Centre Region Building Safety & Property Maintenance Code

2016 Edition

DRAFT

April 20, 2016

REVISED

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Centre Region Council of Governments

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PREFACE

Letter Designations in Front of Section Numbers

The content of sections in this code that begin with a letter designation are maintained by another code development committee in accordance with the following:
[F] = International Fire Code Development Committee;
[P] = International Plumbing Code Development Committee;
[B] = International Building Code Development Committee.

Marginal Markings

~~Solid vertical lines in the margins within the body of the code indicating a technical change from the requirements of the previous edition of the International Property Maintenance Code. Dotted vertical lines in the margins within the body of the code indicating a technical change or addition from the requirements of the International Property Maintenance Code 2009 edition made locally.~~ Solid vertical lines in the margins and in purple within the body of the code indicate a change from the requirements of the previous edition of the Centre Region Building Safety and Property Maintenance Code.

Items in blue were passed as part of an ordinance change in the Borough of State College in 2013 and are being incorporated in this document for consistency and ease of use.

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

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CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *Centre Region Building Safety and Property Maintenance Code*, hereinafter referred to as "this code."

101.2 Scope. [4A] The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises*, *structures*, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, *owner's authorized agent, operator*s and *occupants*; the *occupancy* of existing *structures* and *premises*, and for administration, enforcement and penalties.

Exception: *Owner*-occupied single-family dwellings that do not require a rental housing permit are exempted from all sections of this code except Sections 108, 109, 110, 111, 302, 303, 304, exterior provisions of 307, 604, and Chapters 2, 9, 10, and 11 of this code.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of *structures* and *premises*. Existing *structures* and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 False statements. No *person* shall knowingly make any false statement or provide any false information on any form, document, or to any employee of the Centre Region Code Administration or any representative of a *municipality* or other authorized *person*.

SECTION 102
APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *owner's authorized agent, operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

102.3 Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the Uniform Construction Code of Pennsylvania, *International Building Code, International Residential Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Fire Code, International Existing Building Code*, and *National Electrical Code NFPA 70*.

The following notation [ ] behind the section number denotes that the *Municipality* has either not adopted this section or if "A" follows the number they have altered the section and the alteration can be found in the appropriate municipal ordinance appendix.
1. College Township; 2. Ferguson Township; 3. Halfmoon Township; 4. Harris Township; 5. Patton Township; 6. Borough of State College; 7. Borough of Bellefonte

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any *structure* which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or *structures* designated as *historic buildings* when such buildings or *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 11 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply or where the enforcement of a code provision would violate the Uniform Construction Code of Pennsylvania, the provisions of the Uniform Construction Code of Pennsylvania shall apply.

102.8 Requirements not covered by code. ~~No structure, the construction and use of which complied with all code and other such requirements in effect at the time of construction, shall be required to be altered in use or structure by the provisions of this code, except in the case of a clear public safety hazard. In the case of a clear public safety hazard, the code official shall be authorized to enforce a provision of this code, or other recognized relative codes, retroactively.~~ Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure*, or equipment, or for the public safety, health, general welfare, not specifically covered by this code, shall be determined by the *code official*. In the case of a clear public safety hazard, the *code official* shall be authorized to enforce a provision of this code, or other recognized relative codes, retroactively.

102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

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PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The Centre Region Code Administration is hereby designated as the building code department.

103.2 Appointment. The Agency Director of the Centre Region Code Administration is hereby appointed as the *code official*.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

103.4 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to *persons* or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established by resolution of the *Municipality*.

103.5.1 Housing permits. Housing permits shall be renewed annually on or before the expiration date of each year. A housing permit shall become null and void upon permittee's failure to submit the required or proper annual rental housing fee. No reduction shall be made for fractional yearly permits and no refunds will be made for fees paid. A late charge of ~~$3.00~~ equal to 20% of the permit fee per unpaid unit shall be imposed after the date of permit payment due, and with each additional notice every 30-days thereafter until paid. Housing permits shall be transferable upon change of ownership, providing the permitted use has not changed. The new owner or designated *operator* is required to notify the Code Administration office in writing within ~~30~~ 15 days after the change of ownership.

After 90 calendar days of lapsation or non-payment the permit is considered willfully abandoned.

103.5.1.1 Rental permit abandonment. Once a permit has been willfully abandoned a rental housing permit must be obtained prior to renting or offering the unit or *structure* for rent in accordance with this code. This unit or *structure* must comply with all provisions of this code in accordance with a first-time rental permit application.

103.6 Restriction of employees. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section 111, shall not be engaged in, or be directly or indirectly connected with, the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, or the preparation of construction documents thereof, unless that *person* is the *owner* of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.1.1 Municipal manager. All provisions contained in Sections 805 and 806 shall be administered and enforced by the Municipal Manager or others as designated by the Municipal Manager.

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1. College Township; 2. Ferguson Township; 3. Halfmoon Township; 4. Harris Township; 5. Patton Township; 6. Borough of State College; 7. Borough of Bellefonte

104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.2.1 Rental Housing inspection frequency.

1. All rental properties shall be inspected at least once every 36-months. The next regular inspection will be scheduled 36-months or sooner from the last regular inspection, not the last reinspection date.

   Exception: Those properties in the Borough of Bellefonte shall be inspected once every 24-months. The next regular inspection will be scheduled 24-months or sooner from the last regular inspection, not the last reinspection date.

~~2.~~ If a property fails to receive a *satisfactory rental housing inspection* during any regular inspection, that property shall be inspected annually thereafter until such time as the property has received a satisfactory inspection report during three consecutive annual inspections. The Owner shall be charged for each additional inspection required under this section. ~~A satisfactory rental housing inspection is defined as two or fewer (less than three) life safety violations or five or fewer (less than 6) property maintenance violations per permit.~~

3. Nothing in this ordinance shall prevent the *code official* from conducting more frequent inspections of a property. More frequent inspections may occur when one or more of the following occurs:

   a. When a complaint is made and the Code Official has reasonable cause to believe that the complaint is valid.

   b. The property becomes a nuisance property under the provisions of Section 805 or 806 of this code.

   c. At the request of the owner or *tenant*.

104.2.2 No-show fee.

1. If the owner or person-in charge fails to be present or provide interior access for an inspection within ten minutes after the start time of the scheduled inspection, the owner shall be considered a No Show and subject to a No Show Fee as defined herein, except for good cause shown.

2. Following the first No Show, the inspection shall be rescheduled, and the code official shall give notice of the time and date for the rescheduled inspection. If the OWNER or *PERSON-IN-CHARGE* fails to be present or fails to provide interior access for the second inspection, the OWNER or *PERSON-IN-CHARGE* shall be considered a second No Show and shall be subject to an additional No Show fee and shall be in *violation* of this Chapter.

3. Each day that the OWNER or *PERSON-IN-CHARGE* fails or fails to provide interior access to be present for an inspection shall constitute a separate *violation*. If the inspection has not been completed within thirty days of the first scheduled inspection as a result of the OWNER or *PERSON-IN-CHARGE* not being present or failing to provide interior access for a scheduled or rescheduled inspection, the rental permit may be suspended for a period of 180 days, in addition to any other penalties as set forth Section 106.3 of this Chapter.

104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in *violation* of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, subject to applicable laws, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other *person* having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

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104.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105
APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner*'s representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements complying with the provisions of the Uniform Construction Code of Pennsylvania. The details of action granting modifications shall be recorded and entered in the department files. The modification that is approved by the code official is the minimum modification that will be required to achieve the intent and purpose of the code.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons the alternative was not *approved*.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106
VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a *person*, firm or corporation to be in conflict with or in *violation* of any of the provisions of this code or fail to obey a lawful order of the code official.

106.2 Notice of violation. The *code official* shall serve a notice of *violation* or order in accordance with Section 107.

106.3 Penalty. Any *person*, firm, or corporation who shall violate any provision of this code shall, upon

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conviction thereof, be subject to a fine of not less than $300.00 nor more than $1,000.00 or imprisonment for a term not to exceed 30 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.

106.3.1, Unsafe condition violation. In addition to the imposition of the penalties herein described, the *code official* is authorized to issue field fines for unsafe condition *violations*. *Structures* or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress* or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or over *occupancy*, shall be deemed an unsafe condition. The *code official* shall establish, by written regulation, all unsafe conditions and associated fines not less than $150.00 nor more than $300.00 per occurrence. 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 Any *person*, firm, or corporation violating one or more of these sections is exempt from the notification requirements set forth in Section 107. Failure to pay the fine, in full, to the Centre Region Council of Governments (COG) within 10 days of issuance will result in legal action in accordance with Section 106.3. All Unsafe Condition *Violations* can be appealed to the Director of Code Administration within 7 calendar days of issuance.

106.3.1.1 Identification of violation responsibility. When an Unsafe Condition *Violation* is issued within a *dwelling unit*, every attempt will be made to identify the *person(s)* responsible for the *violations*. The *OWNER* or *PERSON-IN-CHARGE* shall provide the *tenant* information to the *code official* within 24-hours when the *tenants* are not present. When the *violation* occurs within a *bedroom* within the *dwelling unit*, the *tenant(s)* within that *bedroom* as identified by the *owner's* agent shall be ~~cited~~ issued the *violation* and or penalty. When the *violation* occurs within a common area within the *dwelling unit*, the *tenant(s)* of the *dwelling unit* as identified by the *owner's* agent will be issued the *violation* and or penalty ~~the fine~~. When the *tenant* information cannot be identified the OWNER will be issued the *violation* and or penalty ~~the fine~~.

106.3.2 Re-inspection fee. When a re-inspection is performed to abate a *violation* of this code and the inspection reveals that the abatement of the *violation* has not been completed or the *owner* or *agent* or *person-in-charge* is not present for a scheduled re-inspection, an additional inspection fee of ~~$45.00~~ $75.00 for ~~the first re-inspection and a fee of $75.00 for~~ every re-inspection ~~there after~~ shall be charged and is required to be paid and *violations* abated prior to the next scheduled re-inspection. Failure to make the required payment, appear for an inspection, or abate the *violations* after this point will then be subject to the penalty section described in Section 106.3. This fee may be revised by resolution of the *Municipality*.

106.3.3 No-show fee. A $75.00 *No-Show Fee* will be assessed when an *OWNER* or *PERSON-IN-CHARGE* fails to provide interior access for a scheduled inspection. Inspections in which an *OWNER* or *PERSON-IN-CHARGE* fails to provide interior access must be rescheduled within 24-hours of the date and time of the initial inspection to avoid assessment of a *No-Show Fee*. When assessed, this fee must be paid within 7 days. Unpaid fees will be added to the next renewal fee for the rental housing permit and if still unpaid shall constitute a basis for denial of renewal. This fee may be revised by resolution of the *Municipality*.

106.3.4 Annual Inspection Fee. A $75 Annual Inspection Fee will be assessed when a property is required to undergo annual inspections as identified in Section 104.2.1. This fee will be assessed annually when the housing permit is renewed. This fee may be revised by resolution of the *Municipality*.

106.3.5 Outstanding Fees. A rental housing permit will not be renewed until all outstanding "reinspection", "no-show" and "annual inspection" fees have been paid.

106.3.4, Unsanitary condition violation. In addition to the imposition of the penalties herein described, the *code official* or *health officer* is authorized to issue field fines for unsanitary and unclean condition *violations*. *Dwelling units* or portions of *dwelling units* that are deemed unsanitary or unclean, or hereafter become

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unsanitary or unclean because of inadequate cleaning, or housekeeping, *neglect*, or otherwise unsanitary practices, shall be deemed an unsanitary or unclean condition. The *health officer* and *code official* shall establish, by written regulation, all unsanitary and unclean conditions and with a fine of $75.00 per occurrence. 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 Any *person*, firm, or corporation violating one or more of these sections is exempt from the notification requirements set forth in Section 107. Failure to pay the fine, in full, to the Centre Region Council of Governments (COG) within 10 days of issuance will result in legal action in accordance with Section 106.3. All Unsafe Condition *Violations* can be appealed to the Director of Code Administration within 7 calendar days of issuance.

106.3.5, Interior furniture violation. In addition to the imposition of the penalties herein described, the *code official* or *health officer* is authorized to issue field fines for *violations* of sections 302.8 and [F] 315.3.1. A fine of $150.00 per occurrence shall be issued for each occurrence observed. 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 Any *person*, firm, or corporation violating one or more of these sections is exempt from the notification requirements set forth in Section 107. Failure to pay the fine, in full, to the Centre Region Council of Governments (COG) within 10 days of issuance will result in legal action in accordance with Section 106.3. All *violations* of sections 302.8 and [F] 315.3.1 can be appealed to the Director of Code Administration within 7 calendar days of issuance.

106.4 Failure to comply. Any *person* who shall continue any work on the system after having been served with a stop work order, except such work as that *person* is directed to perform to remove a *violation* or unsafe condition, shall be liable to a fine of not less than $300.00 or more than $1,000.00. 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.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a *violation*, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

SECTION 107
NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the *code official* determines that there has been a *violation* of this code or has grounds to believe that a *violation* has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the *person* responsible for the *violation* as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the *violation* or *violations* and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or *structure* into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.

107.3 Method of service. Such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to the *owner* personally; or by delivery receipt from a parcel service; or by certified mail addressed to the *owner* at the last known address with return receipt requested; or if the certified letter is returned with receipt showing that it has not been delivered; or by posting a copy thereof in a conspicuous place in or about the *structure* or *premises* affected by such notice. Service of such notice in the foregoing manner upon the *owner's agent* or upon the *person-in-charge* for the *structure* or *premises* shall constitute service of notice upon the owner.

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107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of *violation* has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of *violation* have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of *violation* issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of *violation* and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of *violation*.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, such *structure* shall be *condemned* pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe *structure* is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving *stairway*, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or *structure*.

108.1.3 Structure unfit for human occupancy. A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

108.1.4 Unlawful structure. An unlawful *structure* is one found in whole or in part to be *occupied* by more *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous *structure* or *premises*. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, *stairway*, exit or other *means of egress* that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The *walking surface* of any aisle, passageway, *stairway*, exit or other *means of egress* is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate *means of egress*.

3. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

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5. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.

6. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.

7. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral *persons*, or enables *persons* to resort to the building or *structure* for committing a nuisance or an unlawful act.

8. Any building or *structure* has been constructed, exists or is maintained in *violation* of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or *structure*, used or intended to be used for *dwelling* purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures. If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.7 ~~in case of emergency~~ where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the *code official* has *condemned* a *structure* or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the *structure* affected by such notice and served on the *owner* or the *person* or *persons* responsible for the *structure* or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the *owner* or *person* responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word *"Condemned"* and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any *person* who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any *person* responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

108.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

SECTION 109
EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* which endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close *structures* and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the ~~jurisdiction~~ *municipality*. The legal counsel of the ~~jurisdiction~~ *municipality* shall institute appropriate action against the *owner* of the *premises* where the unsafe *structure* is or was located for the recovery of such costs.

109.6 Hearing. Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOLITION

110.1 General. The *code official* shall order the *owner* of any *premises* upon which is located any *structure*, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe,

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insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such *structure*, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the *building code official*.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private *persons*, and the cost of such demolition and removal shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any *structure* has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111
MEANS OF APPEAL

111.1 Request for appeal. All appeals concerning this code shall be heard before the Centre Region Building and Housing Code Board of Appeals as established by the Joint Articles of Agreement.

Exception: Appeals stemming from actions taken in accordance with Sections 805 and 806 shall be heard in accordance with procedures detailed in those Sections.

Exception: For properties in the Borough of Bellefonte shall be heard before the Bellefonte Housing Board of Appeals in accordance with the procedures set forth in this code.

111.2 Appeal application deadline. The appellant wishing to appeal the decision of the *Code Official* shall do so within 30 calendar days upon receipt of the written decision.

111.3 Application for appeal. The application for appeal shall be made available at the office of the Centre Region Code Administration. The appeal application shall be completed including all required information and any relevant materials for the appeal including the written decision of the *Code Official* and all applicable fees.

111.4 Fees. The fees for appeals under this code shall be established by resolution of the *Municipality*.

111.5 Hearing date. The secretary of the Centre Region Building and Housing Code Board of Appeals shall schedule a hearing of the board, to be held within 60 calendar days of the applicants request unless both parties agree in writing to an extension in time.

111.6 Notice of hearing. The secretary of the Centre Region Building and Housing Code Board of Appeals shall notify in writing by first class mail no later than 10 business days prior to the hearing date the; Notice of Hearing; the appeals form; and the written decision of the *Code Official* to all board members, Public Safety Committee members, *Municipal Managers*, and all Parties of Interest.

111.7 Request for continuance. If the Party of Interest is unable to attend the scheduled meeting of the Centre Region Building and Housing Code Board of Appeals, a written request for continuance shall be submitted to the Agency Director of the Centre Region Code Administration, a minimum of 3 business days prior to the scheduled hearing, detailing why the hearing should not be held as scheduled, and when the Party of Interest would be able to attend. Such a request shall be ruled on by the Board Chairman and if granted rescheduled in accordance with the board rules.

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111.8 Promulgation of decision. Final Board approval of the decision shall be made within 15 business days after the close of evidence, and shall be forwarded by ~~certified~~ United States Mail to all board members, Public Safety Committee members, *Municipal Managers*, and all Parties of Interest by the Board Secretary.

SECTION 112
STOP WORK ORDER

112.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the *person* doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

112.4 Failure to comply. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a *violation* or unsafe condition, shall be liable to a fine of not less than 300 dollars or more than 1000 dollars per day.

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CHAPTER 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code only, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the 2009 editions of the *International Buil*ding Code, *International Residential Code, International Fire Code~~, International Zoning Code~~, International Plumbing Code, International Mechanical Code, International Fuel Gas Code* or National Electrical Code, NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "*dwelling unit*," "dwelling," "*premises*," "building," "*rooming house*," "*rooming unit*," "*housekeeping unit*" or "*story*" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

ACCESSIBLE ELEMENT. An architectural or mechanical component of a building, facility, space, or site thereof that complies with the Accessibility Standard that was in place at the time of the construction of the building, facility, space, or site.

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. *Approved* by the *code official*.

BASEMENT. That portion of a building which is partly or completely below grade and does not qualify as a *story above grade*.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BED & BREAKFAST (B&B). For the purposes of this code, the definition of Bed & Breakfast shall be identical to the definition of Bed & Breakfast in the municipal zoning ordinance of the *municipality* adopting this code.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

CARTWAY: A pathway, paved or not paved, intended for, but not limited to vehicular traffic, also known as a street, lane, alley, road, or drive.

CLEAN AND SANITARY. A surface that is free of visible soil and free from elements such as filth or bacteria that endanger health. Also, the reduction of pathogenic organisms on a clean surface to a safe level.

CODE OFFICIAL. The Director of the Centre Region Code Administration or a duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

CONGREGATE LIVING FACILITIES. A building or part thereof that contains *sleeping units* where *residents* share *bathroom* or kitchen facilities, or both (this definition includes fraternities/sororities and *rooming houses*).

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or

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emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the *municipality*, or board of appeals.

COURT. An open, uncovered space, unobstructed to the sky, bounded on three or more sides by exterior building walls or other enclosing devices.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

ELEVATED PARKING STRUCTURE. Any *structure* or portion of *structure* designed for the purpose of parking or storage of motor vehicles that is not directly supported throughout by soil.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the *structure*.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

FIRE CODE OFFICIAL. For the purpose of this code, the Director of the Centre Region Code Administration charged with the administration and enforcement of the code, or a duly authorized representative.

FIRE CHIEF. For the purpose of this code, the chief officer of the fire department serving the *Municipality* or duly authorized representative. In College Township, Ferguson Township, Patton Township, and State College Borough, all of Centre County, Pennsylvania, the Fire Director as appointed by the Centre Region Council of Governments shall be deemed equal to the *Fire Chief* in those Municipalities.

FIRE ESCAPE. A *stairway* located on the exterior of the *structure* that is constructed for the sole purpose of providing a path of egress travel for building *occupants* in the event of emergency and does not meet the dimensional requirements of an *exterior stairway*.

FRATERNITY/SORORITY HOUSE. For the purposes of this code, the definition of *fraternity / sorority house* shall be identical to the definition of *fraternity or sorority house* in the municipal zoning ordinance of the *municipality* adopting this code.

If the municipal zoning ordinance contains provisions for the temporary re-classification of the *occupancy* during the re-colonization of the *fraternity / sorority*, the *structure* shall remain a *fraternity / sorority* in this code until such time that the zoning use is willfully abandoned.

If the municipal zoning ordinance does not contain a definition for a *fraternity or sorority house* then the a *fraternity or sorority house* shall be defined for this code as, any building used as a dwelling and occupied by and maintained exclusively or primarily for college, university, or professional school students who are affiliated with a social, honorary, or professional organization recognized currently or in the past by a college, university, or professional school.

GRADE FLOOR OPENING. A window or other opening located such that the sill height of the opening is not more than 44 inches (1118 mm) above or below the finished ground level adjacent to the opening.

GUARD. A building component or a system of building components located at or near the open sides of elevated *walking surfaces* that minimizes the possibility of a fall from the *walking surface* to a lower level.

HABITABLE SPACE. Space in a *structure* for living, sleeping, eating or cooking. *Bathrooms*, *toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

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HANDRAIL. A horizontal or sloping rail intended for grasping by the hand for guidance or support.

HEALTH OFFICER. The Officer duly appointed by the *municipality* to administer the health code or a duly authorized representative.

HEATING SYSTEM. A mechanical or electrical system that provides heat to a *structure* including mechanical equipment, appliances, ducts, filters, radiators, furnaces, pumps, piping, and fuel storage.

HISTORIC BUILDING. Any building or *structure* that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOOD SYSTEM: An air intake system used to capture by entrapment, impingement, adhesion, or similar means, grease, moisture, heat, and similar contaminants to transfer them out of the space. The system includes cooking equipment, filters, hoods, ducts, fans, fire extinguishing systems, and special effluent or energy control systems.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a *structure* or *premises* of insects, rats, vermin or other *pests*.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above *labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or *structure* by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

LIFE SAFETY VIOLATION. A condition that could cause serious or life-threatening injury or death at any time due to *structure*s or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress*, which cause a fire hazard, are otherwise dangerous to human life or the public welfare, or which involve illegal or over *occupancy* or failure to maintain fire protection systems. These *violations* are defined in written regulation by the *Code Official*.

MEANS OF EGRESS. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or *structure* to a *public way*. A *means of egress* consists of three separate and distinct parts; the exit access, the exit and the exit discharge.

MUNICIPAL MANAGER. The employee or individual that by resolution or empowerment of the *municipality* adopting this code is duly authorized as manager.

MUNICIPAL SOLID WASTE. Any garbage, refuse, industrial lunchroom or office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial,

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industrial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, industrial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

MUNICIPALITY. The township or borough having powers of self-government that has adopted this code by ordinance or resolution.

NEGLECT. The lack of proper maintenance for a building or *structure*.

NON-COMPLIANT. That which does not meet the requirements of this code, nor the intent of this code.

NO-SHOW FEE. A fee charged for the failure of the OWNER to be present for an inspection within ten minutes after the start time of the scheduled inspection.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

ONE OR TWO FAMILY DWELLING. For the purposes of this code, a *detached* dwelling for one or two families and multiple single-family dwellings (*townhouses*~~) not exceeding 5 occupants per dwelling unit~~ and not more than three stories in height with a separate *means of egress*.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. *Open burning* does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames, *recreational fires* or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

OPERATOR. Any *person* who has charge, care or control of a *structure* or *premises* which is let or offered for *occupancy*.

OWNER. Any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or *municipality* as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court, or in the absence of such people, the person-in-charge, or the *owner's* employee or representative.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PERSON-IN-CHARGE. Any *person* who has charge, care, control or management of a *residential rental property* and lives within 25 air miles from the property. Except where the *person-in-charge* is also the property *owner*, the *person-in-charge* shall be a responsible adult 25 years of age or older. This *person* shall reside in the required radius for the majority of the year, not leaving the region for more than 45 continuous calendar days.

