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PART 1
BUILDING CODE

§ 101. Adoption of Building Code. [Ord. 377, 4/13/1992, § 101]

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, and including provisions on permits and penalties, the Borough of Laureldale adopts that certain building code known as the BOCA National Building Code/1990, as prepared by Building Officials and Code Administrators International, Inc. Copies of that code have been placed on file in the office of the Borough's Building Official and will remain on file there. That entire building code, except those portions that are deleted, modified or amended in the following sections of this Part, is adopted and incorporated by reference as if fully set out verbatim in this Part; and, from the date on which this Part takes effect, the provisions of that building code, as amended, shall be controlling in the construction of all buildings and other structures within the corporate limits of the Borough of Laureldale.

§ 102. Amendments. [Ord. 377, 4/13/1992, § 102; as amended by Ord. 445, 2/13/2006, § 1]

The code adopted by this Part is amended and changed in the following respects:

1. The words "The Borough of Laureldale" shall be substituted for the words "name of jurisdiction" whenever the latter words appear closed in brackets.
2. The following new section is added directly after Section 101.6:

101.7. Interpretation. In interpreting any of the provisions of this code, the following principles shall be governing:

- (1) This code shall not supersede any provision of any law of the Commonwealth of Pennsylvania or of any regulation promulgated by any department or agency of the Commonwealth of Pennsylvania, where that law or regulation is in conflict with or identical to a provision of this code; provided, however, that any provision of this code that is stricter than or in addition to any state law or regulation governing a particular subject or activity shall be in effect and shall be enforced within the Borough of Laureldale, subject to the penalties prescribed in this code for violation of this code.
- (2) Mention in or regulation by this code of any specific use of property, or any business or industry, shall not in itself authorize that use of property or the establishment or carrying on of any such business or industry in the Borough. It is hereby declared the intent of Borough Council that permitted or prohibited uses of property within the Borough shall be as governed by the Zoning Ordinance of the Borough [Chapter 27 of this Code], as amended and supplemented.

3. Sections 109.0 and 110.0 and all subsections under those sections are repealed, and the following shall be substituted for them:

SECTION 109.0 BUILDING OFFICIAL

109.1. Building Official. The office of Building Official is established for the Borough of Laureldale. The Building Official shall be appointed from time to time by the Borough Council and shall serve at the pleasure of Council. To be eligible for appointment, the Building Inspector shall have had at least five years' experience in a position of responsibility in general building construction. He shall be generally informed on the quality and strength of building material, on the prevailing methods of building construction, on good practice in fire prevention, on the accepted requirements for means of egress and on the proper installation of plumbing, electric wiring, elevators and other installations for the safety, comfort and convenience of occupants. He shall be in good health and physically able to make the necessary examinations and inspections of buildings during the course of construction. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in connection with building construction. He shall be compensated for his services as Building Official as provided from time to time by Borough Council.

SECTION 110.0 DUTIES AND POWERS OF THE BUILDING OFFICIAL

110.1. Powers and Duties of Building Official. The Building Official, except as otherwise provided in this code, shall be responsible for enforcing and administering this code and shall perform all duties and may exercise all powers and authority granted to the Building Official by this code. The Building Official shall make all inspections within 24 hours after call or other notice from the owner of the property or his representative, or within such reasonable time as the circumstances permit. Notwithstanding the powers and duties of the Laureldale Building Official, all review of requirements pursuant to the Americans with Disabilities Act shall be reserved to the Commonwealth of Pennsylvania, Department of License and Inspections, and shall not be reviewed by the Borough's Building Official.

110.2. Relief From Personal Responsibility. The Building Official, or any authorized assistant to him, while acting for the Borough under this code, shall not by such action render himself liable personally, and he is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against the Building Official or any authorized assistant to him because of an act performed by him in the lawful discharge of his duties and under the provisions of this code shall be defended by the Borough Solicitor until the final termination of the proceedings. The Building Official or any authorized assistant to him shall not be liable for costs in any action, suit or proceeding that may be instituted in connection with any provision of this code; and, the Building Official or any authorized assistant of him, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection with any provision of this code.

110.3. Official Records. An official record shall be kept of all business and activities of the office of the Building Official specified in this code, and all such records shall be open to public inspection at all appropriate times.

110.4. Administrative Regulations. The Building Official shall have power to adopt and promulgate administrative regulations in connection with this code.

4. Sections 111.0, 112.0, 113.0 and 114.0 and all subsections under them are deleted, and the following shall be substituted for those sections and subsections.

SECTION 111.0 BUILDING PERMITS

111.0. Permit Required. No building or structure or part of a building or structure shall be erected, converted, altered, enlarged, removed, relocated or moved into the Borough until a building permit has been obtained by the owner or his agent, in conformity with the provisions of the Borough's Zoning Ordinance on the subject. Fees for building permits shall be prescribed by resolution of Council.

5. Section 117.4 is amended to read as follows:

117.4. Violation and Penalties. Any person who violates any provision of this code or who fails to comply with any requirement of this code, or who erects, constructs, alters or repairs a building in violation of an approved plan or directive of the Building Official or of a permit or certificate required under this code, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days, provided it shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that a violation is permitted to continue, after conviction thereof, shall constitute a separate offense.

6. Section 118.2 is amended to read as follows:

118.2. Unlawful Continuance. Any person who continues any work in or about a building or structure after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be guilty of an offense, and, upon conviction, shall be sentenced to pay a fine of not more than \$300 and costs of prosecution, and, in default of payment of fine and costs, to imprisonment for not more than 90 days.

7. Section 119.0 and all subsections under it are deleted, and the following shall be substituted for that section and subsections:

SECTION 119.0 CERTIFICATE OF USE AND OCCUPANCY

119.1. Certificate of Use and Occupancy. A certificate of use and occupancy shall be required, as provided in the Zoning Ordinance, § 1101 of Chapter 27 of this Code.

8. Section 123.3 is amended to read as follows:

123.3. Compensation of Board of Survey. The third member of the Board shall receive for his service a fee to be determined by the other two members of the Board and to be paid by the appellant.

9. Section 124.0 and all subsections under that section are repealed, and the following shall be substituted for that section and subsections:

SECTION 124.0 APPEALS

124.1. Appeals. Whenever the Building Official shall make any order or decision or shall disapprove an application or refuse to authorize a permit applied for, or when it is claimed that the provisions of the code hereby adopted do not apply or that the true meaning and intent of the code have been misconstrued or wrongly interpreted, the person to whom such order or decision was made, or the applicant, as the case may be, may appeal from the decision of the Building Official to Borough Council within 30 days from the date of the decision appealed. The decision of the Council shall be handed down within 30 days from the date of the appeal.

10. Section 201 is amended by changing the definitions of the terms "alley," "building line," and "person" to read as follows:

ALLEY — Any public way primarily intended to provide vehicular access to the rear of lots fronting upon public streets or avenues.

BUILDING LINE — A line, established by ordinance or designated upon the topographical survey of the Borough or upon an officially accepted lot plan, beyond which a building shall not extend.

