

CHAPTER 5

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ORDINANCE NO.: 7 of 2015

AN ORDINANCE OF WHITE HAVEN BOROUGH, LUZERNE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 5, CODE ENFORCEMENT, PART 1, INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 105, VIOLATIONS AND PENALTIES UNDER §106.4 OF THE CODE, ALLOWING THE CODE ENFORCEMENT OFFICER TO SELECT EITHER A CIVIL OR SUMMARY ENFORCEMENT PROCEEDING AND DESIGNATING PENALTIES

BE IT ENACTED AND ORDAINED by White Haven Borough Council as follows:

Chapter 5
CODE ENFORCEMENT
Part 1
International Property Maintenance Code

§105 entitled, Violations and Penalties under §106.4 of the Code, is hereby amended to read as follows:

“Any person who shall violate this Code shall be subject to one of the following enforcement proceedings as determined by the Code Enforcement Officer:

(a) Any person who shall violate this Code shall be subject in a Civil Enforcement proceeding, to a fine of not more than One Thousand Dollars (\$1,000.00) for each offense, together with the cost of prosecution incurred by the Township. Each day that a violation shall continue shall constitute a separate offense.

OR

(b) Any person who shall violate any provision of this Code shall, upon conviction thereof in a summary proceeding, be subject to a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the Court. Each day that a violation continues shall constitute a separate offense.”

These amendments shall take effect immediately following their adoption.

Except as amended above, the other sections of Chapter 5, Code Enforcement, Part 1, International Property Maintenance Code, shall remain the same.

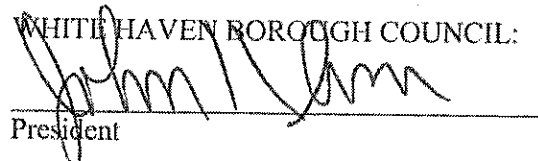
ENACTED AND ORDAINED this 24th day of August, 2015, by White Haven Borough Council.

ATTEST:



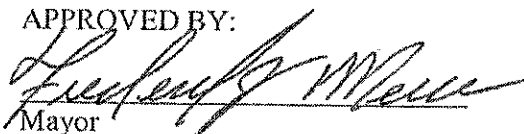
Manager

WHITE HAVEN BOROUGH COUNCIL:



President

APPROVED BY:



Mayor

CHAPTER 5

CODE ENFORCEMENT

Part 1

International Property Maintenance Code

§101. Adoption. That a certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of White Haven, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of White Haven, in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office the Borough of White Haven are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

§102. Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. (Ord. No. 5-2008, 8/11/2008, Sec. 5.)

§103. Notice of Violation. The code official shall serve a notice of violation or other in accordance with Section 107 of the International Property Maintenance Code. (Ord. No. 5-2008, 8/11/2008, Sec. 5.)

§104. Prosecution of Violation. Any person failing to comply with a Notice of Violation or Order served in accordance with Section 107 of the International Property Maintenance Code shall be deemed guilty of a summary offense and be subject to the penalties delineated in §106.4 of the International Property Maintenance Code and Section 105 of this Ordinance, below. In addition, if the Notice of Violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code pursuant to §106.5 of the Code.

§105. Violations and Penalties under §106.4 of the Code. Any person who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not less than Three Hundred (\$300.00) Dollars and not more than One Thousand (\$1,000.00) Dollars or imprisonment for a term not to exceed Thirty (30) days, or both, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§106. Abatement of Violation. The imposition of the penalties herein prescribe shall not preclude the legal officer of the jurisdiction from instituting appropriate action or restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. (Ord. No. 5-2008, 8/11/2008, Sec. 5.)

§107. Amendments to the 2009 International Property Maintenance Code. The provisions of the 2009 International Property Maintenance Code shall include the following:

- a) *§302.4 Weeds.* Weeds shall not exceed six (6) inches.
- b) *§304.14 Screens.* Insect screens shall be provided from April 1 to October 1 of each year.
- c) *§602.4 Work spaces.* Occupy-able work spaces shall be provided from September 1 to July 1 of each year.
- d) *§602.3 Heat Supply.* Heat supply must be provided by Landlord from September 1 to July 1 of each year.

Except as amended in this Section 107, the International Property Maintenance Code of 2009 is adopted herein.