PEST. An insect, *rodent*, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria, or other microorganisms on or in living *person* or other living animals) which the Administrator of the Environmental Protection Agency declares to be a *pest* under section 25(c)(1) of the Federal, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. § 136w(1)).

PEST ELIMINATION. The control and elimination of insects, *rodents* or other *pests* by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any *structures* thereon.

PROPERTY MAINTENANCE VIOLATION. Any conflict or *violation* of this code, other than a *Life Safety Violation* as determined by the *Code Official*.

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PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

RESIDENT. Anyone who resides in a *dwelling unit* for any 6 days or more in any 10 day period.

RESIDENTIAL RENTAL PROPERTY. Any building, or portion thereof, ~~except multiple-family dwellings of 7 or more dwelling units,~~ which is offered for rent or lease as a living facility for XX or more consecutive days with or without compensation. This definition shall not include mobile homes, hotels, motels, dormitories, *tourist homes*, and bed-and-breakfast establishments, ~~non-profit human service agency owned/managed dwellings and owner-occupied 1-family dwellings which contain an apartment or a maximum of 2 rooms~~.

Note: for the definition of a *residential rental property*, XX is defined as the following in the respective *municipality*:

1 – Borough of Bellefonte
1 – College Township
7 – Ferguson Township
7 – Halfmoon Township
7 – Harris Township
7 – Patton Township
7 – Borough of State College

RODENT. Belonging or pertaining to the gnawing or nibbling mammals of the order Rodentia, including the mice, squirrels, beavers, etc.

ROOF. A *roof* is defined as the exterior surface on the top of a building that is not means for walking or seating and does not have fall protection features such as *guardrails*.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

SATISFACTORY RENTAL HOUSING INSPECTION. Defined as two or fewer (less than three) *life safety violations* or five or fewer (less than 6) *property maintenance violations* per permit.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STAIR. A change in elevation, consisting of one or more risers.

STAIRWAY. ~~Adjacent steps and necessary landings having more than 4 risers in order to ascend or descend a vertical height. See Section 307.~~ One or more *flights* of *stairs*, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

STAIRWAY, EXTERIOR. A *stairway* that is open on at least one side, except for required structural columns, beams, *handrails* and *guards*. The adjoining open areas shall be either *yards*, *courts* or *public ways*. The other sides of the exterior *stairway* need not be open.

STAIRWAY, INTERIOR. A *stairway* not meeting the definition of an *exterior stairway*.

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or *roof* next above.

STORY ABOVE GRADE. Any *story* having its finished floor surface entirely above grade, except that a *basement* shall be considered a *story above grade* where the finished surface of the floor above the *basement* is:

1. More than 6 feet (1829 mm) above grade plane.

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2. More than 6 feet (1829 mm) above the finished ground level for more than 50% of the total building perimeter.

3. More than 12 feet (3658 mm) above the finished ground at any point.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TOURIST HOME. For the purposes of this code, the definition of *tourist home* shall be identical to the definition of *tourist home* in the municipal zoning ordinance of the *municipality* adopting this code.

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to *roof* and with open space on at least two sides.

TRANSIENT. Occupancy of a *dwelling unit* or *sleeping unit* for not more than 30 days.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

USE GROUP R-1. This use group shall include all hotels, motels, and boarding houses for more than 5 *occupants* who are primarily transient in nature and occupying the facilities for a period of less than 30 days.

USE GROUP R-2. This use group shall include all multiple-family dwellings having more than 2 *dwelling units*, *rooming houses* having more than 5 *rooming units* and fraternities in which the *occupants* are primarily not transient in nature.

USE GROUP R-3. This group shall include all buildings arranged for *occupancy* as 1- or 2-family *dwelling units* including not more than 5 lodgers or boarders, or adult and child care facilities that provide accommodations for five or fewer *persons* of any age for less than 24 hours.

USE GROUP R-4. This use group shall include all residential buildings arranged for *occupancy* as Residential Care/Assisted Living Facilities including more than five but not more than 16 *occupants*, excluding staff.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

VIOLATION. A failure to follow or abide by the requirements as set forth by this code.

WALKING SURFACE. A stable solid surface including but not limited to stone, concrete, brick, compacted stone, compacted earth, or in some cases grass or other non-solid surfaces, intended for the movement of foot traffic.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a *structure*.

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CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures*, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant *structures* and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a *clean and sanitary* condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, driveways, parking spaces and *stairways* for public use on private property shall be kept in a proper state of repair and maintained free of all snow, ice, mud, and debris. If any sidewalks or driveway, or portion thereof, by virtue of its state of repair shall constitute a hazard to public health and safety, the sidewalk or driveway or portion thereof shall be replaced in accordance with Municipal regulations.

302.4 Fire escapes and exterior stairways. All *fire escapes*, exterior *stairways* and all *walking surfaces* leading from these *structures* to a *public way* shall be kept in a proper state of repair and maintained free of all snow, ice, mud and debris. Removal of snow and ice shall be completed within 24 hours after the snow has ceased to fall or the ice has developed.

302.5 Rodent harborage. All *structures* and *exterior property* shall be kept free from *rodent* harborage and *infestation*. Where *rodents* are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate *rodent* harborage and prevent *reinfestation*.

302.5.1 Insect and rodent elimination. When ordered by the *code official* or *health officer*, *insect* or *rodent* control measures shall be done by a *Pest* Control Operator, with a current certification issued by the Pennsylvania Department of Agriculture to perform this work.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory *structures*, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 ~~Reserved.~~ Interior furniture. Furniture that is manufactured and intended exclusively for interior use including but not limited to sofas, couches, recliners, chase lounges, upright padded chairs, mattresses, box springs, or any furniture containing sufficient padding, and material whether animal, natural, or manmade that it cannot resist the

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environmental elements such as weather, insects, *rodents*, or varments, or which may be in the opinion of the *code official* a fire hazard, shall not be stored, or left on the lawn, driveway, parking area, or walkway.

Exception: That furniture that is properly placed at the curbside for refuse collection.

302.9 Defacement of property. No *person* shall willfully or wantonly damage, mutilate or deface any exterior surface of any *structure* or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

302.10 Elevated parking structures. *Elevated parking structures* shall be inspected on a regular basis, not to exceed 7 years, by a registered design professional in the Commonwealth of Pennsylvania contracted by the *owner* and at the *owner's* expense, to verify the ability of the *structure* to adequately support the appropriate loads as defined by the building code. A letter stating the suitability of the *structure* to adequately resist the code-defined loads shall be kept on file at the code office.

302.11 Trees. This section applies to potentially hazardous, diseased or infested trees that are dead, dying, structurally unsound, infected with contagious diseases or insects, have significant decay, and may potentially impact trees on public or private property, damage *structures*, or property, or cause personal injury.

302.11.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein

DANGEROUS TREE. A tree where the condition presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, *structures*, or development, such as sidewalks or utilities.

DEAD TREE. A tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots, or branches exist to sustain life as determined by an arborist.

DECAY. Degradation of tissue caused by biological organisms; the orderly breakdown of tissue resulting in strength loss.

DISEASED TREE. Any tree infected with a disease causing organism or insect capable of infecting other trees if not removed or left untreated.

DYING TREE. A tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the *infestation* or disease to other trees or is imminently likely to become a danger or die.

STRUCTURALLY UNSOUND TREE. Any tree with a significantly degraded root system, bole, or canopy that significantly increases the likelihood of failure of the entire tree or parts of the tree.

302.11.2 Study ordered. At any time when the *Code Official*, municipal arborist, municipal director of public works, or other municipal official observes a tree that appears to be a structurally unsound tree, a diseased tree, a dead tree, a dying tree, has significant amount of decay present, or a dangerous tree, *code official*, municipal arborist, or municipal director of public works, has the authority to order a special inspection or study be completed by a third party professional certified arborist, contracted by the *owner*, at the *owner's* expense.

306.11.3 Report completion. When ordered in accordance with this Section 302.11.2, a special inspection or engineering report shall be produced to the official who ordered the study within 45 calendar days.

302.11.4 Tree removal. If a tree is determined to be a dangerous tree by a certified arborist, the *code official*, municipal arborist, or municipal director of public works has the authority to require the modification of the tree as to abate the hazard and maintain the tree in a non-dangerous condition. If the hazard cannot be abated the *code official*, municipal arborist, or municipal director of public works have the authority to require the removal of the tree The modification or removal shall be ordered in writing in accordance with the requirements of section 302.11.4.

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302.11.5 Correction order. The correction order shall be in writing and include, details of the correction to be made, the deadline to complete the corrections, and penalties for non-compliance.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a *clean and sanitary* condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: For properties receiving a housing permit for the first time after January 1, 2008, the maintenance of swimming pools, spas and hot tubs and all barrier requirements will be in accordance with Appendix G, of the *International Residential Code* ~~*2009 edition*~~.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The *exterior* of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or *roof* to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. *Structures* or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. *Exterior* walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, *roof* surfaces with inadequate drainage, or any portion of the *roof* framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, *fire escapes*, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and *handrails*, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

304.2 Protective treatment. All *exterior* surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

~~[F]~~ **304.3 Premises identification.** Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.3.1 Balcony numbers. This section shall apply only to multiple-family *dwellings* of 3 or more stories in height and that have balconies. When determining the number of stories of a multiple-family *dwelling*, the street level floor is considered the first *story*. Whenever the Police Department receives 3 or more founded complaints regarding an entire building within any 12-month period, the multiple-family *dwelling* in question shall be required to display the rental *dwelling unit* number on the corresponding balcony in a position easily readable from the ground level in the direction that the balcony is facing and be no less than 6 inches in height. Compliance with this requirement shall be within 60 calendar days after notification by the Police Department. Founded complaints are complaints regarding objects thrown, poured, or otherwise caused to come from 1 or more balconies that are reported to or initiated by a police officer and determined by a police officer to have occurred.

304.3.2 Subordinate premises identification. Individual *dwelling units* in multi-family *dwellings* shall have *approved* address numbers placed in a position to be plainly legible and visible from the adjacent egress path. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. For units that the door can been seen from the *exterior* of the building, numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). For units that the door cannot been seen from the *exterior* of the building, numbers shall be a minimum of 1.5 inches (38 mm) high with a minimum stroke width of 0.25 inch (6.3 mm).

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304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of *rodents* and other *pests*.

304.6 Exterior walls. All *exterior* walls shall be free from holes, breaks, and loose or rotting materials; and *maintained* weatherp*roof* and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The *roof* and flashing shall be sound, tight and not have defects that admit rain. *Roof* drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. *Roof* drains, gutters and downspouts shall be maintained in good repair and free from obstructions. *Roof* water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, *fire escapes*, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every *exterior stairway*, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper *anchorage* and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every *handrail* and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from May 15 to October 1, every door, window and other outside opening required for *ventilation* purposes serving any *structure* having habitable or occupy able rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door shall have a self-closing device in good working condition. Screens shall not be torn or damaged in a way that may allow insect *infestation* into the *structure*.

304.14.1 Insect screens food preparation areas. In multi-family dwellings and commercial *structures*, every door, operable window and other outside opening serving any congregate food preparation areas, congregate food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door shall have a self-closing device in good working condition. Screens shall not be torn or damaged in a way that may allow insect *infestation* into the *structure*.

Exception: Those *structures* where an *approved* air-curtain, manufactured and tested for the expressed purpose of *pest* control is properly installed, and maintained in proper working fashion.

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304.15 Doors. All *exterior* doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on *means of egress* doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of *rodents*, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with *rodent* shields, storm windows or other *approved* protection against the entry of *rodents*.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, *room units* or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which **egress** is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows ~~located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below~~ that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Roof occupancy. Any *person* that is on or occupying the *roof* of any building shall be in violation of this code.

In addition to the noted enforcement agencies authorized in this code, this section can be enforced by the *municipal* health department, and *municipal* police department.

Exception: *Occupancy* of the *roof* is permitted for authorized *persons* for the purposes of inspection or repairs to the *roof* or equipment on the *roof*.

304.20 Fire escape use. The expressed and sole purpose of a *fire escape* is to provide a *means of egress* from a building during an emergency and the purpose of an exterior *stairway* is to provide ingress or egress from a building. It shall be a *violation* of this code to gather on or use the *fire escape* or *exterior stairway* for any purpose other than described.

304.21 Ice buildup. The property *owner* shall not allow ice or other material to build up on a *roof*, overhang, gutter, or other *structure* to the point where it is not fully supported throughout by the building *structure* or to a point where in the opinion of the *code official* it presents a risk of falling and causing injury. If such a condition does exist the *owner* shall remove such material immediately.

304.22 Gates. All *exterior* gates, gate assemblies, operator systems if provided and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

304.23 Exterior stairway riser opening protectives. For all buildings receiving the initial fire permit or initial rental housing permit on or after January 1, 2013 at no point shall the opening between the treads permit the passage of a sphere 4 inches (102 mm) in diameter.

304.24 Fire escape inspection. *Fire escapes* shall be inspected on a regular basis, not to exceed 6 years, by a registered design professional in the Commonwealth of Pennsylvania contracted by the *owner* and at the *owner's* expense, to verify the ability of the *structure* to adequately support the appropriate loads as defined by the building code. A letter stating the suitability of the *structure* to adequately resist the code-defined loads shall be kept on file at the code office.

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SECTION 305
INTERIOR STRUCTURE

305.1 General. The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* which they occupy or control in a *clean and sanitary* condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling unit*s or two or more nonresidential occupancies, shall maintain, in a *clean and sanitary* condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Owner/Occupant Responsibility. *Owners* or *occupants* who fail to keep that part of the *structure* which they occupy or control in a *clean and sanitary* condition are in *violation* of this code and subject to the provisions of Section 106.3 and 106.3.1, and are exempt from the notification requirements of Section 107.

305.1.2 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or *roof* to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. *Structures* or components thereof that have reached their limit state;

4. Structural members are incapable of supporting nominal loads and load effects;

5. *Stairs*, landings, balconies and all similar *walking surfaces*, including *guards* and *handrails*, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, *clean and sanitary* condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every *stair*, ramp, landing, balcony, porch, deck or other *walking surface* shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every *handrail* and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

305.7 Interior stairway riser opening protectives. For all buildings receiving the initial fire permit or initial rental housing permit on or after January 1, 2013 at no point shall the opening between the treads permit the passage of a sphere 4 inches (102 mm) in diameter.

305.8 Residential rental unit vehicle storage. In residential rental units that have attached areas for vehicle storage (garages), hazards such as in adequate fire separations, inadequate fire rating on *structure*, furnaces installed, or other deficiencies that in the opinion of the *code official* constitutes a life safety or fire hazard, the hazard shall be mitigated or the area

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shall be transformed into a use that is compliant based on the conditions present. This would include but not limited to the disabling of or locking of doors to prevent the ability to use the space for vehicle storage.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General. The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

   1.1. Collapse of footing or foundation system;

   1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;

   1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

   1.4. Inadequate soil as determined by a geotechnical investigation;

   1.5. Where the allowable bearing capacity of the soil is in doubt; or

   1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

   2.1. *Deterioration*;

   2.2. *Ultimate deformation*;

   2.3. Fractures;

   2.4. Fissures;

   2.5. Spalling;

   2.6. Exposed reinforcement; or

   2.7. *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

   3.1. *Deterioration*;

   3.2. Corrosion;

   3.3. Elastic deformation;

   3.4. *Ultimate deformation*;

   3.5. Stress or strain cracks;

   3.6. Joint fatigue; or

   3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

   4.1. *Deterioration*;

   4.2. *Ultimate deformation*;

   4.3. Fractures in masonry or mortar joints;

   4.4. Fissures in masonry or mortar joints;

   4.5. Spalling;

   4.6. Exposed reinforcement; or

   4.7. *Detached*, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

   5.1. *Deterioration*;

   5.2. Elastic deformation;

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5.3. *Ultimate deformation*;

5.4. Metal fatigue; or

5.5. *Detached*, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1. *Ultimate deformation*;

6.2. *Deterioration*;

6.3. Damage from insects, *rodents* and other vermin;

6.4. Fire damage beyond charring;

6.5. Significant splits and checks;

6.6. Horizontal shear cracks;

6.7. Vertical shear cracks;

6.8. Inadequate support;

6.9. *Detached*, dislodged or failing connections; or

6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

~~**306.2 Engineering study and special inspection.** At any time when the *Code Official* observes a condition that is determined to require additional inspection or study by someone with advanced or specialized knowledge, the code official has the authority to order a special inspection or engineering study be completed by a third party professional, contracted by the owner, at the owner's expense.~~

~~**306.2.1 Qualifications.** The *code official* shall state in the request for study any minimum qualifications that in the professional opinion of the code official are required to adequately study or inspect the observed problem.~~

~~**306.2.2 Report completion.** When ordered in accordance with this Section, a special inspection or engineering report shall be produced to the Centre Region Code Administration within 45 calendar days.~~

~~**Exception:** The *Code Official* can extend this deadline when in the professional opinion of the code official in conjunction with the engineer of record or special inspector, that the report cannot be property produced within this timeframe due to weather, climate, or study scope and complexity.~~

~~**3.6.2.3 Report content.** At a minimum when ordered in accordance with this Section, the report shall include the a description of the problem, report of the findings, required actions to mitigate the problem, Pennsylvania seal (for registered design professionals), signature, date, deadline for completion of work, any intermediate inspections that are required prior to completion, and any requirements prior to completion regarding use and occupancy of the structure.~~

~~**3.6.2.4 Report completion letter.** When the work detailed in the report is completed, a letter from the special inspector or design professional shall be produced within 15 calendar days, indicating their acceptance of the work and any future need for involvement.~~

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General. Every *exterior* and interior flight of *stairs* having more than four risers shall have a *handrail* on one side of the *stair* and every open portion of a *stair*, landing, balcony, porch, deck, ramp or other *walking surface* which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*.

Exception: *Fire escapes* shall comply with the requirements of Section 307.2.

307.1.1 Handrails. *Handrails* shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or *walking surfaces*. The handgrip portion of *handrails* shall not be less than 1-1/4 inches (31 mm) nor more than 2 inches (50 mm) in cross-sectional dimension or the shape shall

provide equivalent grasp ability. At least 1 *handrail* shall be provided for a *stairway*. The top of a *guardrail* may serve as a *handrail*, provided it meets the *handrail* requirements.

Exception: For properties receiving a housing permit for the first time after ~~the effective date of this code~~ June 1, 2010 or properties replacing *handrails*, the *handrails* shall be installed as follows:

New *handrails* shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. *Handrail* ends shall be returned or shall terminate in newel posts or safety terminals. *Handrails* adjacent to a wall shall have a space of not less than 1 ½ inch between the wall and the *handrails* and shall be installed in accordance with the applicable new construction code.

307.1.2 Guards. *Guards* shall not be less than 36 inches (914 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other *walking surface*. Horizontal spacing between the vertical members in required *guards* shall be a maximum of 6 inches (100 mm) at the nearest point between the members in accordance with the requirements of the *International Building Code*.

Exception: For properties receiving a permit for the first time after ~~the effective date of this code~~ June 1, 2010 or properties that have *guards* with horizontal spacing in excess of 6 inches shall install *guards* as follows:

Required *guards* shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches or more in diameter.

Guards installed in *handrails* assemblies within common enclosed *stair* towers are permitted as previously *approved* until replaced.

307.1.3 Guards required. When a *walking surface* passes within 3 feet (914 mm) of a downward change in elevation of 30 inches (762 mm) or more, the change in elevation shall be protected by a *guard* in accordance with the *International Building Code*.

307.2 Fire escape guards. *Fire escape stairs* and landings shall be provided with a top and intermediate *guard* on each side.

SECTION 308
MUNICIPAL SOLID WASTE

308.1 Accumulation of municipal solid waste. All *exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *municipal solid waste*.

308.2 Disposal of municipal solid waste. Every *occupant* of a *structure* shall dispose of all *municipal solid waste* in accordance with the duly adopted ordinance of the *municipality* dealing with the control of *municipal solid waste*.

308.2.1 Municipal solid waste storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers necessary for the proper control and disposal of *municipal solid waste*, in accordance with the duly adopted ordinance of the *municipality* and the *owner* of the *premises* shall be responsible for the removal of *municipal solid waste*.

308.3 Municipal solid waste facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the *structure* available to the *occupants* in each *dwelling unit*; or an *approved* leak proof, covered, outside *municipal solid waste* container.

SECTION 309
PEST ELIMINATION

309.1 Infestation. All *structures* shall be kept free from insect and *rodent infestation*. All *structures* in which insects or *rodents* are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent *reinfestation*.

309.1.1 Insect and rodent elimination. When ordered by the *code official* or *health officer*, *insect* or *rodent* control measures shall be done by a *Pest* Control Operator, with a current certification issued by the Pennsylvania Department of Agriculture to perform this work.

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309.2 Owner. The *owner* of any *structure* shall be responsible for extermination within the *structure* prior to renting or leasing the *structure*.

309.3 Single occupant. The *occupant* of a one-family *dwelling* or of a single-*tenant* nonresidential *structure* shall be responsible for extermination on the *premises*.

309.4 Multiple occupancy. The *owner* of a *structure* containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for extermination in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for extermination.

309.5 Occupant. The *occupant* of any *structure* shall be responsible for the continued *rodent* and *pest*-free condition of the *structure*.

Exception: Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for extermination

SECTION 310
CHEMICAL AND RADIATION HAZARDS

310.1 Chemical and radiation hazards. Documentation from an *approved* laboratory shall accompany any complaint of chemical or radiation hazard in a *structure*. Identification of hazards shall be conducted by a *person* certified by the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency for such testing and the results published by an *approved* laboratory. Every *owner* of a *structure* in which an identified chemical or radiation hazard exists shall be responsible to make the *structure* safe. Hazards and their standards shall include but not be limited to the following:

1. The presence of asbestos in a friable state - Clean Air Act-42 USC Section 401 et. seq. and Control of Toxic Substances Act-15 USC Subchapter II, Section 2641 et. seq.

SECTION 311
EMERGENCY MEDICAL FEATURES

311.1 Required. Buildings providing an automated external defibrillator (AED) on the premises shall meet the requirements of Sections 311.2 through 311.5.

311.2 Location. The AED shall be located in a public area where all building *occupants* shall have access without the need for a key.

311.3 Mounting requirements. All units shall be located in a conspicuous space and mounted in a cabinet that emits an auditory alarm when the cabinet has been opened or a location and mounting method *approved* by the *code official*. The auditory alarm is permitted to be overridden by a key for normal maintenance. In all cases the mounting of units shall be such that the top of the cabinet is not more than 5 feet (1524 mm) above the finished floor.

311.4 Signage. Each AED installation shall be provided with signage required to appear on the wall informing the public as to the availability of an AED at that location and on the face of the storage container in which the AED is contained. Wall signage shall be in the form of a clear and conspicuous wall sign placed at a height between five feet (1524 mm) and seven feet (2134 mm) above the floor and which is also in close proximity to the automated external defibrillator unit storage location. The sign shall contain the following information at a minimum:

1. "DEFIBRILLATOR" or "AED" (minimum height - two (2) inches (50.8 mm))
2. "Automated External Defibrillator" (minimum height – five eighths (5/8) inch (15.9 mm))
3. Heart and lightening bolt logo (minimum height - two (2) inches (50.8 mm))

A second wall sign either similarly placed as the one required of this section or located on the storage cabinet containing the automated external defibrillator must contain the following information in the size indicated:

"In event of emergency call 911" (minimum height –three eighths (3/8) inch (9.5 mm))

311.5 Maintenance. The building *owner* is required to maintain the AED in proper working order and ready for use at all times.

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SECTION 312
ENGINEERING STUDY AND SPECIAL INSPECTIONS

312.1 Engineering study and special inspection. At any time when the *Code Official* observes a condition that is determined to require additional inspection or study by someone with advanced or specialized knowledge, the *code official* has the authority to order a special inspection or engineering study be completed by a third party professional, contracted by the *owner*, at the *owner's* expense.