PERSON — Any natural person, partnership, association, firm or corporation.

11. Section 1000.2, Required Systems, is amended to add the following section at the end of that section:

The installation of fire alarms, fire communication systems, fire extinguishing equipment and the organization of private fire brigades and fire drills in all buildings and structures shall comply with the requirements of this code as well as the Borough's Fire Prevention Code (Part 2 of this chapter), and the Fire Prevention Officer, rather than the Building Official, shall enforce and administer all provisions and requirements relating to those matters.

12. Section 2800.1 is amended to read as follows:

2800.1. Scope. The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and stormwater and sewage disposal in buildings shall comply with the requirements of this Part and with the provisions of the Borough's Plumbing Code (Part 3 of this chapter).

13. Section 2906.1 is amended to read as follows:

2906.1. Filing. A person shall not erect, install, remove, rehang or maintain over public property any sign for which a permit is required under the provisions of this code until an approved bond has been filed in the sum of \$500,000 as herein required or until an insurance policy has been filed for public liability in the amount of \$500,000 per accident and for property damage in the amount of \$50,000 as herein required.

§ 103. Savings Clause. [Ord. 377, 4/13/1992, § 104]

Nothing in this Part or in the Building 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 cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

PART 2

FIRE PREVENTION CODE**§ 201. Adoption of Fire Prevention Code. [Ord. 378, 4/13/1992, § 201]**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the Borough of Laureldale adopts that certain code known as the BOCA National Fire Prevention Code/1990. Copies of that code have been placed on file in the office of the Borough Secretary and will remain on file there. The entire fire prevention code, except those portions that are deleted, modified or amended in the following sections of this Part 2, is adopted and incorporated by reference as fully as if set out verbatim in this Part; and, from the date on which this Part takes effect, the provisions of that fire prevention code, as amended, shall be controlling within the limits of the Borough of Laureldale.

§ 202. Enforcement. [Ord. 378, 4/13/1992, § 202]

The fire prevention code shall be enforced by the Fire Prevention Officer of the Borough of Laureldale, who shall be appointed by Borough Council from time to time, shall serve at the pleasure of Council, and shall receive such compensation for his services as Council shall from time to time determine.

§ 203. Definitions. [Ord. 378, 4/13/1992, § 203]

1. Whenever the words "name of jurisdiction" appears enclosed in parentheses, the words "the Borough of Laureldale" shall be substituted therefor.
2. Whenever the term "corporation counsel" is used in the fire prevention code, it shall be held to mean the Borough Solicitor of the Borough of Laureldale.
3. Whenever the word "inspector" or "code official" is used in the fire prevention code, it shall mean the Fire Prevention Officer or any person designated and appointed by the Borough Council as an assistant to the Fire Prevention Officer.

§ 204. Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is Prohibited. [Ord. 378, 4/13/1992, § 204]

The limits referred to in Section F-2601.2 of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, shall constitute the entire area contained in the Borough of Laureldale, except for the area bounded by Duke Street on the north, Earl Street on the east, Vine Street on the south, and Montrose Street on the west.

§ 205. Establishment of Limits of Districts in Which Storage of Flammable Liquids in Outside Aboveground Tanks is Prohibited. [Ord. 378, 4/13/1992, § 205]

1. Bulk, processing or industrial plants, refineries or other plants and distilleries and all buildings, tanks and equipment used for the storage, processing, distillation, refining or blending of flammable or combustible liquids shall not be located within the Borough of Laureldale, except for the area bounded by Duke Street on the north, Earl Street on the east, Vine Street on the south, and Montrose Street on the west.
2. Section F-2805.1 is supplemented to provide that the storage of flammable liquids in outside aboveground tanks is prohibited in the entire area comprising the Borough of Laureldale, except for the area bounded by Duke Street on the north, Earl Street on the east, Vine Street on the south, and Montrose Street on the west.

§ 206. Establishment of Fire Lane and Private Property, Devoted to Public Use. [Ord. 378, 4/13/1992, § 206]

The fire lanes referred to in Section 313.0 of the Fire Prevention Code are established as follows:

(Reserved)

§ 207. Amendments Made in the Fire Prevention Code. [Ord. 378, 4/13/1992, § 207]

The Fire Prevention Code adopted by § 201 of this Part is amended and changed in the following respects:

1. The term "Fire Prevention Officer" shall be substituted for the term "Code Official," "Chief of the Fire Department," "Chief of the Bureau of Fire Prevention" or "Bureau of Fire Prevention" or any inspector thereof wherever any of those quoted terms shall appear in the Fire Prevention Code.
2. Section 106.7 is amended by adding the following: "All permits shall be issued by the Fire Prevention Officer upon payment to him of a fee of \$1, which shall be for the use of the Borough. Each permit shall be valid for the period of the time specified by the Fire Prevention Officer, but in no instance for longer than one year from the date of issuance of such permit."
3. Section F-106.6 is amended to read as follows:

F-106.6. Revocation of Permit. The Fire Prevention Officer shall have authority to revoke a permit or approval issued if any violation of this code is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. No permit fee or any part of a permit fee shall be refunded upon revocation of a permit.

4. Section F-301.0 of the code is deleted, and the following new section shall be inserted in the code in lieu of that deleted section: **[Amended by Ord. No. 500, 6/12/2017]**

F-301.0. Outdoor Fires.

A. Definitions.

1. "Borough Code Official" shall mean the Borough of Laureldale Building Code Official or shall mean "Fire Prevention Officer" as defined by the Borough of Laureldale Fire Prevention Code Ordinance in Chapter 5 Part 2 of the Borough of Laureldale Code of Ordinances.
2. "Cooking Grill" shall mean an outdoor commercial appliance which uses charcoal, hard wood, natural gas, or propane as the primary fuel source and is designed and used for the sole purpose to cook food outdoors.
3. "Excessive Odor or Excessive Smoke" shall mean odors or smoke that would be offensive to the typical human being and which prevails longer than momentarily.
4. "Fixed Outdoor Fireplace" shall mean an outdoor, solid-fuel-burning, charcoal-burning, propane or natural gas burning fireplace that may be constructed of stone, brick, steel, concrete, clay or other noncombustible material that is fixed on the property.
5. "Nuisance" shall include, but is not limited to, any of the following: ash fallout, smoke accumulation in the area, or excessive odor.
6. "Person" shall mean any individual or individuals, partnership, limited partnership, association, corporation or other entity singular or plural, including the responsible officers of any such entity.
7. "Portable Outdoor Fireplace" shall mean a nonfixed, outdoor, commercially manufactured, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material designed specifically for the purpose of containing a fire. A portable outdoor fireplace may be of open design or may be equipped with a small hearth opening and a short chimney. A portable outdoor fireplace shall be located on a designated sixteen-square-foot noncombustible surface.

- B. Prohibitions. No person shall burn any material of any kind in the Borough of Laureldale, except as authorized herein by this ordinance.

