

## PROPERTY REHABILITATION & MAINTENANCE CODE

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**1741.01 DECLARATION OF NECESSITY**

It is hereby determined and declared as a matter of legislative finding, that the inadequate provisions for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, dilapidation and disrepair of buildings, structures, dwellings and premises, and the use and occupancy or existence of buildings, structures and dwellings unfit for use, occupancy or human habitation in the City of Allentown endanger the health, safety, morals and welfare of the community, and that transfers and leases of substandard buildings, structures and premises to transferee and lessees who are unaware of, or unconcerned with, such conditions often create unwarranted delays in correcting such conditions dangerous to the health, safety, needs and welfare of the community; and that the establishment maintenance of proper residential and non-residential standards and procedures for requiring the inspection, rehabilitation, repair, abatement of nuisances or compulsory demolition of buildings, structures and housing are essential to the public health, safety and welfare. (12199 §2 8/4/76)

**1741.02 TITLE**

This Title Five of Part Seventeen of the Codified Ordinances shall be known as the Property Rehabilitation and Maintenance Code, and is hereinafter referred to as "this Code". The minimum standards as set forth herein shall apply to all buildings, structures and properties within the City. (12199 §100.1 8/4/76)

**1741.03 PURPOSE**

The purpose of this Code is to protect the public health, safety and welfare in buildings and on the premises as herein-after provided by:

1. Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; and for cooking equipment in all structures now in existence;
2. Fixing the responsibilities of owners, operators and occupants of all structures;
3. Providing for administration, enforcement and penalties (12199 §100.2 8/4/76)

#### **1741.04 MATTERS COVERED**

The provisions of this Code shall apply to all structures and premises, which are now or may become in the future, substandard with respect to: structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, overcrowding or other conditions which may be deemed to constitute a menace to the safety, health or welfare of their occupants, except as provided herein. The existence of such conditions, factors or characteristics adversely affects public safety, health and welfare and leads to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards. (12199 §100.3 8/4/76)

#### **1741.05 TRAVEL TRAILERS AND MOBILE HOMES**

All movable units used for human occupancy, and the areas, grounds or parcels on which they are located, insofar as they are applicable thereto and not in conflict with, shall comply with the requirements of this Code. (12199 §100.4 8/4/76)

#### **1741.06 APPLICABILITY**

Every portion of a building or premises used or intended to be used shall comply with the provisions of this Code, irrespective of when such buildings were constructed, altered or repaired, except as hereinafter provided.

##### **A. Application of Building Code**

Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with applicable section of the Basic Building Code, as contained in Article 1701 of the Codified Ordinances.

##### **B. Application of Zoning Law**

Nothing in this Code shall permit the establishment or conversion of a multi-family dwelling, or any use in any zone except where permitted by the Zoning Ordinance (Articles 1311 to 1369 of the Codified Ordinances), nor the continuation of such nonconforming use in any zone except as provided therein.

##### **C. Existing Buildings**

This Code establishes minimum requirements for the initial and continued occupancy of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alterations or use of building, equipment or facilities except as provided in this Section.

##### **D. Existing Remedies**

Nothing in this Code shall be deemed to abolish or impair existing remedies of the City or its officers or its agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary. (12199 §100.5 8/4/76)

#### **1741.08 INSPECTIONS**

A. The public officer shall make or cause to be made inspections to determine the workman like state of maintenance and repair and the conditions of all structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this Code. The public officer, after reasonable notice, is authorized to enter any structure or premises at any reasonable time for the purpose of performing his duties under this Code. The owner, occupant, or operator of every structure or premises, or the person in charge thereof, shall give the public officer free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey. (14737 §1 8/24/2009)

[Search Warrant Agreement repealed this section - 13088 §1 11/7/91]

B. If any owner, occupant or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Code is sought, the administrative authority shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable

cause to conduct an inspection. For the purposes of this Section, a reasonable or probable cause to gain access and inspect shall include, without being limited to, the following:

1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the City; or
2. That the public officer after investigation has knowledge, information or a reasonable belief that a violation of this Code or other codes and ordinances of the City exist; or
3. That such entry is for the purpose of re-inspecting a previous notice of violations; or (12199 §100.7 8/4/76)
4. That the public officer has received a complaint concerning a violation on or within the premises;
5. That such entry is necessary to determine if the building, structure, premises, dwelling or dwelling units meet Code standards. (12244 §1 4/6/77)

#### **1741.09 ACCESS BY OWNER**

Every occupant of a dwelling unit, building, structure or premises shall give the owner thereof, or his agent or employee access to any part of such dwelling, dwelling unit, building, structure or premises, at all reasonable times for the purpose of conducting inspections to determine whether or not violations of this Code may exist, or for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Code or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Code. (12199 §100.8 8/4/76)

#### **1741.10 NOTICES, CERTIFICATIONS AND APPEALS**

Whenever the public officer determines that there exists a violation of any provision of this Code, he shall issue a notice which shall:

1. Be in writing; and
  2. Include a brief description of the real estate sufficient for identification; and
  3. Specify the violation which exists with reference to the applicable Code or ordinance provisions together with a brief statement of the remedial action required; and
  4. Provide a reasonable time, not to exceed thirty (30) days, for letting of a contract for the correction of any violation alleged; and
  5. Include a statement regarding the right of appeal.
6. It is the right of every tenant and resident to report any presumed violations of this Code to the Bureau of Inspection or the public officer. A landlord cannot evict a tenant or tenants in retaliation for the reporting of alleged Code violations. (12199 §100.9 8/4/76)

#### **1741.11 SERVICE OF NOTICES**

Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

A. A notice of violation or a violation ticket shall be served upon the owner or occupant in the following manner:

1. By handing it to the person to be served; or
2. By handing the notice, at the residence of the person to be served, to an adult member of the family with which he resides; but if no adult member of the family is found then to an adult person in charge of such residence; or
3. By handing the notice at any office or usual place of business of the person to be served to his agent or to the person for the time being in charge thereof; or
4. By mailing the notice to the last known address of the person to be served by certified mail, unrestricted delivery, return receipt requested or first class mail. (13332 §1 5/18/95; 15022 §1 10/17/12)

B. If any person to whom the notice of violation is addressed cannot be served in the above manner, the public officer shall briefly note the appropriate facts in the file and shall make service upon such person by posting the notice of violation in a conspicuous place on the premises described in the notice.