312.1.1 Qualifications. The *code official* shall state in the request for study any minimum qualifications that in the professional opinion of the *code official* are required to adequately study or inspect the observed problem.

312.1.2 Report completion. When ordered in accordance with this Section, a special inspection or engineering report shall be produced to the Centre Region Code Administration within 45 calendar days.

Exception: The *Code Official* can extend this deadline when, in the professional opinion of the *code official* in conjunction with the engineer of record or special inspector, that the report cannot be properly produced within this timeframe due to weather, climate, or study scope and complexity.

3.12.1.3 Report content. At a minimum when ordered in accordance with this Section, the report shall include the a description of the problem, report of the findings, required actions to mitigate the problem, Pennsylvania seal (for registered design professionals), signature, date, deadline for completion of work, any intermediate inspections that are required prior to completion, and any requirements prior to completion regarding use and *occupancy* of the *structure*.

3.12.1.4 Report completion letter. When the work detailed in the report is completed, a letter from the special inspector or design professional shall be produced within 15 calendar days, indicating their acceptance of the work and any future need for involvement.

SECTION 313
EMERGENCY ACCOMODATIONS

313.1 Scope. The provisions of this section apply to rental housing units that have been declared unfit for human habitation, *condemned*, or un-safe by the *Code Official* or *Health Officer* in accordance with this code, and in the opinion of the *Code Official* or *Health Officer* the conditions requiring the declaration were not caused by the *tenant* or were not within the *tenants* control to advert.

313.2 Accommodations. If the dwelling will not be able to be used for a period of eight hours or more or that it will not be accessible for any time between the hours of 11 pm and 7 am local prevailing time the *Code Official* or *Health Officer* may order the *owner* or *person-in-charge* to make accommodations for the *tenants* to be housed at alternative location that is permitted properly under this code solely at the *owners* expense and at no expense to the *tenant*. In addition, if the accommodations provided do not provide for cooking and eating facilities in accordance with this code, the *owner* shall provide the *tenant* with a meal allowance in accordance with United States General Services Administration (GSA) stated rates for the duration of the period of displacement.

SECTION 314
ACCESSABILITY FEATURES

314.1 Scope. The provisions of this section apply to all *structures* and *exterior* areas that have been constructed with accessibility features.

314.2 Maintenance. The accessibility features of all *structures*, and *exterior* areas shall be maintained in the same condition and configuration as they were permitted and constructed.

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CHAPTER 4
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

401.2 Responsibility. The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total square feet, measured between stops, for every *habitable space* shall be 5 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the *International Building Code*. Wherever walls or other portions of a *structure* face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such 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.

402.2 Common halls and stairways. Every common hall and *stairway* in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60- watt standard incandescent for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, *means of egress*, including exterior *means of egress*, *stairways* shall be illuminated at all times the building space served by the *means of egress* is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

402.4 Closet and storage lighting requirements. For the purposes of this section, storage space shall be defined as a volume bounded by the sides and back closet walls and planes extending from the closet floor vertically to a height of 6 feet (1829 mm) or the highest clothes-hanging rod and parallel to the walls at a horizontal distance of 24 inches (610 mm) from the sides and back of the closet walls respectively, and continuing vertically to the closet ceiling parallel to the walls at a horizontal distance of 12 inches (305 mm) or the width of the shelf, whichever is greater. For a closet that permits access to both sides of a hanging rod, the storage space shall include the volume below the highest rod extending 12 inches (305 mm) on either side of the rod on a plane horizontal to the floor extending the entire length of the rod.

The types of luminaires installed in clothes closets shall be limited to surface-mounted or recessed incandescent luminaires with completely enclosed lamps, surface-mounted or recessed fluorescent luminaires, and surface-mounted fluorescent or LED luminaires identified as suitable for installation within the storage area. Incandescent luminaires with open or partially enclosed lamps and pendant luminaires or lamp-holders shall be prohibited. The minimum clearance between luminaires installed in clothes closets and the nearest point of a storage area shall be as follows:

1. Surface-mounted incandescent or LED luminaires with a completely enclosed light source shall be installed on the wall above the door or on the ceiling, provided that there is a minimum clearance of 12 inches

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(305 mm) between the fixture and the nearest point of a storage space.
2. Surface-mounted fluorescent luminaires shall be installed on the wall above the door or on the ceiling, provided that there is a minimum clearance of 6 inches (152 mm).
3. Recessed incandescent luminaires or LED luminaires with a completely enclosed light source shall be installed in the wall or the ceiling provided that there is a minimum clearance of 6 inches (152 mm).
4. Recessed fluorescent luminaires shall be installed in the wall or on the ceiling provided that there is a minimum clearance of 6 inches (152 mm) between the fixture and the nearest point of a storage space.
5. Surface-mounted fluorescent or LED luminaires shall be permitted to be installed within the storage space where identified for this use.

SECTION 403
VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have at least one openable window. The total *openable area* of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

Exception: Rooms where mechanical *ventilation* are provided in accordance with the International Mechanical Code shall be provided with a level of *ventilation* that meets or exceeds this section.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the *structure* in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

403.5.1 Duct construction. Exhaust ducts shall be constructed of minimum 0.016 inch-thick rigid metal ducts, having smooth interior surfaces with joints running in the direction o air flow. Exhaust ducts shall not be connected with sheet-metal screws or fastening means which extend into the duct.

403.5.2 Transition ducts. Transition ducts shall not be concealed within construction. Flexible transition ducts used to connect the dryer to the exhaust duct system shall be limited to single lengths, not to exceed 8 feet (2438 mm).

403.5.3 Length identification. For buildings constructed after January 1, 2010 and those installing dryer venting systems after the effective date of this code, where the exhaust duct is concealed within the building construction, the equivalent length of the exhaust duct shall be identified on a permanent label or tag. The label or tag shall be located within 6 feet (1829 mm) of the exhaust duct to appliance connection.

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403.5.4 Auxiliary equipment identification. For buildings constructed after January 1, 2010 and those installing dryer venting systems after the effective date of this code, where the exhaust duct length exceeded the maximum length requirements and an auxiliary blower or fan has been installed to allow additional duct length, the presence of this equipment must be identified including the equipment location, the equipment manufacturer name and model number, service requirements, and frequency of service. The label or tag shall be located within 6 feet (1829 mm) of the exhaust duct to appliance connection.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. ~~Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.~~

404.3 Minimum ceiling heights. [4A] *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.3.1 Stair headroom. The minimum headroom in all parts of the *stairway* shall not be less than 6 feet 8 inches (2032 mm) measured vertically from the sloped line adjoining the tread nosing or from the floor surface of the landing or platform on that portion of the *stairway*.

Exception: Where the nosings of treads at the side of a flight extend under the edge of a floor opening through which the *stair* passes, the floor opening shall be allowed to project horizontally into the required headroom a maximum of 4 3/4 inches (121 mm).

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m^2) and every *bedroom* shall contain at least 70 square feet (6.5 m^2).

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only *means of egress* from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same *story* as the *bedroom* or an adjacent *story*.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width

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requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of *persons* occupying a *dwelling unit* or any space shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

404.5.1 Definitions. The following words and terms shall, for the purposes of this sub-section and as used elsewhere in this code, have the meanings shown herein.

Occupancy limit. The maximum number of *persons* over the age of eighteen or who are considered adults by the Commonwealth of Pennsylvania who can legally occupy the space at any given time.

Occupant load. *Occupant* load is the number of *persons* occupying the *dwelling unit* over the age eighteen or who are considered adults by the Commonwealth of Pennsylvania.

Residency limit. The maximum number of *persons* over the age of eighteen or who are considered adults by the Commonwealth of Pennsylvania who can legally reside in space.

Resident load. *Resident* load is the number of *persons* who reside in the *dwelling unit* over the age eighteen or who are considered adults by the Commonwealth of Pennsylvania.

404.5.2 Occupancy limit. The *code official* shall establish in accordance with the building code that was legally adopted at the time of construction the *occupancy* limit for each *dwelling unit*, *tenant* space, and building.

404.5.2.1 ~~404.5.1~~ ~~Occupancy limits~~ Egress limitations. ~~This section applies to the gathering of persons in a room, space or dwelling unit for all uses other than general occupancy as described in Section 404.5.2.~~ Any room, space or *dwelling unit* containing more than ~~50~~ 49 *persons* gathering for purposes such as civic, social or religious functions, recreation, food or drink consumption is required to have at least two *approved* exits. When more than one exit is required, all exit doors must swing in the direction of egress. Any *dwelling unit* requiring two or more exits is required to comply with Section 702.1.1 regarding exit signs and emergency lighting.

404.5.2.3 ~~404.5.4~~ Uniform construction code. *Occupancy* of properties constructed after July 1, 2004 will be in accordance with the ~~(~~Uniform Construction Code of Pennsylvania.~~)~~

Section 1004 of the International Building Code for residential *occupancy*, the minimum gross floor area per *occupant* shall be 200 square feet.

404.5.2 Residency limit. The *code official* shall establish in accordance with the building code, applicable zoning ordinance requirements, and the requirements of this code the residency limit for each *dwelling unit*.

404.5.2.1 ~~404.5.2~~ Rental unit general ~~occupancy~~ residency. The ~~occupancy~~ residency of a room or a *dwelling unit* by *tenants*, *residents* or others residing within this property is regulated by this section. It is a violation of this code for more *persons* than what is ~~Existing dwelling units shall not be occupied by more than~~ permitted by the minimum area requirements of Table 404.5, 404.5.1, or 404.5.2 to reside in the dwelling.

404.5.2.2 ~~404.5.3~~ Zoning restrictions. For existing buildings being converted to a rental property without the need for a change of use permit, the *occupancy* will be in accordance with Table 404.5.2. or determined by the zoning regulation of the *Municipality*, whichever is most restrictive.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two *occupants* shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three *occupants* shall have a clear floor area of not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.

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2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.

4. The maximum number of *occupants* shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

404.8 Congregate cooking facility inspection. All food preparation areas in *congregate living facilities* that serve or prepare food for 25 or more *persons* or *residents* shall be inspected by the State College Borough Division of Health and Neighborhood Services. The frequency of inspection shall not exceed 12 months, and may be reduced if in the opinion of the inspector that conditions warrant. The State College Borough Division of Health and Neighborhood Services may charge a fee for this service if adopted by municipal resolution.

404.9 Maximum occupancy of fenced in exterior areas. When a fence is installed on a property with a *structure* inside the fence perimeter, or directly adjacent to the fenced perimeter, that limits the egress from the property or limits ingress to the property, the maximum *occupancy* inside the fenced in area is the same as the maximum *occupancy* of the afore mentioned *structure*. No additional *occupancy* above or beyond the *occupancy* limit of the *structure* is allowed. The fence shall include gates or exits that will allow for safe and proper egress of all *occupants* in the opinion of the *code official*, using the requirements of the International Building Code as a basis of decision. When the *occupancy* limit of these areas exceeds 49, all gates or *means of egress* shall open outward and shall be manipulated easily without special knowledge.

When a fence is installed on a property without a *structure* inside the fence perimeter, or directly adjacent to the fenced perimeter, that limits the egress from the property or limits ingress to the property, the maximum *occupancy* inside the fenced in area shall be established using the International Building Code as a basis of calculation. The fence shall include gates or exits that will allow for safe and proper egress of all *occupants* in the opinion of the *code official*, using the requirements of the International Building Code as a basis of decision. When the *occupancy* limit of these areas exceeds 49, all gates or *means of egress* shall open outward and shall be manipulated easily without special knowledge.

If the fence obstructs the visibility of the street address for the property, the street address shall be placed on the exterior of the fence in a conspicuous location that is visible from the street and meets the requirements of this code.

If the fence obstructs the visibility or access to any fire department connection, access needs to be provided in close proximity to the fire department connection. The access point shall be signed on the exterior of the fence in a conspicuous location that is visible from the street and meets the requirements of this code.

If the property *owner* wishes to increase the *occupancy* limit for these areas, a detailed proposed configuration and proposed *occupancy* limit shall be submitted in writing a minimum of 15 working days to the *code official* for consideration.

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Table 404.5 [4A]
Minimum *Habitable Space* (square feet [square meters]) applies to all properties receiving a rental housing permit on or before December 31, 1997

Space/ ~~*Occupant*~~*Resident*	1	2	3	4	5	6	Or more
Living Room, Dining Room, and Kitchen Combined	50 [4.645]	100 [9.29]	190 [17.652]	220 [20.439]	250 [23.226]	310 [28.8]	310 [28.8]
Bedroom	70 [6.503]	100 [9.29]	150 [13.935]	200 [18.581]	250 [23.226]	300 [27.871]	(a)
Total	120 [11.148]	200 [18.581]	340 [31.587]	420 [39.019]	500 [46.452]	610 [56.671]	310 + (a) [28.8 + (a)]

(a) = plus 50 additional square feet (4.645 square meters) per ~~*Occupant*~~*resident*

Table 404.5.1 [1A, 2A, 4, 5A]
Minimum *Habitable Space* (square feet [square meters]) applies to all properties receiving a rental housing permit for the first time between January 1, 1998 and December 31, 2002

Space/ ~~*Occupant*~~*Resident*	1	2	3	4	5	6	Or more
Living Room, Dining Room, and Kitchen Combined	50 [4.645]	100 [9.29]	250 [23.226]	250 [23.226]	250 [23.226]	310 [28.8]	310 [28.8]
Bedroom	70 [6.503]	120 [11.148]	150 [13.935]	200 [18.581]	250 [23.226]	300 [27.871]	(a)
Total	120 [11.148]	220 [20.439]	400 [37.161]	450 [41.806]	500 [46.452]	610 [56.671]	310 + (a) [28.8 + (a)]

(a) = plus 50 additional square feet (4.645 square meters) per ~~*Occupant*~~*resident*

Table 404.5.2 [1, 2, 4, 5]
Minimum *Habitable Space* (square feet [square meters]) applies to all properties receiving a rental housing permit for the first time after January 1, 2003

Space/ ~~*Occupant*~~*Resident*	1	2	3	4	5	6	Or more
Living Room, Dining Room, and Kitchen Combined	100 [9.29]	150 [13.935]	250 [23.226]	250 [23.226]	300 [27.871]	300 [27.871]	300 [27.871]
Bedroom	100 [9.29]	150 [13.935]	200 [18.581]	250 [23.226]	300 [27.871]	350 [32.516]	350 + (a) [32.516 +(a)]
Total (except those constructed on or after July 1, 2004, see Section 404.5.4)	200 [18.581]	300 [27.871]	450 [41.806]	500 [46.452]	600 [55.742]	650 [60.387]	650 + (a) [60.387 + (a)]

(a) = plus 50 additional square feet (4.645 square meters) per ~~*Occupant*~~*resident*

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CHAPTER 5
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *structure* or *premises* which does not comply with the requirements of this chapter.

[P] SECTION 502
REQUIRED FACILITIES

502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

[P] SECTION 503
TOILET ROOMS

503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of *stairs* and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one *story* above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage *structures* or kiosks, which are located in adjacent *structures* under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a *clean and sanitary* condition.

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[P] SECTION 504
PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506
SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. ~~Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.~~ Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. The cleaning process shall be completed by an *approved* third-party cleaning company on an annual basis. If the *code official* or *health officer* determines based on observations that the grease interceptor is not performing adequately, the *code official* or *health officer* may order that the grease interceptor be cleaned at any time or that the cleaning frequency be increased going forward.

When the grease interceptor is cleaned, no grease shall be flushed or pass into the building drainage system, the public sewer, or the private sewage disposal system or municipal storm sewer.

A material data sheet (SDS) shall be submitted to the municipal engineer for any product used in cleaning the grease interceptor.

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At the time of cleaning, the grease interceptor shall be marked with an inspection tag supplied by the third-party cleaning company. This tag shall remain on the grease interceptor until the next cleaning. The tag shall at a minimum contain the following information:

1. Name of the third-party cleaning company
2. The business address of the third-party cleaning company
3. A valid telephone number for the third-party cleaning company
4. The name of the facility being cleaned
5. The address of the facility being cleaned
6. The date of the cleaning
7. The name of the technician doing the cleaning
8. The signature of the cleaning technician
9. Notation if there were any problems with the equipment observed at the time of cleaning

All records of maintenance, cleaning and repairs shall be available for inspection by the *code official* or *health officer* and shall be maintained for a minimum of 5 years.

[P] SECTION 507
STORM DRAINAGE

507.1 General. Drainage of *roofs* and paved areas, *yards* and *courts*, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance or negatively impacts neighboring properties.

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CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in *structures* as required by this section.

602.2 Residential occupancies. Every dwelling~~s~~ unit shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) measured at 3 feet (914 mm) above the floor and a distance 2 feet (914 mm) from the exterior wall in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*~~. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~ Cooking appliances shall not be used, nor shall portable space heaters be used, as a means to provide required heating.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling unit, rooming unit,* dormitory, or guest room on terms, either express or implied, to furnish heat to the *occupants* thereof, shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 68° F (20° C) in all habitable rooms, *bathrooms* and *toilet rooms* during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 65° F (18° C) during other hours.

602.4 Occupiable work spaces. Every enclosed occupied workspace shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 68° F (20° C) during all working hours.

Exception:

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.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, fossil-fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Installation, maintenance and inspection of these appliances shall be in accordance with the manufacturer's recommendations. If manufacturer's recommendations are not available, the installation and/or maintenance will be in accordance with the International Residential Code, International Mechanical Code, International Fuel Gas Code, and/or the appropriate NFPA standard for the specific use and appliance as *approved* by the *Code Official*. At no time will this inspection cycle exceed 1 year.

An inspection of a fuel burning appliance that is vented to the exterior shall include an inspection of the entire system, from air-intake to exhaust.

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603.1.1 Compliance tag. A compliance tag or proof of inspection will be displayed on each *heating system* inspected, indicating the name of the company (if applicable), technician performing the service and the date of the service. Any deficiencies noted during the inspection must be corrected before a compliance tag is displayed on the appliance.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space shall be provided for fuel-burning equipment in accordance with the manufacturer's listing or the International Mechanical Code listed in Chapter 11.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National electrical Code, NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes, or the minimum allowable service permitted by the local electrical utility company.

604.3 Electrical system hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;

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10. Protective relays, meters and current transformers;

11. Low- and medium-voltage switchgear;

12. Liquid-filled transformers;

13. Cast-resin transformers;

14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;

16. Luminaires that are listed as submersible;

17. Motors;

18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.1.1 Three to two prong adapters. Electrical 3 to 2 prong adapter plugs shall not be used in conjunction with appliances that require a ground-type receptacle.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle. Every *bathroom* shall contain at least one receptacle and all *bathroom* receptacle outlets shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior *stairway*, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

605.4 Lighting equipment. In closets, storage areas, *bathrooms*, under kitchen *hood systems*, and in any other high humidity area or area where combustible material is likely to come in contact with the lamp or luminaire, all lighting equipment shall be maintained in the same condition as installed and *approved* by the *code official*. This includes but is not limited to globes.

605.5 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

605.6 Routine maintenance. All electrical equipment shall be kept in working order according to their listing.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1 and the requirements of the Pennsylvania Department of Labor and Industry. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed

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in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

607.2 Hood systems. *Hood systems* shall be maintained in accordance with this code, the manufacturer's installation instructions, and NFPA 96. *Hood systems* shall be regularly serviced and cleaned to prevent the accumulation of oil, grease, and other harmful, combustible or flammable substances. The cleaning process shall be completed by an *approved* third-party cleaning company on a basis not to exceed that stated in NFPA 96. If the *code official* or *health officer* determine based on observations that the *hood system* is not performing adequately or that material buildup is observed, the *code official* or *health officer* may order that the *hood system* be cleaned at any time or that the cleaning frequency be reduced going forward.

At the time of cleaning, the *hood system* shall be marked with an inspection tag supplied by the third-party cleaning company. This tag shall remain on the *hood system* until the next cleaning. The tag shall at a minimum contain the following information:

1. Name of the third-party cleaning company
2. The business address of the third-party cleaning company
3. A valid telephone number for the third-party cleaning company
4. The name of the facility being cleaned
5. The address of the facility being cleaned
6. The date of the cleaning
7. The name of the technician doing the cleaning
8. The signature of the cleaning technician
9. Notation if there were any problems with the equipment observed at the time of cleaning

All records of maintenance, cleaning and repairs shall be available for inspection by the *code official* or *health officer* and shall be maintained for a minimum of 5 years.

SECTION 608
CARBON MONOXIDE DETECTION

608.1 Where required. An *approved* carbon monoxide (CO) detector shall be installed in all *dwelling units*, *rooming units*, guest rooms, and lodging rooms when a fossil fuel or solid fuel appliance is utilized as the primary or supplemental heat source, fixed cooking appliance, or auxiliary power source. The options for the installation of these devices are:

1. If the *dwelling unit* or guestroom contains a fuel-burning appliance or has an attached garage, a CO alarm is required to be provided in the immediate vicinity of the sleeping rooms.

2. If ductwork or *ventilation* shafts to a room containing a fuel-burning appliance or to an attached garage connect the *dwelling unit* or guestroom, a CO alarm is required to be provided in the immediate vicinity of the sleeping rooms.

3. If the installation of CO alarms is not triggered by 1 or 2 above, but the building contains a fuel-burning appliance or has an attached garage, common area CO alarms are required to be installed in the immediate vicinity of the room containing the fuel-burning appliance and in the immediate vicinity of any *ventilation* shaft on the floor containing the fuel- burning appliance and within 2 stories above and below. Common-area CO alarms must be interconnected or monitored. As an alternative, CO alarms can be installed in each unit on the floor, 2 floors above and below.

608.2 Approved detectors. *Approved* detectors will be listed in accordance with ANSI/UL 2034.

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608.3 Alarm system. In buildings where the CO detector is connected to a fire alarm system, activation of a CO detector shall not transmit a signal to the central station unless it is a distinct "carbon monoxide alarm" signal. Activation of a CO detector shall not cause notification to the entire building, only at the affected detector and the fire alarm control panel.

608.4 Responsibility. It shall be the responsibility of the property *owner* or *person-in-charge* to provide a functioning carbon monoxide alarm at the beginning of each lease period. *Tenants* are responsible to maintain the detector in a functional condition at all times after starting *occupancy*.

608.5 Tampering. Removal of the battery or power source from a carbon monoxide alarm, making the detector inoperable or tampering with the detector in any way is a *violation* of this code and subjects that *person* to the *violation* penalties.

SECTION 609
MOISTURE CONTROL

609.1 Dehumidifiers. In rental housing units that are located below grade or partially below grade as part of an overall moisture control system the *code official* may require the *owner* to provide dehumidification equipment for use in the effected rental housing unit if in the opinion of the *code official* that the ambient moisture is contributing to mold or mildew growth. The *owner* shall supply the equipment for use to the *tenant* at no cost to the *tenant*.

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CHAPTER 7
FIRE SAFETY REQUIREMENTS

SECTION 701
GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to *structures* and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this chapter.

[F] SECTION 702
MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. *Means of egress* shall comply with the *International Fire Code.*

702.1.1 Means of egress lighting. All *means of egress* in Use Groups *R-1*, *R-2*, and *R-4* shall be equipped with artificial and emergency lighting and exit signs in accordance with the requirements for new buildings in the International Building Code listed in Chapter 11.

702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

702.3 Locked doors. All *means of egress* doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

702.3.1 Doors and gates. Doors, gates, and their hardware shall be installed and maintained in accordance with the International Building Code Section 1008.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

702.4.1 Emergency escape requirements. Every sleeping room located in a *basement* in an *occupancy* Use Group I-1 or R shall have at least one operable window or exterior door *approved* for emergency egress or rescue, or shall have access to not less than 2 *approved* independent exits. An outside window or exterior door for emergency escape is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or Section 903.3.1.2 of the *International Fire Code*. Each emergency escape and rescue window shall have a minimum net clear opening of 5.7 square feet (0.53 m^2). The net clear opening shall be at least 24 inches (610 mm) in height and at least 20 inches (508 mm) in width. The net clear opening dimensions shall be obtained by the normal operation of the window from the inside. The bottom of the net clear opening shall not be more than 44 inches (1118 mm) above the floor. The minimum net clear opening for grade floor windows shall be 5 square feet (0.47 m^2).