§108. Severability. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough of White Haven hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone ore more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

§109. Repealer. That nothing in this ordinance 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 cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

EDITOR'S NOTE: A copy of the 2009 International Property Maintenance Code is available on line for viewing at <http://www.iccsafe.org>. *Copyright infringements apply.*

The Ord. No. 5-2008, 8/11/2008, has been amended herein to adopt the 2009 version of the International Property Maintenance Code, and Section 107 is included to complete the sections of the Code that permit municipal discretion.

Part 2
Uniform Construction Code

§201. Enacted and Ordained.

(a) This Borough 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.

(b) 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 this Borough.

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

(1) By the designation of an employee of the Borough to serve as the municipal code official to act on behalf of the Borough;

(2) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough;

(3) By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;

(4) By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Borough; or

(5) 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.

(d) A Board of Appeals shall be established by resolution of the governing body of this Borough 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.

(e) Code Requirements.

(1) All building code ordinances or portions of ordinances which were adopted by the Borough 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 ordinance 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 this Borough not governed by the Code shall remain in full force and effect.

(f) Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.

(g) This ordinance shall be effective one hundred eighty (180) days after the date of passage of this ordinance, the same having been 2/9/2008.

(h) If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

(Ord. No. 2-2007, 8/13/07, Sec. 1)

Part 3
Landlord-Owner Registration

§301. Short Title. This part shall be known and may be cited as the “White Haven Borough Landlord-Owner Registration Ordinance.”

§302. Definitions. For purposes of this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

(a) Agent - means a person of legal majority authorized by an owner of real property under the provisions of this Ordinance to act for or in place of that owner with respect to certain duties set forth in this ordinance.

(b) Board of Appeals - means the appeal board established by resolution of White Haven Borough Council pursuant to the adoption of the Uniform Construction Code..

(c) Building Inspector - means the person appointed by the Borough of White Haven to inspect buildings and their systems and to enforce and administer the various adopted Building and Construction Codes within the Borough, including the provisions of this Ordinance.

(d) Code - means the building code officially adopted by the Borough of White Haven and such other codes officially designated by the Borough of White Haven for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy, and maintenance of buildings and structures, including, but not limited to the Existing Property Maintenance Code, Building Codes, Zoning Ordinance and Code of Ordinances, as adopted and amended.

(e) Code Enforcement Officer - means the person appointed by the Borough of White Haven to enforce and administer the Code of Ordinances (health, safety, building, etc.) of the Borough, including the provisions of this ordinance.

(f) Commercial Unit - means any building or portion thereof being leased, rented or used for a nonresidential use, occupation or enterprise, including industrial and institutional uses.

(g) Family - includes persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, grandchild, great grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law, or first cousin. This term also includes relationships such as second, third, and fourth cousins, and unrelated persons who maintain a common household and live within a dwelling unit.

(h) Dwelling Unit- means a building or portion thereof arranged or designed so as to create an independent housekeeping establishment for occupancy by one family

with separate bathroom, toilet and sanitary facilities and facilities for cooking and sleeping for exclusive use by the family residing therein.

(i) Fire Chief - means the person appointed to be in charge of the White Haven Fire Department.

(j) Landlord - means a person who permits, provides, or offers for consideration, possession or occupancy a building, dwelling unit, commercial unit or structure, of any part thereof by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of real property.

(k) Occupant - means a person age 18 or older who resides at a property, such as a tenant, or any other individual (excluding visitors) that is allowed on property by such resident or tenant.

(l) Property or Real Property - means any parcel of land or real property located within White Haven Borough, including the land and all buildings and structures on which one or more dwelling units or commercial units are located.

(m) Property Owner - means any person, agent, or operator having a legal or equitable interest in real property; or recorded in the official records of the state, county, or municipality as holding title to real property; or otherwise having control of real property, including the guardian of the estate of any such person, and the executor or administrator of the estate of any such person, and the executor or administrator of the estate such person if ordered to take possession of real property by a Court of competent jurisdiction. This term includes "Owner".

(n) Rental Unit - means a dwelling unit or commercial unit occupied or used by one or more persons commonly known as "Tenants".

(o) Tenant - means any person who occupies a rental unit, dwelling unit or commercial unit within a rental property regardless of whether such person has executed a lease for the property.