- C. Open Burn/Open Fires. An adult property owner or other adult authorized by the property owner may conduct or allow an open burn on his or her property, in a fixed outdoor fireplace, in a portable outdoor fireplace, or in a cooking grill. However, if in the opinion of the Building Code Official (or his or her designee), such open burn poses a risk to life or property, then the Building Code Official has the authority to order the extinguishment of that burning. In addition, if in the opinion of the Building Code Official (or his or her designee), the open burn causes a nuisance, then the Building Code Official has the authority to order the extinguishment of that burning. In addition, the Building Code Official (or his or her designee) may condition future use of an open burn with reasonable precautions (such as relocation, type of fuel, etc.). Failure to comply with the direction of the Building Code Official (or his or her designee) with respect to extinguishment or reasonable precautions shall constitute a violation of this subsection. Any person conducting any open burn is required to have fire suppression equipment (e.g., fire extinguisher) within reach.
- D. Permits.
1. Building Permit — Fixed Outdoor Fireplace. No person may construct a fixed outdoor fireplace before applying for and obtaining a building permit from the Borough of Laureldale.
 2. Annual Use Permit — Outdoor Fireplace. No person may use a fixed outdoor fireplace or a portable outdoor fireplace before first applying for and obtaining an annual use permit from the Borough of Laureldale Building Code Official. The fee for such permits will be set by Borough Council by way of a resolution. Prior to issuing said permit, the Building Code Official has authority to inspect said fireplace to ensure its safety and proper use.
 3. Revocation or Suspension of Permits. The Building Code Official (or his or her designee) may suspend or revoke any use permit for the unsafe or improper use of an outdoor fireplace. Improper use includes, but is not limited to, burning prohibited materials or using the fireplace in such a way as to cause a nuisance. Any person aggrieved by the decision of the Building Code Official must file the appeal provisions set forth in Chapter 5, Part 2, § 209 of the Borough of Laureldale Code of Ordinances.
- E. Regulations Permitted; Locations and Times.
1. Cooking grills designed for cooking shall be used only at a safe distance from any house, structure, inhabited area, roadway, utility, or property line. Manufacturer's recommendations must be followed.

2. A portable outdoor fireplace shall be located on a designated sixteen-square-foot noncombustible surface.
3. Other open fires (i.e., fixed or portable fireplaces) shall be maintained in an authorized container located at a safe distance of not less than 10 feet from the nearest house, structure, inhabited area, roadway, property line, utility, tree or other combustible materials.
4. Nothing herein shall prohibit the use of a patio chiminea, patio heater, or other commercially manufactured fire pit designed so long as the manufacturer's recommendations are followed.
5. Small open fires (other than for cooking purposes) shall be permitted only during the hours of 12:00 noon to 10:00 p.m.
6. At no time shall any open fire be unattended.
7. At the conclusion of the use of any grill, outdoor barbeque, or fixed or portable fireplace, the fire shall be completely extinguished.
8. At any time an open burn results in the dispatch of any fire company or any fire department, such open burn or fire shall be immediately extinguished.

F. Acceptable and Prohibited Materials for Burning. **[Amended by Ord. No. 528, 12/13/2021]**

1. Only the following materials are acceptable for burning when authorized by a use permit: charcoal; natural gas or propane; or untreated wood products. Only smokeless fuels or small kindling such as sticks may be used to start a fire.
2. The following materials are specifically prohibited for burning: recyclable materials such as aluminum and tin cans, glass bottles and jars (clear, green and/or brown), plastic containers, newspapers, corrugated paper (cardboard), office paper, and other such recyclable materials as are, from time to time, defined by resolution or ordinance of Borough Council; leaf waste such as leaves, garden residues, shrubbery and tree trimmings, and similar materials; paints; painted or chemically treated wood; railroad ties; telephone poles; garbage or any other household or residual waste; oil; grease; gasoline; asphalt or products or other petroleum products; rubber; tires; tar or tar paper; dead animals; animal or human waste; pathogenic waste; insulated wire; toxic or noxious materials; cloth; or any other materials that tend to cause excessive smoke or excessive odor.

- G. Emergency Burn Ban. The Building Code Official, and/or his/her designee may declare a fire burn ban emergency in Laureldale when certain conditions arise, which include, but are not limited to, weather conditions (e.g., high wind) or dry conditions.
- H. Penalties.
1. When a violation of this subsection occurs, the Building Code Official may post a door hanger "Citation," fining the violating person \$50 and notifying said violator that he or she must appear at the Laureldale Borough Municipal Building and pay said fine within the next five days or deposit the remittance at the Municipal Building within the next five days and that, in the event that the violator does not respond or indicate a desire to plead not guilty, a summary citation will then be issued against the violator before the appropriate issuing authority and a summons shall be issued and the case shall proceed pursuant to Rules 57 and 59 of the Pennsylvania Rules of Criminal Procedure in which the violator could face additional criminal penalties and increased fines. A second offense shall result in a fine of \$100. A third and subsequent offense shall result in a fine of \$300. Additionally, the Borough of Laureldale may, at its sole discretion, seek enforcement of this subsection by filing an action at equity or at law in the Court of Common Pleas of Berks County, seeking remedies, including, but not limited to, injunctive relief and the payment of all costs and attorneys' fees.
 2. Finally, any person violating the provisions of this subsection shall reimburse Central Fire Company #1 of Laureldale or any other fire company or fire department for all costs associated with responding to, containing, or extinguishing a fire.
5. Section F-2601.1 is amended to read as follows:
- F-2601.1. Manufacturing.** The manufacturing of any explosive blasting agents, including small arms ammunition, and pyrotechnics, as herein defined, is hereby prohibited within the Borough. The prohibition shall not apply to hand loading of small arms ammunition for personal use when not for resale.
6. Section F-2700.0 is amended to read as follows:
- F-2700.0. Manufacture.** The manufacture of fireworks is prohibited anywhere in the Borough, and the storage of fireworks is prohibited within the limits established by the Borough as the limits of the district within which the storage of fireworks is prohibited.
7. Section F-2701.1 is amended to read as follows:

F-2701.1. General. It shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail or use or explode any fireworks in the Borough except as permitted by the State Fireworks Law (1939, P.L. 134, as amended), by regulations adopted by Council under the law, and by this section of this code.

8. Section F-2803.1 is amended to read as follows:

F-2803.1. General. Motor vehicle fuels shall be transferred from underground storage tanks to vehicle tanks by means of approved dispensing units. The transfer of such liquids shall not be made into an open container. The storage and handling of flammable or combustible liquids shall conform to the regulations of the Pennsylvania State Police governing flammable liquids and to the provisions of Article 28 of this fire code.

§ 208. Modifications. [Ord. 378, 4/13/1992, § 208]

The Fire Prevention Officer, with the Borough Council's written approval, shall be the authority to modify any of the provisions of the Fire Prevention Code adopted by § 201 of this Part upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Fire Prevention Officer on the matter, shall be committed to writing. One copy, signed by the Fire Prevention Officer, shall be filed with the Borough Secretary, and another such signed copy shall be furnished the applicant.