This section shall apply retroactively to all existing rental properties.

702.4.1.1 Emergency escape window wells. The area of the window well shall allow the emergency escape and rescue opening to be fully opened. Window wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders

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shall project at least 3 inches from the wall and rungs or steps shall be spaced not more than 18 inches on center vertically for the full height of the window well and *guard* if installed.

702.4.1.2 Bars, grilles, covers and screens. Bars, grilles, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve such openings. Such devices shall be releasable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the escape and rescue opening.

702.4.1.3 Emergency escape windows under decks and porches. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a clear path of not less than 36 inches in height to a *yard* or *court*.

702.5 Corridor enclosure. Multi-family buildings with one exit as permitted in the building code, and all corridors serving an *occupant* load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors, and other openings shall be closed or shall be self-closing.

Exception: Corridors that are in compliance with the *International Building Code*.

702.6 Number of exits. In residential buildings (not including *One or Two Family Dwellings*), every *story* exceeding 2 stories above grade shall be provided with not less than 2 independent exits. In stories where more than 1 exit is required, all *occupants* shall have access to at least 2 exits. Every occupied *story* which is both totally below grade and greater than 2,000 square feet shall be provided with not less than 2 independent exits.

Exception: A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an *approved* smoke-proof enclosure or pressurized *stairway*.
3. Where an existing *fire escape* conforming to the *International Building Code, 2009 edition* is provided in addition to the single exit.
4. Where permitted by the International Building Code, 2009 edition.

702.6.1 [1, 4, 5] Three story one or two family dwelling. Any existing *one or two family dwellings* having *habitable space*, not including kitchens, on the third floor must provide two *approved means of egress* from this space. Newly constructed *stairways* will be in accordance with the *International Residential Code*, as amended or as *approved* by the *code official*. Existing windows can be used for access to the *stairway* providing that the window meets the requirements of an egress window in accordance with 702.4.1 of this code. If an opening does not exist the new opening must be a doorway of an *approved* dimension in accordance with the *International Residential Code*.

Exception: A *one or two family dwelling* protected throughout with an *approved* automatic sprinkler system.

702.7 Egress through intervening spaces. In Properties receiving a rental housing permit for the first time on or after November 22, 2004, egress shall not pass through kitchens, storage rooms closets or spaces used for similar purposes. An exit access shall not pass through a room that can be locked to prevent egress. *Means of egress* from *dwelling units* or sleeping areas shall not lead through other sleeping areas, *toilet rooms* or *bathrooms*.

Exception: *Means of egress* are not prohibited through a kitchen area serving adjoining rooms constituting part of the same *dwelling unit*.

Egress from a *rooming unit* within a *rooming house* is not exempt from this Section in accordance with the *International Building Code*, Section 1013.2.

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[F] SECTION 703
FIRE-RESISTANCE RATINGS

703.1 Maintenance. The required *fire-resistance rating* of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, *smoke barriers*, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the *owner* annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

703.1.1 Fireblocking and draftstopping. Required *fireblocking* and draftstopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

703.1.2 Smoke barriers and smoke partitions. Required *smoke barriers* and smoke partitions shall be maintained to prevent the passage of smoke. All openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

703.1.3 Fire walls, fire barriers and fire partitions. Required *fire walls*, *fire barriers* and *fire partitions* shall be maintained to prevent the passage of fire. All openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

703.2 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. Fire doors and *smoke barrier* doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.

703.2.1 Fire resistive glazing. Exterior wall openings within 10 feet (3048 mm) of an existing *fire escape* or ~~exit~~ exterior *stairway* shall be protected with ~~wire glazing~~ fire rated glazing or other *approved* means in accordance with the *International Building Code*.

Exception: Opening protection is not required when the building is equipped throughout with an *approved* automatic sprinkler system.

703.2.2 Operable windows. For buildings with an initial certificate of *occupancy* dated prior to January 1, 2013 when *non-compliant* windows are being replaced that are within 10 feet (3048 mm) of a *fire escape or exterior stair* those windows that are not needed to meet the requirements of Section 403 of this code or a required means of emergency egress shall be made permanently inoperable, equipped with an *approved* fire shutter, or replaced with a fixed pane window assembly. All operable replacement windows in this area shall still meet the fire rating requirements of the *International Building Code*.

Exception: Opening protection is not required when the building is equipped throughout with an *approved* automatic sprinkler system.

703.3 Dwelling/garage opening/penetration protection. Openings and penetrations through the walls or ceilings separating the *dwelling* from the garage shall be in accordance with Sections 703.3.1 through 703.3.3.

703.3.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1-3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1-3/8 inches (35 mm) thick, or 20-minute fire-rated doors.

703.3.2 Duct penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the *dwelling* from the garage shall be constructed of a minimum No. 26 gage (0.48 mm) sheet steel or other *approved* material and shall have no openings into the garage.

703.3.3 Other penetrations. Penetrations through the separation required in due to a carport shall be protected as required by Section 703.3.3.1.

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703.3.3.1 Fireblocking. At openings around vents, pipes, ducts, cables and wires at ceiling and floor level, with an *approved* material to resist the free passage of flame and products of combustion. The material filling this annular space shall not be required to meet the ASTM E 136 requirements.

703.4 Clearance to combustibles above ranges. A minimum of 30 inches (762 mm) clear space shall be maintained vertically between the cooking surface and any combustible materials; this can be reduced to a minimum clear space of 24 inches (610 mm) if a metal barrier is installed between the cooking surface and the combustible material. The metal barrier shall be a steel sheet with minimum thickness of 24 AWG and be installed extending to the perpendicular projection of the edge of the cooking appliance at a minimum. The barrier shall be mounted in such a way that there is a minimum of 1 inch (25.4 mm) clear space between the combustible surface and the barrier.

703.5 Dwelling/garage fire separation. The garage shall be separated as required by Table 703.5 including structural elements supporting the required separation elements. Openings in garage walls shall comply with Section 703.3. This provision does not apply to garage walls that are perpendicular to the adjacent *dwelling unit* wall.

Table 703.5
Dwelling/Garage Separation

SEPARATION	MATERIAL
From the residence and attics	Not less than $^1/_2$-inch gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage	Not less than $^5/_8$-inch Type X gypsum board or equivalent
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than $^1/_2$-inch gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than $^1/_2$-inch gypsum board or equivalent applied to the interior side of exterior walls that are within this area

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

[F] SECTION 704
FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 Smoke alarms. A minimum of one *approved* single-station or multiple-station smoke alarm, supplied from an *approved* power source is required as follows:

One or two family dwellings: A smoke alarm shall be installed in each sleeping room, outside each sleeping area in the immediate vicinity of the *bedrooms* and on each additional *story* of the dwelling, including *basement*s but not including crawl spaces and uninhabitable attics.

Dwellings or dwelling units with split levels and without an intervening door between the adjacent levels: A smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full *story* below the upper level.

Use Group R-1: A smoke alarm shall be installed in each sleeping room and the immediate vicinity of the sleeping rooms and in every room in the path of the *means of egress* from the sleeping area to the door leading from the *sleeping unit*.

Use Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups *R-2*, *R-3*, *R-4* and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms.*
2. In each room used for sleeping purposes.

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3. In each *story* within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full *story* below the upper level.

Smoke alarms shall be required on every *story* and *basement* in all residential *dwelling units*.

Smoke alarms shall be required in the common areas of the building serving more than one *dwelling unit*.

All smoke alarms must be placed so that a minimum decibel level of 70 dB can be heard in all occupied spaces of the unit when the smoke alarm is sounded.

704.2.1 Smoke detector maintenance. It shall be the responsibility of the property *owner* or *person-in-charge* to provide a functioning smoke detector at the beginning of each lease period. *Tenants* are responsible to maintain the smoke detector in a functional condition at all times after starting *occupancy*. Removal of the battery or power source from a smoke detector, making the detector inoperable, or tampering with the detector in any way, is a *violation* of this code and subjects that *person* to the *violation* penalties.

704.2.2 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by other sections of this code.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.2.3 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by other sections of this code.

704.2.4~~704.3~~ Power source. Required smoke alarms shall receive their primary power from the building electrical system and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Existing properties with a current rental housing permit prior to the effective date of the municipal adoption of the 2006 International Property Maintenance Code, upon approval, may install tamper resistant battery operated smoke detectors provided that the detector is capable of interconnection as described in Section 704.4.

704.2.4.1~~704.3.1~~ Smoke alarm circuits. Smoke alarms required by this code and installed within *dwelling units* shall not be connected as the only load on a branch circuit. Such detectors shall be supplied by branch circuits having lighting loads consisting of lighting outlets in *habitable spaces* in accordance with the *National Electrical Code, NFPA 70*. All smoke alarms shall be listed and installed in accordance with the provisions of this code and the National Fire Alarm Code NFPA-72.

704.2.5~~704.4~~ Interconnection. When more than one smoke alarm is required to be installed within an individual *dwelling unit* the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Common area smoke alarms (not located within a dwelling or *rooming unit*) shall be interconnected such that the actuation of one common area alarm will cause all of the common area alarms or notification appliances to sound. Interconnection may be accomplished by wireless transmission or other means provided that the method of interconnection is *approved* by the *code official*.

Exception: Interconnection is not required within the *dwelling unit* where existing buildings have *dwelling unit* separations and a sprinkler system installed in accordance with the *International Building Code* or *International Residential Code*.

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704.2.6~~704.5~~ Compliance time. For properties receiving a rental housing permit for the first time after the effective date of the municipal adoption of the 2006 International Property Maintenance Code, compliance with all smoke alarm requirements is required prior to *occupancy*.

~~**704.5.1 Smoke alarm maintenance.** It shall be the responsibility of the owner to provide a functioning smoke alarm at the beginning of each lease period. Tenants shall be responsible to maintain the smoke alarm in a functional condition at all times after starting occupancy. Removal of the battery or power source from a smoke alarm, tampering with, or making the alarm inoperable, is a violation of this code.~~

704.2.7 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.
2. Activation of a smoke detector in a dwelling or *sleeping unit* shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the *International Fire Code*.

704.6 Fire extinguishers. Rental housing buildings or units of Use Group *R-2*, *R-3*, *R-4* and One and Two Family Dwellings shall have one 2.5- pound type ABC (1-A:10-B:C) portable fire extinguisher placed in the kitchen area of each *dwelling unit*. In Use Group *R-1* and ~~fraternities~~ *R-2 Rooming Houses* and Fraternities, a 5-pound type ABC fire extinguisher with a minimum 2A rating shall be provided in corridors, those provided in other areas shall be in accordance with the International Fire Code.

Exception. Disposable fire extinguishers that are UL listed and meet the requirements of NFPA 10 shall be *approved* for use as listed, but in no way more than 6 years from the date of manufacture. These disposable extinguishers are exempted from the requirements to be inspected annually by a 3rd party trained individual. It is the responsibility of the property *owner* to inspect the extinguisher annually, certifying that the extinguisher is in good working condition and that the extinguisher is charged and ready for use. The individual inspecting the extinguisher shall permanently affix the date that the inspection occurred and the initials of the inspector to the extinguisher.

Exception. In B, M, S, and U occupancies with a gross *tenant* area less than 500 sf are not required to provide a fire extinguisher in the *tenant* space provided the travel distance to the closest fire extinguisher is within 75 feet and that access is provided to the *tenant* without the use of keys or special locking mechanisms any time that the building is occupied.

704.6.1 Fire extinguisher maintenance. All fire extinguishers shall be inspected and maintained annually in accordance with NFPA 10, the Standard for Portable Extinguishers. Inspections of fire extinguishers must be conducted by a certified extinguisher technician as defined by the Pennsylvania Fire Equipment Distributors (PAFED) or the National Fire Equipment Distributors (NAFED) specifications, or equivalent as *approved* by the *code official*.

704.7 Maintenance of fire protection systems. All fire protection systems (automatic fire alarms, manual fire alarms, sprinkler systems, fire extinguishers and automatic fire extinguishing systems) shall be tested and maintained in accordance with the NFPA standards specific to the type of system. The *Owner* is responsible for inspecting and maintaining these systems.

Failure to maintain a fire protection system in an operable condition at all times and complete the required inspections is a *violation* of this code and subject to the provisions of Sections 106.3 and 106.3.1 and the *owner* is exempt from the notification requirements of Section 107.

704.8 Tampering. Any *person* tampering or interfering with the effectiveness of a smoke detector, emergency lighting, exit signs, fire extinguisher, sprinkler system, suppression system, alarm system,

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or anyone obstructing a fire exit or propping open a fire door or compromising any other life safety aspects of the *structure*, shall be in *violation* of this code and subject to the provisions of Sections 106.3 and 106.3.1 and the *person(s)* are exempt from the notification requirements of Section 107.

704.9 Fire safety certification.

1. At the beginning of each lease period and at least annually thereafter, the *Owner* shall provide all *tenants* on the lease with a signed certification that all fire extinguishers, smoke alarms, and carbon monoxide detectors where required are in working condition. It shall be the responsibility of the *tenant(s)* to verify that the life safety equipment, smoke alarms, and carbon monoxide detectors where provided are in working condition and the fire extinguisher is inspected and charged, sign the certification and return it to the landlord. All *tenants* on a lease shall sign the Certification. The *Owner* shall maintain the original Certification Document and make it available to the *Code Official* upon request.

2. Any *tenant* or *Owner* failing to execute the Certification shall be in *violation* of this section and subject to the penalties set forth in Section 106.3. Neither the *Owner* nor the *tenant(s)* shall be responsible for the failure of any other party to execute the Certification.

3. In addition to the *Tenant* Notification requirements contained in Section 803.3, the *Owner* shall provide the *tenant* with instruction on how to report deficiencies with these fire safety systems.

At any time during the lease period when the *Code Official* finds that tampering has occurred as set forth in Section 704.8 of this Chapter, it shall be a *violation*.

Exception: The *tenant* has to report a deficiency to the *owner's* agent or maintenance number immediately after the deficiency if detected or if the system is malfunctioning.

704.9.1 Certification verification. Any time the *Code Official* discovers a deficiency with a smoke detector or fire extinguisher the *owner*, upon 24-hours notification of such deficiency, shall provide a copy of the Fire Safety Certification to the *Code Official*. If the Certification is provided and the *tenants* have previously signed the form or have been provided with a copy, the *tenants* are considered in *violation* and will be issued a penalty in accordance with Section 106.3 or 106.3.1.

If the *Owner* cannot provide the affidavit within 24 hours the *Owner* is then considered in *violation* and will be issued a penalty in accordance with the afore referenced sections.

704.10 Fire alarm monitoring. Existing fire alarm systems that were installed prior to the enactment of the Uniform Construction Code of Pennsylvania, that are not supervised to notify the fire department without delay must be indicated as a Local Alarm, and have a sign that instructs *occupants* to call 9-1-1 to report the fire alarm. Systems installed after the enactment of the Uniform Construction Code of Pennsylvania must remain supervised and may not delay the notification to the fire department unless *approved* in writing by the *code official*.

Modifications and repairs of fire alarm monitoring systems that involve the replacement of the FACP/FACU (fire alarm control panel/fire alarm control unit) are required to monitor/electronically supervise in accordance with requirements of the Uniform Construction Code of Pennsylvania.

SECTION 705
DECORATIVE MATERIALS

705.1 Decorative material. Overhead decorative material such as, but not limited to, burlap, fish netting, plastic, or other similar combustible or flammable material shall not be suspended from the ceiling of any building unless it is certified to be flame resistant. Where documented certification of flame resistance is not provided, the *code official* shall require the *owner*, to remove the decorations, or to subject decorative materials, to a field test in accordance with Chapter 10 of NFPA 701 at the cost of the *owner*.

705.2 Encroachment. In no way shall any decorative material cover or be installed in a way that may hamper or adversely affect an automatic sprinkler system, alarm system, or any other fire safety feature.

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SECTION 706
SPRINKLERS IN FRATERNITY AND SORORITY HOUSES

706.1 Sprinklers required. An automatic sprinkler system, meeting the requirements of NFPA 13 (Standard for the installation of sprinkler systems) or 13R (Standard for the installation of sprinkler systems in residential occupancies up to and including 4 stories in height) is required to be installed in each *fraternity/sorority house*.

706.2 Compliance period. Existing *fraternity/sorority houses* shall come into compliance with Section 706.1 on or before September 1, 2008. If an existing building is converted to a *fraternity/sorority house*, compliance with Section 706.1 shall be required prior to *occupancy*. If prior to the compliance deadline an existing *fraternity/sorority house* undergoes renovations at a cost exceeding 50 percent of the building's taxable value, the building shall be required to comply with Section 706.1 prior to final inspection of renovations.

New *fraternity/sorority houses* shall be required to comply with Section 706.1 before a certificate of *occupancy* is issued for the building.

SECTION 707
LABELING

707.1 Labeling required. Doors into all locked rooms that contain building utilities shall be identified with a plainly visible and legible sign. These letters and numbers shall contrast with their background. Printing shall be Arabic numerals or alphabet letters. Letters and numbers shall be a minimum of 2 inches (51 mm) high with a minimum stroke width of 0.25 inch (6.3 mm). This includes, but not limited to electrical, utility, sprinkler, fire alarm and mechanical rooms.

SECTION 708
FIRE SAFETY PERMITS

708.1 Fire safety program license. The fire safety program license is the same as a fire safety permit, fire permit, operational permit, fire certificate, and fire certificate of *occupancy* for the purposes of this document.

708.2 Permit Fees. The fire safety program license fee shall be established by resolution of the *Municipality*. Fire safety program license fees are determined using a formula which is based on size and risk of the establishment. The program license fee schedule and operational permit fees may be amended, as needed, by resolution of the *Municipality*.

708.3 Required. No *person*, firm, business, association, or corporation shall operate a place of assembly, business, educational facility, factory, high-hazard facility, institution, mercantile establishment, hotel, motel, residential care or assisted living facility, or storage facility; or rent such space to another until such a *person*, firm, business, association, or corporation has been issued a fire safety program license by the *code official*. The fire safety program license shall be posted in a conspicuous place on the *premises* and a photo static copy maintained by the property *owner*. The *owner* of the property is required to obtain and maintain the fire safety program license prior to *occupancy* of the space. If the use of the space changes the *code official* is to be notified in writing so an inspection can be conducted and determine code compliance prior to *occupancy*. In addition, an operational permit is required for all operations set forth in the following uses:

708.3.1 Carnivals and fairs. A permit is required to conduct a carnival or fair.

708.3.2 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of *explosives*, *explosive materials*, fireworks or pyrotechnic special effects that are not otherwise regulated by State or Federal permit.

708.3.3 Open burning. An open burn permit is required for the kindling or maintaining an open fire.

Exception: *Recreational fires* conducted more than 25 feet (7620 mm) of a *structure* or combustible material or conditions which could cause a fire to spread within 25 feet (7620 mm) of a *structure* and portable outdoor fireplaces used in accordance with the manufacturer's instructions and operated more than 15 feet (3048 mm) of a *structure* or combustible material. Unless excluded or permits required under other municipal regulation.

708.3.4 Fire alarm system. A permit is required for systems, which transmit alarm signals off site.

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708.3.5 Tents and other temporary structures. A permit is required to erect and operate from any tent or temporary *structure* in excess of 200 square feet, and for canopies in excess of 400 square feet.

708.3.6 Common area license. Any multi-family residential *structure* where the units are solely *owner* occupied and are owned by two or more unrelated individuals, shall be required to have a valid fire safety program license for the common areas not contained within a given *dwelling unit*.

708.4 Transfer. The fire safety program license is not transferable and is only valid for a specific *tenant*, *occupant*, franchisee, business, or legal entity, and if the occupying entity changes, a new fire safety program license shall be applied for within 5 calendar days of the change occurring.

SECTION 709
INSPECTIONS

709.1 Regular inspection frequency. The *code official* shall establish, by written regulation, frequency or re-inspection for all properties with a fire safety program license. The re-inspection shall be based upon a classification of hazards associated with the use or *occupancy* of all establishments. Such periods shall be not less than every 5 years and shall cause re-inspection of all establishments to be made in accordance with the established classification.

SECTION 710
KEY BOX CONTENTS AND MAINTENANCE

710.1 Key box placement. A regionally selected (Knox brand) key box will be required for all new and existing buildings that have a monitored fire alarm system and/or sprinkler system and will be mounted using the following criteria as guidance. The *code official* will have the determination where the key box is mounted:

1. The key box will be installed within six feet of the entry door located at the main entrance, or a door located on the address side of the building if the main entrance is not located on the address side.

2. A Knox brand sticker will be placed on all grade level keyed doors for which keys are provided on all elevations of the building. This is to indicate the presence of the Box.

3. For buildings that have a utility room that is only accessible from the exterior, but serves more than one *tenant* – the key box will be located at the main entrance. The door will be identified and Knox brand stickers will be placed on all keyed *tenant* doors for which keys are provided.

4. For buildings that have an interior utility room that is accessible by a *tenant* space, but serves other *tenant* areas, the key box will be located at the address side of the *tenant* space.

5. The keys required in the key box are those necessary to reach the sprinkler valve, alarm panel, electrical room, elevator penthouse, access to the *roof*, alarm panel control access, and fire department elevator control. Other keys are encouraged, including master keys or swipe cards.

Exception: A key box may not be required for a constantly attended building where staff has access to items 2 through 8 in Section 506.4.

710.2 Key box contents. The Knox Box will contain a Centre Region Code Administration generated card that contains the following minimum building data, where applicable:

1. Inventory of all keys stored in the box
2. Sprinkler valve location
3. FDC location
4. FACP location
5. Electrical room location
6. Elevator control room location
7. Door code
8. Critical *tenant*/building data
9. Date last updated

SECTION 711
PORTABLE FIRE EXTINGUISHERS

711.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I , M, *R-1*, *R-2*, *R-4* and S occupancies.

   Exception: In new and existing Group A, B and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.

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2. Within 30 feet (9144 mm) of commercial cooking equipment.

3. In areas where flammable or *combustible liquids* are stored, used or dispensed.

4. On each floor of *structures* under construction, except Group *R-3* occupancies, in accordance with Section 1415.1 of the International Fire Code.

5. Where required by the sections indicated in Table 906.1 of the International Fire Code.

6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the *fire code official*.

7. Rental housing buildings or units of Use Group *R-2* and *R-3*, as defined by the *International Building Code*, shall have a 2.5-pound ABC (1-A, 10-BC)-type portable fire extinguisher placed in the kitchen area of each *dwelling unit*. In non-sprinklered use group *R-2 fraternity and sorority houses*, a 5-pound ABC type with 2A rating portable fire extinguisher shall also be provided in corridors located in accordance with NFPA 10.

8. In temporary *structures* where cooking operations are being conducted involving combustible cooking media, the minimum of one 6 liter Class K portable fire extinguisher shall be provided and ready for use in the vicinity of the cooking equipment. The maximum distance that can be protected by a single extinguisher is 25 feet (7620 mm), unobstructed.

SECTION 712
FIRE DEPARTMENT CONNECTION CAPS AND THREADS

712.1 Threads. All threads provided for fire department connections to sprinkler systems, standpipe systems, yard hydrants, or any other fire hose connection shall be National Standard Hose thread with a maximum size of 2.5 inches (63.5 mm) per inlet. For residential suppression systems, based on flow requirements 1.5 inch (38.1 mm) hose connections with National Standard Hose thread may be used.

Exception: For all non-residential suppression systems in the Borough of Bellefonte, 5 inch Storz Connections shall be provided.

712.2 Knox brand locking caps. A locking Knox brand locking cap will be required for the new installation of fire sprinkler or stand-pipe systems. Existing installations will be required to install a Knox brand locking cap when another type of cap or cover is broken or missing. If the *owner* maintains the existing systems the Knox brand caps will not be required.

