

# **Chapter 11**

## **Housing**

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**Part 1****Housing Maintenance and Occupancy Code****§11-101. Title.**

This Part shall be known and may be cited as the “Housing Maintenance and Occupancy Code of the Borough of Red Lion.”

(Ord. 7511-21, 11/12/1975)

**§11-102. Definitions; Word Usage.**

1. As used in this Part, the following terms shall have the meanings indicated:

*Accessory structure*—a detached structure located on or partially on any premises which is not used or not intended to be used for living or sleeping by human occupants.

*Appropriate authority*—that person within the governmental structure of the corporate unit charged with the administration of the appropriate code.

*Approved*—approved by the local or State authority having such administrative authority.

*Ashes*—the residue from the burning of combustible material.

*Central heating system*—a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

*Chimney*—a vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gas fuel.

*Code Enforcement Officer*—the person appointed to the office created by Ord. 9712-8, 12/10/1997 [Chapter 1, Part 2C], or the office itself. [Ord. 2009-09-02]

*Dormitory*—a room in any dwelling used for sleeping purposes by four or more unrelated persons.

*Dwelling*—any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that “temporary housing,” as hereinafter defined, shall not be regarded as a dwelling.

*Extermination*—the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the local or State authority having such administrative authority.

*Family*—one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person.

*Flush water closet*—a toilet bowl flushed with water under pressure with a water-sealed trap above the floor level. Such toilet bowls shall have a smooth, easily cleanable surface.

*Garbage*—the animal and vegetable waste resulting from the handling,

preparation, cooking, serving, and nonconsumption of food.

*Guest*—any person who shares a dwelling unit in a nonpermanent status for not more than 30 days.

*Habitable room*—a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding laundries, furnace rooms, pantries, and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, storage spaces and workshops, hobby and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.

*Heated water*—water heated to a temperature of not less than 120°F.

*Household*—a family and/or one or more unrelated persons, who share the same dwelling and use some or all of its cooking and eating facilities, including servants and not more than two boarders.

*Infestation*—the presence within or around a dwelling of any insects, rodents, or other pests.

*Kitchen*—any room containing any or all of the following equipment or the area of a room within 3 feet of such equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils and counter or table for food preparation.

*Meaning of certain words*—whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” “premises,” “structure” are used in this Part, they shall be construed as though they were followed by the words “or any part thereof.”

*Multiple dwelling*—any dwelling containing more than two dwelling units and/or rooming units.

*Occupant*—any person, over 1 year of age, living, sleeping, cooking, or eating in or actually having possession of a dwelling unit or a rooming unit; except that in dwelling units, a guest will not be considered an occupant.

*Operator*—any person who has charge, care, control, or management of a building or part thereof in which dwelling units or rooming units are let.

*Ordinary summer conditions*—a temperature 10°F. below the highest recorded temperature in the locality for the prior 10-year period.

*Ordinary winter conditions*—a temperature of 15°F. above the lowest recorded temperature in the locality for the prior 10-year period.

*Owner*—

(1) Any person who, along or jointly or severally with others:

(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof.

(b) Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner.

(2) Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

*Permissible occupancy*—the maximum number or persons permitted to reside in a dwelling unit or rooming unit.

*Person*—includes any individual, firm, corporation, association, or partnership.

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

*Privacy*—the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

*Premises*—a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

*Refuse*—all putrescible and nonputrescible solids (except body wastes), including garbage, rubbish, ashes, and dead animals.

*Rooming house*—any dwelling or that part of any dwelling containing one or more rooming units, and/or one or more dormitory rooms.

*Rooming unit*—any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

*Rubbish*—nonputrescible solid wastes (excluding ashes) consisting of either:

- (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood.
- (2) Noncombustible wastes such as tin cans, glass, and crockery.

*Safety*—the condition of being free from danger and hazards which may cause accidents or disease.

*Space heater*—a self-contained, heating appliance of either the circulating type or the radiant type and intended primarily to heat only one room.

*Supplied*—paid for, furnished by, provided by, or under the control of the owner or operator.

*Temporary housing*—any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

2. Words used in the singular include the plural, and the plural the singular; the masculine gender includes the feminine and the feminine the masculine.