§303. Initial Filing of Reports by Landlords. Within sixty (60) days from the effective date of this Ordinance, every Landlord must submit to the Secretary of White Haven Borough, a report on a form provided by the Borough, which includes the following information:

(a) Name, address and phone number of the Landlord, and if the Landlord is not a natural person, a description of the entity, including the name, address, phone number and title of the designated representative for that entity.

(b) Name, address and phone number of the Agent of the Landlord, if applicable.

(c) List of the dwelling and commercial units owned by the Landlord.

(d) A brief description of each unit, including the number and type (dwelling or commercial) of units, whether the unit is occupied or not occupied, and a determination of whether the unit is habitable.

(e) Name, address and phone number of the Tenant and occupants of the unit.

(f) This section shall not be construed as to require the Landlord to physically file the report in that the Landlord may have someone on behalf of the Landlord file the report. However, the Landlord shall be responsible to ensure its filing.

§304. Filing of Reports of New Owners. After the effective date of this Ordinance, any person selling a property by agreement, deed or other means, shall, prior to the sale or transfer of the property provide a report to the Secretary of White Haven Borough in accordance with the following reporting requirements:

(a) Name, address and phone number of the new owner, and if the new owner is not a natural person, a description of the entity, including the name, address, phone number and title of the designated representative for that entity.

(b) Name, address and phone number of the Agent of the new owner, if a Landlord.

(c) List of the dwelling and commercial units to be purchased.

(d) A brief description of each unit, including the number and type (dwelling or commercial) of units, whether the unit is occupied or not occupied, and a determination of whether the unit is habitable.

(e) Name, address and phone number of the Tenant and occupants of each unit, if applicable, and if not already on file.

§305. Filing of Reports by Landlords for Change in Tenants or Vacancy. After the period for reporting has expired under Section 303 of this Ordinance, and the Landlord has complied with the reporting requirements of that Section, every Landlord shall thereafter file a report with the Secretary of White Haven within thirty (30) days thereafter, where the Tenant of a unit has changed, or a unit has become vacant. The Landlord must provide a report to the Borough Secretary on a form supplied by the Borough, which includes the following information:

(a) The name, address, and phone number of the new Tenant, or the vacating Tenant, whichever the case may be;

(b) The date of the change; and

(c) The forwarding address of the vacating Tenant, if known by the Landlord.

(d) This section shall not be construed as to require the Landlord to physically file the report in that the Landlord may have someone on behalf of the Landlord file the report. However, the Landlord shall be responsible to ensure its filing.

§306. Duties of the Secretary of White Haven Borough. The Secretary shall:

(a) Maintain on file at the Borough Building the reports filed under this Ordinance.

(b) Maintain and supply the forms to use in making reports as required by Sections 303, 304, and 305 of this Ordinance.

(c) Provide copies of the reports filed under this Ordinance to the Chief of Police or Officer in Charge, Code Enforcement Officer, Zoning Officer, Building Inspector and Fire Chief.

§307. Appointment and Duties of Agent/Manager. Every Landlord who does not reside within a twenty (20) mile radius of the Borough limits must appoint and designate an Agent or Manager who resides within a twenty (20) mile radius of the Borough limits who has authority to:

(a) Maintain the property in good repair and in a clean and sanitary condition in compliance with the current Codes of the Borough.

(b) Receive or accept service of written communications and notices.

(c) Arrange for the inspection of the property.

(d) Perform maintenance, cleaning, repair, pest control, snow and ice removal, garbage removal, garbage disposal, and ensure continued compliance with the property with the current Codes of the Borough.

(e) The name, address and phone number of the Landlord and Agent or Manager, where applicable, shall be reported to the Borough Secretary in writing upon filing a report under this Ordinance.

§308. Notice of Violation.

(a) Issuance of Notice. If it appears to the Code Enforcement Officer or Building Inspector or a Police Officer that a violation of this Ordinance has occurred, an enforcement proceeding may be initiated by issuing an enforcement notice to the owner of record of the property, or to any person who has filed a written request to receive violation notices regarding the property, which shall include an Agent or Manager.

(b) Contents of Notice. The enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Police Officer or Code Enforcement Officer intends to take action.