712.3 Non visible fire department connections. Fire Department Connections that are not readably visible from the street address side of the building shall be made visible or provide *approved* sign(s) to direct the fire department to this location. A metal sign with raised letters at least 2 inch (51 mm) in size with minimum stroke width 0.25 inch (6.3 mm). Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable with proper directional indication.

SECTION 713
ASSEMBLY OCCUPANCY

713.1 General. All spaces that are permitted by the Centre Region Code Administration as Assembly A-2 *Occupancy* Group, as defined by the International Building Code, and have a permitted maximum *occupancy* level equal to or exceeding 100 *persons*, shall comply with the requirements of Sections 713.2 and 713.3.

713.2 Maximum occupancy level. The *owner*, manager, *person* of authority, staff member, or duly authorized individual working the door and controlling the inflow of patrons shall know and be able to verbally provide to the *Code Official* the maximum *occupancy* level of the assembly area when requested.

713.3 Actual occupancy level. The *owner*, *person* of authority, staff member, or duly authorized individual working the door and controlling the inflow of patrons shall know and verbally provide to the *Code Official* the actual *occupancy* level of the assembly area including staff with an accuracy of plus or minus 5 percent of the maximum *occupancy* of the assembly area when requested.

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SECTION 714
OPEN FLAME COOKING DEVICES

714.1 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction**.**

Exceptions: Where buildings, balconies and decks are protected by an *automatic sprinkler system*.

7.14.2 L-P Gas containers. Under no circumstances shall any LP-gas container or compresses gas fuel cylinder with a water capacity greater than 2-1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity] be used on any balcony or deck or area that does not have a direct *means of egress* that does not require entry to a *structure* nor in areas covered by a *roof* or partially enclosed area no matter what the construction type.

Centre Region Council of Governments

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CHAPTER 8
RENTAL HOUSING PERMITS

SECTION 801
GENERAL

801.1 Scope. The provisions of this chapter shall govern the issuance, refusal, and maintenance of rental housing permits for the *municipality*.

SECTION 802
HOUSING PERMIT

802.1 Permit required. No *person*, firm, or corporation shall operate or rent to another, or provide for residential *occupancy* for XX or more days with or without compensation, any *dwelling unit* or *rooming unit* until a housing permit has been issued by the *code official*.

Tourist homes and *bed and breakfasts* are required to obtain a rental housing permit in accordance with this section prior to *occupancy* regardless of duration of stay unless originally permitted as a *R1* under the Uniform Construction Code of Pennsylvania or is predecessor codes at the time of construction or change of *occupancy*. These *structures* shall obtain a fire safety program license in accordance with Chapter 7 of this code.

Note: for Section 802, XX is defined as the following in the respective *municipality*:

1 – Borough of Bellefonte
1 – College Township
7 – Ferguson Township
7 – Halfmoon Township
7 – Harris Township
7 – Patton Township
7 – Borough of State College

802.1.1 Occupancy prior to permit issuance. *Occupancy* of any rental property prior to permit issuance is a *violation* of this code. In addition to the imposition of the penalties herein described, the *code official* is authorized to issue field fines of $300 per day. 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. Any *person*, firm, or corporation violating this section is exempt from the notification requirements set forth in Section 107. Failure to pay the fine, in full, to the Centre Region Council of Governments (COG) within 10 days of issuance will result in legal action in accordance with Section 106.3. *Violation*s of this section can be appealed to the Director of Code Administration within 7 calendar days of issuance.

802.2 Permit application. Applications for permits shall be made to the Centre Region Code Administration Office on forms furnished by said office.

802.2.1 Floor plan. All permit application shall be accompanied by a floor plan of the proposed rental space including plan dimensions.

802.3 Issuance or refusal. The *code official* shall issue a housing permit to the applicant upon proof that all of the following requirements have been satisfied:

1. Zoning use permit has been issued for the purpose for which it will be used;
2. The *structure* complies with the provisions of this code and all other applicable codes and/or ordinances;
3. A proper housing permit fee has been submitted.

802.4 Renewal. Housing permits shall be renewed annually, on or before the permit expiration date of each year. A housing permit shall become null and void upon permittee's failure to submit the required or proper annual rental housing fee. No reduction shall be made for fractional yearly permits.

At the time of permit renewal the *Person-in-Charge* information shall be updated by the property *owner* or *person-in-charge*.

802.5 Late Fee. A late fee charge ~~of $ 3.00~~ equal to 20% of the permit fee per unpaid unit shall be imposed after the date of permit payment due, and every 30 days thereafter.

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802.6 Transferability. Housing permits shall be transferable upon change of ownership, providing the permitted use has not changed. The new *owner* or designated *operator* is required to promptly notify the Code Administration Office upon change of ownership within 30 calendar days of said transfer.

802.7 Reserved.

802.8 Applications. Applications for rental housing permits and applications for the renewal of rental housing permits shall be filled out completely and accurately including addresses and telephone numbers for both the *owner(s)*, and *person-in-charge*. The rental housing permit shall not be issued or renewed if an application does not contain all required information.

802.8.1 Contact address. The contact addresses provided to the Centre Region Code Administration in accordance with Section 802.8 must be a valid address for the receipt of United States mail and shall be checked by the *owner* or *person-in-charge* on a regular basis not to exceed 1 week.

802.8.2 Telephone number. The telephone numbers provided to the Centre Region Code Administration in accordance with Section 802.8 must be a valid telephone number capable of receiving and recording voice mail at all times. This number is considered the emergency contact number for this individual. A response to a voice mail left on this number by a representative of the *Municipality* or the Centre Region Code Administration shall be returned or responded to within 3 hours. A response to a voice mail left on this number by a *tenant* shall be returned or responded to within 3 hours.

802.8.3 E-Mail address. A valid e-mail address shall be provided to the ~~Borough of State College~~ Centre Region Code Administration in accordance with section 802.8. The e-mail address shall be considered an emergency contact and response to an e-mail left at this address by a staff member of the Centre Region Code Administration ~~Borough of State College~~ *municipality* or *tenant* shall be responded to within 3 hours.

802.9 Rental housing permit fee. The rental housing permit fee shall be established by resolution of the *Municipality*. The rental housing permit fee may be amended, as needed, by resolution of the *Municipality*.

802.10 Display and use. The housing permit shall be made available by the *owner*/*operator* within 24 hours upon a request by any party or may be displayed. The issuance of a housing permit to an *owner*/*operator* shall constitute consent for an inspection. The housing permit is and shall remain the property of Centre Region Code Administration.

SECTION 803
PERSON-IN-CHARGE

803.1 Person-In-Charge. All *owners* of *residential rental property* shall designate a *person-in-charge* for each of their residential properties. The *code official* shall be notified in writing as to who the *person-in-charge* is and of any changes to information required by this code within 3 calendar days.

803.2 Maintenance. The *person-in-charge* shall maintain all rental property under their control in compliance with the *occupancy* limits, as specified in the Zoning Ordinance of the *Municipality*. Further, the *person-in-charge* shall notify the *owner* of rental property of any and all *violations* issued against said property by the *code official*.

803.3 Tenant notification. The *person-in-charge* shall be required to distribute to each *tenant*, information regarding the following requirements, including reference to any ordinances. A signed copy of this form or proof of form delivery shall be maintained by the *person-in-charge* and shall be made available to the *tenant, code official, or municipality* upon request:

1. Maximum *occupancy* for the *residential rental property*;
2. Maximum number of *persons* who can reside in the rental property;
3. If the property is a student home;
4. Regulations regarding dogs (if present);
5. Regulations regarding property maintenance;
6. Regulations regarding refuse, parking, weeds and removal of snow and ice from sidewalks;
7. Information on the handling of recyclable materials;

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8. Specific information regarding the State College ~~Health Department~~ Division of Health and Neighborhood Services and the Centre Region Code Administration including:

   a. Basic property maintenance code requirements.

   b. Appropriate department to contact if a problem continues after notifying the landlord.

   c. Contact information for both the Centre Region Code Administration and the State College Division of Health and Neighborhood Services, to include telephone numbers, hours of operation, email addresses, and website address. ~~Telephone numbers of the departments, addresses of the departments and the business hours of the departments.~~

   d. Copies of all ordinances and regulations associated with the State College Borough Nuisance Property Ordinance or successor ordinance and copies of Section 805, and 806 of this code.

Contents of the *tenant* information material shall be developed by the *Municipality* and made available in electronic format to property *owners* and managers to print and distribute. *Tenant* information shall be in writing and shall be separate from any written lease. *Tenant* information shall be distributed annually.

9. Fire safety certification in accordance with Section 704.9;

10. Regulations regarding tampering with fire protection equipment.

11. Notification in writing of all scheduled inspections a minimum 7 calendar days prior to the scheduled inspection date;

12. Notice of regulations regarding *roof occupancy* and possible penalties;

13. Notice of regulations regarding unsanitary conditions in rental properties and regulations regarding and possible penalties.

803.4 Annual inspections. Once a property has failed to obtain a *satisfactory rental housing inspection* and is required to be inspected annually per Section 104.2.1, the *person-in-charge* for the property shall personally accompany the inspector on all inspections of that property until the property is no longer subject to the annual inspection requirements. If the *person-in-charge* fails to show for the inspection, the inspector shall reschedule the inspection and a *no-show fee* shall be assessed.

SECTION 804
RENTAL HOUSING PERMIT SUSPENSION FOR OUTSTANDING VIOLATIONS AND IMMINENT HAZARD

804.1 Imminent hazard. Whenever an imminent hazard to community health, safety, or welfare exists at a property, the *Building Code Official* is authorized and empowered to order and require any *structure* on the property vacated within 10 days from the date of the order. At the end of the 10 days, a notice shall be posted at each entrance to the *structure(s)* stating that *occupancy* of the *structure* is unlawful and any *person* occupying the *structure* will be prosecuted. The Centre Region Building and Housing Code of Appeals shall schedule a hearing with the property *owner* within 10 calendar days from the date of the order. The purpose of the hearing will be to review the vacation order with the property *owner* or an authorized representative and to establish an abatement plan.

804.2 Outstanding violations. The *Code Official* may revoke the rental housing permit when a *violation* of this code has not been corrected after a period of 90 calendar days.

804.3 Suspension Procedures.

804.3.1 Notification. The Centre Region Code Administration shall notify the property *owner* of a suspension by written notice sent ~~certified mail~~ by a method that provides proof of delivery or delivered and posted on the *structure* in *person*. The notice shall advise the property *owner* of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for *violation* of the suspension, and appeal rights and procedures.

804.3.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for

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periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.

804.4 Appeal procedure for suspension initiated by the code official. Appeals of suspension initiated by the *Code Official* shall be heard by the Centre Region Building and Housing Code Board of Appeals in accordance with the procedures established for appeals to that Board, as referenced in Section 111. The Board of Appeals is empowered to sustain, withdraw, or modify the suspension.

> **Exception:** Appeals of suspension by the *Code Official* in the Borough of Bellefonte shall be heard by the Bellefonte Housing Code Board of Appeals in accordance with the procedures established for appeals to that Board, as referenced in Section 111. The Board of Appeals is empowered to sustain, withdraw, or modify the suspension.

804.5 Appeals to the Court of Common Pleas. Appeals by the property *owner* or Centre Region Code Administration of the Centre Region Building and Housing Code Board of Appeals decision shall be made to the Court of Common Pleas.

804.6 Effect of suspension. While under suspension, the residential unit subject to suspension shall be secured and vacated.

SECTION 805 [4A]
RENTAL HOUSING PERMIT SUSPENSION FOR ZONING VIOLATIONS

805.1. General. The rental housing permit of any 1-family dwelling, 1-family dwelling with an apartment unit or 2-family dwelling within the Borough shall be suspended whenever two or more zoning offenses, as described in Section 805.2, occur within any 4-year period. The 4-year period shall commence upon the date of the first enforcement notice or, in the event such notice is appealed, upon the date that a final determination in favor of the *Municipality* is made by either the Zoning Hearing Board or court of competent jurisdiction.

805.2 Definitions. For the purposes of Section 805, 1-family dwelling, 1-family dwelling with a single apartment unit, and 2-family dwelling refer to housing classifications described and used in the State College Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559, as amended.

> **Exception:** Those properties that are not located in the Borough of State College for Section 805 shall use the definitions contained in the municipal zoning regulations that are in place in that *municipality*.

805.3 ~~805.2~~ Applicable offense. An offense shall count towards suspension whenever a *violation* has been determined to have occurred at the property by a zoning officer and the land*owner* was sent a *violation* notice pursuant to Section 616.1, *Enforcement Notice*, as provided for in the Pennsylvania Municipalities Planning Code. In the event such notice is appealed, the *violation* shall count towards suspension whenever the Zoning Hearing Board or court of competent jurisdiction rules in favor of the *Municipality*.

805.4 ~~805.3~~ Additional notification requirements. In addition to the requirements contained in the Pennsylvania Municipalities Planning Code, the enforcement notice shall inform the land*owner* that any subsequent *violation* of the zoning regulations for *occupancy* or student home use that occurs within 4 years of the date of the current notice will result in suspension of the rental housing permit for the subject property with the consequence that the rental unit cannot be occupied during the term of the suspension.

~~**805.4 Definitions.** For the purposes of Section 805, 1-family dwelling, 1-family dwelling with a single apartment unit, and 2-family dwelling refer to housing classifications described and used in the State College Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559, as amended.~~

805.5 Self-reported complaints. Self-reported complaints filed by the property *owner*, property manager, or *person-in-charge* that result in an enforcement notice being sent by the *municipality* ~~Borough~~ shall not count towards the suspension of the rental housing permit provided the *municipality* ~~Borough~~ has not already discovered the *violation* or a 3rd party has not already made a complaint about the property prior to the self-reported complaint. The property *owner*, property manager, or *person-in-charge* shall provide proof that ~~he or she~~ they attempted to correct the *violation* but has found the

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violation still exists. Self-reported complaints shall not be used as an expectation or opportunity to avoid enforcement action by the ~~Borough~~ *municipality*.

805.6 Reserved.

805.7 Effect of concurrent violations. When an over *occupancy violation* and student home *violation* occur concurrently, the two *violations* shall count as only one offense towards suspension. Another *violation* of either or both that occurs within any 4-year period following the first preceding *violation* shall constitute a basis for suspension.

805.8 Offenses. For the purpose of this suspension provision, offenses are *violations* of the following two sections of the Borough's Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559, as amended:

805.8.1 Occupancy. Refers to regulations for use of 1- and 2-family homes under Section 501.1(3).

805.8.2 Student home. Refers to regulations for use of 1- and 2-family homes under Section 501.1(6).

Exception: Those properties that are not located in the Borough of State College for this Section *Occupancy* and Student Home shall be defined as contained in the municipal zoning regulations that are in place in that *municipality*.

805.9 Suspension Procedures.

805.9.1 Notification. The ~~Borough~~ *municipality* shall notify the property *owner* of a suspension by written notice sent certified mail or delivered in *person*. The notice shall advise the property *owner* of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for *violation* of the suspension, and appeal rights and procedures.

805.9.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months or date when the property is no longer considered a Nuisance Property with respect to this code. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months or date when the property is no longer considered a Nuisance Property with respect to this code, whichever is longer.

805.9.3 Effect of additional points. ~~During the time a rental housing permit is suspended,~~ Should ~~any~~ additional points accumulate against the property, during the time a rental housing permit is suspended or under consent agreement, the *violation(s)* shall be considered to be a detriment to the health , safety, and welfare of the Community. The property shall be deemed a nuisance property in *violation* of ~~the Centre Region Building Safety and Property Maintenance Code, current edition~~ of this code. The *owner*, *person-in-charge* or the *tenant(s)* or either of them as the case may be shall be held responsible as determined by culpability. In the event that responsibility for the *violation(s)* cannot be determined, the property *owner* shall be held responsible and subject to the penalties provided for in this Section. In addition, the permit suspension shall be extended by 6 months.

1. A fine up to $500.00 for each point shall be assessed for *violations* which are one (1) point *violations*.
2. For police incidents resulting in criminal prosecution, and/or for *violation* of the fire code which are two (2) point v*iolations*, a fine of $500.00 to $1000.00 shall be assessed.
3. A fine of $1,000.00 shall be assessed for police incidents resulting in criminal prosecution which are three (3) point violations.

This section may be modified by the consent agreement if *approved* by the *Municipal Manager*.

805.10 Effect of suspension. While under suspension, the residential unit subject to suspension shall be secured and vacated.

805.11 Defense. When *tenants* are culpable for *violations* resulting in a suspension notice, the property *owner* may request a stay of suspension proceedings by providing written evidence of the initiation of eviction proceedings against culpable *tenants*. If *tenants* are evicted, the property *owner* may request termination of the suspension

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proceedings. If suspension has been stayed, but the *tenants* are not evicted, suspension proceedings can be reinstated by the ~~Borough~~ *municipality*.

805.12 Consent agreement and stay of suspension. The ~~Borough~~ *Municipal Manager* is empowered during the course of an administrative inquiry on suspension of a rental housing permit to enter into a consent agreement with the landowner. The consent agreement may set forth steps and conditions designed to bring the property into compliance with ~~Borough~~ Municipal Ordinances and to maintain the property in a proper manner so that it ceases to be a Nuisance Property. In conjunction with the consent agreement, the ~~Borough~~ *Municipal Manager* may stay the effective date of the suspension to afford the landowner an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a *violation* of the consent agreement occurs or additional points accrue, the stay shall be immediately lifted and the suspension reinstated.

As part of the consent agreement, the *Municipal Manager* is authorized to require that additional penalties, financial or point based be included in the agreement for failure to comply with the terms of the agreement.

805.13 Appeal procedure for suspension. Any affected landowner may appeal a suspension notice by first filing an appeal to the ~~Borough~~ *Municipal Manager*. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The ~~Borough~~ *Municipal Manager* shall hold an administrative inquiry within 30 calendar days of receiving the landowner's appeal, and shall notify the landowner of the date, time, and location of the administrative inquiry. Following the conclusion of the inquiry, the ~~Borough~~ *Municipal Manager* is empowered to take any of the following actions:

1. Sustain the suspension.

2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension.

3. Stay or terminate the suspension pursuant to Section 805.11, Defense for Eviction Proceedings.

4. Enter into a consent agreement with the landowner and stay the effective dates of the suspension pursuant to Section 805.12 Consent Agreement.

The *municipality* may charge an administrative fee to recover the costs of conducting the administrative inquiry. These fees shall be set by municipal resolution.

805.14 Appeals to the Rental Housing Revocation Appeals Board (RHRAB). An affected property *owner* may appeal any adverse decisions or determinations made by the ~~Borough~~ *Municipal Manager* to the RHRAB. The appeal shall be filed, in writing, within 15 calendar days of receipt of the ~~Borough~~ *Municipal Manager*'s decision. The RHRAB shall notify the appellant of the date, time, and location of the hearing, which shall be held within 30 calendar days of receipt of the request for hearing. The RHRAB is empowered to void, suspend or sustain the ~~Borough~~ *Municipal Manager*'s decision. A fee for an appeal will be set by resolution of ~~Borough~~ Municipal Council from time to time.

The *municipality* may charge an administrative fee to recover the costs of conducting the appeal. These fees shall be set by municipal resolution.

Exception: Those properties that are not located in the Borough of State College for this Section appeals shall be made to the Centre Region Building and Housing Code Board of Appeals following the same procedure.

805.15 Appeals to the Court of Common Pleas. Appeals by the property *owner* or Borough of the RHRAB's decision shall be made to the Court of Common Pleas.

Exception: Those properties that are not located in the Borough of State College for this Section appeals of the *Municipal Manager* or Centre Region Building and Housing Code Board of Appeals shall be made to the Court of Common Pleas.

SECTION 806 [4]
RENTAL HOUSING PERMIT SUSPENSION FOR NUISANCE AND CRIMINAL VIOLATIONS

806.1 Conditions for suspension and assignment of points for nuisance and criminal violations. The rental housing permit for any property within the ~~Borough~~ *Municipality* shall be suspended whenever

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10 or more points for offenses have accumulated individually or collectively at the property within a 1-year period and the property *owner* has received required notice. The 1-year (12-month) period is a rolling year, and shall be counted as the 12-month period that immediately precedes the date of the most recent offense.

806.2 Assignment of points. Points for offenses shall be assigned as follows:

1. One (1) point shall be assigned for each offense of the following ordinances as set forth in Section 806.11, property maintenance, refuse, sidewalk obstruction, grass and weeds, ~~and~~ dogs, *violations* of Section 302.8 Indoor furniture, unclean and unsanitary condition *violations*, and failure to submit a corrective action plan by the deadline when required. These points shall ~~accumulate~~ be assigned to ~~against~~ a property at the time of issuance of a *violation* notice or citation.

2. Two (2) points shall be assigned for each offense of the following ordinances or statutes as set forth in Section 806.11: noise control ordinance, disorderly conduct, alcohol possession or consumption by a minor, drug~~s~~ possession, simple assault, harassment, open lewdness, indecent exposure, *roof occupancy violations*, and fire ~~prevention~~ code offenses. Points for fire code offenses listed in Chapter 7 or 9 shall accumulate against a property at the time of issuance of a *violation* notice or citation. Points for the other offenses shall ~~accumulate~~ be assigned to ~~against~~ a property at the time of adjudication, unless the defendant is acquitted, found not guilty, or the case is withdrawn. Points shall also ~~accumulate~~ be assigned to a property if, after being charged, a defendant ignores a citation or criminal complaint and a warrant is issued for the defendant's arrest.

3. Three (3) points shall be assigned for each offense of the following statutes as set forth in Section 806.11: furnishing alcohol to a minor, 6310.1, crimes code, furnishing to a minor, 493,liquor laws, aggravated assault, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and possession with intent to deliver controlled substances or look-alike substances. Points for these offenses shall ~~count against a~~ be assigned to a property at the time of adjudication unless the defendant is acquitted, found not guilty or the case is withdrawn. The points shall also ~~accumulate~~ be assigned to a property if after being charged, the defendant ignores the citation or criminal complaint and a warrant is issued for the defendant's arrest.

4. Five (5) points shall be assigned for operating a rental property without a valid rental housing permit as required in Section 802.

In all cases, if the defendant enters into an alternative adjudication resolution program *approved* by the court, the points associated with that *violation* shall be assigned to the property as of the date of the entry into the program.

When the points are related to an offense that must be adjudicated in Court, the effective date of the point assignment shall be the date of the offense.

806.2.1 Multiple violations. Upon discovery of multiple *violations* at a property, the maximum number of points that can ~~accumulate~~ be assigned in a 24-hour period ~~is~~ are 3, unless one of the *violations* is operating a rental property without a valid rental housing permit, in which case the maximum number of points can accumulate in a 24-hour period is 8.

806.2.2 Self-reported complaints. ~~Self reported complaints filed by the property owner, property manager, person-in-charge, or a tenant of the premises that result in a prosecution that would otherwise cause points to be assigned to the property shall not count towards suspension provided the Borough has not already discovered the violation.~~ With the exception of *violations* of the following ordinances: Municipal Waste, Chapter VIII, Part A; Grass and Weeds, Chapter IX, Part C; and Obstructions on Sidewalks, Chapter XVI, Part G of the State College Borough Codification of Ordinances, self-reported complaints filed by the property *owner*, property manager, *person-in-charge*, a *tenant*, or visitor or guest of a *tenant* of the *premises* that result in prosecution that would otherwise cause points to be assigned to the property shall not count towards suspension provided the State College Borough or *Code Official* or a 3rd party has not already discovered the *violation*. Self-reported complaints as described in this section shall not be used as an expectation or opportunity to avoid nuisance

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property points from being assigned to the property.

Exception: Those properties that are not located in the Borough of State College for this Section references to the Borough of State College shall be substituted by the *municipality* where the property is located and ordinances for grass weeds and obstruction of sidewalks substituted.

806.3 Notices required. Within any 1-year (12-month) period, written notices shall be issued as required below.

1. Prior to suspension of a rental housing permit, the ~~Borough~~ *Municipality* shall provide the *owner* of the subject rental property with a written notice entitled "Problem Property Notice" whenever offenses totaling 5 or more points accumulate at the rental property within any 1-year period. The Problem Property Notice shall list the offenses and state that should 10 or more points accumulate at the rental property, the property shall be deemed a "Nuisance Property" and the rental housing permit shall be suspended. The offenses subject to points are listed in Section 806.11 and the corresponding points are listed in Section 806.2.