(Ord. 7511-21, 11/12/1975; as amended by Ord. 2009-09-02, 9/14/2009)

### **§11-103. Responsibilities of Owners and Occupants.**

1. No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the Commonwealth of Pennsylvania and the Borough of Red Lion.

2. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

3. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of those parts of the dwelling, dwelling unit, and premises thereof that he occupies and controls.

4. Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary, and safe manner.

5. Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage and any other organic waste which might provide food for insects and/or rodents, in a clean, sanitary, and safe manner, and if a container is used for storage pending collection, it shall be rodent-proof, insect-proof, and watertight.

6. Every owner of a dwelling containing three or more dwelling units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single-family or two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities or containers.

7. The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Part or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens, storm doors, and windows, once installed in any one season, become the responsibility of the occupant.

8. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rodents on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

9. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

10. From October 1 until April 30 and from 6 a.m. to 11 p.m., in every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 66°F. shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of 18 inches above the floor level.

*(Ord. 7511-21, 11/12/1975)*

#### **§11-104. Minimum Standards for Basic Equipment and Facilities.**

No person shall occupy as owner or occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking, or eating therein,

which does not comply with the following requirements:

A. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area and which shall be equipped with the following:

(1) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the appropriate authority.

(2) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safekeeping and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

(3) A stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food at temperatures less than 50°F., but more than 32°F., under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation, provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide the same on occupancy, and provided that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator, and/or similar devices are provided.

2. Within every dwelling unit there shall be a nonhabitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to a sewer system which is approved by the appropriate authority.

3. Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to a sewer system approved by the appropriate authority.

4. Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure and which is connected to a sewer system approved by the appropriate authority.

5. Every dwelling unit shall have one or more approved means of egress, with minimum head room of 6 feet 6 inches, leading to safe and open space at ground level, and every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress with minimum head room of 6 feet 6 inches, leading to safe and open space at ground level, as required by the laws of this State and this Borough of Red Lion.

6. Structurally sound handrails shall be provided on any steps containing five risers or more. If steps are not enclosed, handrails, and balusters spaced no more than 6 inches apart shall be provided. Porches and/or balconies located more than 3 feet higher than the adjacent area shall have structurally sound protective handrails 30 inches to 36 inches high and, if unenclosed, balusters spaced no less than 6 inches apart.

7. Each dwelling shall have a suitable facility for the safe storage of drugs and household poisons.

*(Ord. 7511-21, 11/12/1975)*

#### **§11-105. Minimum Standards for Light and Ventilation.**

No person shall occupy as owner or occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every habitable room shall have at least one window or skylight facing outdoors, provided that if connected to a room or area used seasonally (e.g., porch), then adequate daylight must be possible through this interconnection. The minimum total window or skylight area, measured between stops, for every habitable room shall be at least 10 percent of the floor area of such room, but if light-obstruction structures are located less than 3 feet 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 and shall not be included as contributing to the required minimum total window area.

B. Every habitable room shall have at least one window or skylight facing directly outdoors which can easily be opened or such other device as will adequately ventilate the room, provided that if connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection. The total of openable window or skylight area in every habitable room shall be equal to at least 45 percent of the minimum window area size or minimum skylight-type window size, as required in paragraph .A, except where there is supplied some other device affording adequate ventilation and approved by the appropriate authority.

C. Every bathroom and water closet compartment and nonhabitable room used for food preparation shall comply with the light and ventilation requirement for habitable rooms contained in paragraphs .A and .B except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition, which is approved by the appropriate authority.

D. Where there is usable electric service available from power lines which are not more than 300 feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures

which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the Borough of Red Lion. The capacity of such services and the number of outlets and fixtures shall be as follows:

(1) Every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least 3 watts per square foot of total floor area.

(2) Every habitable room, and nonhabitable room used for food preparation, shall have a least one floor- or wall-type electric convenience outlet for each 60 square feet or fraction thereof of total floor area, and in no case fewer than two such outlets.

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

(4) Convenient switches or equivalent devices for turning on one light in each room or passageway shall be located so as to permit the area ahead to be lighted.

E. Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least 6 footcandles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

*(Ord. 7511-21, 11/12/1975)*

#### **§11-106. Minimum Thermal Standards.**

No person shall occupy as owner or occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every dwelling shall have heating facilities which are properly installed and are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68°F. at a distance of 18 inches above floor level under ordinary winter conditions.

B. No owner or occupant shall install, operate, or use an unvented space heater employing a flame.

*(Ord. 7511-21, 11/12/1975)*

#### **§11-107. Sanitary Maintenance of Structural Elements.**

No person shall occupy as owner or occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every foundation, roof, and exterior wall, door, skylight, and window shall be reasonably weathertight, watertight, and damp-free and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in

good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment using nontoxic materials where readily accessible to children. Walls shall be capable of affording privacy for the occupants. Every premises shall be graded, drained, free of standing water and maintained in a clean, sanitary and safe conditions.

B. Every window, exterior door, and basement hatchway or similar devices shall be kept rodent-proof and reasonably watertight and weathertight and shall be kept in working condition and good repair.

(1) During that portion of the year when there is a need for protection against mosquitoes, flies, and other flying insects, every door opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least 16-mesh and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; except that such screens shall not be required during such period in rooms deemed by the Housing Officer to be located high enough in the upper stories of a building as to be free from such insects and in rooms located in areas of this Borough of Red Lion which are deemed by the Housing Officer to have so few insects as to render screens unnecessary.

(2) Every window located at or near ground level used or intended to be used for ventilation and every other opening located at or near ground level which might provide an entry for rodents shall be supplied with adequate screens or such other devices as will effectively prevent their entrance.

C. Every dwelling, multiple dwelling, rooming house, or accessory structure and the premises on which located shall be maintained so as to prevent and eliminate rodent harborage.

D. All fences provided by the owner or agent on the premises and/or all fences erected or caused to be erected by an occupant shall be constructed of manufactured metal fencing material, wood, masonry, or other inert material. Such fences shall be maintained in good condition, uniform in height throughout, and any wood materials shall be protected against decay by use of paint or other preservative. Such fences shall be maintained in good repair. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the Borough of Red Lion and Commonwealth of Pennsylvania. Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.

E. Accessory structures present or provided by the owner, agent, or tenant-occupant on the premises of a dwelling shall be structurally sound, be designed to prevent rodent harborage and be maintained in good repair and free of vermin by the owner, agent, or occupant or such structures shall be removed from the premises. The exterior of such structures shall be made weather-resistant through the use of decay-resistant materials or the use of paint or other preservatives.

F. Every foundation, roof, floor, exterior, and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and

shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads.

G. Every plumbing fixture and water and waste pipe shall be properly installed in accordance with Red Lion Borough ordinances and maintained in good sanitary working condition.

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

I. Every plumbing fixture and pipe, every chimney, flue, and smoke pipe and every other facility, piece of equipment or utility which is present in a dwelling or dwelling unit or which is required under this Part shall be constructed and installed in conformance with the appropriate statutes, ordinances, and regulations of the Borough of Red Lion and Commonwealth of Pennsylvania.

J. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Part to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

K. All construction and materials, ways and means of egress and installation and use of equipment shall conform to applicable State and local laws dealing with fire protection.

*(Ord. 7511-21, 11/12/1975)*

**§11-108. Maximum Density, Minimum Space, Use and Location Requirements.**

No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the following requirements:

A. The maximum density of occupancy of any dwelling unit by persons shall not exceed either:

(1) For first occupant 150 square feet of floor space and at least 100 square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(2) A total number of persons equal to two times the number of its habitable rooms.

B. Not more than one family, plus two occupants unrelated to the family, except for guests or domestic employees, shall occupy a dwelling unit unless a permit for a rooming house has been granted by the appropriate authority.

C. The ceiling height of any habitable room shall be at least 7 feet; except that in any habitable room under a sloping ceiling at least ½ of the floor area shall have a ceiling height of at least 7 feet, and the floor area of that part of such a room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose the total floor area of the room for the purpose of determining the maximum permissible occupancy.

D. No space located partially or totally below grade shall be used as a habitable room of a dwelling unit unless approved by the Housing Officer in writing and unless:

(1) The floor and those portions of the walls below grade are of waterproof and damp-proof construction.

