

CHAPTER 11

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Part 1

Moving Permits

§101. Moving Permit Required.

No person or persons, firm, or corporation, shall move, or cause to be moved, from any place within the Borough of Fountain Hill to another place therein, or place beyond the limits thereof, or from a place outside the Borough to within the Borough, any household goods in bulk, without first securing from the Secretary of the Borough of Fountain Hill and/or the Police Department a permit for such moving or transportation. (Ordinance 196, March 5, 1956, §1; as amended by Ordinance 549, April 3, 1995)

§102. Application.

Any person or persons, firm, or corporation desiring such a permit for the removal or transportation of household goods in the manner above-described, shall make application to the Secretary of the Borough of Fountain Hill and/or to the Police Department setting forth his, its, or their name and address, and also setting forth the names of the owners or reputed owners of the property to be moved, the address and location from which the property is to be removed, and the new address or location of the place to which the property is to be removed. (Ordinance 196, March 5, 1956, §2; as amended by Ordinance 549, April 3, 1995)

§103. Information Required; Fee.

The Secretary of the Borough of Fountain Hill and/or the Police Department shall upon application being made as provided for in §102 of this ordinance, issue a permit for which a charge of \$2 will be made, setting forth the name of the permittee as well as the name or names of the owners of the goods to be moved and the address from which the goods are to be moved and the address to which the goods are to be delivered. Fees may be revised by resolution from time to time. (Ordinance 196, March 5, 1956, §3; as amended by Ordinance 549, April 3, 1995; and by Ordinance 657, August 6, 2001)

§104. Violation and Penalty.

Any person or persons violating the provisions of this ordinance, or furnishing false information to the Secretary of the Borough, or using false names or addresses, shall upon conviction thereof before a District Justice, be sentenced to pay a fine not exceeding \$300 and costs or to undergo imprisonment not exceeding one day, for each \$10 of unpaid balance of fine and costs. (Ordinance 196; March 5, 1956, §4; as amended by Ordinance 348, January 4, 1982)

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§105. Effective Date.

This ordinance shall be effective immediately upon passage by Borough Council and its approval by the Mayor of the Borough of Fountain Hill, and after advertisement in accordance with law, and all ordinances or part of ordinances inconsistent herewith be, and the same are, hereby repealed. (Ordinance 196, March 5, 1956, §5; as amended by Ordinance 348, January 4, 1982)

Part 2

Annual Tenant List

§201. Annual List Responsibility of Landlord.

Every owner of a multi-family unit located in the Borough of Fountain Hill shall certify to the Borough Tax Collector a list of all tenants, with their addresses, who reside on his property for the period ending June 30 and December 31 of each calendar year. (Ordinance 312-A, February 4, 1974, §1)

§202. Violation.

Every owner referred to hereinabove who willfully or negligently fails to submit the tenant list shall be liable for, in addition to the penalties hereinafter provided, such losses as the Borough may suffer as a result of their conduct. (Ordinance 312-A, February 4, 1974, §2)

§203. Penalty.

Any person or persons violating the provisions of this Section shall upon conviction in a summary proceeding be fined an amount not in excess of \$300 or imprisoned for a period not exceeding one day for each \$10 of unpaid balance of fine and costs. (Ordinance 312-A, February 4, 1974, §3; as amended by Ordinance 348, January 4, 1982)

Part 3

BOCA Basic Property Maintenance Code

§301. Adoption of BOCA Basic Property Maintenance Code.

That certain document, three copies of which are on file in the office of the Borough Secretary, being marked and designated as the “BOCA Basic Property Maintenance Code, Latest Edition,” be and is hereby adopted as the Property Maintenance Code¹ of the Borough of Fountain Hill. (Ordinance 586, September 9, 1996, §301)

§302. Inconsistent Ordinances Repealed.

Ordinance Number 517 of the Borough of Fountain Hill and all other ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ordinance 586, September 9, 1996, §302)

§303. Additions, Insertions and Changes.

The following sections are hereby revised as follows:

Section PM-101.1 – (Page 1, second line) Insert: Borough of Fountain Hill.

Section PM-106.2 – (Page 2, third line) \$50; \$300.

Section PM-106.2 – (Page 2, fourth line) 90 days.

Section PM-304.15 – (Page 11, first and second lines) May 1; September 30.

Section PM-602.2.1 – (Page 17, fifth line) September 1; May 30.

Section PM-602.3 – (Page 17, third line) September 1; May 30.

(Ordinance 586, September 9, 1996, §303)

§304. Saving Clause.

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, under any act or ordinance hereby repealed as cited in §302 of this Part; nor shall any just or legal right or

¹ Editor’s Note: Ord. 586 read “Mechanical Code.”

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remedy of any character be lost, impaired or affected by this Part. (Ordinance 586, September 9, 1996, §304)

Part 4

Inspections of Residential Rental Properties

§401. Inspections Required.