Within 15 calendar days of the issuance of the notice, the property *owner* shall schedule a meeting with the *municipality* to discuss the property and initiate the development of a corrective action plan for the property to address the issues at the property and prevent the property from becoming a Nuisance Property. Within 30 calendar days of the issuance of the notice, the property *owner* shall submit a draft corrective action plan to the *municipality* for review.

The *municipality* shall review the corrective action plan within 15 calendar days and provide the property *owner* in writing an approval of the corrective action plan or a written list of deficiencies that need to be addressed in the next submission. The property *owner* shall revise the corrective action plan and resubmit the plan to the *municipality* within 15 working days. All subsequent reviews will follow this same schedule of activities and shall continue until a corrective action plan that is acceptable to the *municipality* is developed, and *approved* by the *municipality*. Once the plan is *approved* by the *municipality*, the plan in binding.

Failure to submit the corrective action plan by the required deadline will result in additional points being assigned to the property in accordance with Section 806.2 and a $500.00 fine shall be assigned to the property *owner*.

2. The Problem Property Notice shall inform landowners that a written correction plan is required to be submitted to the ~~Borough~~ *Municipality* within 30 calendar days after receipt of the Problem Property Notice. The written correction plan shall indicate the ways the landowner intends to take control of the property so that it does not become a Nuisance Property.

Failure to submit the corrective action plan by the required deadline will result in additional points being assigned to the property in accordance with Section 806.2 and a $500.00 fine shall be assigned to the property *owner*.

3. The Problem Property Notice shall inform landowners that they may request an informal meeting with the appropriate ~~Borough~~ Municipal Official, as designated in the notice, to discuss the *violations* and corrective actions intended to prevent the problem property from becoming a Nuisance Property. *Owners* requesting a meeting may appoint someone to represent them so long as their representative is authorized to act on their behalf, including but not limited to entering into agreements.

4. Whenever 10 or more points accrue at a rental property, a permit suspension notice shall be sent to the property *owner* advising that the rental property is now designated a Nuisance Property and the rental permit is suspended.

806.4 Suspension procedures.

806.4.1 Notification. The ~~Borough~~ *Municipality* shall notify the property *owner* of a suspension by written notice sent certified mail or delivered in *person*. The notice shall advise the property *owner* of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties

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that can be imposed for *violation* of the suspension, and appeal rights and procedures.

806.4.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months or date when the property is no longer considered a Nuisance Property with respect to this code. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months or date when the property is no longer considered a Nuisance Property with respect to this code, whichever is longer.

806.4.3 Effect of additional points. During the time a rental housing permit is suspended, should any additional points accumulate against the property, the permit suspension shall be extended by 6 months.

806.5 Effect of suspension. While under suspension,-the residential unit subject to suspension shall be secured and vacated.

806.6 Defense. When *tenants* are culpable for *violations* resulting in a suspension notice, the property *owner* may request a stay of suspension proceedings by providing written evidence of the initiation of eviction proceedings against culpable *tenants*. If *tenants* are evicted, the property *owner* may request termination of the suspension proceedings. If suspension has been stayed, but the *tenants* are not evicted, suspension proceedings can be reinstated by the ~~Borough~~ *Municipality*.

806.7 Appeal procedure for suspension. Any affected landowner may appeal a suspension notice by first filing an appeal to the ~~Borough~~ *Municipal Manager*. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The ~~Borough~~ *Municipal Manager* shall hold an administrative inquiry within 30 calendar days of receiving the landowner's appeal, and shall notify the landowner of the date, time, and location of the administrative inquiry. Following the conclusion of the inquiry, the ~~Borough~~ *Municipal Manager* is empowered to take any of the following actions:

1. Sustain the suspension.
2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension.
3. Stay or terminate the suspension pursuant to Section 806.6, Defense for Eviction Proceedings.
4. Enter into a consent agreement with the landowner and stay the effective dates of the suspension pursuant to Section 806.8. Consent Agreement.

The *municipality* may charge an administrative fee to recover the costs of conducting the administrative inquiry. These fees shall be set by municipal resolution.

806.8 Consent agreement and stay of suspension. The ~~Borough~~ *Municipal Manager* is empowered during the course of an administrative inquiry on suspension of a rental housing permit to enter into a consent agreement with the landowner. The consent agreement may set forth steps and conditions designed to bring the property into compliance with ~~Borough~~ Municipal Ordinances and to maintain the property in a proper manner so that it ceases to be a Nuisance Property. In conjunction with the consent agreement, the ~~Borough~~ *Municipal Manager* may stay the effective date of the suspension to afford the landowner an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a *violation* of the consent agreement occurs or additional points accrue, the stay shall be immediately lifted and the suspension reinstated.

As part of the consent agreement, the *Municipal Manager* is authorized to require that additional penalties, financial or point based be included in the agreement for failure to comply with the terms of the agreement.

806.9 Appeal to the Rental Housing Revocation Appeals Board (RHRAB). An affected property *owner* may appeal any adverse decisions or determinations made by the ~~Borough~~ *Municipal Manager* to the RHRAB. The appeal shall be filed, in writing, within 15 calendar days of receipt of the ~~Borough~~ *Municipal Manager*'s decision. The RHRAB shall notify the appellant of the date, time, and location of the hearing, which shall be held

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within 30 calendar days of receipt of the request for hearing. The RHRAB is empowered to void, suspend or sustain the ~~Borough~~ *Municipal Manager*'s decision. A fee for an appeal will be set by resolution of ~~Borough~~ Municipal Council from time to time.

The *municipality* may charge an administrative fee to recover the costs of conducting the appeal. These fees shall be set by municipal resolution.

Exception: Those properties that are not located in the Borough of State College for this Section appeals shall be made to the Centre Region Building and Housing Code Board of Appeals following the same procedure.

806.10 Appeal to the court of common pleas. Appeals by the property *owner* or Borough of the RHRAB's decision shall be made to the Court of Common Pleas.

Exception: Those properties that are not located in the Borough of State College for this Section appeals of the *Municipal Manager* or Centre Region Building and Housing Code Board of Appeals shall be made to the Court of Common Pleas.

806.11 Offenses. For purposes of this ordinance, offenses are those as set forth in the following ordinances or statutes:

806.11.1 Refuse. Refers to Garbage, Refuse, and *municipal solid waste* regulations enforced by the Health Department pursuant to Chapter VIII, State College Borough's Codification of Ordinances, Part A, Section 101, et seq. as amended.

806.11.2 Property maintenance (interior and exterior). Refers to regulations for the maintenance of residential property as generally enforced by the Centre Region Code Administration, pursuant to this code with the exception of Chapter 9 (Fire Code) as adopted by Chapter IV, State College Borough's Codification of Ordinances.

806.11.3 Sidewalk obstruction. Refers to regulations for clearing snow, ice, and other obstructions from sidewalks pursuant to Chapter XVI, State College Borough's Codification of Ordinances, Part G, Section 701, et seq, as amended.

806.11.4 Noise. Refers to the enforcement of the Noise Control Ordinance, Chapter V, State College Borough's Codification of Ordinances, Part A, Section 101, et seq, as amended *by Ordinance 1987*.

806.11.5 Vegetation. Refers to enforcement of grass and weeds pursuant to Chapter IX, State College Borough's Codification of Ordinances, Part C, Section 301, et seq, as amended.

806.11.6 Disorderly conduct. Refers to enforcement by Law Enforcement of Section 5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334.

806.11.7 Drugs and possession with intent to deliver. Refers to enforcement by Law Enforcement of The Controlled Substance, Drug, Device and Cosmetic Act, of April 14, 1972, P.L. 233, No. 64, as amended.

806.11.8 Alcohol. Refers to possession or consumption by a minor pursuant to Section 6308, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, or ~~furnishing to a minor~~ Furnishing Liquor or Malt or Brewed Beverages to Minors, pursuant to Section 6310.1, Crimes Code, Act of March 25,1988, P.L. 262, No.31, or Furnishing to a Minor, Section 493, Liquor Laws, Act of April 12, 1951, P.L. No. 90, as amended.

806.11.9 Dogs. Refers to enforcement of dog offenses pursuant to Chapter II, State College Borough's Codification of Ordinances, Part A, Dogs, Section 101, et seq, as amended.

806.11.10 Fire Code. Refers to regulations for the prevention of fires at rental properties as adopted in Chapter 9 (Fire Code) of this code as adopted by Chapter IV, State College's Borough's Codification of Ordinances.

806.11.11 Simple Assault. Refers to enforcement by the Law Enforcement of Section 2701, Crimes Code, Act 172(1).

806.11.12 Aggravated Assault. Refers to enforcement by Law Enforcement of Section 2702, Crimes Code, Act 132 (3).

806.11.13 Harassment. Refers to enforcement by Law Enforcement of Section 2709, Crimes Code, Act 218(1).

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806.11.14 Open Lewdness. Refers to enforcement by Law Enforcement of Section 5901, Crimes Code.

806.11.15 Sexual Assault. As enumerated in the Crimes Code referring to enforcement by Law Enforcement of Sections: 3121, Rape, Act 226 (1.1); 3122.1, Statutory Sexual Assault; 3123, Involuntary Deviate Sexual Intercourse, Act 226 (1.1); 3124.1, Sexual Assault; 3125, Aggravated Indecent Assault, Act 226 (1.1); 3126, Indecent Assault; 3127, Indecent Exposure.

806.12 Assignment of points for offenses. The assignment of points for offenses, as set forth in Section 806.11. of this ordinance, shall apply towards suspension of the rental housing permit for any 1-family house, duplex, multiple-family *dwelling unit*, *rooming unit*, or *fraternity/sorority house*, as the case may be, in accordance with the following schedule:

1. 1-Family House or *Fraternity / Sorority House*: Points shall be assigned to the property whenever an offense occurs anywhere on the property, including sidewalks within or along the boundary of the property, provided such offense is caused by a *tenant* or a guest at the property. Points for offenses committed by the property *owner* shall be assigned to the property.

2. 2-Family (Duplex), Multiple-Family or *Rooming Unit*: Points for offenses that occur within an individual dwelling or *rooming unit* shall apply to that unit. Points for offenses committed by a *tenant* or guest shall apply to the *tenant's* dwelling or *rooming unit*. Points for offenses committed by the property *owner* shall be assigned to the property in general.

SECTION 807
STUDENT HOME LICENSE

807.1 General provisions.

807.1.1 Scope. This Part shall require the licensing of all student homes

807.1.2Purpose. The regulation, inspection and licensing of student homes is intended to:

1. Protect the health, safety, and welfare of *persons* affected by or subject to the provisions of this Chapter;
2. Ensure that *owner(s)* of a student home, persons-in-charge, and *tenants* are informed of, and adhere to, all applicable code provisions governing the use and maintenance of student homes;

807.1.3 Administration. The Planning Department, as directed by the Borough Manager, shall be responsible for ensuring the equitable and effective administration of this Section.

807.1.4 Student home defined. For the purposes of this Part, a student home is any property that meets the definition of student home in the State College Borough Zoning Ordinance.

807.2. Rental housing permits required for student homes. No student home shall be leased or occupied for rental purposes, in whole or in part, by any *person* unless it is first in compliance with the provisions of every section of this section. *Occupancy* of any dwelling by any *person* other than or in addition to the *owner* of record shall be presumed to require a rental housing permit issued by the Borough of State College.

807.2.1 Student home license application. Applications for a student home license shall be submitted to Borough of State College Planning Department on forms provided by the Borough. The forms shall be signed by the *owner* or, if the *owner* is a corporation, an authorized agent of the corporation. Applications that do not contain all required information will be rejected by the Borough of State College.

807.2.2 Issuance or denial of a student home license. A student home license shall be issued by the Borough of State College upon proof that all of the following requirements have been satisfied:

1. A complete application for a license has been submitted;
2. All requirements for student home use in Chapter XIX of the State College Borough Codification of Ordinances have been met;
3. The structure has been inspected by the Borough of State College and complies with all applicable provisions of Chapter XIX of the State College Borough Codification of Ordinances;
4. The correct student home license fee has been submitted;
5. The applicant has provided documentation to the Borough of State College that all owners of

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record of real property adjacent to the proposed student home have been notified of the receipt of the student home license application;

6. The applicant has provided documentation to the Borough of State College that the neighborhood association, if any, whose boundaries encompass the real property of the owner(s) of record have been notified.

807.2.3 Student home license renewal. Student home licenses shall be renewed annually ~~with the renewal of the rental housing permit,~~ on or before the permit expiration date of each year. A student home license become null and void upon licensee's failure to submit the required or proper annual student home license fee. No reduction shall be made for fractional yearly licenses.

807.2.4 Late fee. A late fee charge equal in amount to the required permit fee per unpaid unit shall be imposed after the date of permit payment due, and every 30 days thereafter.

807.2.5 Transferability. Student home licenses shall be transferable upon change of ownership, providing the use permitted and licensed has not changed. The new owner or designated operator is required to notify the State College Borough Planning Department within 5 business days of the change of ownership.

807.2.6 Applications. Applications for ~~rental housing permits and~~ student home licenses, and applications for the renewal ~~of rental housing permits and~~ student home licenses shall be filled out completely and accurately including addresses, and telephone numbers, and email address for both the *owner(s)*, and *person-in-charge*. The student home license ~~rental housing permit~~ shall not be issued or renewed if an application does not contain all required information. Applications for initial student home licenses and for student home license renewals shall contain all of the information required in Section 807 ~~of this Part~~.

807.2.7 Contact address. The contact address provided to the Borough of State College in accordance with Section 807 must be a valid address for the receipt of United States mail and shall be checked by the *owner* or *person-in-charge* on a regular basis.

807.2.8 Telephone number. The telephone number provided to the Borough of State College in accordance with Section 807 must be a valid telephone number capable of receiving and recording voice mail at all times. This number is considered the emergency contact number for this individual. A response to a voice mail left on this number by a representative of the *Municipality* shall be returned or responded to within 3 hours. A response to a voice mail left on this number by a tenant shall be returned or responded to within 3 hours.

807.2.9 E-Mail address. A valid e-mail address shall be provided to the Borough of State College in accordance with section 807. The e-mail address shall be considered an emergency contact and response to an e-mail left at this address by a staff member of the Borough of State College or *tenant* shall be responded to within 3 hours.

807.2.10 Student Home License fee. The student home license fee shall be established by resolution of the *municipality*.

807.2.11 Display and use. The ~~housing permit~~ student home license shall be made available by the *owner*/operator within 24 hours upon a request by any party or may be displayed. The issuance of a student home license ~~housing permit~~ to an *owner*/operator shall constitute consent for an inspection. The student home license ~~housing permit~~ is and shall remain the property of the Borough of State College.

807.3 Student home license ~~and expiration~~.

807.3.1 Student Home License. A license will not be *approved* for a student home use unless property complies with all applicable requirements for student home use expressed in Chapter XIX or for which a certificate of nonconformity has been *approved* by the Borough of State College.

~~**807.3.2 Student home license expiration.** A license for a student home shall expire on the same date as the rental housing permit issued by the Borough for said property.~~

807.4 Applications for student home licenses.

807.4.1 Application. Applications for a student home license shall be submitted to the State College Borough Planning Department.

807.4.2 Registered student homes. All student homes currently registered with the Borough of

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State College are eligible to receive a student home license upon completion and submission by the *owner* of an application for an initial student home license.

807.4.3 Existing Unregistered student homes. The *owners* of any existing student homes not registered with the Borough of State College as of the effective date of this code must provide documentation that the unregistered student home is eligible to receive a zoning permit or certificate of nonconformity. A zoning permit or certificate of nonconformity must be issued before a student license can be issued by the *municipality*. The Borough of State College has the right to request additional documentation to assist in their determination. Any appeal of this section or in relation to the issuance or denial of a zoning permit or certificate or nonconformity shall be made to the State College Borough Zoning Hearing Board in accordance with the municipal zoning ordinance.

After issuance of a zoning permit or certificate of nonconformity, existing unregistered student homes have 90 calendar days to complete the license process.

~~may register said student home within 60 days of the enactment of this ordinance, provided documentation that the unregistered student home is eligible to receive a certificate of nonconformity. The Borough of State College has the right to request additional documentation or to reject any documentation submitted by the owner.~~

807.4.4 Initial application form and contents. The student home license application shall be made on forms provided by the State College Borough Planning Department. The forms shall be signed by the *owner* or, if the *owner* is a corporation, an authorized agent of the corporation.

807.4.5 Renewal application form and contents. An application for the renewal of a student home license shall be made on forms provided by the Borough of State College or its agent. An application for a license renewal shall be signed by the *owner* and contain the same information as an initial application unless the *owner* certifies there have been no changes from the previous application, in which case information on the previous application may be incorporated by reference into the application for license renewal.

807.4.6 New owner application form and contents. An application for the new *owner* or prospective new *owner* of a previously or currently licensed student home shall be made of forms provided by the Borough of State College.

807.5. Inspection of student homes.

807.5.1 Initial student home license inspection. Within 60 calendar days following the acceptance of an application for an initial student home license and issuance of a zoning permit or certificate of nonconformity, the proposed student home shall be inspected for compliance with the requirements of the State College Borough Zoning Ordinance.

807.5.1.1 Scheduling of Inspections. *Owners* and *Person-in-Charge* shall be notified of inspections in accordance with the following:

1. Prior to conducting an inspection for student home license application the Borough of shall give the *owner* and *person-in-charge* reasonable notice by first class mail sent to the address on file. The notice shall contain the date and time of the inspection.
2. The *owner* or *person-in-charge* must be present at all inspections.

807.5.2 Renewal inspection. Notice of inspections for the renewal of student home licenses shall follow the procedures in Section 807.5.1.1.

807.5.3 Additional inspections. When any *violations* of the State College Borough Zoning Ordinance are found during an inspection said inspection shall not be considered to have been completed until the State College Planning department determines that all *violations* have been corrected or that a satisfactory schedule has been provided by the property *owner* for the correction of the *violations*. The State College Planning Department may require such additional inspections as deemed necessary to determine that all *violations* have been corrected.

807.5.4 Notice of violations. The property *owner* and *person-in-charge* shall be promptly notified in writing of the existence of any *violations* found during an inspection of a property. For purposes of this subsection, "*violation*" shall mean any distinct *violation* of the State College Borough Zoning Ordinance

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This notice shall either be sent by first class mail to the address(s) for the *owner* and *person-in-charge* contained in the rental unit license application, renewal application or reinstatement application or delivered to the *owner* or *person-in-charge* in *person*. The notice shall contain all information required by the applicable notice of *violation* sections of the State College Borough Zoning Ordinance, as appropriate. All *violation* notices shall provide a reasonable time limit within which the *violations* must be corrected.

807.5.5. Additional inspections. In addition to the initial or renewal inspections, inspections may be scheduled on one or more of the following bases:

1. By area, such that all student homes in a predetermined geographical area will be inspected simultaneously, or within a short period of time.
2. By written complaint, such that written complaints of *violations* will be inspected within a reasonable time.
3. By recurrent *violations*, such that any covered student home which has been found to have a high incidence of recurrent or uncorrected *violations* will be inspected more frequently.
4. For the purpose of re-inspection to ensure the correction of any *violations* in existence at a previous inspection.

807.5.6. Notice of Additional Inspections. For any inspection authorized by this article or other codes and ordinances, other than an initial or renewal inspection, the Borough shall attempt to give the *owner* and the *person-in-charge* reasonable notification of the date and time of the inspection unless probable cause exists to believe the lack of notice is necessary for the appropriate conduct of an investigation.

807.5.7. Inspection authorization. An application for a student home license shall authorize the entry upon and inspection of the *premises* at all reasonable times as required by this Part to the extent permitted by law. The failure of an *owner* to permit an inspection of the rental unit after notice is given shall constitute a withdrawal of the rental unit license application and a reason for denial of an application.

807.5.8. Inspection reports. A copy of all inspection reports shall be mailed to the *tenants*.

807.6. Standard student home license provisions. A student home license shall show the following:

1. The date of issuance and expiration date;
2. The maximum number of *persons* who may occupy the student home;
3. The tax parcel identification number, street address and unit number of the student home;
4. Notification that the student home license is subject to the imposition of terms and conditions, suspension, summary suspension, or revocation based upon failure to comply with the applicable requirements of the State College Borough Code;
5. The name, telephone number, postal address, email address of the *owner* and the *person-in-charge*;
6. The type of the student home license;
7. Any requirements or restrictions imposed by the Borough of State College on the license pursuant to this Part or Chapter XIX of the Borough of State College Codification of Ordinances.

807.8. Appeals. Any decision by the State College Planning Department Director regarding the approval, approval with conditions, or denial of a student home license may be appealed to the State College Borough Manager within 21 days from the date the State College Planning Department mails, by first class mail, notice of the State College Planning Department Director's action to the appellant.

807.8.1 Appeals of the State College Borough Manager. Appeals of the decision of the State College Borough Manager on any appeal of an action by the State College Planning Director shall be to the court of competent jurisdiction.

Section 807.8.2 Effect of appeal. Except for an appeal from an emergency rental unit license suspension order, appeals to the State College Borough Manager shall operate to stay any order or action until a decision is reached. A stay shall not relieve an *owner* of any obligation to correct any property maintenance code *violations*; to schedule any licensing inspection or re-inspection; to cooperate with *code officials* to facilitate any complaint investigation; or to pay any licensing, inspection or re-inspection fee.

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807.9 Enforcement.

807.9.1 Maximum licensed occupancy. No *owner*, *person-in-charge*, or *person* occupying any student home licensed under this chapter shall knowingly, or under circumstances where the *owner*, *owner's* legal agent, or *person* in charge should have known, allowed the student home to be occupied by more than the number of *persons* permitted by the student home license. Each day that a *violation* exists shall constitute a separate offense.

807.9.2 Occupancy without a license. No *person* shall occupy, and no *owner* or *person*-in-charge shall allow a *person* to occupy, a student home unless a license applicable to the student home has been issued and remains in effect. Each day that a *violation* exists shall constitute a separate offense.

807.9.3 Occupancy of nonhabitable space. No *person* shall occupy for sleeping purposes, and no *owner* or *person-in-charge* shall allow a *person* to occupy for sleeping purposes, the nonhabitable spaces, as defined in the Centre Region Building Safety and Property Maintenance Code, of a student home. Each day that a *violation* exists shall constitute a separate offense.

807.9.4 False statements. No *person* shall knowingly make any false statement or provide any false information on a rental unit license application to any employee of the Borough of State College or other authorized *person* in relation to any investigation of a *violation* of this Part.

807.9.5 Coercive conduct. No *person* shall coerce, threaten, or intimidate any *person* into failing to report, or as a result of reporting, a *violation* of the State College Borough Codification of Ordinances, or to waive any rights established by law.

807.9.6 Transfer of complaint inspection fees. No *owner* or *Person-in-Charge* shall transfer or attempt to transfer fees imposed for complaint inspections to the *tenant* making the complaint unless the *owner* or *owner's* legal agent was not given a reasonable opportunity to repair the *violation* prior to the complaint or the *tenant* was responsible for the *violation* which gave rise to the complaint.

Section 807.10. Penalty. Any *person* who shall violate any of the provisions of this ordinance shall, on conviction thereof, be sentenced to pay a fine of not more than $500.00 for the first offense in any calendar year and not more than $1000.00 for the second and subsequent offenses in any calendar year plus all costs. Upon failure to pay such fine and costs, to imprisonment for not more than 30 days. Each day's continuance of a *violation* of any provision of this ordinance shall constitute a separate offense.

807.11. Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Centre Region Council of Governments

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CHAPTER 9
FIRE CODE

SECTION 901
SCOPE

901.1 Scope. These regulations shall adopt the *International Fire Code 2009 edition,* in its entirety as amended herein, and be known as the Fire Code of the *Municipality* including the adoption of the provisions contained in Appendix J, Emergency Responder Radio Coverage as mandatory provisions. Chapters and sections will be in accordance with the text of the IFC-2009.