(2) The minimum window area is equal to at least that required in §11-105.A and such window area is located entirely above the grade of the ground adjoining such window area, or if windows are located wholly or partly below grade, there is constructed a properly drained window well whose open area is equal to or greater than the area of the masonry opening for the window; the bottom of the window; and the minimum horizontal distance at a right angle from any point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the masonry opening for the window; except where there is supplied adequate artificial illumination.

(3) The total openable window area in each room is equal to at least the minimum as required under §11-105.B of this Part, except where some other approved devices affording adequate ventilation and humidity control are supplied.

(4) There are no pipes, ducts, or other obstructions less than 6 feet 8 inches above the floor level which interfere with the normal use of the room or area.

E. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

F. Every dwelling unit shall have at least 4 square feet of floor-to-ceiling height closet space for the personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

*(Ord. 7511-21, 11/12/1975)*

### **§11-109. Rooming House, Dormitory Rooms, and Rooming Units.**

No person shall operate a rooming house or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house which is not in compliance with the provisions of this Part except the provisions of §§11-103, 11-104, and 11-108.A, .B, .E, and .F. No owner or other person shall occupy or let to another person any rooming unit or dormitory room unless it is clean and sanitary and complies with all applicable requirements of the Borough of Red Lion, including the following:

A. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the appropriate authority in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the appropriate authority upon compliance by the operator with the applicable provisions of this Part and of any rules and regulations adopted pursuant thereto.

This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice, in writing, to the appropriate authority within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of 1 year following its date issuance, unless sooner suspended or revoked as hereinafter provided.

B. At least one flush water closet, lavatory basin, and bathtub or shower, properly connect to a water and sewer system approved by the Housing Officer and in good working condition, shall be supplied for each six persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities, provided that:

(1) In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets.

(2) All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

(3) Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.

(4) No such facilities shall be located in a basement.

C. The following provisions shall apply in all rooming houses:

(1) Cooking in dormitory rooms and rooming units is prohibited.

(2) Communal cooking and dining facilities in a rooming house are prohibited, except as approved by the Housing Officer in writing.

(3) Access doors to rooming unit shall have operating locks to ensure privacy.

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

E. Every room in a rooming house used for living or sleeping purposes shall comply with all the requirements of this Part pertaining to a habitable room. Every room occupied for sleeping purposes by one person shall contain at least 72 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 68 square feet of floor space for each occupant thereof; every such room shall also contain at least 4 square feet of floor-to-ceiling height closet space per occupant thereof, or if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy, except that in a dormitory room, said closet or closet space may be provided in another portion of the rooming house.

F. Every rooming unit shall have immediate access to two or more safe

unobstructed means of egress, with minimum head room of 6 feet 6 inches, leading to safe and open space at ground level, as required by the law of this State and the Borough of Red Lion.

G. Structurally sound handrails shall be provided on any steps containing five risers or more. If steps are not enclosed, handrails and balusters spaced no more than 6 inches apart shall be provided. Porches and/or balconies located more than 3 feet higher than the adjacent areas shall have structurally sound protective handrails 30 inches to 36 inches high, and if unenclosed, balusters spaced no more than 6 inches apart shall also be provided.

*(Ord. 7511-21, 11/12/1975)*

#### **§11-110. Department of Housing.**

The Department of Housing is hereby authorized and directed to develop and adopt plans subject to approval of Borough Council for the inspection of dwelling units subject to the provisions of this Part, including the following:

A. A plan for the periodic inspection of multiple dwellings and rooming houses subject to the provisions of §11-112, governing the licensing of the operation of such dwellings.

B. A plan for the systematic inspection of dwelling units contained in such contiguous areas within the Borough of Red Lion as may from time to time be designated by the Borough Council.

