooming Houses. No person shall operate a rooming house or shall let to another for occupancy any rooming unit unless such rooming house or rooming unit complies with the following minimum standards:

1. Every rooming house and every rooming unit shall be in compliance with the minimum standards set forth by the following sections of this Code: Subsection 3.4 of Section 3 (minimum standards for basic equipment [and] facilities);¹² Section 4 (minimum standards for light, ventilation and heating);¹³ Section 5 (minimum standards for safety from fire);¹⁴ Section 6 (minimum standards for space, use and location);¹⁵ Section 7 (minimum standards for safe and sanitary maintenance);¹⁶ and the subsections of Section 8¹⁷ which set forth responsibilities of an owner or operator of a rooming house.

2. Every rooming house shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each six persons or fraction thereof within the rooming house, including members of the family of the owner or operator if they share the use of the facilities. In a rooming house in which rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this subsection except when approved by the Department of Public Health.

12. Section 3(4) of this chapter.

13. Section 4 of this chapter.

14. Section 5 of this chapter.

15. Section 6 of this chapter.

16. Section 7 of this chapter.

17. Section 8 of this chapter.

(XI, sec. 9, cont'd)

3. Every flush water closet, flush urinal, lavatory basin, and bathtub or shower required by subsection 9.2¹⁸ shall be located within the rooming house in a room or rooms which:

- (a) Afford privacy and are separate from the habitable rooms;
- (b) Are accessible from a common hall and without going outside the rooming house; and
- (c) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

4. Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

(May 4, 1971, Section 9)

Section 10. Minimum Standards for Buildings Not Used as Dwellings. No person shall occupy as owner-occupant or shall let to another any land which contains any garage, barn, or building not used as a dwelling which does not comply with the following minimum standards:

1. Every garage, barn, or building shall be substantially rodent-proof, shall be kept in sound condition and good repair, shall be safe for its intended use, and shall not constitute a hazard or a nuisance to the public.

2. No garage or building shall be used for the storage of junk, rubbish, or waste material.

3. All inflammable material shall be stored in a safe and prudent manner.

(May 4, 1971, Section 10)

Section 11. Inspection and Access to Dwellings and Buildings. The Public Officer is authorized and directed to make inspections to determine compliance with this Code.¹⁹ For this purpose, he is authorized, upon showing adequate identification, to enter and examine any dwelling, yard or part of either at all reasonable times, and every owner, operator or occupant shall provide him free access to it.

Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employe, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the

18. Subsection 2 of this section.

19. Sections 1 to 16 of this chapter.

provisions of this ordinance²⁰ or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this ordinance.

(May 4, 1971, Section 11)

Section 12. Notices and Appeals.

1. If a preliminary investigation shall disclose to the Public Officer that there exists a violation of any provision of this Code,²¹ he shall serve written notice of such violation upon the violator. The notice of violation shall specify the violation which exists, shall specify a reasonable time for compliance, and shall contain a notice that a hearing will be held before the Public Officer at a place therein fixed, not less than ten days or more than thirty days after the serving of notice of violation.

2. The owner or any other party of interest affected by the violation may appeal to the Housing Review Board for a review of the decision of the Public Officer in accordance with the procedures prescribed by the Housing Review Board except as provided in subsection 12.5.²² Compliance with the notice of violation shall not be required when an appeal is pending before the Housing Review Board or a court.

3. The Housing Review Board may modify any notice so as to authorize a variance from the terms of this Code, when, because of special conditions, undue hardship would result from literal enforcement, and when such variance substantially meets the spirit of this Code.

4. After the expiration of the time for compliance as stated on the notice of violation, a reinspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Public Officer shall order the violation corrected as specified in Section 12 of this Code,²³ or shall institute prosecution for the violation or both. However, the Housing Review Board may grant a reasonable extension of time for the compliance in cases of hardship.

5. Whenever the Public Officer finds that there exists any violation of this Code which creates an emergency requiring immediate correction to protect the health or safety of any occupant of a dwelling or the public, he may issue a notice of violation stating the facts which constitute the emergency and requiring necessary action to be taken immediately. Any person to whom such notice is directed shall comply immediately even though an appeal is taken to the Housing Review Board. Any person aggrieved by such notice of violation may appeal to the Housing Review Board, as provided in subsection 12.2.²⁴ The Housing Review Board shall give priority to such appeal.

(May 4, 1971, Section 12)

20. Sections 1 to 16 of this chapter.

21. Sections 1 to 16 of this chapter.

22. Subsection 5 of this section.

23. This section.

24. Subsection 2 of this section.

Section 13. Abatement of Violation.

1. If, upon reexamination, after the expiration of the time for compliance with the provisions of this ordinance,²⁵ the Public Officer finds that a violation has not been corrected, he is authorized to cause such dwelling or building to be repaired, altered, or improved or to be vacated or closed in order to effect compliance with this code.²⁶ The Borough shall have authority to collect the cost of effecting compliance with this ordinance along with ten percent (10%) additional of such cost, in the manner prescribed by law.

2. Whenever the Public Officer finds that any building or dwelling constitutes a serious hazard to the health or safety of the occupants or to the public because it is dilapidated, insanitary, vermin infested or lacking in the facilities required by this Code, he shall designate such dwelling as being unfit for human habitation.

3. The cost of all repairs, alterations or improvements, or vacating and closing, or removal or demolition, when authorized by the Public Officer, shall be a municipal lien against the property upon which such cost was incurred. Provided: nothing in this section 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 summary proceedings or otherwise.

4. Complaints or orders issued by the Public Officer, pursuant to this ordinance, shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Public Officer in the exercise of reasonable diligence, and the Public Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper of general circulation in the Borough of Beech Creek. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the County Clerk of Clinton County.

(May 4, 1971, Section 13, as amended by Ordinance 60, September 6, 1977, Sections 5 to 7)

Section 14. Penalties. Any owner, occupant, person, firm or corporation violating any provision of this ordinance²⁷ shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Provided: each day that a violation shall be

25. Sections 1 to 16 of this chapter.

26. Sections 1 to 16 of this chapter.

27. Sections 1 to 16 of this chapter.

permitted to continue shall constitute a separate offense. Provided further: the penalty provided for in this section may be in addition to any costs levied under Section 13 of this ordinance.²⁸ (May 4, 1971, Section 14, as amended by Ordinance 60, September 6, 1977, Section 8)

Section 15. Conflict Provisions. Where a provision of this Code²⁹ is found to be in conflict with a provision in any Building or Zoning Ordinance,³⁰ or in any other ordinance of the Borough of Beech Creek existing on the effective date of this Code,³¹ or in any regulation issued under the authority of such ordinances, the provision which establishes the higher standard for the protection of health, safety, and welfare shall prevail. (May 4, 1971, Section 15)

Section 16. Severability of Provisions. The provisions of this ordinance³² are severable and if any provision of this ordinance or the application of any provision of particular circumstances be held unconstitutional, the remaining provisions of this ordinance or their application in other circumstances shall in no way be affected or impaired. (May 4, 1971, Section 16)

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28. Section 13 of this chapter.
29. Sections 1 to 16 of this chapter.
30. See Chapter XXVII.
31. See Note 3 of this chapter.
32. Sections 1 to 16 of this chapter.