C. For the purposes of this Section, a person "cannot be served" when the person to be served has no residence or office or usual place of business within the City and the mailed notice of violation is returned undelivered; or when the notice of violation cannot be served under subsections (a) (1), (2) or (3) hereof after two (2) trips on two (2) separate days to the residence or office or usual place of business of the person to be served and if the mailed notice of violation is returned undelivered.

D. Service upon any executive officer of a corporation shall be a sufficient, but not exclusive, method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient, but not exclusive, method of service upon the partnership.

E. In addition to service of the notice as prescribed above, the public officer may post a notice of violation on the premises or part thereof alleged in violation.

F. If, upon any inspection or re-inspection, the public officer determines that the premises are in compliance with the provisions of this Code he shall note this determination in the file together with the date of such inspection. If, upon re-inspection after a notice of violation, the public officer determines that the violation has been corrected satisfactorily and that the premises are in compliance, he shall, without charge, issue a written certificate of compliance to each person served the notice of violation.

G. Any person, as owner, operator or agent, selling, transferring, conveying, letting or leasing any dwelling, building, structure or premises which to their knowledge has been cited as not in compliance with the minimum standards of this Code shall first give to the prospective purchaser, transferee, grantee, lessee or its agent appropriate notice of such violation.

H. Regardless of whether or not the required notification, as provided herein has been given, any notice of violation or order for correction of violation, shall nevertheless remain in full force against the premises, and any new owner, occupant or operator shall be bound thereby.

I. Any owner, owner's agent, lessee, mortgagee or mortgagor of any dwelling, building, or structure may request the public officer to make an inspection of the premises. If the public officer in his discretion deems an inspection is warranted, such inspection will be made upon receipt of an inspection fee in the amount which shall be fixed from time to time by regulations.

J. The public officer shall issue a letter or certificate of compliance, notice of violation or refusal of inspection within fifteen (15) days of a request for an inspection. (12199 §100.10 8/4/76; 14737 §1 8/24/2009)

#### **1741.12 APPEALS**

A. Any party in interest affected by a notice of violation or order may appeal to the Property Rehabilitation and Maintenance Code Board of Appeals. (12554 §1 5/4/83)

B. A person in receipt of a violation ticket may appeal to the Bureau of Building Standards & Safety by filing a request within ten (10) days of receipt of the violation ticket.

C. A Hearing Officer, designated by the Director of the Building Standards & Safety, may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts. (14737 §1 8/24/2009)

#### **1741.13 PROPERTY REHABILITATION AND MAINTENANCE CODE BOARD OF APPEALS**

The Property Rehabilitation and Maintenance Code Board of Appeals shall hear all appeals as required by the standards of this code. (12554 §1 5/4/83)

#### **1741.14 PROPERTY REHABILITATION AND MAINTENANCE CODE BOARD OF APPEALS ORGANIZATION AND POWERS**

A. Any party in interest affected by a notice of violation or order may appeal to the Property Rehabilitation and Maintenance Code Board of Appeals for a review of the action of the public officer in accordance with the procedures prescribed by the Board, provided, however, that such person file such appeal with the Board and deliver a copy of such appeal to the public officer within thirty (30) days after service of notice of violation or order. Except as provided herein compliance with the notice of violation shall not be required during the time an appeal is pending before the Property Rehabilitation and Maintenance Code Board of Appeals or the Court of Common Pleas of Lehigh County. (12554 §1 5/4/83)

B. The Property Rehabilitation and Maintenance Code Board of Appeals shall be a body of five (5) members, one (1) of whom shall be from the minority community of Allentown and two (2) alternate members, all of whom shall be appointed by the Mayor with the advice and consent of Council. A member or alternate member shall serve a term of three (3) years from the time of his appointment or reappointment or until his successor shall take office. Alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings. The Board shall have the following powers:

1. To adopt and administer the rules of procedure regarding its organization, officers, times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction;

2. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the public officer in the enforcement of the provisions of this Code or any other City Ordinance that has a relationship to the establishment and maintenance of proper standards, including, but not limited to, fire prevention, health or buildings;

3. To modify any notice of violation or order and to authorize a variance from the terms of this Code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code;

4. To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of an actual undertaking to correct the violation together with a bona fide intent to comply within a reasonable time period;

5. In exercising the above mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within forty-five (45) days after the appeal hearing. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the public officer; provided, however, that the Property Rehabilitation and Maintenance Code Board of Appeals, in its determination, shall be bound by this Code and shall not ignore the clear provisions and intent of this Code. (12554 §1 5/4/83)

C. Whenever the public officer finds that there exists any violation of this Code which creates an emergency requiring immediate correction to protect the health or safety of any occupant of a dwelling or the public he may issue a notice of violation stating the facts which constitute the emergency and requiring necessary action to be taken immediately. Any person to whom such notice is directed shall comply immediately, even though an appeal is taken to the Property Rehabilitation and Maintenance Code Board of Appeals or the Court of Common Pleas. Any person aggrieved by such notice of violation may appeal to the Board, as provided in this Code and the Board shall give priority to such appeal. (12554 §1 5/4/83)