(2) The location and/or address of the property in violation.

(3) The specific violation with a description of the requirements which have not been met and citing in each instance the applicable sections and provisions of this ordinance.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal within thirty (30) days from date of the issuance of the notice to the Uniform Construction Code Board of Appeals.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Appeals, constitutes a violation, with a description of the sanctions that will result if the violation is not corrected.

(c) Service. Service of the Enforcement Notice shall be effective upon posting the property in a conspicuous manner and sending a copy of the notice certified mail, return receipt requested, to the Landlord or owner of record, and by regular mail to the Agent or Manager, if applicable.

(d) Appeal-Burden of Proof. In any appeal of an enforcement notice to the Board of Appeals, the Code enforcement Officer, Building Inspector or Police Officer, as the case may be, shall have the responsibility of presenting evidence first.

§309. Jurisdiction and Enforcement Remedies.

(a) Jurisdiction. The District Judge shall have initial jurisdiction over proceedings brought under this Ordinance.

(b) Enforcement Remedies. Any person violating the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and costs of prosecution, and in default thereof to undergo imprisonment for a term not to exceed thirty (30) days. Every day that a violation continues shall constitute a separate offense, except that the failure to file a report in a timely manner shall not constitute a continuing offense, but shall be considered a single offense not subject to daily fines unless non-compliance continues without a good faith basis for appeal after a notice of violation has been issued.

(c) The remedy provided for under this section of the Ordinance shall be in addition to any and all other remedies available to the Code Enforcement Officer, Building Inspector, or Police Officer, for a violation of this Ordinance either in law or in equity.

§310. Transfer of Ownership.

(a) It shall be unlawful for the owner of any property upon which a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of the property to another person until the provisions of the notice of violation have been complied with.

(b) The person to whom a property is to be transferred may consent to complying with a notice of violation issued under this Ordinance, by entering into an agreement with the Borough to comply with the notice of violation on or before the date set forth in the notice. The Code Enforcement Officer and Building Inspector shall also be a party to the Agreement.

§311. Fees. The Borough may from time to time establish a fee schedule under this Ordinance. At the time of adoption the fees are as follows:

- (a) Initial filing of Reports By Landlords - \$10.00 per property.
- (b) Filing of Reports of new Owners - \$10.00 per property.
- (c) Filing of Reports by Landlords for Change in Tenants or Vacancy - \$10.00 per filing/unit.

§312. Severability. If any of the provisions of this Ordinance or the application thereof to any owner or circumstances is held invalid, the remainder of the Ordinance, and the application of such provision to other owners or circumstances, shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

§313 Repealer. Any and all other Ordinances or parts of Ordinances inconsistent herewith, are, to the extent of their inconsistency, hereby repealed

Part 4
Certificate of Occupancy

§401. Short Title. This Ordinance shall be known and may be cited as the “Certificate of Occupancy Ordinance for the Borough of White Haven. “

§402. Definitions. For purposes of this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

(a) Board of Appeals - means the appeal board established by resolution of White Haven Borough pursuant to the adoption of the Uniform Construction Code..

(b) Building – means any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons..

(c) Code Enforcement Officer - means the person appointed by the Borough of White Haven to enforce and administer the provisions of this ordinance.

(d) Commercial - means a building where any nonresidential use, occupation or enterprise is being conducted or performed, including industrial and institutional uses.

(e) Commercial Unit - means any building or portion thereof being leased or rented for a nonresidential use, occupation or enterprise for a profit, including industrial and institutional uses.

(f) Owner-Occupied - means a person who owns property and resides in that property on a regular and permanent basis.

(g) Rooming House – means a building containing one or more dwelling units for the rooming or boarding of at least two or more persons. This term shall include tourist homes, lodging houses and boarding houses.

§403. Inspections and Access. The Code Enforcement Officer is authorized to make inspections to determine whether dwelling units, rooming houses, and commercial buildings located within the Borough conform to the requirements of this Ordinance. For the purpose of making such inspections, the Code Enforcement Officer is permitted to enter, examine and survey all dwelling units, rooming houses, and commercial buildings, and shall be free to have access thereto upon notice and during all reasonable times for the purpose of such inspection, examination and survey.

§404. Certificate of Occupancy Required.