§ 209. Appeals. [Ord. 378, 4/13/1992, § 209]

Whenever the Fire Prevention Officer shall disapprove an application or refuse a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code adopted by § 201 of this Part do not apply or that the true intent and meaning

of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Prevention Officer to the Borough within 30 days from the date of the decision appealed. Said appeal shall be in writing on an appeal form provided by the Borough. The decision of Council shall be handed down within 30 days from the date of the appeal.

§ 210. Interpretation. [Ord. 378, 4/13/1992, § 210]

In interpreting any provision of the Fire Prevention Code adopted by § 201 of this Part, the following principles shall be governing:

1. The Fire Prevention Code shall not supersede any provision of any law of the Commonwealth or of any regulation promulgated by any department or agency of the Commonwealth by authority of law, where that law or regulation is in conflict with or identical to a provision of the Fire Prevention Code or where that law or regulation deals with a subject that local authorities have no authority to regulate; provided, however, that any provision of the Fire Prevention Code that is stricter than or in addition to any state law or regulation governing a particular subject or activity shall be in effect and shall be enforced within the Borough of Laureldale, subject to the penalties prescribed in § 211 of this Part for violation of the Fire Prevention Code.
2. Mention in or regulation by the Fire Prevention Code of any specific use of property, or of any business or industry, shall not in itself authorize that use of property or establishment or carrying on any such business or industry in the Borough. It is hereby declared the intent of Borough Council that permitted or prohibited uses of property within the Borough shall be as governed by the Zoning Ordinance [Chapter 27 of this Code] of the Borough, as amended or supplemented.

§ 211. Penalties. [Ord. 378, 4/13/1992, § 211]

1. Any person who shall violate any provision of the Fire Prevention Code adopted by this Part, or who shall fail to comply with any provision of that code, or who shall violate or fail to comply with any order issued under that code, or shall build in violation of any detailed statement of specifications or plans submitted and approved under that code, and from which no appeal shall have been taken, or who shall fail to comply with such an order as affirmed by the Borough Council, or by a court of competent jurisdiction, within the time fixed in the order as affirmed, shall severally, for each and every such violation and noncompliance, respectively, be guilty of a violation of the Fire Prevention Code and shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days. The imposition of any penalty for any violation shall not excuse the violation or permit it to continue; and, all such persons shall be required to correct or remedy the violation or defect within a reasonable time; and, when not otherwise specified, every five days that any prohibited condition is maintained shall constitute a separate offense.

2. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

§ 212. Savings Clause. [Ord. 378, 4/13/1992, § 212]

Nothing in this Part or in the Fire Prevention Code hereby adopted shall be construed to affect any unit or proceeding impending in any court or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or amended; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

PART 3

BASIC PLUMBING CODE

§ 301. National Standard Plumbing Code; Availability of Copies; Manner of Citing. [Ord. 379, 4/13/1992, § 301]

The National Standard Plumbing Code, 1990 edition, as hereinafter modified and supplemented, including the basic principles stated therein, is hereby adopted as the Borough of Laureldale Plumbing Code. At least three copies of all publications comprising the entire Code in force from time to time shall be on file and available for examination in the office of the Council of the Borough of Laureldale, 3406 Kutztown Road, Laureldale, Pennsylvania. Such code shall be known as, and may be cited as, the "Borough of Laureldale Plumbing Code."

§ 302. Plumbing Inspector and Assistants Established. [Ord. 379, 4/13/1992, § 302]

The provisions of the Borough of Laureldale Plumbing Code shall be administered and enforced by a Plumbing Inspector, who shall be appointed by the Council of the Borough of Laureldale to serve at the pleasure of the Council. The qualifications of the Plumbing Inspector shall be either a licensed master plumber; or, he shall be a person well acquainted with all phases of the plumbing business and shall have had such practical experience as to satisfy the Council of his capacities. Council may also appoint one or more Assistant Plumbing Inspectors to serve at the pleasure of Council; and they shall receive such compensation as may be fixed by Council from time to time.

§ 303. Duties of Plumbing Inspector and Assistants. [Ord. 379, 4/13/1992, § 303]

The duties of the Plumbing Inspector and of the Assistant Plumbing Inspector shall include without being limited to the following:

1. To approve or reject promptly all plans presented; to issue such permits as may be required in proper cases; to collect such fees as may be provided for and to issue receipts for the same; to make such inspections and supervise such tests as may be required to insure that all provisions of this Part and of the Borough of Laureldale Plumbing Code have been faithfully complied with; or to order the removal and correction of any work or materials not in compliance with the provisions of this Part and of the Borough of Laureldale Plumbing Code.
2. To prevent any violations of this Part, of the Borough of Laureldale Plumbing Code, and of any federal or state laws and regulations applicable to inhabitants of the Borough for the protection of the public health.
3. To retain and file records of all plans, inspections, tests, fees and permits, as well as of all complaints and other communications and replies to the same, so as to be readily available for inspection.

4. To issue written orders to the owners or occupiers of properties when an investigation discloses any condition that may be unsanitary or in violation of the provisions of this Part or of the Borough of Laureldale Plumbing Code to take such action as may be necessary and sufficient to correct and completely abate and remove such condition. Such notice shall be issued in writing and in duplicate, and a copy of the same shall be sent to or served upon the owner or occupier of the property, which notice shall state the nature of the correction to be made and time permitted for the making of such correction. The failure of any person to comply with any such notice in strict accordance with its terms shall be a violation of this Part and punishable as such.

§ 304. Meaning of Term "Administrative Authority." [Ord. 379, 4/13/1992, § 304]

The term "administrative authority" as used in the Borough of Laureldale Plumbing Code shall be construed to mean the Plumbing Inspector and/or Assistant Plumbing Inspector of the Borough of Laureldale. However, for purposes of § 305 of the Borough of Laureldale Plumbing Code and §§ 306 and 308 of this Part, the term "administrative authority" shall be construed to mean a group of three to five persons, consisting of one member of the Borough Council (the Sewer Committee Chairman), the Borough Engineer, and the Plumbing Inspector, and in addition, Council may appoint to that group, from time to time, to serve at the pleasure of Council, one master plumber and one journeyman plumber. All decisions of the administrative authority shall be in writing; decisions not in writing shall be void and of no effect.

§ 305. Approval of Modifications to Procedures and Specifications of the Borough of Laureldale Plumbing Code. [Ord. 379, 4/13/1992, § 305]

1. When there are practical difficulties in carrying out the provisions of this code or of an approved rule, the administrative authority may vary or modify such provisions upon application of the owner or a representative; provided that the spirit and intent of the law is observed and public health, safety and welfare assured.
2. The application for modification and the final decision of the administrative authority shall be in writing and officially recorded with the application for the permit, in the permanent record of the department.
3. Used materials, equipment and devices may be used provided they have been reconditioned, tested and placed in good and proper working condition and approved for use by the administrative authority.
4. The provisions of this code are not intended to prevent the use of any material or equipment not specifically prescribed by this code, provided any such alternative has been approved. The administrative authority may approve such alternative provided it has been found 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.