D. Any person, including the public officer for the City, aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Lehigh County. Such appeal shall be made by a duly verified petition which shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such petition shall be presented to the Court of Common Pleas and a notice thereof must be given to the appellee within thirty (30) days after the filing of the decision in the office of the Board. (12554 §1 5/4/83)

E. If no appeal is pending, within five (5) days after the expiration of the time for compliance as stated on the notice of violation or any decision by the Property Rehabilitation and Maintenance Code Board of Appeals or Court of Common Pleas, the public officer shall re-inspect to determine compliance. If the violation has not been corrected, the public officer shall institute prosecution for the violation; provided, however, the public officer may extend the time of compliance specified in any notice or order where there exist reasonable conditions which prevent early compliance or would work a hardship; provided, further, that there is clear evidence of an actual undertaking to comply with the order within a reasonable time period together with a bona fide intent to comply. (12554 §1 5/4/83)

F. Every notice of violation, and all records of all proceedings occurring subsequent to the notice of violation and until the final disposition of the matter outlined in the notice of violation shall be public and available for inspection; provided, however, that the public officer may prescribe reasonable regulation regarding the time and manner of inspection.(12554 §1 5/4/83)

#### **1741.15 CORRECTIVE ACTION**

A. When, upon re-inspection after the expiration of the time for compliance, the public officer finds that the violation has not been corrected, he is authorized to cause such dwelling, dwelling unit, rooming unit, building, structure or other part of the premises to be repaired, altered, demolished, improved, vacated, or closed. Notices and orders issued pursuant to this Section shall be served in the same manner as notices of violation.

B. Whenever, upon initial inspection or re-inspection the public officer finds that any dwelling, dwelling unit, rooming unit, building, structure or premises constitutes a serious hazard to the health or safety of the occupants or to the public because it is dilapidated, unsafe, unsanitary, unhealthful, vermin infested or lacking in facilities required by this Code, he shall designate such dwelling, dwelling unit, rooming unit, building, structure or premises as unfit for human habitation or use and shall cause to be posted on the main entrance area of the dwelling, dwelling unit, rooming unit, building, structure or premises so closed, a placard with the following words: "This premise is unsafe for use or human habitation; the use and occupancy of this premise for human habitation is prohibited and unlawful."

C. If the premises so designated are occupied, the public officer shall order such premises vacated and shall prescribe a reasonable time for compliance. A vacant premise which has been designated as unsafe for human habitation and which has



been placarded as such, shall not be used again for human habitation or use until written approval is secured from the public officer and the placard is removed by the public officer. Where the conditions causing said designation present a potential fire hazard or unsanitary condition, the public officer may include in said order a requirement that all flammable or unsanitary materials including but not limited to personally such as furniture and clothing be removed from the premises. The public officer shall rescind the designation as unsafe for human habitation or use and shall remove the placard when he finds that the defect or condition has been removed or eliminated and that the dwelling, dwelling unit or rooming unit is a fit place or unit for human habitation. No person shall remove or deface the placard from any premises which has been designated as unsafe for human habitation and has been placarded as such. (12199 §100.15 8/4/76 (14219 §1 10/21/04; 14224 §1 10/21/04)

D. Whenever the public officer finds that any premises constitute a public nuisance, he shall serve notice thereof to the owner. Such notice shall indicate the manner in which, and the time by which, the public officer or the City intends to demolish, repair, alter or improve the premises. Unless an emergency exists, the public officer or the City shall not undertake corrective action thirty (30) days from the time such notice is served. A notice that the City intends to undertake corrective action shall be served in the same manner as a notice of violation; provided, however, that such notice shall also be posted in a conspicuous place upon the premises. If at the expiration of the specified time period, the required corrective action has not been completed, the public officer of the City may undertake such corrective action to abate the declared public nuisance without further notice. Nothing contained herein shall be construed to limit the power of the public officer or the City to take immediate corrective action to abate a hazardous condition without serving notice thereof, where there exists any violation of this Code which creates an emergency requiring immediate correction to protect the health or safety of any occupant of a dwelling, building or structure, or of the public. (12244 §1 4/6/77)

E. Where the public officer or the City takes corrective action to abate a public nuisance, the cost thereof, including any labor or materials supplied by the City, shall be charged to the owner and shall constitute a municipal lien against the real property upon which such cost was incurred. The Bureau of Law promptly shall file such lien and shall make every effort to collect it within six (6) months of the recorded date. If the corrective action involves the removal or demolition of any structure, the public officer may sell the materials thereof by public sale and any amounts realized shall be credited against the cost of the corrective action, and any balance remaining shall be deposited with the City Treasurer in the name of the owner of record. In the event of dispute regarding the proper distributes of such balance, such account shall be disbursed to the persons found to be entitled thereto by final order or decree of the Court of Common Pleas of Lehigh County, and any City expenses incurred for legal fees or court costs may be charged against such balance. The City will add an administrative fee of Three Hundred (\$300) dollars or 15% of the cost of abatement, whichever is greater to each bill incurred, as a result of non-compliance with a public nuisance order. (13332 §1 5/18/95; 14737 §1 8/24/2009)

F. Any party in interest affected by any notice or order issued pursuant to this section may within thirty (30) days of the service thereof, appeal in accordance with the procedures outlined herein. Except in the case of emergency, corrective action shall be stayed during the time an appeal is pending before the Review Board(s) or the Court of Common Pleas of Lehigh County. (12199 §100.15 8/4/76)

#### **1741.16 RULES AND REGULATIONS**

The public officer is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and administration of this Code. Such rules and regulations shall not be in conflict with the provisions of this Code nor with any other ordinance of the City, nor with any law of the Commonwealth of Pennsylvania, nor shall they have the effect of waiving any provisions of this Code or any other ordinance. (12199 §100.16 8/4/76)