901.2 Fire safety program license. The fire safety program license is the same as a fire safety permit, fire permit, operational permit, fire certificate, and fire certificate of *occupancy* for the purposes of this document.

SECTION 902
AMENDMENTS

902.1 Permit required. [4] Section [F]307.2 is amended to reads as follows:

[F]307.2 Permit required. A permit shall be obtained from the *code official* in accordance with Section 105.6 prior to any *open burning*. Application for such approval shall only be presented by and issued to the *owner* of the land or the *owner*'s representative upon which the fire is to be kindled.

902.2 Permit required. [4] Section [F]307.2.2 is added to reads as follows:

[F]307.2.2 Construction waste. Burning of Municipal or construction waste is strictly prohibited. All Municipal or construction waste shall be properly disposed in accordance with local or state regulations.

902.3 Permit required. Section [F]315.3.1 is amended to reads as follows:

[F] 315.3.1 Storage beneath overhead projections from buildings. ~~Unless protected by automatic sprinklers installed under eaves, canopies, porches, or other projections or overhangs~~ The outdoor storage, display and handling of combustible materials including but not limited to overstuffed furniture, ~~in these areas~~ under eaves, canopies, porches, or other projections or overhangs is prohibited.

902.4 Scope. Section [F]401.1 is amended to reads as follows:

[F]401.1 Scope. When required by the *Fire Code Official,* the reporting of emergencies, coordination with emergency response forces, emergency plans and procedures for managing or responding to emergencies shall comply with the provisions of this Chapter.

902.5 Emergency services directional signage. Section [F]511 is added to reads as follows:

902.6 Monitoring. Section [F]907.7.5 is amended to read as follows:

[F]907.7.5 Monitoring. Fire alarm systems required by this chapter or by the *International Building Code* shall be monitored by an *approved* supervising station in accordance with NFPA 72.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11 less than five stories in height.

2. Smoke detectors in Group I-3 occupancies.

3. *Automatic sprinkler systems* in one- and two-family dwellings.

907.7.5.1 Automatic telephone-dialing devices. Automatic
telephone-dialing devices used to transmit an emergency alarm shall not be connected to any fire department telephone number unless *approved* by the fire chief.

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SECTION 511
EMERGENCY SERVICES DIRECTIONAL SIGNAGE

902.6 General. Section [F]511.1 is added to reads as follows:

[F]511.1 General. The requirements of this section pertain to all building complexes of two or more buildings were the complex is served by a private network of streets, alleys, lanes, roads, *cartways*, and or drives.

902.7 Requirement. Section [F]511.2 is added to reads as follows:

[F]511.2 Requirement. When the *cartway* reaches an intersection with two or more options for continuation of the travel path, a sign conforming to the requirements of Sections 511.3 through 511.8 shall be installed so that it is clearly visible and can be read by all traffic entering the intersection.

902.8 Weather resistance. Section [F]511.3 is added to reads as follows:

[F]511.3 Weather resistance. Signs shall be weather resistant and be maintained until replaced by permanent signs.

902.9 Dimensions. Section [F]511.4 is added to reads as follows:

[F]511.4 Dimensions. The minimum dimension of the sign shall be based on the information required in Section 511.7 with a minimum of a 4 inch (101.6 mm) clear border on all sides.

902.10 Installation. Section [F]511.5 is added to reads as follows:

[F]511.5 Installation. Signs shall be installed and maintained in accordance with the design requirements of the *International Building Code*. The sign shall be installed such that the bottom of the sign is a between 48 inches (1219 mm) and 54 inches (1372 mm) above the grade.

902.11 Color. Section [F]511.6 is added to reads as follows:

[F]511.6 Color. Signs shall be constructed in such a way that the background color is white with all lettering and directional arrows being a reflective red material.

902.12 Required information. Section [F]511.7 is added to reads as follows:

511.7 Required information. Signs shall include all building numbers or names or ranges of building numbers, accessible from that *cartway*, and directional arrows directing emergency responders to that building from this location following the most efficient path of travel. All address numbers shall be Arabic numbers or alphabetical letters. All numbers and letters shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). All directional arrows shall be a minimum of 12 inches (305 mm) in overall length with a minimum of a 4 inch (101.6 mm) long by 2 inch (50.8 mm) wide head and minimum stroke with of 0.5 inches (12.7 mm).

902.13 Excluded content. Section [F]511.8 is added to reads as follows:

[F]511.8 Excluded content. Any information not required by Section 511.7 is specifically excluded from this sign.

902.14 Labeling required. Section [F]509.1.1 is added to reads as follows:

[F]509.1.1 Labeling required. Doors into all ~~locked~~ rooms that contain building utilities shall be identified with a plainly visible and legible sign. These letters and numbers shall contrast with their background. Printing shall be Arabic numerals or alphabet letters. Letters and numbers shall be a minimum of 2 inches (51 mm) high with a minimum stroke width of 0.25 inch (6.3 mm). This includes, but not limited to electrical, utility, sprinkler, fire alarm and mechanical rooms.

902.15 Implementation. Section [F]J101.3 is added to reads as follows:

[F]J101.3 Implementation. *Structures* whose initial fire safety program license issuance date was after to August 1, 2010 shall comply with the provisions of Appendix J prior to the issuance of the fire safety program license. *Structures* whose initial fire safety program license issuance date was prior to August 1, 2010, shall comply with the requirements of Appendix J prior to August 1, ~~2015~~ 2021.

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CHAPTER 10
WELLS AND BOREHOLES

SECTION 1001
GENERAL

1001.1 General. The purpose of this Chapter is to protect the quality of the ground-water resources of the Spring Creek Watershed. Within the Watershed, ground water supplies 99% of the public and private water use. Improper construction of wells and boreholes can provide short-circuit flow pathways for surface and subsurface contaminants to impact ground-water quality. This Chapter sets forth standards for the construction of wells and boreholes that are not otherwise regulated.

1001.2 Scope. The scope of this Chapter applies to the construction, modification, alteration, termination, and abandonment of all wells and boreholes that penetrate more than 20 feet (6096 mm) below grade, including but not limited to domestic water supply wells, geothermal heat system wells and/or boreholes, geotechnical borings, test borings, agricultural wells, irrigation wells, commercial wells, industrial wells, etc. The following are exempt from the requirements of this Chapter:

1. Wells and/or boreholes associated with water supply wells for public water systems (defined by the Pennsylvania Department of Environmental Protection as consisting of at least 15 service connections or regularly serving no fewer than 25 individuals daily at least 60 days out of the year).

2. Horizontal geothermal heat exchangers constructed in pits, trenches, ditches, or in horizontal directional borings.

3. Monitoring wells whose construction and operation is overseen by the Pennsylvania Department of Environmental Protection.

4. Borings (such as shot holes, exploratory borings, etc.) at a mining site associated with mining activities whose construction and operation are overseen by the Pennsylvania Department of Environmental Protection.

5. Utility trenches.

6. Foundations, pilings, and other soil and/or bedrock penetrations which are an integral part of building construction.

7. Normal routine maintenance and minor repairs to keep a well or borehole in good working order.

8. Wells that are completed and fully operational as of the effective date of this code.

SECTION 1002
DEFINITIONS

ABANDONED WATER SUPPLY WELL. A water supply well, the regular use of which has been discontinued for a period of one year or more, or which is in such a state of disrepair that continued use for the purpose of obtaining ground water is impracticable, or which has been replaced by a new well or public water supply.

ALTERATION. Any action which necessitates entering a well with drilling tools; treating a well to increase yield, altering the physical *structure* of depth of the well; blasting; removal or replacement of well casing.

ANNULAR SPACE. The space between two (2) cylindrical objects, one of which surrounds the other, such as the space between a drill hole and a casing pipe.

ANSI. American National Standards Institute.

API. American Petroleum Institute.

APPROVED GROUT. Neat cement, cement plus bentonite, bentonite, bentonite plus silica sand, or low-permeability sealing material as *approved* for use by the *Code Official*. *Approved* grout is to be mixed and applied according to manufacturer's specifications (e.g., water content and viscosity) for use in grouting wells and/or geothermal boreholes.

AQUIFER. A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

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ASTM. American Society for Testing and Materials.

BACK SIPHONAGE. The flowing back of used, contaminated or polluted water from a plumbing fixture or vessel or other sources into a potable water supply pipe due to negative pressure in such pipe.

BENTONITE. A highly plastic, colloidal clay composed largely of the mineral montmorillonite.

BORING/BOREHOLE. A penetration of soil and, or rock that is augered, drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed which is generally cylindrical in shape and whose diameter is generally smaller than its depth of penetration.

BRIDGING MATERIAL. Solids added to a drilling fluid to bridge across the pore throat or fractures of an exposed rock thereby building a filter cake to prevent loss of whole mud or excessive filtrate.

CASING. An impervious durable pipe placed in a well to prevent the walls from caving and to seal off surface drainage or undesirable water, gas or other fluids and prevent their entering the well.

CHIP BENTONITE GROUT. Chip bentonite grout is composed of dry 3/8 inch (9.5 mm) or ½ inch (12.7 mm) sized chips of bentonite.

CLOSED-LOOP GEOTHERMAL SYSTEM. A type of geothermal heating and, or cooling system that utilizes a pressurized heat exchanger consisting of pipe, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere. The heat transfer fluid is potable or beneficial reuse water and may have *approved* antifreeze added.

COLIFORM. All of the aerobic and facultative anaerobic, gram negative, non-spore forming, rod-shaped bacteria which are capable of fermenting lactose with gas formation within forty-eight (48) hours at thirty-five (35 °C) degrees Celsius.

COMMUNITY WATER SYSTEM. A water system which serves at least 15 service connections used by year round *residents* or regularly serves at least 25 year round *residents*.

CONSTRUCTION OF WELLS. All acts necessary to obtain groundwater, or artificially recharge groundwater. Provided, however, such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying, or for inserting media to repressure oil or natural gas formations or for storing petroleum, natural gas, or other products and services. Construction of wells includes the location and excavation or drilling of the well, but excludes the installation of pumps and pumping equipment.

CONTRACTOR. Any individual, partnership, company, association, corporation, group or entity employed, hired, contracted or otherwise engaged by the *Owner* to perform defined services for compensation.

CROSS CONNECTION. An arrangement allowing either direct or indirect connection through which backflow, including back siphonage, can occur between the drinking water in a public water system and a system containing a potential source of contamination.

CURING TIME. Minimum time required for particular types of cementing or grouting materials to harden or set up before drilling or other construction operations can be resumed.

DECOMMISSIONING. The act of rendering a well or borehole to a condition where there is no pathway present for surface or subsurface contaminants to travel down to the water table.

DECOMMISSIONED VERTICAL CLOSED LOOP BOREHOLE. A vertical closed loop borehole whose original purpose and use have been permanently discontinued or which is in such a state of disrepair that its original purpose cannot be reasonably achieved.

DEP. Pennsylvania Department of Environmental Protection.

DCNR. Pennsylvania Department of Conservation and Natural Resources.

DIRECT EXCHANGE (DX) GEOTHERMAL SYSTEM. A type of geothermal heating and, or cooling system where the heat pump refrigerant is circulated through metal piping installed in vertical, inclined, or horizontal boreholes. This type of geothermal system must use a cement-based, special grout in the boreholes and must have electronic corrosion protection for the metal piping.

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DRILLING MUD. A fluid composed of water and bentonite used in the drilling operation to remove cuttings from the hole, to clean and cool the bit, to reduce friction between the drill stem and the sides of the hole, and to plaster the sides of the hole. Such fluids range from relatively clear water to carefully prepared mixtures of special purpose compounds.

FLOWABLE FILL. Flowable fill is a mixture of Portland cement (ASTM C150), potable water, sand, and a fluidizing agent. This mixture is predominately sand. An example mixture of flowable fill contains approximately 85 percent sand, 9 percent water, 4 percent Portland cement, 2 percent finely ground slag, and a fluidizing agent. Flowable fill and other bridging agents do not meet the permeability requirements to protect ground water quality and prevent flow between aquifer zones.

FLOWING WELL. A well that yields water by artesian pressure at the ground surface.

FUSE. To make a plastic pipe joint by heat and pressure in accordance with the pipe manufacturer's specifications.

GEOTHERMAL HEATING AND, OR COOLING SYSTEM. A system that uses a heat pump to extract heat from the earth in heating mode and/or reject heat into the earth in cooling mode. It is also called a geothermal heat pump system, a ground-coupled heat pump system, an earth-source heat pump system, and a GeoExchange system.

GROUND-COUPLED HEAT PUMP. A geothermal heat pump that uses the earth itself as a heat source and heat sink. It is coupled to the ground by means of a closed-loop heat exchanger installed horizontally or vertically underground.

GROUNDWATER. Water within the earth below the water table within the zone of saturation. Groundwater includes both water under water table conditions and confined within deep aquifers.

GROUT. A high-solids fluid mixture of cement or bentonite and potable water of a consistency that can be pumped through a tremie pipe and placed as required. Various additives, such as sand or bentonite may be included in the mixture to meet certain requirements

GROUTING, POSITIVE EMPLACEMENT. A technique of the installation of grouting materials whereby emplacement is achieved by positive pumping pressure through a tremie pipe from the bottom of the zone upward.

HEAT PUMP. A mechanical device used for heating and/or cooling which operates by pumping heat from a cooler to a warmer location.

HYDROLOGIC BALANCE. This term refers to the condition where, in the long term, the rate of local groundwater pumping from an aquifer does not exceed the rate of local groundwater recharge to the aquifer.

IGSHPA. The International Ground Source Heat Pump Association.

INDIVIDUAL WATER SUPPLY. A system including wells, pumps, and piping equipment, which supplies water to a private home.

INSTALLATION OF PUMPS AND PUMPING EQUIPMENT. The procedure employed in the placement and preparation for operation of pumps and pumping equipment, including all construction involved in making entrance to the well and establishing seals but not including repairs to existing installations.

MAJOR ALTERATION OF A WELL AND/OR BOREHOLE. Any alteration of a regulated well or borehole which can increase the potential for rapid vertical flow of water into groundwater or which can otherwise increase the potential to pollute groundwater. Examples of major alterations include, but are not limited to, deepening of an existing well, conversion of a well to another use (such as geothermal heating), etc.

MINOR ALTERATION. Any alteration that is not otherwise defined as a major alteration.

NEAT CEMENT GROUT. A fluid mixture of hydraulic cement and water, with or without admixtures in the following proportions; one bag of cement (94 pounds (42.6 kg)) to not less than 5 gallons (18.9 l) nor more than 7 gallons (26.5 l) of water.

NON-COMMUNITY WATER SYSTEMS. A public water system which is not a community water system.

N.S.F. National Sanitation Foundation.

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OPEN-LOOP GEOTHERMAL SYSTEM. A type of geothermal heating and/or cooling system that utilizes a water-supply well and a water pump to deliver ground water to a water-source heat pump. The discharge water from the water-source heat pump may be returned to the subsurface through a recharge well or infiltration bed, or may be discharged into a pond, lake, or stream. A spring may also be the source of the ground water supply.

OTHER FILL AND BRIDGING MATERIALS. Under some limited circumstances, borehole completion without grout (below the minimum 20 foot depth of the *approved* grout surface formation seal), may be necessary. Acceptable fill materials are site specific and may include, but may not be limited to: bentonite chips, cuttings removed from the borehole; clean sand, gravel, or a mixture of sand and gravel; and/or cement and water or concrete mixes.

OTHER GROUT AND FILL PLACEMENT METHODS. Other methods of grout or fill placement shall be accepted if such methods allow verification of completion. Such methods must ensure that the grout or fill placement provides environmental protection and the intended system performance.

OWNER. Any *person* vested with sole or partial, legal or equitable ownership of the subject property.

PACKER. A mechanical device that is placed in a borehole to prevent the vertical movement of water or grout.

PERMEABILITY. A measure of the relative ease with which a porous medium can transmit a liquid under a potential gradient. It is a property of the medium alone and is independent of the nature of the liquid and of the force field causing movement. It is a property of the medium that is dependent upon the shape and size of the pores.

PERSON. Shall mean any individual, partnership, company, association, corporation or other group or legal entity.

PITLESS ADAPTOR. A device or assembly of parts which will permit water to pass through the wall of the well casing or extension thereof, and which provides access to the well and to the parts of the water system within the well in a manner to prevent entrance of pollution into the well and the water produced.

POLYMER. A substance consisting of molecules characterized by the repetition of one or more types of monomeric units.

POTABLE WATER. Water suitable for human consumption.

PORTLAND CEMENT (NEAT CEMENT) GROUT. A mixture of Portland cement (ASTM C150 Standard Specification for Portland Cement) and not more than 6 gallons (22.7 l) of potable water per bag (1 cubic foot (28.3 l) or 94 pounds (42.6 kg)) of cement shall be used according to the manufacturer's specifications.

PUBLIC WATER SYSTEM. A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term is either a community or non-community system and includes collection, treatment, storage and distribution facilities under the control of the *operator* of the system and used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption.

PUMPABLE BENTONITE GROUT. Pumpable bentonite grout is a high solids mixture of sodium bentonite powder or granules and potable water mixed according to the manufacturer's specifications.

RETURN WELL. A well design and constructed for the return of water to the ground.

SAND-CEMENT GROUT. A mixture of Portland cement - Type I (ASTM C150), sand and water in the proportion of not more than two parts by weight of sand to one part of cement with not more than 6 gallons (22.7 l) of potable water per bag of cement (1 cubic foot (28.3 l) or 94 pounds (42.6 kg)) shall be used according to the manufacturer's specifications.

SEMI-PUBLIC WATER SUPPLY. A water supply which services one or several facilities such as industrial or commercial establishments, parks, camps, hotels, motels, schools, institutions, eating and drinking establishments or a water supply which services two (2) or more *dwelling units* and is not a public water system as defined by the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1 et. seq.).

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STANDING-COLUMN GEOTHERMAL SYSTEM. A type of open-loop geothermal heating and/or cooling system that circulates ground water from a water well through a water-source heat pump and returns the discharge water from the water-source heat pump to the same water well it was pumped from. The water withdrawal and return locations within the water well bore are separated as far as is possible. Some standing-column geothermal systems discharge some of the circulating ground water to enhance their heat transfer.

THERMALLY-ENHANCED BENTONITE BASED GROUT. Thermally-enhanced bentonite based grout is a high solids mixture of sodium bentonite, inert additives such as sand or rock dust that enhance thermal conductivity, and potable water mixed according to the manufacturer's specifications. The sand must be clean so as to not introduce contaminants into the grout mixture. The use of special additives to alter permeability, increase thermal conductivity, increase fluidity, control grout loss, and/or control time of set, and the composition of the resultant slurry, must be used in accordance with the manufacturer's specifications.

TREMIE PIPE. A rigid or flexible pipe or a hose that carries the grouting materials to the bottom of the zone being grouted. The tremie pipe is withdrawn as the grout material fills the annular space outside the casing or fills the space between the loop pipes and the borehole wall. The end of the tremie pipe is kept submerged just below the surface of the grout material.

TREMIE PLACEMENT METHOD FOR FILL AND BRIDGING MATERIALS. The tremie pipe shall be lowered to the bottom of the zone being filled, and raised slowly as the fill material is introduced. When using the tremie pipe method to install fills, the bottom of the tremie should be maintained as close as possible to, but not inside of, the emplaced fill.

TREMIE PLACEMENT METHOD FOR GROUT. After water or other drilling fluid has been circulated in the annular space sufficient to clear obstructions, grout shall be placed by pressure pumping through a tremie pipe. The tremie pipe shall be lowered to the bottom of the zone being grouted, and raised slowly as the material is introduced.

VERTICAL CLOSED-LOOP BOREHOLE. A borehole which is constructed to receive heat-exchanger loop pipes and grout material. Fill material may be used below a minimum depth of 20 feet below grade as the subsurface conditions warrant.

WATER-SOURCE HEAT PUMP. A heat pump that uses a water-to refrigerant heat exchanger to extract heat from the heat source.

WATER SUPPLY WELL. Any well that is constructed to remove or return water to the ground.

WATER TABLE. That surface in an unconfined groundwater body at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the water body just far enough to hold standing water.

WELL. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, monitoring, or artificial recharge of groundwater. This includes but is not limited to test wells, test borings, and monitoring wells, in addition to wells to be utilized as individual or semi-public water supplies.

WELL DRILLER. An individual or company that is permitted or licensed by the State of Pennsylvania to drill wells in Pennsylvania.

WELL SCREEN. A filtering device that allows ground water from unconsolidated and semiconsolidated aquifers to enter the well while at the same time keeping the majority of sand and gravel out of the well and out of the pump. A screen also supports the aquifer material and prevents the borehole from collapsing.

WELL SEAL. An *approved* device or method used to protect a well casing or water system from the entrance of any external pollutant at the point of entrance into the casing of a pipe, electric conduit or water level measuring device.

ZONE OF SATURATION. The zone below the water table in which all interstices are filled with ground water.

SECTION 1003
PERMITS

1003.1 Permit required. No *person*, firm, or corporation shall make a penetration of soil and, or rock that is augered, drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed that is regulated by this code until a drilling permit has been issued by the *code official*.

1003.2 Permit application. Applications for permits shall be made to the Centre Region Code Administration Office on forms furnished by said office.

1003.3 Fees. The drilling permit fee shall be established by resolution of the *Municipality*.

> **1003.3.1 Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

1003.4 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of this code, the *building official* shall reject such application in writing, stating the reasons therefore. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

1003.5 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

1003.6 Validity of permit. The issuance or granting of a drilling permit shall not be construed to be a permit for, or an approval of, any *violation* of any of the provisions of this code or of any other ordinance of the jurisdiction. Drilling *permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a drilling permit based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent *occupancy* or use of a *structure* where in *violation* of this code or of any other ordinances of this jurisdiction.

1003.7 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

1003.8 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in *violation* of any ordinance or regulation or any of the provisions of this code.

1003.9 Placement of permit. The building *permit* or copy shall be kept on the site of the work until the completion of the project.

1003.10 Time. The building *code official* shall grant or deny a permit application, in whole or in part, within 15 business days of the filing date for permits associated with 1 and 2 family dwelling and within 30 business days of the filing date for permits associated with other systems. Reasons for denial shall be in writing and given to the applicant. The building *code official* and the permit applicant may agree to extend the deadline by a specific number of days.

1003.11 Stamp. The building *code official* shall stamp or place a notation on each page of the set of reviewed construction documents that the documents were reviewed and *approved* for compliance with this code before the permit is issued. The building *code official* shall clearly mark any required non-design changes on the construction documents. The building *code official* shall return a set of the

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construction documents with this notation and any required changed to the applicant. The permit holder shall keep a copy of the construction documents at the work site open to inspection by the building *code official*.

SECTION 1004
SUBMITTAL DOCUMENTS

1004.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, and other data shall be submitted in two or more sets with each drilling *permit* application. The *construction documents* shall be prepared by a *registered design professional* where construction is not associated with a 1 and 2 family dwelling. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

1004.2 Construction documents. Construction documents shall be in accordance with Sections 1004.2.1 through 1004.2.2.

1004.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

1004.2.2 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new well construction, proposed buildings, existing and proposed on-lot sewage treatment systems, and existing *structures* on the site, distances from *lot lines*, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition or abandonment, the site plan shall show construction to be demolished or abandoned and the location and size of existing *structures* and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

1004.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

1004.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

SECTION 1005
WATER SUPPLY WELL AND BOREHOLE LOCATION

1005.1 Minimum water supply well depth. The source of supply for a water supply well shall be from a water bearing formation drawn not less than 20 feet (6096 mm) from the ground surface. Wells shall be located at a point free from flooding and may not be located within a FEMA FIRM floodplain unless conforming to the requirements of Section 1005.1.1; and shall be at a higher elevation and at the minimum setback distances to existing or potential sources of pollution set forth in Section 1005.2.