5. The administrative authority shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, its use may be approved subject to the requirements of this code. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.
6. The administrative authority may accept as supporting data to assist in the determination duly authenticated research reports from Building Officials and Code Administrators International, or other approved authoritative sources, for all materials or assemblies proposed for use which are not specifically provided for in this code.

§ 306. Exceptions to and Appeals from Decisions of Plumbing Inspector; Hearings; Written Decisions. [Ord. 379, 4/13/1992, § 306]

Any and all exceptions, or appeals from, a decision or ruling of the Plumbing Inspector of the Borough of Laureldale shall be filed in writing, in duplicate, with the administrative authority. The exceptant or appellant shall be entitled to a hearing before the administrative authority within 10 days of filing the same. Promptly after such hearing, the administrative authority shall render a written decision and shall mail a copy thereof to the exceptant or appellant.

§ 307. Qualifications for Doing Various Types of Plumbing and Drainage Work. [Ord. 379, 4/13/1992, § 307]

1. No person other than one holding a certificate of license as a master plumber issued as hereinafter provided, or a firm or corporation having at least one such person in responsible charge of work, shall be allowed to carry on or engage in the business of plumbing or house drainage within the Borough of Laureldale.
2. No person other than one holding a certificate of license as a master plumber, or as a journeyman plumber working under the observation of a master plumber, shall be allowed to alter, repair or make any connections with any drain, soil or vent pipe or pipes, or fixtures or fixture connected therewith.
3. Apprentice plumbers shall not be permitted to perform any plumbing or drainage work with tools unless accompanied by and working under the observation and supervision of a licensed master plumber or a licensed journeyman plumber.
4. A permit to perform plumbing work in a single-family dwelling used exclusively for living purposes may be issued to the owner of such dwelling,

provided he shall also occupy such dwelling and shall purchase all materials and perform all labor in connection therewith. However, in the case of a house drainage connection to a public sanitary sewer or lateral thereof, a licensed master plumber shall be required to install the trap, vent and clean out the rest of the sewer line connecting such dwelling to the public sanitary sewer.

§ 308. Certificate of License. [Ord. 379, 4/13/1992, § 308]

1. Any person desiring to obtain a certificate of license as a master plumber or as a journeyman plumber from the Borough of Laureldale shall appear before the administrative authority and pay the fee for such license as determined from time to time by Council.
2. The administrative authority shall issue the appropriate license when the applicant, upon inquiry and examination, appears qualified of the same.
3. The issuance of a certificate of license as a master plumber to any one member of a firm or corporation shall be sufficient to permit such firm or corporation to perform plumbing work within the Borough of Laureldale so long as the holder retains such certificate of license and remains in responsible charge of all work performed.
4. No certificate of license shall be issued to any person under the provisions of this Part until such person has furnished a certificate of insurance coverage with a reputable insurance company providing public liability insurance coverage in the case of claims for personal injury of not less than \$100,000 per person and \$300,000 per occurrence; and, in the case of claims for property damage, of not less than \$50,000 for a single claim and \$100,000 for multiple claims arising out of the same occurrence.
5. All plumbing work within the Borough of Laureldale shall be performed under the general direction of a person holding a certificate of license as a master plumber. Whenever any pipe laying or jointing is in progress, at least one person holding a certificate of license either as a master plumber or as a journeyman plumber shall be present at all times.
6. Certificates of license shall be issued for a period not in excess of one year.

§ 309. Fees. [Ord. 379, 4/13/1992, § 309]

All fees shall be paid to the Plumbing Inspector of the Borough of Laureldale for the use of said Borough and shall be:

1. The fee for granting a master plumber certificate of license shall be \$20 and shall be renewable for \$10.
2. The fee for grant of journeyman plumber's license shall be \$5 and be renewable for \$3.

3. The fee for granting a plumbing permit shall be, for each plan approved on which there is not more than one fixture or trap, \$5.

For each additional fixture or trap	\$2.50
For alternation, renewal or extension of waste or vent stack not over two inches in diameter	\$2.50
For alteration, renewal or extension of a soil, waste or vent stack over two inches	\$5
For removal of any fixture, appliance, soil, waste or vent pipe and sealing of same	\$2.50
Scaling of abandoned or out-of-use sewer connection	\$5
Inspection of any water connection, or any water-supplied appliances, or fixtures, or closet valve which are restricted or controlled by these regulations	\$2.50
For 4-inch storm sewer connection	\$10
For 5-inch storm sewer connection	\$10
For 6-inch storm sewer connection	\$10
For 8-inch storm sewer connection	\$10
For 10-inch storm sewer connection	\$10
For surface drainage from buildings which discharge at street gutter, each building, one pipe	\$5
For each additional pipe	\$2.50
For each sanitary sewer connection	\$20
For repair to sanitary sewer lateral	\$10

§ 310. Access to Premises. [Ord. 379, 4/13/1992, § 310]

The Plumbing Inspector and/or Assistant Plumbing Inspector shall, upon identifying themselves, be given access to any structure or area for the purpose of making inspections and of enforcing the provisions of this Part and of the Laureldale Plumbing Code. Any person denying access to the Plumbing Inspector and/or any Assistant Plumbing Inspector after a proper request for the same has been made shall be guilty of violation of this Part.

§ 311. Penalties. [Ord. 379, 4/13/1992, § 311]

Any person, firm or corporation who shall violate any provision of this Part, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense. The certificate of license issued to any master plumber or journeyman plumber under the provisions of this Part may be revoked for a violation of this Part, and no new certificates of license granted to a period of up to two years for each offense.

§ 312. Savings Clause. [Ord. 379, 4/13/1992, § 312]

Nothing in this Part or in the Plumbing Code hereby adopted shall be construed to affect any unit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

PART 4

UNIFORM CONSTRUCTION CODE

§ 401. Election to Administer. [Ord. 433, 4/12/2004, § 1]

The Borough Council of the Borough of Laureldale hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § 7210.101-7210-1103, as amended from time to time, and its regulations.

§ 402. Adoption. [Ord. 433, 4/12/2004, § 2]

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 - 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Laureldale.

§ 403. Administration and Enforcement. [Ord. 433, 4/12/2004, § 3]

Administration and enforcement of this Code within the Borough of Laureldale shall be undertaken in any of the following ways as determined by the Borough Council of the Borough of Laureldale from time to time by resolution:

- A. By the designation of an employee of the Borough of Laureldale to serve as the Borough's code official to act on behalf of the Borough;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Borough;
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

§ 404. Board of Appeals. [Ord. 433, 4/12/2004, § 4]

A Board of Appeals shall be established by resolution of the Borough Council of the Borough of Laureldale in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§ 405. Prior Enactments. [Ord. 433, 4/12/2004, § 5; as amended by Ord. 442, 6/13/2005]

1. All building code ordinances or portions of ordinances which were adopted by the Borough of Laureldale on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.
3. All relevant ordinances, regulations and policies of the Borough of Laureldale not governed by the code shall remain in full force and effect.
4. The rules, regulations and requirements regarding building sewers adopted by the Borough of Laureldale, or which may be adopted by the Borough, and which meets or exceeds the standards found in the International Residential Code (IRC) for residential dwellings and/or the International Plumbing Code (IPC) for commercial buildings shall not be affected by Ordinance Number 433 and shall remain in full force and effect after the enactment of this Part.