(a) Certificate Required. It shall be unlawful for any person to occupy or for any owner or agent thereof to permit the occupation of any building, or addition thereto, or part thereof, for any purpose until a certificate of occupancy has been issued by the Code Enforcement Officer, which certificate may not be issued until it has been

demonstrated to the satisfaction of the Code Enforcement Officer that the occupancy complies with all the provisions of this ordinance.

(b) Change of Ownership. No building changing ownership shall be occupied or used without the current owner first securing a certificate of occupancy from the Code Enforcement Officer prior to the transfer or change of ownership. For buildings not changing occupancy after a change in ownership, the new owner shall obtain a certificate of occupancy within thirty (30) days of the date of acquiring ownership.

(c) False Statements. It shall be unlawful for any person to knowingly make any false statement in an application for a certificate of occupancy, including, but not limited to the names, ages, relationship or number of occupants who will occupy the building.

(d) Inspections. If the inspected building meets Borough standards with regard to the following:

1. Smoke detectors.
2. Stairway guardrails.
3. Open electric/GFI circuits.
4. Lack of hot water/heat.
5. Broken glass.
6. Broken balances on bedroom windows.
7. Improper guardrails or handrails for decks or stairs.
8. Second means of egress on buildings two stories or higher.
9. Fire extinguishers and emergency lighting with commercial buildings, multi-family dwelling units and rooming houses.
10. Occupancy loads established by either the current International Building Code (IBC) or the current International Fire Code (IFC), whichever is least restrictive.
11. All of those other items as listed in the Residential Occupancy Checklist attached hereto as Exhibit "A".

A certificate of occupancy shall be issued by the Code Enforcement Officer, and the Checklist attached hereto as Exhibit "A" shall be completed and signed by the Code Enforcement Officer for each inspection.

(e) Annual Inspections. In the case of commercial buildings with an intended occupancy of fifty (50) or more persons; non-owner occupied two-family dwelling units; multi-family dwelling units of three or more; and rooming or boarding houses, a certificate of occupancy shall only be valid for a period of one year from the date the last inspection was performed. The issuance of a certificate of occupancy and the annual inspections required under this section shall be in addition to those required under subsection 404 (a) and (b) above.

§405. Fees.

(a) A fee of \$35.00 shall be paid to the Borough and shall accompany each request for a certificate of occupancy in the case of a change of ownership in single family or two-family dwelling units. In addition, inspection fees shall be paid to the Code Enforcement Officer at the time of making application, and prior to any inspections. No application shall be considered filed with the Borough until all related fees have been paid in full.

(b) A fee of \$75.00 shall be paid to the Borough and shall accompany each request for a certificate of occupancy in the case of an annual inspection, or inspections of multi-family dwelling units of three or more units, rooming or boarding houses, and all commercial buildings. In addition, inspection fees shall be paid to the Code Enforcement Officer at the time of making application, and prior to any inspections.

(c) The fees set forth under this section may be changed from time to time by resolution of Borough Council.

§406. Notice of Violation. If it appears to the Code Enforcement Officer that a violation of this ordinance has occurred, the Code Enforcement Officer shall initiate enforcement proceedings by issuing an enforcement notice to the owner of record of the building, to any person who has filed a written request to receive violation notices regarding the building, and to any other person requested in writing by the owner of record of the building. The enforcement notice shall state at least the following:

(a) The name of the owner of record and any other person against whom the Code Enforcement Officer intends to take action.

(b) The location and/or address of the building in violation.

(c) The specific violation with a description of the requirements which have not been met and citing in each instance the applicable sections and provisions of this ordinance.

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(e) That the recipient of the notice has the right to appeal within thirty (30) days from date of the issuance of the notice.

(f) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Appeals, constitutes a violation, with a description of the sanctions that will result if the violation is not corrected.

In any appeal of an enforcement notice to the Board of Appeals, the Code Enforcement Officer shall have the responsibility of presenting evidence first.

§407. Jurisdiction and Enforcement Remedies.

(a) Jurisdiction. The District Judge shall have initial jurisdiction over proceedings brought under this Ordinance.

(b) Civil Enforcement Remedies. Any person who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceedings commenced by the Code Enforcement Officer, shall pay a judgment of not more than six (\$600.00) hundred dollars, plus all court costs, including reasonable attorney fees incurred by the Borough as a result of said proceedings.