*(Ord. 7511-21, 11/12/1975)*

#### **§11-111. Inspections; Authority of the Code Enforcement Officer.**

1. The Code Enforcement Officer is hereby authorized and directed to make inspections, pursuant to one or more of the plans for inspection authorized by §11-110, or in response to a complaint that an alleged violation of the provisions of this Part or of applicable rules or regulations pursuant thereto has been committed or when the Code Enforcement Officer has valid reason to believe that a violation of this Part or any rules and regulations pursuant thereto has been committed. *[Ord. 2009-09-02]*

2. The Code Enforcement Officer is hereby authorized to enter and inspect between the hours of 8 a.m. and 5 p.m. all dwellings, dwelling units, and rooming houses, rooming units, and dormitory rooms subject to the provisions of this Part for the purpose of determining whether there is compliance with its provisions. *[Ord. 2009-09-02]*

3. The Code Enforcement Officer is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, and dormitory rooms subject to this Part for the purpose of determining whether there is compliance with its provisions. *[Ord. 2009-09-02]*

4. The Code Enforcement Officer and the owner or occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house, or dormitory room subject to this Part may agree to an inspection by appointment at a time other than the hours provided by this Part. *[Ord. 2009-09-02]*

5. The owner or occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house, or dormitory room, upon presentation by the Code

Enforcement Officer of proper identification, a copy of any relevant plan of inspection pursuant to which entry is sought and a schedule of the specific areas and facilities to be inspected, shall give the Code Enforcement Officer entry and free access to every part of the dwelling, dwelling unit, rooming unit, or dormitory room or to the premises surrounding any of these. Before making inspections within a contiguous area pursuant to a plan authorized in §11-110.B, the Code Enforcement Officer shall first consult with organizations representative of property owners and other residents of such contiguous area, if any such organizations exist. [*Ord. 2009-09-02*]

6. The Code Enforcement Officer shall keep confidential all evidence not related to the purposes of this Part and any rules and regulations pursuant thereto which he may discover in the course of the inspection. Such evidence shall be considered privileged and shall not be admissible in any judicial proceeding without the consent of the owner or occupant or other person in charge of the dwelling unit or rooming unit so inspected. [*Ord. 2009-09-02*]

7. If any owner or occupant or other person in charge of a dwelling, dwelling unit, or rooming unit or a multiple dwelling or rooming house subject to the provisions of §11-112 refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the Department of Housing may seek in a court of competent jurisdiction an order that such owner or occupant or other person in charge cease and desist with such interference.

(*Ord. 7511-21, 11/12/1975; as amended by Ord. 2009-09-02, 9/14/2009*)

#### **§11-112. Licensing of the Operation of Rooming Houses.**

1. No person shall operate a rooming house unless he holds a current, unrevoked operating license issued by the Code Enforcement Officer in his name for the specific named rooming house. [*Ord. 2009-09-02*]

2. Every operating license shall be issued for a period of 1 year from its date of issuance unless sooner revoked and may be renewed for successive periods of not to exceed 1 year.

3. The Code Enforcement Officer is hereby authorized, upon application therefor, to issue new operating licenses and renewals thereof in the names of applicant owners of rooming houses. No such licenses shall be issued unless the rooming house in connection with which the license is sought is found after inspection to meet the requirements of this Part and of applicable rules and regulations pursuant thereto. [*Ord. 2009-09-02*]

4. No operating license shall be issued or renewed unless the applicant owner has first made application therefor on an application form provided by the Housing Department. The Housing Department shall develop such forms and make them available to the public.

5. No operating license shall be issued or renewed unless the applicant owner agrees in his application to such inspections pursuant to §§11-110.A and 11-111.1 as the Code Enforcement Officer may require to determine whether the rooming house in connection with which such license is sought is in compliance with the provisions of this Part and with applicable rules and regulations pursuant thereto. [*Ord. 2009-09-02*]

6. No operating license shall be issued or renewed unless the completed

application form is accompanied by payment of a license fee, as set from time to time by resolution of the Borough Council, which charge shall be prorated for any portion of a calendar year. [Ord. 9711-6]

7. No operating license shall be issued or renewed for a nonresident applicant, unless such applicant designates, in writing, the Code Enforcement Officer as his agent for the receipt of service of notice of violation of the provisions of this Part and for service of process pursuant to this Part. [Ord. 2009-09-02]

8. No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this Part and for service or process pursuant to this Part when said applicant is absent from the Borough of Red Lion for 30 or more days. Such a designation shall be made in writing and shall accompany each application form. The applicant may designate any person resident in the Borough of Red Lion his agent for this purpose or may designate the Code Enforcement Officer his agent for this purpose. [Ord. 2009-09-02]

9. No operating license shall be renewed unless an application therefor has been made within 60 days prior to the expiration of the present operating license.