#### **1741.17 ADMINISTRATIVE LIABILITY**

No officer, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required, authorized or permitted in the discharge of his duties under this Code. Any suit brought against any such officer, agent or employee, as a result of any act required, authorized or permitted in the discharge of his duties under this Code shall be defended by the Bureau of Law until the final determination of the proceedings therein. (12199 §100.17 8/4/76)

#### **1741.18 CONFLICT OF PROVISIONS**

Except as provided herein, in any case where a provision of this Code is found to be in conflict with a provision of any Zoning, Building, Fire, Safety or Health ordinance or code of this Municipality existing on the effective date of this Code, the provision which established the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of this Code is found to be in conflict with a provision of any other ordinance or code of this Municipality existing on the effective date of this Code which establishes a lower standard for the promotion and protection of the safety and health of the people, the provision of this Code, shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Code. (12199 §100.18 8/4/76)

### **1741.19 SEVERABILITY OF PROVISIONS**

The provisions of this Code are severable and if any provision of this Code is held unconstitutional or illegal, the remaining provisions of this Code shall in no way be affected or impaired. (12199 §100.19 8/4/76)

### **1741.99 PENALTY**

A. Whoever violates any provision of this Code or any Section of this Code shall upon a first offense be fined not more than One Thousand (\$1000.00) Dollars or imprisoned not more than ninety (90) days, or both. (12199 §100.20 8/4/76; 13176 §1 1/21/93)

B. If, after any conviction for violation of this Code or any lawful order issued pursuant thereto, such person continues violation, then such person shall be liable for further prosecution, conviction, and punishment without any necessity of the public officer to issue a new notice of violation or order, and until such violation has been corrected. (12199 §100.208/4/76)

C. In addition to prosecution of persons violating this Code, the public officer, or the Bureau of Law or any duly authorized agent of the City may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this Code. (12199 100.20 Passed 8/4/76)

D. Corrections of violations of this Code are to be made in a workmanlike manner and in conformity with accepted good construction practices so as to achieve reasonable longevity and to preserve compliance with the standards of this Code. (12554 §1 5/4/83)

#### **E. Violation Ticket Fines**

1. Violation tickets shall be issued in the amount of One Hundred (\$100) Dollars. (15405 §1 12/6/2017)
2. Any person who receives a violation ticket for any violation of this Article, may, within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of One Hundred (\$100) dollars as indicated on the violation ticket. (15405 §1 12/6/2017)

#### **F. Violation Ticket Penalties**

1. If the person in receipt of a One Hundred (\$100) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a ten (\$10) dollar penalty for days eleven (11) through twenty (20). (15405 §1 12/6/2017)
2. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation.

#### **G. Citation Fines**

Whoever violates the provisions of this ordinance shall, upon conviction, be fined not more than One Thousand (\$1,000.00) Dollars or imprisoned not more than ninety (90) days, or both. (14737 §1 8/24/2009)

## **ARTICLE 1742 DEFINITIONS**

- 1742.01 Definition of Terms
- 1742.02 Terms Not Defined
- 1742.03 Applied Meanings of Words and Terms

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### **1742.01 DEFINITION OF TERMS**

Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. (12554 §1 5/4/83)

### **1742.02 TERMS NOT DEFINED**

Where terms are defined in the Basic Building Code or the Fire Prevention Code, they shall have the same meaning ascribed to them in that Code. Where terms are not defined in this article or under the provisions of the Basic Building Code or Fire Prevention Code, they shall have the same meanings assigned as ordinarily accepted or such as the context herein may imply. (12554 §1 5/4/83)

### **1742.03 APPLIED MEANINGS OF WORDS AND TERMS**

For the purposes of this Code, the following definitions shall apply:

1. Accessory structure means a building, the use of which is customarily incidental to that of the dwelling unit or principal building or structure and which is on the same lot as that occupied by the main building.
2. Approved means in accordance with regulations established by the public officer who administers the Bureau of Inspections and implements the provisions of the Zoning, Building, Electrical, Housing and Plumbing Codes; or approved by other authority designated by law to give approval in the matter in question.
3. Attic means the space between the ceiling beams of the top story and the roof rafters. (13332 §1 5/18/95)
4. Basement means a portion of any building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
5. Building official means the official designated by the City to enforce building, zoning or similar laws and this Code, or his duly authorized representative.
6. Condemnation means structures shall be condemned as dangerous structures or unsafe for human occupancy as herein provided.
7. Cellar means a portion of any building having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
8. Central heating means a heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.
9. Dwelling unit means a group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.
10. Exit way means that portion of a means of egress which is separated from the area of the building from which escape is to be made, by walls, floors, doors or other means which provide a way of travel with reasonable safety to the exit way discharge or exterior of the building. (See Basic Building Code).
11. Exit way access means that portion of a means of egress which leads to an entrance to an exit way. (See Basic Building Code).
12. Exit way discharge means that portion of a means of egress between the termination of the exit way at the exterior of the building and grade level. (See Basic Building Code).
13. Exterior property areas means any open space on the premises and vacant open space on adjacent premises.
14. Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or any other recognized and legal pest elimination methods approved by the public officer.
15. Family means a collective body of two (2) or more persons doing their own cooking and living together as a separate housekeeping unit in relationship based upon birth, marriage, adoption or other such like domestic bond. (12554 §1 5/4/83)
16. Fire Prevention Code means the Fire Prevention Code published by the American Insurance Association, as adopted by Article 1501 of the Codified Ordinances.
17. Flammable liquid means any liquid having a flash point below 140oF and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100oF.
18. Floor area, gross For the purpose of determining the number of persons for whom exits are to be provided, gross floor area shall be the floor area within the perimeter of the walls of the building under consideration, with no deduction for hallways, stairs, closets, thickness of walls, columns or other features. (See Basic Building Code)
19. Floor area, net For the purpose of determining the number of persons for whom exits are to be provided, net floor area shall be the actual occupied area, not including accessory unoccupied areas or thickness of walls. (See Basic Building Code)
20. Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

21. Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets and storage spaces.