§ 406. Fees. [Ord. 433, 4/12/2004]

Fees assessable by the Borough of Laureldale for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the Borough Council by resolution from time to time.

PART 5

PROPERTY MAINTENANCE CODE

§ 501. Adoption of Code. [Ord. 459, 2/11/2008]

The International Property Maintenance Code, 2006, and all future editions of the International Property Maintenance Code, as published by the International Code Council, be and are hereby adopted as the Property Maintenance Code of the Borough of Laureldale.

§ 502. Additions, Insertions and Changes. [Ord. 459, 2/11/2008]

The following subsections and/or words in the International Property Maintenance Code, 2006 (hereafter the "Property Maintenance Code"), are hereby revised to substitute the following words for the original words contained in the Code [original language is contained in brackets]:

- A. Section 101.1: substitute "Borough of Laureldale" for [NAME OF JURISDICTION].
- B. The title of Section 103: substitute "BUILDING CODE OFFICIAL AND DEPUTIES" for DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION.
- C. Section 103.1 shall read as follows:

103.1. Creation of the Office of the Building Code Official. The office of Building Code Official is hereby created, and the executive official(s) in charge thereof shall be known as the "Building Code Official."
- D. Section 103.2 shall read as follows:

103.2. Appointment. The Building Code Official shall be appointed by the Borough Council and shall serve at the pleasure of the Borough Council.
- E. Section 103.5 shall read as follows:

103.5. Fees. The fees for all work, permits, charges, etc., shall be paid in accordance with the fee schedule resolution in effect at the time application is made.
- F. The title of Section 104.7: substitute "Building Code Official's Records" for "Department Records."

Subsection 107.4 is hereby revised by deleting the reference to "Section 106.4" and substituting "Section 106.3."
- G. Section 111 is hereby deleted in its entirety. A new Section 111 is hereby enacted, to read as follows:

111. Appeals. The creation of the Board of Appeals and its authority and qualifications and the filing of appeals shall be in accordance with Sections 403.121 and 403.122 contained in 34 Pa. Code, Chapter 403.

- H. Section 202 is hereby revised to include the following additional definitions:

OCCUPIED — As applied to a building or portion thereof, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or having a certificate of use and occupancy."

ONE-FAMILY DWELLING — A building containing one dwelling unit.

TWO-FAMILY DWELLING — A building containing two dwelling units.

- I. Section 202 is hereby amended as follows: In the definition of "owner," the phrase "if ordered to take possession of real property by a court" is hereby deleted from the definition.

- J. Section 301 is hereby amended to include the following additional subsection, known as 301.2.1:

301.2.1. Where properties abut a public right-of-way, the abutting property owner shall be responsible for the maintenance of the area between his/her property line and the cartway, including the curb, the sidewalk and grass areas between the curb and the property line.

- K. Section 302 is hereby amended to include the following additional section, known as 302.3.1:

302.3.1. Where sidewalks exist, those responsible (see Section 301.2.1, as amended) for the sidewalks shall have at least a two-foot-wide path cleared of snow and ice within 24 hours after the cessation of the snowfall.

EXCEPTION: When more than 12 inches of snow has fallen, those responsible for the sidewalk shall have at least a two-foot-wide path cleared of snow and ice within 48 hours after the cessation of the snowfall.

- L. Section 302 is hereby amended to include the following additional subsection, known as 302.4.2:

302.4.2. The Building Code Official, or any officer or employee of the Borough designated thereby for this purpose, is hereby authorized to give notice, by personal service or United States mail, to the owner or occupant or any adult person in charge of said premises, as the case may be, of any property wherein grass or other vegetation is in violation of Section 302.4 or Section 302.4.1, directing and requiring such occupant or owner to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this section, within five days after issuance of such notice.

Whenever, in the judgment of the Building Code Official, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Borough, or any officer or employee of the Borough designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists a notice or order directing and requiring that such nuisance be abated within five days.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof, shall be collected by the Borough from such person, firm or corporation in the manner provided by law and may be entered as a municipal lien against the property and owner thereof, for the abatement of nuisance.

- M. Section 302 is hereby amended to include the following additional subsection, known as 302.8.1:

302.8.1. Registered motor vehicles are prohibited from parking on any nonpaved area in the front or side yards of a property for a period of greater than 12 hours. Motor vehicles may be parked on nonpaved areas in the rear yard, provided that a solid fence, a minimum of six feet tall, is erected around the rear yard in order to screen the contents of the yard from surrounding neighbors.

- N. Section 304.14 is deleted in its entirety and replaced with the following:

Section 304.14. Insect Screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable 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 swinging door shall have a self-closing device in good working condition.

EXCEPTION: Screens shall not be required where other approved means, such as air curtains or insect-repellant fans, are employed.

- O. Section 602.3: substitute "October 1" for the first reference of [DATE] and "May 1" for the second reference of [DATE].
- P. Section 602.4: substitute "October 1" for the first reference of [DATE] and "May 1" for the second reference of [DATE].
- Q. Substitute in all relevant sections of the code "Building Code Official" for [THE BUILDING OFFICIAL].

- R. Substitute in all relevant sections of the code "the Borough Council" for [THE GOVERNING BODY].

§ 503. Automatic Renewal. [Ord. 459, 2/11/2008]

The Borough of Laureldale hereby adopts all future editions of the International Property Maintenance Code, as published by the International Code Council with all of the additions, insertions, and changes as stated above in § 502 of this Part.

§ 504. Effect on Existing Provisions. [Ord. 459, 2/11/2008]

The provisions of this Part, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

PART 6

RESIDENTIAL RENTAL UNIT CODE**§ 601. Licensing of Residential Rental Units. [Ord. 460, 3/10/2008]**

No person hereafter shall occupy, allow to be occupied or lease to another person for occupancy any residential rental property within the Borough of Laureldale unless a license application has been properly completed and filed with the Borough of Laureldale and all fees paid therefor.