10. Each license shall be displayed in a conspicuous place within the common ways of the rooming house. No license shall be transferable to another person or to another rooming house. Every person holding an operating license shall give notice, in writing, to the Housing Department within 24 hours after having transferred or otherwise disposed of the legal control of any licensed rooming house. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such rooming house.

11. Every owner or other person in charge of a licensed rooming house shall keep or cause to be kept records of all requests for repair and complaints by tenants, which are related to the provisions of this Part and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the owner or other person in charge to the Code Enforcement Officer for inspection and copying upon demand. Such records shall be admissible in any administrative or judicial proceeding pursuant to the provisions of this Part as prima facie evidence of the violation or the correction of violation or applicable rules and regulations pursuant thereto. [Ord. 2009-09-02]

12. Whenever, upon inspection of the licensed rooming house or of the records required to be kept by subsection .11, the Code Enforcement Officer finds that conditions or practices exist which are in violation of the provisions of this Part or of any applicable rules and regulations pursuant thereto, he shall serve the owner or other person in charge with notice of such violation in the manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within reasonable time, the operating license may be suspended. [Ord. 2009-09-02]

13. At the end of the time he has allowed for corrections of any violation cited, the Code Enforcement Officer shall reinspect the rooming house, and if he determines that such conditions have not been corrected, he may issue an order suspending the operating license. [Ord. 2009-09-02]

14. Following reinspection, as required by §11-114.2 of this Part, if the Code Enforcement Officer finds that the violation has not been corrected, the license shall be

revoked. [*Ord. 2009-09-02*]

15. If, upon reinspection, the Code Enforcement Officer finds that the rooming house in connection with which the notice was issued is now in compliance with this Part and with applicable rules and regulations issued pursuant thereto, he shall reinstate the license. A request for reinspection shall not extend the suspension period, unless the Housing Department grants such request. [*Ord. 2009-09-02*]

16. Every person proposing to operate a rooming house approved by the Borough for such purpose shall be required to register and pay the applicable license fee prior to the registration of said rooming house. [*Ord. 9711-6*]

(*Ord. 7511-21, 11/12/1975; as amended Ord. 797-12, 7/11/1979; by Ord. 868-20, 8/13/1986; by Ord. 9711-6, 11/12/1997, §132-12; and by Ord. 2009-09-02, 9/14/2009*)

### **§11-113. Rules and Regulations.**

The Housing Department is hereby authorized to make, adopt, revise, and amend such rules and regulations as it deems necessary for the carrying out of the purposes of this Part subject to prior approval of Borough Council.

(*Ord. 7511-21, 11/12/1975*)

### **§11-114. Notice of Violation.**

1. Whenever the Code Enforcement Officer determines that any dwelling, dwelling unit or rooming unit or the premises surrounding any of these fails to meet the requirements set forth in this Part or in applicable rules and regulations issued pursuant thereto, he shall issue a notice setting forth the alleged failures and advising the owner or occupant or other person in charge that such failures must be corrected. This notice shall: [*Ord. 2009-09-02*]

A. Be in writing.

B. Set forth the alleged violations of this Part or of applicable rules and regulations issued pursuant thereto.

C. Describe the dwelling, dwelling unit, rooming unit, or premises where the violations are alleged to exist or to have been committed.

D. Provide a reasonable time, not to exceed 30 days, for the correction of any violation alleged.

E. Be served upon the owner or occupant or other person in charge of the dwelling, dwelling unit, rooming unit, or premises personally, or by certified mail, return receipt requested, addressed to the last known place of residence of the owner or occupant or other person in charge. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit, rooming unit, or premises described in the notice or by causing such notice to be published in a newspaper for 3 consecutive days.

F. Be served upon a resident agent for the receipt of such service of notice designated pursuant to §11-112.8.

G. Be served upon the Code Enforcement Officer where he has been designated agent for such service pursuant to §11-112. [*Ord. 2009-09-02*]

2. At the end of the period of time allowed for the correction of any violation alleged, the Code Enforcement Officer shall reinspect the dwelling, dwelling unit, rooming unit, or premises described in the notice. [*Ord. 2009-09-02*]

3. *Appeal to Borough Council.* Any person aggrieved by the decision of the Code Enforcement Officer:

A. May request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 10 days after notice of the Code Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

B. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Code Enforcement Officer.