22. Illegal Unit: Any dwelling rooming or sleeping unit identified by the City as not having zoning approval for use as such.

23. Immediate area outside of each sleeping room shall mean approximately fifteen (15) linear feet.

#### 24. Junked Vehicles

Junked vehicle means any vehicle which presents a hazard or danger to the public by virtue of its state or condition of disrepair. (12752 §1 2/4/87; 13063 §1 7/3/91)

The following conditions, if present, are examples of a state or condition of disrepair:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle; (12752 §1 2/4/87)
- (2) Broken glass or windows on or in the vehicle; (12752 §1 2/4/87)
- (3) Leaking of any fluids from the vehicle; (12752 §1 2/4/87)
- (4) Unsecured and/or unlocked doors, hood or trunk; (12752 §1 2/4/87)
- (5) Storage or placement of the vehicle in an unbalanced condition, such as on concrete blocks; (12752 §1 2/4/87)
- (6) Harboring of rodents, insects or other pests. (12752 §1 2/4/87)

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. (12752 §1 2/4/87)

25. Let for occupancy or let means to permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

26. Lot means a portion or parcel of land considered as a unit.

A. Corner lot means one with two (2) adjacent sides abutting upon streets or other public spaces.

B. Interior lot means one which faces on one street or with opposite sides on two (2) streets.

27. Lot line means a line dividing one lot from another, or from a street or any public place.

28. Manager means any person who controls, cares for or manages a structure or premises which is let or offered for occupancy. (13315 §2 2/2/95)

29. Mixed-Use Property means a property used or intended to be used for both residential and nonresidential purposes only. (12554 §1 5/4/83)

30. Motel means an establishment of attached rental bedroom units with individual entrances from the exterior of the building to each unit, operated as a business for the purpose of providing lodging to transient guests. (The provisions of this Code shall not apply to a "motel.")

31. Multiple unit dwelling or multiple dwellings means any dwelling or part thereof containing two (2) or more dwelling units.

32. Nonresidential property means a property used or intended to be used for nonresidential purposes only. (12554 §1 5/4/83)

33. Occupancy means the purpose for which a building, structure or part thereof is used, or intended to be used. The term shall also include the building, room or enclosed space that houses such use.

34. Occupancy classification means the various use groups as classified in the Basic Building Code.

35. Occupancy load means the number of individuals normally occupying the building or part thereof, or for which the exit way facilities have been designed.

36. Occupant means any person including an owner or operator living and sleeping in a dwelling unit or rooming unit. (For nonresidential definition see Use Group classification in Basic Building Code).

37. Openable area means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

38. Operator means any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

39. Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or of premises, or their duly authorized agents.

40. Parking Lot Residential 'A' means a portion of a residential property set aside exclusively for the parking of one (1) to four (4) vehicles and for the exclusive residential use by the owner.

Parking lot Residential 'B' means a portion of a residential property set aside exclusively for the parking of five (5) or more vehicles.

Parking lot Commercial 'A' means a portion of mixed-use or a nonresidential property set aside exclusively for the parking of one (1) to ten (10) vehicles.

Parking lot Commercial 'B' means a portion of mixed-use or nonresidential property set aside exclusively for the parking of eleven (11) or more vehicles. (12554 §1 5/4/83)

41. Person means an individual, firm, corporation, association, partnership or public entity.

42. Plumbing code means the latest regulations controlling all matters concerning the design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings as adopted by ordinance.

43. Plumbing and plumbing fixtures means gas pipes and gas burning equipment, water heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bath tubs, shower baths, installed clothes washing machines, catch basins, drains, vents and other similar supply fixtures, together with all connections to water, sewer and gas lines.

44. Premises means a lot, plot or parcel of land including the buildings and structures thereon.

45. Public nuisance means:

A. The physical condition, or use of any premises regarded as a public nuisance at common law; or

B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavation and unsafe fences; including barbed or razor wire or structures; (13332 §1 5/18/95)

C. Any premises which have unsanitary sewerage or plumbing facilities; or

D. Any premises designated as unsafe for human habitation; or

E. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger persons or property; or

F. Any premises from which the plumbing, heating and/or sewer facilities required by this Code have been removed, or from which utilities have been permanently disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or

G. Any premises which are unsanitary, or which are littered with rubbish or garbage or which have an uncontrolled growth of weeds.

H. Any premises upon which is situated any junked vehicle or parts thereof which presents a hazard or danger to the public by virtue of its state of condition or disrepair. (14737 §1 8/24/2009)