1. All residential rental properties shall be inspected to assure compliance with the minimum maintenance requirements and standards for such properties set forth in this Part. Such inspection shall occur each time the property changes ownership or tenants; provided, however, that no inspection shall be required within one year of the issuance of a certificate of occupancy (“certificate”).
2. “Residential rental” property means a rooming unit or a dwelling unit let for rent, or an other-than-owner-occupied residential unit. A residential rental property shall not include a fraternity or hotel or motel unit. A residential rental property shall include residential properties under lease purchase agreements.
3. “Change of ownership” means the transfer of legal or equitable title to the property by deed or other written instrument whether recorded of record or not. The definition also includes an agreement of sale that provides for the transfer of title after a certain number of installment payments by the tenant.
4. The minimum maintenance requirements and standards for residential rented properties shall be as follows:
 - A. Exterior Property Areas. All exterior property and premises shall be maintained in a clean and sanitary condition and all walkways shall be maintained free from hazardous conditions.
 - B. Exterior Structure. Shall be maintained in good repair, structurally sound and watertight.
 - C. Interior Structure. Shall be maintained in good repair, structurally sound and in sanitary condition.
 - D. Handrails. Shall be required at:
 - (1) All exterior and interior stairways three risers high or more.
 - (2) All porches, decks, landings, etc., over 30 inches high shall have handrails and guardrails spaced to prevent a four inch sphere from passing through.
 - E. Windows. All glazing materials shall be maintained free from cracks and holes. Every operable window shall be capable of being held up by its own hardware.

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- F. Smoke Detectors. Shall be required on every floor, including basement and every bedroom.
- G. Fire Protection Systems. All systems, devices and equipment to detect a fire, actuate an alarm or suppress a fire shall be maintained in an operable condition at all times. There shall be a working fire extinguisher on each floor.
- H. Electrical-GFIC Receptacles. Shall be required in all bathrooms, powder rooms, garages, unfinished basements and all outside receptacles.
 - (1) All receptacles will be checked for polarity and correct wiring.
 - (2) Every tenant shall be served by a main service of not less than 60 amps, three wire which shall be accessible to the tenant.
 - (3) All electric wiring must be secured. Conductors must terminate and/or connect to an enclosed junction box.
 - (4) Extension cords over six feet long are not allowed.
 - (5) Exit signs shall be illuminated at all times, and emergency lighting shall be adequate and operational.
- 5. Prior to the new owner or tenant taking possession of or occupying the premises, or contemporaneously therewith, such new owner or tenant shall secure from the Borough of Fountain Hill Code Enforcement Office a certificate of occupancy. A certificate shall not be issued unless the inspection required by this Part has been completed and all violations are abated.
- 6. Where a residential rental property is to be demolished and a valid demolition permit conforming to the Building Code of the Borough of Fountain Hill has been obtained, the provisions set forth in this Part shall not be applicable, and a certificate shall not be required provided such residential rental property is demolished.
- 7. When a residential rental property is being refinanced by the current owner, the certificate set forth in this Part shall not be required.
- 8. All property owned by the Housing Authority of the County of Lehigh which is inspected annually by governmental agencies to assess conformance with Federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of Housing and Urban Development or the Pennsylvania Housing Finance Agency, shall be exempt from the provisions of this Part.
- 9. The provisions of this Part shall not apply to hospitals, nursing homes, group homes or other rental units used for human habitation which offer or provide medical or nursing services, and wherein all operations of such facilities are sub-

ject to county, State or Federal licensing or regulation concerning the health and safety of users, patients or tenants.

10. Failure and/or refusal by the residential rental property owner and his/her designated agent to secure the necessary certificate of occupancy, or failure and/or refusal to provide access for inspection upon reasonable notice shall be deemed a violation of this Part.
11. The Borough of Fountain Hill Code Enforcement Officer and/or other designated person(s) shall establish rules and regulations to implement the requirements of this Part, and such rules and regulations shall become effective upon approval by resolution by Borough Council. Violation of the rules and regulations shall be deemed a violation of this Part.

(Ordinance 637, January 3, 2000, §401)

§402. Fees.

The Borough Council shall establish by resolution reasonable fees for the inspections conducted pursuant to this Part. The fee shall be paid in advance and shall be the sole responsibility of the current owner of the property. (Ordinance 637, January 3, 2000, §402)

§403. Registration.

1. All owners of rented property located in the Borough of Fountain Hill shall register all units with the Office of Code Enforcement.
2. The registration form shall list the name, address and telephone number of the residential property owner, the location of the property and the number of units in the residential rental property, and the names of the respective tenants.
3. Failure to register the units with the Office of Code Enforcement within 90 days from the date of the passage of the ordinance or within 30 days following the purchase or conversion of a structure to a residential rental property shall constitute a violation of this Part.

(Ordinance 637, January 3, 2000, §403)

§404. Penalty.

Any person, firm or corporation which violates the provisions of this Part shall be subject to the following penalties:

- A. First Violation. A fine up to \$200, or 30 days imprisonment, or both.

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- B. Second Violation. A fine up to \$500, or 60 days imprisonment, or both.
- C. Third and Each Subsequent Violation. A fine up to \$1,000, or 90 days imprisonment, or both.

(Ordinance 637, January 3, 2000, §404)

§405. Miscellaneous.

1. By conducting the inspections pursuant to this Part, the Borough does not warrant or guarantee the complete safety or suitability of residential rental property.
2. For all inspections conducted pursuant to this Part, the Office of Code Enforcement shall not be responsible for violations that occur between the inspection and settlement date and/or rental period.

(Ordinance 637, January 3, 2000, §406)