[*Ord. 2009-09-02*]

(*Ord. 7511-21, 11/12/1975; as amended by Ord. 827-3, 7/14/1982; and by Ord. 2009-09-02, 9/14/2009*)

#### **§11-115. Violations and Penalties.**

Any owner or occupant or other person in charge of a dwelling who has received notice of a violation of this Part and fails to take the necessary corrective action shall be liable, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 7511-21, 11/12/1975; as amended by Ord. 827-3, 7/14/1982; by Ord. 9711-6, 11/12/1997, §132-15; and by Ord. 2009-09-02, 9/14/2009*)

#### **§11-116. Conflict with Other Provisions.**

In any case where a provision of this Part is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the Borough of Red Lion existing on the effective date of this Part, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Part is found to be in conflict with a provision of any other ordinance or code of this Borough of Red Lion existing on the effective date of this Part which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Part shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Part.

(*Ord. 7511-21, 11/12/1975*)

**Part 2****Rental Occupancy Reports****§11-201. Definitions.**

The following words, when used in this Part, shall have the meanings ascribed to them as set forth in this Section unless the context shall clearly indicate or require a different meaning:

*Landlord*—any person who owns and leases all or any part of real estate in Red Lion Borough to another person for a consideration, monetary or otherwise, or who owns and permits another person to use or occupy all or a part of his real estate, with or without consideration.

*Occupant*—any person who uses or occupies real estate other than the owner/landlord thereof.

*Person*—any natural person, partnership, association, firm, company, corporation, or other entity.

*Tenant*—any person who leases real estate for a consideration, monetary, or otherwise.

(*Ord. 922-2, 2/12/1992*)

**§11-202. Report Required.**

All landlords in Red Lion Borough shall file with the Borough Manger, in writing, a report specifying the number of units, parcels, or portions of real estate available for lease or occupancy, a description thereof (by address, unit, apartment number, and/or some other meaningful method), the name or names of the tenants or occupants of said units, parcels, or portions, if natural persons, the age of each occupant or tenant and a designation as to which unit, parcel, or portion is leased or occupied by each.

(*Ord. 922-2, 2/12/1992; as amended by Ord. 9711-6, 11/12/1997, §158-2*)

**§11-203. Persons Becoming Landlords in Future.**

All persons who become landlords in Red Lion Borough at any time after the effective date of this Part shall, within 30 days after becoming a landlord, file with the Borough Manager, in writing, a report specifying the number of units, parcels, or portions of real estate available for lease or occupancy, a description thereof (by address, unit, apartment, and/or some other meaningful method), the name or names of the tenants or occupants of said units, parcels, or portions, if natural persons, the age of each occupant or tenant and a designation as to which unit, parcel, or portion is leased or occupied by each.

(*Ord. 922-2, 2/12/1992*)

**§11-204. Changes in Tenancy or Occupancy.**

All landlords in Red Lion Borough shall, within 30 days of any change in the tenancy or occupancy of any unit, parcel, or portion of real estate, file with the Borough Manager, in writing, a report specifying the unit, parcel, or portion of real estate in

which the change of tenancy or occupancy has occurred, the name or names of the tenants or occupants previously reported for such unit, parcel, or portion and the name or names and ages of any new tenants or occupants of said unit, parcel, or portion.

*(Ord. 922-2, 2/12/1992)*

**§11-205. Preparation and Distribution of Forms.**

The Borough Manager is hereby authorized to prepare and distribute such form or forms as shall be necessary for reporting and filing the information required by this Part, together with such other information as the Borough Manager shall deem reasonably necessary and relevant to enable the Borough to determine the taxability of any person under any Borough taxing ordinances, now or hereafter in effect.

*(Ord. 922-2, 2/12/1992)*

**§11-206. Violations and Penalties.**

Any landlord who shall violate any of the provisions of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 922-2, 2/12/1992; as amended by Ord. 9711-6, 11/12/1997, §158-6; and by Ord. 2009-09-02, 9/14/2009)*