46. Public officer means the Director of the Department of Community Development or his authorized representative.

47. Public Right of Way means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use. (14737 §1 8/24/2009)

48. Residence means a building in which living accommodations or sleeping accommodations and cooking facilities as a unit are provided except when classified as an institution under the Basic Building Code.
49. Residential property means a property used or intended to be used for residential purposes only. (12554 §1 5/4/83)
50. Responsible Agent means any person residing or working within the County of Lehigh designated to accept service on behalf of a legal owner or operator of a rental dwelling unit. (13315 §2 2/2/95)
51. Rooming house means any dwelling, or that part of any dwelling containing three (3) or more rooming units.
52. Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping only.
53. Rubbish means combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.
54. Sleeping Unit: A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units. (14737 §1 8/24/2009)
55. Structure means an assembly of materials forming a construction for occupancy or use, including among others, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelter, fences and display signs.
56. Supplied means installed, furnished, or provided by the owner or operator at his expense.
57. Ventilation means the process of supplying and removing air by natural or mechanical means to or from, any space.
- A. Mechanical means ventilation by power-driven devices.
- B. Natural means ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.
58. Violation Ticket is a form issued by a police officer or public officer to a person who violates a provision of this Article. The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator. (14737 §1 8/24/2009)
59. Weeds means all rank vegetable growth including, but not limited to grass, ragweed, dandelion and miscellaneous other vegetation or pollen or which may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin.
60. Workmanlike - Whenever the words "workmanlike state of maintenance and repair" are used in this Code, they shall mean that such maintenance and repair shall be made in a skillful manner.
61. Yard means an open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.
62. Zoning Ordinance means the latest ordinance regulating the division of the City of Allentown into districts or zones, and to regulate therein the locations, bulk and use of buildings and other structures and the use of land. (See Articles 1311 to 1369 of the Codified Ordinances.) (12199 §200.3 8/4/76)

**ARTICLE 1743 RESIDENTIAL STANDARDS BASIC EQUIPMENT AND FACILITIES**

- 1743.01 Minimum Standards Required
- 1743.02 Water Closet and Basin
- 1743.03 Bathtub or Shower
- 1743.04 Kitchen Facilities
- 1743.05 Kitchen Plumbing
- 1743.06 Plumbing Connections
- 1743.07 Basement Plumbing (15022 §1 10/23/12)
- 1743.08 Waste Disposal
- 1743.09 Conformity With Codes

**1743.01 MINIMUM STANDARDS REQUIRED**

No owner, operator or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following standards for the basic equipment and facilities and no dwelling, rooming house, dwelling unit or rooming unit or any premises containing such areas shall fail to comply with the following minimum standards for basic equipment and facilities. (12199 §3 8/4/76)

**1743.02 WATER CLOSET AND BASIN**

Every dwelling unit shall contain within its walls a room separate from the habitable rooms which affords privacy and which is equipped with a flush water closet and a lavatory basin. The public officer may accept other configurations where in his opinion the health and safety of the public are not impaired. (12244 §1 4/6/77)

**1743.03 BATHTUB OR SHOWER**

Every dwelling unit shall contain within its walls a room separate from the habitable rooms which affords privacy to a person in the room, and which is equipped with a bathtub or shower. (12199 §3.2 8/4/76)

**1743.04 KITCHEN FACILITIES**

Every dwelling shall contain within its walls a room separate from the other rooms which contain:

- A. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the appropriate authority.
- B. A kitchen stove providing at least two top burners or plates and an oven or similar device, for cooking food, and a refrigerator or similar device, for the safe storage of perishable food at temperatures less than fifty (50o) degrees Fahrenheit, but more than thirty-two (32o) degrees Fahrenheit, under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar device need not be installed when the occupant provides same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of such stove, refrigerator and/or similar devices are provided. Refrigerators will be required for occupied units. The landlord may delegate the responsibility for the refrigerator requirement, to the tenant of the unit, under a written lease signed prior to the date of occupancy. (13413 §1 8/17/96)
- C. Kitchen cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils, and of food that does not, under ordinary summer conditions, require refrigeration for safekeeping; and a counter or table for food preparation. Such cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food. (12554 §1 5/4/83)

The following amount of shelving, drawer storage and counter top area shall be adequate:

UNIT	SQUARE FEET		
	SHELVING AREA	DRAWER AREA	COUNTER TOP AREA
Efficiency	20	4	4
One Bedroom	30	5	5
Two Bedroom	40	6	8
Three Bedroom	50	8	10

Usable storage in cooking range or under sink may be counted. (12199 §3.3 8/4/76)

The public officer may accept other configurations where in his opinion the health, safety of the public is not impaired. (12554 §1 5/4/83)

#### **1743.05 KITCHEN PLUMBING**

Every kitchen sink, lavatory basin and bathtub or shower required for this Code shall be properly connected with both hot and cold running water. The hot water lines shall be connected with supplied water heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at a temperature of not less than one hundred ten (110°) ten (degrees Fahrenheit and not more than one hundred twenty (120) degrees Fahrenheit even when the dwelling heating facilities required by this code are not in operation. All gas hot water heaters shall be vented to the outside in an approved manner and provided with temperature and pressure relief valves, and pressure relief valves shall be properly vented to the floor.

Water heaters, with the exception of those having sealed combustion systems, shall not be installed in bathrooms or bedrooms. (12199 §3.4 8/4/76; 12801 §1 10/21/87)

#### **1743.06 PLUMBING CONNECTIONS**

All plumbing fixtures required under this Article shall be properly connected to an approved water system and to an approved sewerage or sewage disposal system. (12199 §3.5 8/4/76)

#### **1743.07 BASEMENT PLUMBING**

Plumbing fixtures required under Sections 1743.02 or 1743.03 that meet all applicable requirements of the ordinance, except that they are located in a basement, shall be approved. Sump pumps shall be directed to the exterior and not be directed into the sanitary sewer system or in a manner that creates a public nuisance or the accumulation of stagnant water. (12244 §1 4/6/77; 15022 §1 10/23/12)

#### **1743.08 WASTE DISPOSAL**

Every dwelling unit shall have approved garbage and rubbish storage or disposal facilities. Such storage facilities shall be watertight containers with tight-fitting covers. In every multi-unit dwelling, such facilities shall be placed in an approved location. (12199 §3.7 8/4/76)

#### **1743.09 CONFORMITY WITH CODES**

Installation of all required facilities and equipment in this Article shall be in accordance with the Basic Building Code, Electrical Code, Heating Code and Plumbing Code of the City of Allentown. (12199 §3 8/4/76)

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### **ARTICLE 1744 RESIDENTIAL STANDARDS LIGHT, VENTILATION AND HEATING**