1005.1.1 Water supply well construction in a floodplain. If a well is proposed to be located within a floodplain then the well application must include a letter from a Registered Professional Engineer in the Commonwealth of Pennsylvania documenting why the necessity of placement of the well within the floodplain, the documented height of the 100- year flood level, and what mitigation measures, including but not limited to, the extension of the casing above the elevation of the 100-year flood elevation, are to be used to mitigate the contamination hazard.

1005.1.1.1 Municipal variance. Prior to construction of any borehole in a floodplain the permit applicant shall provide a copy of the granted municipal variance allowing construction in the floodplain or a letter from the *municipality* that they take no objection to the construction.

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1005.2 Minimum set back distance. Wells and boreholes regulated by this code shall be located using the minimum setback distances to existing or potential sources of pollution listed in Table 1005.2. For closed loop geothermal wells and boreholes which due to infeasibility cannot conform to the requirements of Table 1005.2 an appeal to the *Code Official* can be made detailing the infeasibility, and the proposed location. Upon review, the *code official* may reduce the required set back distances with written approval of the *Municipality*.

SECTION 1006
WATER SUPPLY WELL CONSTRUCTION REQUIREMENTS

1006.1 Casing. All wells supplying individual or semi-public potable water supplies and all wells supplying open loop geothermal heating and/or cooling systems and all wells for the return and recharge of geothermal heating and cooling system discharge water shall be equipped with watertight and durable casing constructed of listed material and minimum wall thickness:

1. Wrought iron - 0.1875 inches (4.76 mm)

2. Steel - 0.1875 inches (4.76 mm)

3. Polyvinyl chloride (PVC) plastic 0.175 inches (4.445 mm)

1006.1.1 Joining. The sections of casing shall be joined together by threaded couplings, or full circumferential welding for ferrous materials, and threaded couplings or solvent welding in accordance with ANSI/NSF Standard 14 for PVC. Other nonferrous casing joining must meet AWWA Standard A100.

1006.1.2 Minimum depth. The casing shall be carried to a minimum depth of 20 feet (6096 mm) and grouted in place.

1006.1.3 Grouting. Casing and grouting must be compatible. Pressure grouting is required for all wells by running tremie pipe to bottom of the annular space outside the casing.

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Table 1005.2.
Minimum Well and Borehole Setback Distances

Setback From	**Potable Water Supply Well (feet [meters])**	**Borehole and Geothermal Supply and Geothermal Return Well (feet [meters])**
Lakes, ponds, streams or other surface waters	25 [7.62]	25 [7.62]
Storm drains, retention basins, stabilization ponds or stormwater management facilities	10 [3.05]	10 [3.05]
Preparation area or storage area of hazardous spray materials, fertilizers of chemicals, salt piles	100 [30.48]	100 [30.48]
Gravity sewer lines and drains carrying domestic sewage or industrial waste	50 [15.24]	10 [3.05] or according to *easment*
Existing water and forced sewer buried utilities and/or utility trenches	Outside existing easement or, if no easement exists, no less than 15 feet [4,572 mm] from the utility or trench centerline.	
Septic tanks, aerobic tanks or holding tanks	50 [15.24]	25 [7.62]
Subsurface sewage disposal systems, elevated sand mounds, other sewage disposal fields	100 [30.48]	25 [7.62]
Sewage seepage pits, cesspools	100 [30.48]	25 [7.62]
Farm silos, barnyards, privies and fuel tanks	100 [30.48]	25 [7.62]
Rainwater pits, ditches	25 [7.62]	10 [3.05]
Spray irrigation sites, sewage sludge and septage disposal sites	100 [30.48]	25 [7.62]
Dedicated public right-of-way	20 [6.10]	10 [3.05]
Building foundations (except for buildings enclosing water wells and/or water well pumps and any other source of pollution as *approved*)	30 [9.14]	10 [3.05]

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1006.1.4 Minimum borehole diameter. The borehole should be 3 inches (76.2 mm) larger in diameter than the outside diameter of casing to allow for a minimum of 1-1/2 inches (38.1 mm) of annular space for grout placement.

1006.1.5 Minimum extension above grade. Casing shall extend at least 12 inches (304.8 mm) above ground surface. The casing may be terminated at grade or just below grade if fitted with a waterproof and airtight cap and is located within a box-type enclosure with an access lid such as a small meter vault.

Exception: Airtight and watertight sealed open loop return wells can be direct buried.

1006.1.6 Ferrous casing. Ferrous Casing shall be new pipe meeting ASTM or API specifications for water supply well construction. It shall be equipped with a drive shoe or other effective casing seal and have full circumference welds or threaded pipe joints.

1006.1.7 Non-ferrous casing. Non-Ferrous Casing shall meet appropriate ANSI, ASTM or NSF standards for water well casing applications. It shall not be driven.

1006.2 Grouting. An annular space shall be provided between the well casing and the earth formation. The annular space shall be completely filled with *approved* grout materials in one continuous operation under pressure from a minimum depth of 20 feet (6096 mm) below grade to the natural ground surface within 24 hours of completion of drilling. No activity in and around the well shall occur within 24 hours after grouting of the casing with neat cement or cement with bentonite and using a curing accelerant, or within 1/2 hour if using bentonite.

In the event that grouting is done following completion of all drilling operations, all obstructions must be completely cleared prior to placement of grout material.

1006.2.1 Pitless adaptor. During the installation of a pitless adaptor, grout material may be removed from the exterior of the casing in order to provide a watertight seal between the casing and this adaptor. For the installation of a pitless adaptor, a ditch at least 3 feet (914.4 mm) deep is required along with conduits, stone, dust or sand. A sanitary well cap shall be incorporated for protection from leakage and identification of the well respectively.

1006.2.2 Geothermal. Geothermal heating and/or cooling system vertical heat exchange boreholes containing loop pipes may be filled with *approved* grout or bridging or fill materials from their total depth up to a minimum depth of 20 feet (6096 mm) below grade. These vertical heat exchange boreholes must be filled with only *approved* grout from a minimum depth of 20 feet (6096 mm) below grade up to the ground surface. If the annular space around the loop pipes from a minimum depth of 20 feet (6096 mm) below grade up to the ground surface is free from standing water, the *approved* grout may be emplaced without pressure pumping through a tremie pipe.

1006.3 Packer. Packers when used shall be of material that will not impart adverse taste, odor, toxic substances or bacterial contamination to the well water.

1006.4 Pitless installations. Pitless installations are those where the casing terminates above the ground surface or below grade as specified in Section 1006.1. Where used, they shall be effectively sealed. All buried suction lines shall be encased. The access casing shall be protected against corrosion and shall extend at least 12 inches (304.87 mm) above the natural ground surface and to a depth of at least 20 feet (6096 mm) below the ground surface. Pitless adaptors cannot be installed through a ferrous casing by cutting the hole with a torch or flame, but must be installed by using a hole saw or drill to make the hole through the ferrous casing.

1006.5 Well screens. Well screens shall provide maximum amount of open area while still maintaining structural strength. They shall have the size of openings based on a sieve analysis to preclude entry by sand, silt, and other undesirable elements.

1006.6 Well cap. All installations shall install a secure, screened, varmint free well cap on all wells to prevent any surface pollutants from entering the well or any vandalism to the well or aquifer. In the event of a flowing well, the well cap must stop overflow from the well. Casing terminated at grade or just below grade, shall have a waterproof and airtight well cap installed.

1006.7 Venting. Where venting is required, an overlapping cover or pipe with an opening facing downward shall be required. In no case shall

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openings be less than 12 inches (304.8 mm) above the ground.

1006.8 Monitoring wells. Monitoring wells shall be designed and installed such as to minimize potential contamination of the aquifer and to maximize the information obtained from each such well.

1006.9 Heat pumps. Heat pump (geothermal) installations shall be designed and constructed to provide an effective watertight seal with the well casing or water storage reservoir and to prevent contamination from reaching the water chamber or interior pump surfaces. In closed loop systems, boreholes must be grouted from a minimum depth of 20 feet (6096 mm) below grade to the ground surface with an *approved* grout. Open loop systems must conform to same requirements as water wells.

1006.10 Power pump installations. The pump base installed directly over a well casing or pipe sleeve shall be designed to provide a watertight seal. It shall be located in a flood-free area. The pump and related equipment shall permit convenient access, removal, maintenance and repair. The suction opening shall be placed at least 2 feet (609.6 mm) below the maximum drawdown of the water in the well. The suction opening shall also be located at a sufficient distance from the bottom of the well so as to prevent agitation of accumulated sediment.

1006.11 Abandoned water supplies. Existing wells that are to be abandoned shall be mitigated in accordance with Sections 1006.11.1 through 1006.11.3.

1006.11.1 Drilled wells. Drilled wells shall be filled and sealed by *approved* grout.

1006.11.2 Hand dug wells. Hand dug wells shall be filled with stone to within 4 feet (1219 mm) of the top of the well, then filled with compacted earth to ground level.

1006.11.3 Dry wells. Dry wells being abandoned must be filled with stone and the top 20 feet (6096 mm) filled with *approved* grout; however, the top 2 feet (609.6 mm) may be covered with topsoil.

1006.12 Disinfection. Following completion of construction, the well shall be pumped continuously until the water discharge is clear. It shall be filled with water containing concentration of not less than 100 parts per million of free chlorine. A portion of this solution shall be recirculated directly to the well in order to insure proper agitation. The water shall not be used for a period of 24 hours. Other combinations of water and chlorine concentration and time interval may be used if demonstrated equally effective to the building *code official*. Disposal of the purged water shall be at a point so as to minimize adverse effects to aquatic life and in no way directed into any subsurface sewage disposal system.

1 ounce (29.57 ml) of dry calcium hypochlorite dissolved in 52.5 gallons (198.7 l) of water makes the proper strength disinfectant solution. Household bleach may be used for disinfection as given in Table 1006.12(1):

1006.13 Cross-connections. All check valves and backflow protection shall be properly installed. Backflow protectors must be incorporated into the system and be used as needed for each outside water hose connectors. At a minimum two check valves shall be incorporated into each water system that derives water from a well.

Exception: Where not practical, a cross-connection prevention assembly shall be provided. For semi-public water supplies, the cross-connection prevention assembly device is shall be installed at any fixed potable water outlet to which a hose may be connected.

1006.14 Testing. The assembled loop system shall be pressure tested with water at 100 psi (690 kPa) for 30 minutes with no observed leaks before connection (header) trenches are backfilled. Flow rates and pressure drops shall be compared to calculated values. If actual flow rate or pressure drop figures differ from calculated values by more than 10 percent, the problem shall be identified and corrected.

1006.15 Completion report. Upon completion of the well or borehole, submit 2 copies of DCNR's water well completion report form 8700-FM-TG-5001S, as may be amended, to the *code official* and 1 copy of this form to the owner. If a geothermal well is constructed, a report shall be filed with the Centre Region Code Administration by the driller indicating the well was constructed in accordance with this Code.

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Table 1006.12(1)
Volume of Chlorine Bleach for Shock Chlorination of Wells and Springs

Water Depth	**Well Diameter**					
	6 in (152.4 mm)	**8 in (203.2 mm)**	**10 in (254 mm)**	**24 in (609.6 mm)**	**32 (812.8 mm)**	**36 in (914.4 mm)**
10 ft (3.05 m)	1 c (236.6 ml)	1 c (236.6 ml)	2 c (473.2 ml)	12 c (2839 ml)	16 c (3785 ml)	24 c (5678 ml)
20 ft (6.10 m)	1 c (236.6 ml)	2 c (473.2 ml)	4 c (946.4 ml)	20 c (4732 ml)	32 c (7571 ml)	40 c (9464 ml)
30 ft (9.14 m)	2 c (473.2 ml)	4 c (946.4 ml)	6 c (1420 ml)			
40 ft (12.19 m)	2 c (473.2 ml)	4 c (946.4 ml)	8 c (1893 ml)			
60 ft (18.29 m)	4 c (946.4 ml)	6 c (1420 ml)	12 c (2839 ml)			
80 ft (24.38 m)	4 c (946.4 ml)	8 c (1893 ml)	14 c (3312 ml)			
100 ft (30.48 m)	6 c (1420 ml)	10 c (2366 ml)	16 c (3785 ml)			
150 ft (45.72 m)	10 c (2366 ml)	16 c (3785 ml)				

Cup (c) is defined as 8 liquid ounces

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SECTION 1007
BOREHOLE CONSTRUCTION REQUIREMENTS

1007.1 Cased boreholes. If casing is to be left in place permanently, then the boring shall conform to the requirements for water supply wells stated in Section 1006.

1007.2 Non-cased boreholes. If no casing is utilized, then the boring shall be grouted using *approved* grout for not less than 20 feet (6096 mm) below grade.

1007.3 Temporary casing. If a temporary casing is removed or retracted, this shall be accomplished immediately after grout has been placed or else before the grout has hardened or cured.

1007.4 Construction standard. All materials and construction practices shall conform to the requirements stated in Closed-Loop / Geothermal Heat Pump Systems Design and Installation Standards, such as, but not limited to, standards for pressure testing, heat transfer fluids, etc. All materials and construction practices shall effectively prevent contamination of groundwater.

1007.5 Testing. The assembled loop system shall be pressure tested with water at 100 psi (690 kPa) for 30 minutes with no observed leaks before connection (header) trenches are backfilled. Flow rates and pressure drops shall be compared to calculated values. If actual flow rate or pressure drop figures differ from calculated values by more than 10 percent, the problem shall be identified and corrected.

SECTION 1008
MAJOR ALTERATIONS

1008.1 General. When major alterations are made to wells and boreholes regulated by this code, these alterations shall conform to Sections 1006 and 1007 with the following modifications.

1008.1.1 Existing non-grouted wells and boreholes. If major alterations are made to an existing well or boring which is not grouted with an *approved* grout, then the following measures may be taken in lieu of the grouting requirements of Sections 1006 and 1007.

1. Remove soil from the uppermost 2 feet (609.6 mm) of the casing to a diameter of no less than 1 foot (304.8 mm) outside the existing casing.

2. Fill the exposed annular space with an *approved* grout to grade.

3. Place a compacted earth mound around the well casing. The compacted earth mound shall be no less than 6 inches high (152.4 mm) and shall extend no less than 1 foot (304.8 mm) away from the casing in all directions. The purpose of the compacted earth mound is to divert surface water away from the well, so the compacted earth mound shall be non-erodible.

This exception applies only to wells and, or borings that were in existence prior to the effective date of this code.

SECTION 1009
CROSS-CONNECTIONS

1009.1 General. Cross connections between an individual or semi-public water supply and a public water system shall be prohibited.

SECTION 1010
VIOLATIONS

1010.1 General. No well or borehole regulated by this code shall be used until compliance with this code has been obtained.

SECTION 1011
DISCLAIMER

1011.1 General. Approval of this application and issuance of a permit for a well and, or boring on the above described property does not constitute any guarantee or warranty by the *Municipality* or the Center Region Code Administration regarding quantity or quality of water that may be obtained as a result of any well drilled under this permit. The *approved* permit solely provides the approval to drill a well and, or boring at the site shown on the application, and does not provide any other guarantees, approval, or warranties.

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CHAPTER 11
REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ANSI

American National Standards Institute
1819 L Street, NW, 6th Floor
Washington, DC 20036

Standard reference number	Title	Referenced in code section number
14-2008e	Plastics Piping System Components and Related Materials	1006.1.1

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

AWWA

American Water Works Association
6666 Quincy Avenue
Denver, CO 80235

Standard reference number	Title	Referenced in code section number
A100—2006	AWWA Standard for Water Wells	1006.1.1

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
C150-09	Standard Specification for Portland Cement	1002
E136-09b	Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C	703.3.3.1
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

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ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC-09	International Building Code	102.3, 201.3, 304.1.1, 305.1.2, 306.1.1, 307.1.2 307.1.3, 401.3, 402.1, 404.5.2.3, 404.9, 604.3.1.1 604.3.2.1, 702.1.1, 702.3, 702.3.1, 702.5, 702.6 702.7, 703.2.1, 703.2.2, 704.2.5, 711.1, 713.1 907.7.5, 902.10, A102.1, A102.2, A102.3
IEBC-09	International Existing Building Code	102.3, 201.3, 304.1.1, 305.1.2
IFC-09	International Fire Code	102.3, 201.3, 702.1, 702.2, 702.4.1, 704.1, 704.2.7, 704.6, 711.1, 901.1, 902
IFGC-09	International Fuel Gas Code	102.3, 201.3, 603.1
IMC-09	International Mechanical Code	102.3, 201.3, 403.1, 603.1, 603.5
IPC-09	International Plumbing Code	102.3, 201.3, 502.5, 505.1, 602.2
IPMC-06	International Property Maintenance Code	704.2.4, 704.2.6
IRC-09	International Residential Code	102.3, 201.3, 303.2, 603.1, 702.6.1, 704.2.5

IGSHPA

International Ground Source Heat Pump Association
374 Cordell South, Oklahoma State University
Stillwater, OK 74078-8018

Standard reference number	Title	Referenced in code section number
CLGHPS-08	Closed-Loop / Geothermal Heat Pump Systems, Design and Installation Manual	1007.4

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
10—07	Standard for Portable Fire Extinguishers	704.6, 704.6.1, 711.1
13-07	Standard for the Installation of Sprinkler Systems	706.1
25-08	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	704.1.1
70-08	National Electrical Code	102.3, 201.3, 604.2, 704.2.4.1
72-08	National Alarm and Signaling Code	704.2.4.1, 902.6
80-07	Fire Doors and Other Opening Protectives	703.1.3, 703.2
96-08	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations	607.2
105-07	Installation of Smoke Door Assemblies and Other Opening Protectives	703.1.2
701-04	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films	705.1

MZO

Standard reference number	Title	Referenced in code section number
MZO	Municipal Zoning Code/Ordinance	202, 404.5.2, 404.5.2.2, 803.2, 805.2, 805.4, 805.8, 805.8.2, 807.1.4, 807.4.3, 807.5.1, 807.5.3, 807.5.4

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UL	Underwriters Laboratory Inc. 333 Pfingsten Road Northbrook, IL 60062	
Standard reference number	Title	Referenced in code section number
ANSI/UL-2034	Standard for Carbon Monoxide Alarms	608.2

UCC	Pennsylvania Department of Labor and Industry 651 Boas Street, Room 1613 Harrisburg, PA 17121-0750	
Standard reference number	Title	Referenced in code section number
PA-UCC	Uniform Construction Code of Pennsylvania	102.3, 102.7, 105.1, 404.5.2.3, 704.10, 802.1

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Centre Region Council of Governments

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APPENDIX A
BOARDING STANDARD

A101
GENERAL

A101.1 General. All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized *persons* and shall be painted to correspond to the color of the existing *structure*.

A102
MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum 1/2-inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51mmby 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103
INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the *structure* shall be available for authorized entry and shall be secured and locked in an *approved* manner.

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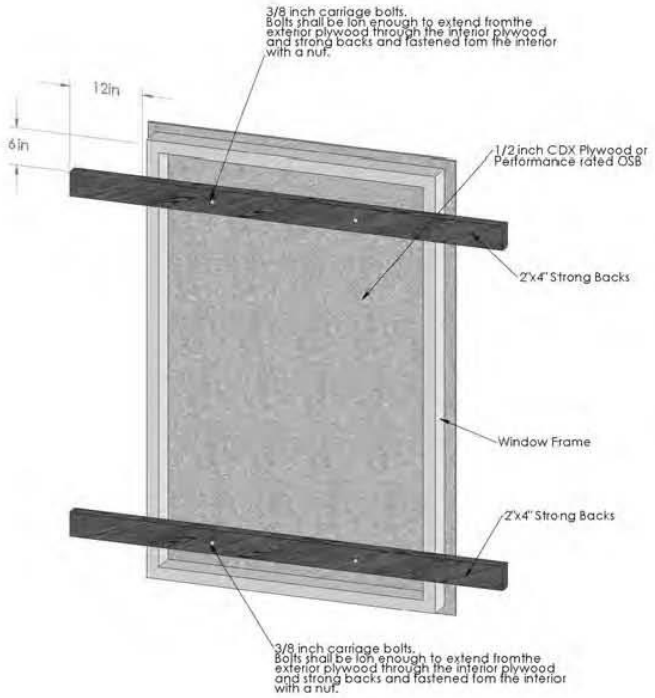

FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW

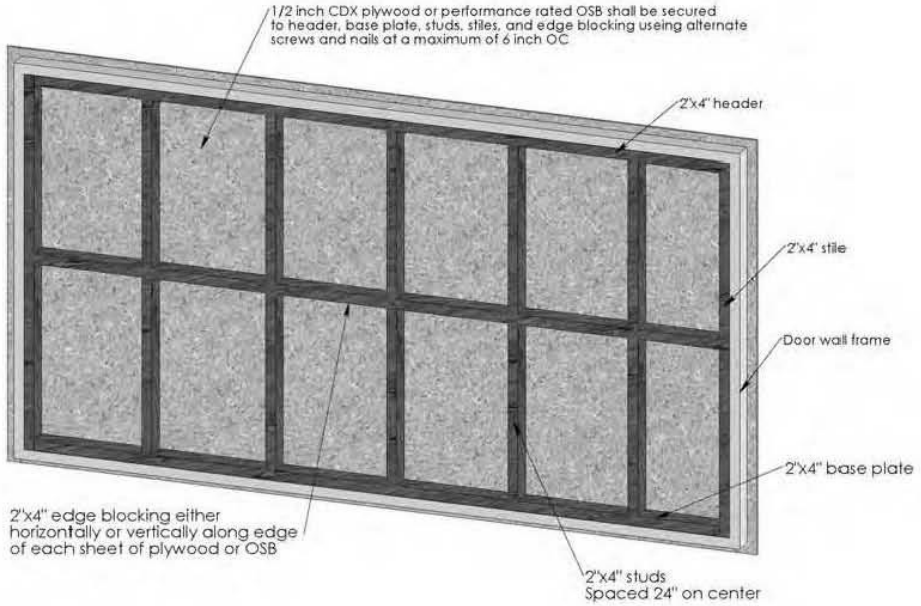

FIGURE A103.1(2)
BOARDING OF DOOR WALL

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1. College Township; 2. Ferguson Township; 3. Halfmoon Township; 4. Harris Township; 5. Patton Township; 6. Borough of State College; 7. Borough of Bellefonte

APPENDIX B
BOROUGH OF BELLEFONTE ENABLING ORDINANCE

Centre Region Council of Governments

92 The following notation [ ] behind the section number denotes that the *Municipality* has either not adopted this section or if "A" follows the number they have altered the section and the alteration can be found in the appropriate municipal ordinance appendix.
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Centre Region Council of Governments

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APPENDIX C
COLLEGE TOWNSHIP ENABLING ORDINANCE

Centre Region Council of Governments

94 The following notation [ ] behind the section number denotes that the *Municipality* has either not adopted this section or if "A" follows the number they have altered the section and the alteration can be found in the appropriate municipal ordinance appendix.
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APPENDIX D
FERGUSON TOWNSHIP ENABLING ORDINANCE

Centre Region Council of Governments

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APPENDIX E
HALFMOON TOWNSHIP ENABLING ORDINANCE

Centre Region Council of Governments

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1. College Township; 2. Ferguson Township; 3. Halfmoon Township; 4. Harris Township; 5. Patton Township; 6. Borough of State College; 7. Borough of Bellefonte

APPENDIX F
HARRIS TOWNSHIP ENABLING ORDINANCE

Centre Region Council of Governments

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APPENDIX G
PATTON TOWNSHIP ENABLING ORDINANCE

Centre Region Council of Governments

98 The following notation [ ] behind the section number denotes that the *Municipality* has either not adopted this section or if "A" follows the number they have altered the section and the alteration can be found in the appropriate municipal ordinance appendix.
1. College Township; 2. Ferguson Township; 3. Halfmoon Township; 4. Harris Township; 5. Patton Township; 6. Borough of State College; 7. Borough of Bellefonte

APPENDIX H
BOROUGH OF STATE COLLEGE ENABLING ORDINANCE

Centre Region Council of Governments

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Centre Region Council of Governments

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