§ 602. Manner of Licensing. [Ord. 460, 3/10/2008; as amended by Ord. 464, 3/9/2009; and by Ord. 465, 7/13/2009]

1. Application for the residential rental unit license shall be made upon forms furnished by the Borough of Laureldale for this purpose and shall include such information as the Borough Council, by resolution, shall direct, including but not limited to the following:
 - A. The name, address and telephone number of the property owner(s).
 - B. The name, address and telephone number of a designated property manager who resides or has an office within 50 miles of the Borough of Laureldale if the property owner lives outside the Borough of Laureldale.
 - C. The street address of the rental property.
 - D. The number and type of units within the rental property.
 - E. The names of all persons authorized by the property owner to reside at the property.
2. The fee for the annual license of each residential rental unit shall be determined by the schedule of fees adopted periodically by Borough Council. **[Amended by Ord. No. 516, 4/8/2019]**
3. The fee for inspections of each residential rental unit shall be determined by the schedule of fees adopted periodically by Borough Council. **[Amended by Ord. No. 516, 4/8/2019]**
4. Except as provided in Subsection 5, application for the initial annual license, accompanied by the fees required by Subsections 2 and 3, shall be made on or before May 30 of each calendar year. If approved, the annual license shall be valid from the date of issue to the following year. An application for a renewal of the license must be made each year 30 days prior to the date of expiration of the license.
5. Every new owner of residential rental property within the Borough of Laureldale shall be required to furnish to the Borough of Laureldale the

information required by Subsection 1 within 30 days of the date of purchase and thereafter as required by Subsection 4. If approved, the annual license shall be valid from the date of issue to the following year. The fees required by Subsections 2 and 3 shall not be collected from a new owner during the year in which he acquires ownership of the rental property if the prior owner has paid all license fees and all inspection fees and has complied with all requirements of this Part.

§ 603. Information to be Provided by Owners or Landowners. [Ord. 460, 3/10/2008]

1. Every owner, landlord, manager or agent for an owner who rents or leases or offers for occupancy any property or portion thereof in the Borough of Laureldale to any tenant or occupant for a period of time in excess of 30 days shall supply the following information to the Borough of Laureldale Secretary:
 - A. The dwelling unit or room unit number or street address.
 - B. The name or names of all tenants and occupants to occupy such property.
 - C. Contact information for the tenants and occupants of the property.
 - D. The mailing address of the dwelling unit or rooming unit.
 - E. For all adult residents 18 years of age or older, proof of identification in the form of a photocopy or picture of a driver's license, passport, or any other government-issued photo identification. In the event that an adult tenant does not possess such photo identification, then the owner, landlord, manager, or agent for an owner shall provide the Borough Secretary with an affidavit, attesting to the individual's identity. The requirements of this section may also be met if an adult tenant appears at Borough Hall and presents his or her identification to the Borough Secretary for identity verification purposes. The Borough Secretary shall keep all identification information in a secure location and shall release such information only to police, firefighters, ambulance personnel, and other first responders upon their request. **[Added by Ord. No. 504, 12/11/2017]**
2. The above information shall be provided to the Borough of Laureldale Secretary within 60 days of the renting, leasing, subleasing or occupancy of any property in the Borough of Laureldale for a period of time in excess of 30 days.

§ 604. Inspection of Residential Rental Units. [Ord. 460, 3/10/2008; as amended by Ord. 464, 3/9/2009]

All residential rental units shall be inspected by the Borough of Laureldale Building Code Enforcement Officer for compliance with this Part and other Borough

ordinances on a biennial basis. Nothing in this section shall prohibit additional inspections if the property is found to be in violation of any Borough ordinance or any state or federal law. In addition, nothing in this section shall prohibit additional inspections if the Borough receives complaints from citizens regarding unlawful activities at the property.

§ 605. Inspection Certificates. [Ord. 460, 3/10/2008]

No person shall rent, lease or allow to be occupied any dwelling subject to this Part without having a valid and current certificate of inspection for the dwelling.

§ 606. Procedure for Inspections. [Ord. 460, 3/10/2008; as amended by Ord. 464, 3/9/2009]

1. The Building Code Enforcement Officer shall inspect every residential rental unit within the Borough of Laureldale at the intervals specified in this Part. An inspection may also be conducted if the Borough receives a complaint. The criteria for inspection shall be whether the property is in compliance with the Borough of Laureldale ordinances and shall also include the following checklist items, which may be amended at any time by a Borough Council resolution:
 - A. Exterior property:
 - (1) Gutters and downspouts.
 - (2) Sidewalk condition.
 - (3) Broken windows.
 - (4) Interior and exterior guardrails for stairs and porches over 30 inches above ground: four-inch maximum spacing; cannot cause a "ladder" effect, unsafe steps as per building code.
 - (5) Exposed or dangerous electrical wiring.
 - (6) Tall grass and weeds to be maintained within six inches.
 - (7) No accumulation of rubbish or garbage.
 - (8) House numbers to be displayed in front of property (minimum size four inches by 1/2 inch).
 - (9) Condition of roof.
 - B. Electrical:
 - (1) Ground-fault circuit interrupter (GFCI) receptacles required in bathroom, kitchen with countertops, unfinished basements, garages, outside receptacles and swimming pool receptacles.
 - (2) Exposed or dangerous electrical wiring.
 - (3) Missing covers on receptacles, switches and junction boxes.
 - (4) Labeling of all breakers or fuses at panel.
 - (5) Open slots at panel box (sealed or capped).
 - C. Fire protection and safety:
 - (1) Smoke detectors:

- (a) Battery-type OK in existing wiring.
 - (b) Needed in basement.
 - (c) One needed on every level.
 - (d) Needed in every bedroom.
 - (2) Egress from all bedrooms (windows must be operational and maintain an open position).
 - (3) Thumb-latch deadbolts at doors (double-keyed type not permitted).
 - (4) Continuous railing at all stairwells.
- D. Plumbing and heating:
 - (1) Water heater relief valve (maximum six inches from floor with minimum one-inch air gap from floor, rigid pipe only).
 - (2) No leaks in plumbing.
 - (3) Properly functioning toilets, tub/shower units and lavatories.
 - (4) Proper ventilation for dryers (must vent directly outside).
 - (5) Properly functioning sewer system, sump pump installed properly.
 - (6) Heat supply: capable of maintaining 68° room temperature in all habitable rooms, bathrooms and toilet rooms.
 - (7) No cooking appliance (stove, oven) shall be used to provide space heating.
- 2. If a property is found to be in compliance with Borough of Laureldale ordinances and the checklist items and if the inspection fee has been paid, the Building Code Enforcement Officer shall issue a certificate of inspection for the property.
- 3. Violations.
 - A. If a property is found to be in violation of any Borough ordinance, the Building Code Enforcement Officer shall provide written notice of such violation to the property owner or to the local property manager designated by the property owner and shall set a reinspection date before which such violations shall be corrected. The reinspection date shall be as stated by the Building Code Enforcement Officer in the written notice but shall be no more than 90 calendar days after the date of the inspection.

- B. If the violation(s) cited by the Building Code Enforcement Officer are corrected upon reinspection and the annual license fees have been paid, the Building Code Enforcement Officer shall issue a certificate of inspection for the property.
- C. If the violation(s) cited by the Building Code Enforcement Officer are not corrected upon reinspection, the Building Code Enforcement Officer shall not issue the certificate of inspection and shall inform the Borough Council in writing within five working days for further action as the Borough Council shall deem appropriate. The rental unit license shall also be suspended as noted in § 608 of this Part.