- 1744.01 Minimum Standards Required
- 1744.02 Light Requirements
- 1744.03 Ventilation Requirements
- 1744.04 Exceptions
- 1744.05 Electricity
- 1744.06 Heating Facilities
- 1744.07 Flue Connections
- 1744.08 Heating Facilities to Conform to Codes
- 1744.09 Portable Heating Appliances Prohibited Except in Single Family Residential Homes

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#### **1744.01 MINIMUM STANDARDS REQUIRED**

No owner, operator or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for light, ventilation and heating; and no dwelling, rooming house, dwelling unit or rooming unit or any premises containing such areas shall fail to comply with the following minimum standards for light, ventilation and heating. (12199 §4 8/4/76)

#### **1744.02 LIGHT REQUIREMENTS**



Every habitable room, bathroom or water closet compartment shall have at least one window or skylight facing outdoors provided that if connected to an area or room used seasonally (i.e., porch) then adequate daylight must be possible through this interconnection. The minimum total window or skylight area measured between stops for every habitable room shall be at least eight (8%) percent of the floor area of such rooms; the minimum total window or skylight area measured between stops for every bathroom or water closet compartment shall be at least eight (8%) percent of the floor area of such rooms, but if light obstruction structures are located less than three (3') feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the total required window area. All windows and skylights shall be enclosed with glass or other approved materials. Other configurations in compliance with the Building Code of the City of Allentown shall be accepted as in compliance with this Section. In allowable basement or cellar occupancies the required minimum window area of every habitable room shall be entirely above the grade of the ground adjoining such window area, not including stairwells or access ways. Ventilation requirements and ceiling height requirements found else where in this Code shall be complied with. (12199 §4.1 8/4/76; 12244 §1 4/6/77; 13332 § 5/18/95; 14737 §1 8/24/2009)

#### **1744.03 VENTILATION REQUIREMENTS**

Every habitable room, bathroom and water closet compartment shall have at least one (1) window, door or skylight facing directly to the outdoors, equipped with suitable hardware, so that if connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection. The total openable area of the window, door or skylight area in every habitable room, bathroom and water closet compartment shall be equal to at least forty-five (45%) percent of the minimum window area size or minimum skylight type window size as required in Section 1744.02 of the Codified Ordinances except where there is supplied some other device, gravity duct or mechanical ventilation as required by the Basic Building Code. (12199 §4.2 8/4/76; 12244 §1 4/6/77; 13332 §1 5/18/95)

#### **1744.04 EXCEPTIONS**

Every bathroom, kitchen and water closet compartment shall comply with the light and ventilation requirements of Sections 1744.02 and 1744.03 except that no window or skylight shall be required in such rooms if supplied with some other device, gravity duct or mechanical ventilation, supplying adequate ventilation as required by the Basic Building Code. (12199 §4.3 8/4/76; 12244 §1 4/6/77)

#### **1744.05 ELECTRICITY**

Every dwelling shall be supplied with electricity. Within each dwelling:

1. Every habitable room shall contain two (2) separate and remote duplex wall electric convenience outlets, and one (1) supplied ceiling or wall electric fixture, or one (1) additional switch-controlled outlet. Additional outlets shall be required to power electrical appliances serviced by temporary wiring. Any outlet within six (6') feet of water source shall be GFIC protected. (14737 §1 8/24/2009)
2. Every water closet compartment, bathroom, laundry room, laundry area shall contain at least one (1) ceiling or wall electrical fixture. Each bathroom, laundry room, laundry area shall contain one (1) convenience outlet. Any outlet within six (6') feet of water source shall be GFIC protected. (14737 §1 8/24/2009)
3. Every outlet and fixture shall be installed in an approved manner on circuits properly equipped with "S" type fuses or circuit breakers, and maintained in good and safe working condition. All floor outlets shall be removed.
4. No obvious shock hazard shall exist.
5. No temporary wiring shall be used, except extension cords which run directly from portable electrical equipment to convenience outlets, and which do not lie underneath floor covering materials or extend through doorways, transoms or other similar apertures through structural elements. Extension cords shall not exceed twelve (12') feet in length.
6. Every public hallway and stairway in every multiple dwelling and rooming house, shall be adequately lighted at all times by natural and/or electric light, so as to provide, in all parts thereof, at least three (3) foot-candles of light at the tread or floor level.

Every public hallway and stairway in a structure containing two (2) units shall be adequately lighted at all times by natural or electric light, so as to provide, in all parts thereof, at least three (3) foot-candles of light at the tread or floor level, except however, that if conveniently located light switches are supplied to turn on lights when required full time lighting shall not be required.

7. In existing dwellings, electrical wiring and fixtures shall conform to the requirements of the applicable codes of the City. (12199 §4.4 8/4/76)

#### **1744.06 HEATING FACILITIES**

Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closets compartments within its walls to a temperature of at least sixty-eight (68°) degrees Fahrenheit at a location thirty-six (36") inches above floor level in center of room, two (2') feet from the exterior wall.

Oil fired units shall be serviced every year by a certified service technician.

Gas fired units shall be serviced every two (2) years by a certified service technician.