(c) The remedy provided for under this Section of the Ordinance shall be in addition to any and all other remedies available to the Code Enforcement Officer for a violation of this Ordinance either in law or in equity.

§408. Transfer of Ownership.

(a) It shall be unlawful for the owner of any building upon which a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of the building to another person until the provisions of the notice of violation have been complied with.

(b) The person to whom a building is to be transferred may consent to make repairs which have been required by a notice of violation from the Code Enforcement Officer, by entering into an agreement with the Borough to make the repairs required under the notice of violation on or before the date set forth in the notice. The Code Enforcement Officer may not issue an occupancy permit until such time as the repairs are completed by the new owner of the building.

§409. Repealer. All ordinances or parts thereof which are inconsistent herewith are hereby repealed to the extent of their inconsistencies.

§410. Effective Date. This Ordinance shall become effective immediately following its adoption.

EXHIBIT "A"
RESIDENTIAL OCCUPANCY CHECKLIST

WHITE HAVEN BOROUGH
312 Main Street, White Haven, Pa 18661
570-443-9129

General:

- 1. The residence is prepared for inspection (scheduled an inspection)
- 2. The Property is free from infestations (insects pests, and vermin)
- 3. The property is free from junk, debris, trash and trip hazards.
- 4. Structural Members are free from deterioration
- 5. All wiring and electrical equipment is safe (no exposed live wiring).
- 6. No life threatening or endangering conditions exist on the property
- 7. No broken Glass on the property
- 8. Second means of egress on buildings two stories or higher.
- 9. Fire extinguishers and emergency lighting with commercial buildings, multi-family dwelling units rooming houses.

Exterior:

- 1. Foundation and Exterior Walls are maintained in good condition and weather tight.
- 2. Foundation/Crawl Space vents and access doors are installed and in good condition
- 3. All exterior surfaces are in good repair
 - Roof
 - Siding
 - Soffit, Fascia
 - Gutters/Downspouts
 - Sidewalk
- 4. Address Numbers
 - Located on the Front of Home
 - Visible from Street
 - 4" Numbers ½" wide
 - Contrasting Color
- 5. All Stairs with four (4) or more steps have graspable handrail.
- 6. All decks must have guiderails and/or a graspable handrail.
- 7. All Entry/Exit doors have only **single keyed** type lockset

Interior:

- 1. The residence has been properly cleaned and is maintained in a sanitary condition.
- 2. Smoke Detectors
 - Must Function
 - One on Each Floor

One in Each Bedroom and Common Area

3. Carbon Monoxide Detectors

- Must Function
- One on Each Floor
- One in Each Bedroom and Common Area

4. Plumbing

- Must Function Toilet, Tub or Shower (Hot and Cold Water), Water Heater,
- Lavatory, Heating System Kitchen Sink (Hot and Cold Water)
- Heating and Plumbing is vented and free of any leaks
- Hot water tank has a pressure relief valve

5. Electrical

- Must Function
 - All wiring must be free from exposed wire or open wire junctions
 - All Switches, Junction Boxes, and outlets have covers
 - Circuit Panel is properly labeled and has no open spaces without a breaker or blank
- 110 Volts G.F.C.I. Outlets required
- Bathroom
 - Within six (6) feet of Water
 - Wet Areas – Examples may be- Unfinished basements, sheds, and garages
 - All Outdoor outlets and must have weather tight covers
- 7. Interior walls and doors are in good condition and free of any damage
 - 8. All Stairways must be structurally sound and free of defects
 - 9. All Stairs with four (4) or more steps have graspable handrail.

All Occupancy loads shall be established by either the current edition adopted by White Haven Borough of the International Building Code (IBC) or the current edition adopted by White Haven Borough of the International Fire Code (IFC) whichever is least restrictive.

The inspection of property by the White Haven Borough is for purposes of determining minimum compliance with the adopted Borough Code. The owner has no right to rely on the results of such inspection, and that by issuing the Occupancy Permit, White Haven Borough makes no representations regarding the property other than at the time of inspection.

Fee: \$ _____

Inspector/Code Enforcement (sign) AM/PM
Date & Time

Property Address