§ 607. Certificate of Inspection. [Ord. 460, 3/10/2008; as amended by Ord. 464, 3/9/2009]

- 1. The owner of a residential rental unit may request inspection of a dwelling at any time. Any such request shall be made in writing and shall be accompanied by the inspection fee of \$50.
- 2. The certificate of inspection issued by the Building Code Enforcement Officer shall expire two years from the date of issue.
- 3. A certificate of inspection shall be transferable to new owners.
- 4. The tenant of a residential rental unit may request from the Borough a copy of a certificate of inspection for the property in which he resides. The Borough shall furnish a copy of the certificate of inspection upon a tenant's request.

§ 608. Suspension or Revocation of Licenses. [Ord. 460, 3/10/2008]

- 1. If violations are found during an inspection of a residential rental unit, the property owner or his/her designated representative will be notified of the violations, and the license of the rental unit shall be suspended.
- 2. If the violations found during the inspection are corrected within the designated time frame, the license shall be reinstated.
- 3. If the violations found during the inspection are not corrected within the designated time frame, the tenant(s) shall be notified to vacate the unit within 45 calendar days of the receipt of the notice. Occupancy of the rental unit shall not be allowed until the violations have been corrected and the unit passes an inspection by the Building Code Enforcement Officer.
- 4. The failure of any tenant to move after having been given the forty-five-day notice to vacate shall constitute a violation of this Part.

§ 609. Appeal From the Decision of the Building Code Enforcement Officer. [Ord. 460, 3/10/2008]

1. If the Building Code Enforcement Officer denies the issuance of a certificate of inspection for the property or suspends or revokes the property owner's license, the property owner or the property owner's representative or an affected tenant shall have the right to appeal the decision to Borough Council by filing a notice of appeal with the Borough Secretary no later than 10 days after the decision is served. An application for appeal shall be based on a claim that the true intent of this Part or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Part do not fully apply, or the requirements of this Part are adequately satisfied by other means. A notice of appeal form may be obtained from the Borough Secretary.
2. The President of Borough Council shall appoint a hearing officer to conduct a hearing and make a determination of whether the denial or revocation or suspension should be upheld. The hearing officer shall promptly schedule a hearing at a time and date no later than 14 days from the date of receipt of the appeal by Borough Council. The hearing officer shall have the power to administer oaths and require the attendance of any Borough employees. The hearing officer shall make written findings of fact and issue a written decision, which shall be promptly mailed to the individual who filed the appeal.

§ 610. Access to Rental Property. [Ord. 460, 3/10/2008]

1. Failure to provide access to the rental property shall constitute a violation of this Part, provided that 48 hours' notice of an upcoming inspection has been provided to either the owner or tenant. The 48 hours' notice is not needed if the Building Code Enforcement Officer has evidence of a clear and present danger in the residential rental unit.
2. For the purpose of enforcing this Part, the Building Code Enforcement Officer or his designee must obtain an administrative search warrant from any competent authority, in accordance with applicable legal standards, for the purpose of compelling access and inspection of a residential rental unit.

§ 611. Penalties and Remedies. [Ord. 460, 3/10/2008]

1. Unless the property owner or the property owner's representative or the affected tenant has timely filed a notice of appeal and the appeal is pending, failure to correct the violations by the time of the reinspection will result in the Building Code Enforcement Officer or a Borough police officer issuing a non-traffic citation to the property owner or owners.
2. If, in the opinion of the Building Code Enforcement Officer or a Borough police officer, there is evidence that a tenant, or tenants, are responsible for

part or all of the violations which resulted in the suspension of the rental unit's license, the Building Code Enforcement Officer or a Borough police officer shall have the ability to cite either the property owner or the tenant(s), or both. All parties cited shall be required to appear before the local Magisterial District Judge.

3. Any person who violates any provision of this Part shall, upon conviction thereof, be guilty of a summary offense and subject to a sentence of a fine of not less than \$50 but not more than \$1,000 and, in default of payment, to imprisonment for a term not to exceed 30 days.
4. A separate offense shall be deemed to have been committed for each and every week during or on which a violation occurs.
5. In addition, if the Building Code Enforcement Officer has issued a notice to vacate the unit and if any tenant still remains after the forty-five-day time frame, the Borough has the right to seek the following from the local Magisterial District Judge or from a Court of Common Pleas Judge: a break and enter order; an order giving the Borough the authority to forcibly remove any remaining tenant from the premises; and an order giving the Borough the authority to padlock the residential unit or rental property until the violations have been corrected and the unit passes an inspection by the Building Code Enforcement Officer. After the unit has been padlocked, only the owner, the owner's designee, and the Building Code Enforcement Officer shall have access to the residential unit or rental property. The Borough is prohibited from seeking such a judicial order if and only if the property owner or the property owner's representative or the affected tenant has timely filed a notice of appeal and the appeal is pending.

§ 612. Exemptions. [Ord. 460, 3/10/2008]

This Part shall not apply to hospital units, nursing units or retirement home units located within the Borough of Laureldale.

§ 613. Definitions. [Ord. 460, 3/10/2008]

As used in this Part the following terms shall have these meanings:

OWNER [Amended by Ord. 494, 7/11/2016] —

1. Any person, either alone or jointly or severally with others, who has legal title to any rental property or residential rental unit, with or without accompanying actual possession thereof, or who has charge, care, or control of any rental property or residential rental unit as an owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part, and with the rules and regulations

adopted pursuant thereto, to the same extent as if he/she was the owner.

2. The term "owner" shall also include a seller (or sellers) in any land sales agreement in which there has not been the recording of a deed with the Berks County Recorder of Deeds. In other words, any seller in a land sales agreement is still considered to be an "owner" until there has been a delivery of a deed to the buyer(s) and the recording of that deed [listing buyer(s) as grantee(s)] with the Berks County Recorder of Deeds.

PERSON — Any natural individual, partnership, association, corporation, joint venture, receiver, executor, trustee or personal representative or guardian appointed by order of any court.

RESIDENTIAL RENTAL UNIT — A room or group of rooms for one or more persons with independent living facilities, providing for living, sleeping, cooking, and disposal of human waste, that are not occupied by the owner of the property and for which the owner receives compensation, either in-kind or monetary. Residential rental units include, but are not limited to, single-family dwellings, two-family dwellings or duplexes, multifamily dwellings, apartments, boardinghouses, guest houses, rooming houses, lodging houses, hotels, and tourist houses. The term "residential rental unit" shall also include any real property that is sold pursuant to a land sales agreement in which a settlement has not taken place with the delivery of a deed and the recording of a deed with the Berks County Recorder of Deeds. **[Amended by Ord. 494, 7/11/2016]**

§ 614. Repealer. [Ord. 460, 3/10/2008]

Any ordinance or part of an ordinance conflicting with this Part is hereby repealed insofar as the same affects this Part.

§ 615. Severability. [Ord. 460, 3/10/2008]

In the event that any provision, section, clause or part of this Part shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this Part, it being the intent of the Borough of Laureldale that such remainder shall be and remain in force and effect.

§ 616. When Effective. [Ord. 460, 3/10/2008]

This Part shall become effective five days after enactment as provided by law. For the year 2008, all residential rental units within the Borough of Laureldale shall be registered with and inspected by the Borough on or before December 15, 2008.