(12554 §1 5/4/83; 14737 §1 8/24/2009; 15022 §1 10/23/12)

#### **1744.07 FLUE CONNECTIONS**

All fuel burning heating facilities shall be of an approved type and shall be permanently attached to approved flues and installed in accordance with the applicable codes of the City. Such facilities may not be installed in a bathroom or bedroom. (12630 §1 11/7/84)

#### **1744.08 HEATING FACILITIES TO CONFORM TO CODES**

In new installations, all central heating, space heating or auxiliary heating facilities shall conform and be installed in accordance with Heating, Electrical, Plumbing and Basic National Building Codes of the City of Allentown. (12801 §1 10/21/87; 12199 §4.7 8/4/76)

#### **1744.09 PORTABLE HEATING APPLIANCES PROHIBITED EXCEPT IN SINGLE-FAMILY RESIDENTIAL HOMES**

Liquid or gas type portable heating appliances shall be prohibited except in single-family residential homes. Where these appliances are permitted, single-family residential homes, all flammable or combustible liquid fuel shall be stored in compliance with the standards set by the Bureau of Fire Prevention of the City of Allentown. (12554 §1 5/4/83)

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### **ARTICLE 1745 SAFETY FROM FIRE**

- 1745.01 Minimum Standards Required
- 1745.02 Flammable Liquids
- 1745.03 Means of Egress
- 1745.04 Multiple Dwelling Units – Fire Protection and Door Operation
- 1745.05 Storage Areas
- 1745.06 Multiple Dwelling Units – Means of Egress and Exit Signs
- 1745.07 Fire Standpipes
- 1745.08 Fire Alarm and Detection Systems
- 1745.09 Separation of Common Wall and Floors
- 1745.10 Primary Exit Ways
- 1745.11 Fire Extinguishers

#### **1745.01 MINIMUM STANDARDS REQUIRED**

No owner, operator or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit, rooming unit, or sleeping unit which does not comply with the following minimum standards for safety from fire, and no dwelling, rooming house, dwelling unit, rooming unit, or sleeping unit or any premises containing such areas shall fail to comply with the following minimum standards for safety from fire.

#### **1745.02 FLAMMABLE LIQUIDS**

No dwelling unit, rooming unit, or sleeping unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids in any quantity which endangers the lives of the occupants.

#### **1745.03 MEANS OF EGRESS**

Every dwelling unit, rooming unit and sleeping unit shall have safe, unobstructed means of egress leading to safe and open space at ground level and shall be so located as to be accessible without going through another dwelling unit, rooming unit or sleeping unit. Exit doors, where practical, shall swing in the line of egress.

#### **1745.04 MULTIPLE DWELLING UNITS FIRE PROTECTION AND DOOR OPERATION**

A. In buildings containing two (2) or more units no transom shall be permitted to open onto a means of egress, nor shall they be permitted between units. Fire protection in hallways, stairways, corridors and other interior means of egress shall be of one (1) hour fire resistive construction. Doors opening onto public halls shall be labeled a minimum of twenty (20) minutes fire rated or shall be one and three-quarter (1 ¾") inch flush wood doors with a solid lumber core. Doors shall fit into their openings with a one-eighth (1/8") inch tolerance between the door edge and frame and one-half (1/2") inch

tolerance between door bottom and floor. Fire separation between dwelling, rooming or sleeping units shall be one (1) hour fire resistive construction. (15022 §1 10/23/12)

B. Swinging fire door shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

C. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

#### 1745.05 STORAGE AREAS

Storage rooms, storage lockers or closets and basements shall not be used for storage of trash, debris, rubbish, or flammable/combustible materials. (15022 §1 10/23/12)

No dwelling, unit, rooming unit or sleeping unit shall contain any accumulation of flammable/combustible materials. (15022 §1 10/23/12)

#### 1745.06 MULTIPLE DWELLING UNITS MEANS OF EGRESS AND EXIT SIGNS

There shall be at least two (2) means of egress available for all units in: (15022 §1 10/23/12)

1. All two (2) story buildings containing more than four (4) dwelling units, rooming units, or sleeping units per floor.
2. All buildings exceeding two (2) habitable stories and containing any combination of three (3) or more dwelling units, rooming units, sleeping units or non-residential units. (15022 §1 10/23/12)

An existing fire escape may be accepted by the Public Officer as a second means of egress. If accepted, however, the fire escape shall be in sound working condition and serve every unit, above the first floor. (13332 §6 5/18/95; 15022 §1 10/23/12)

A required second means of egress to be newly constructed shall meet all performance standards of the current adopted building and fire codes. (12554 §1 5/4/83; 13332 §6 5/18/95; 15022 §1 10/23/12)

*Every hallway, stairway, corridor, exit, fire escape door and other means of egress shall be kept clear at all times.* Each of these means of egress shall lead directly to grade with safe access to a public way.

*Windows leading to fire escapes shall have openings large enough to provide safe and adequate means of egress with sills not over thirty-six (36") inches above the inside floor level. Height of window sill above fire escape balcony platform or landing should not exceed eight (8") inches. Windows shall be maintained in fully operable condition at all times.*

Exit signs are required to be installed according to the most recently adopted Fire Prevention Code of the City of Allentown.

#### 1745.07 FIRE STANDPIPES

All buildings having floors used for human occupancy located more than four (4) stories above grade shall be provided with standpipes.

The standpipes shall have an approved Fire Department connection with hose connections at each floor level.

#### 1745.08 FIRE ALARM AND DETECTION SYSTEMS

- A. **Single Family Buildings.** In all single family residential buildings smoke detectors shall be required in each sleeping room, in the immediate area outside of each sleeping room and on every story of the dwelling unit, including basements. Smoke detectors may be battery operated.
- B. **2 to 12 Unit Residential Buildings.** In two (2) to twelve (12) unit residential buildings, interconnected smoke detectors shall be required in common public use areas such as halls, corridors, stairways, stair towers, lobbies, basements or similar common areas. Approved smoke detectors shall be required in each sleeping room, in the immediate area outside of each sleeping room, and on each floor level, including the basement. Smoke detectors inside dwelling units may be battery operated. Smoke detectors in common areas are required to be connected to the common area system and must be hard-wired with battery back-up.
- C. **13 or more unit Residential Buildings.** Any building containing thirteen (13) or more residential units must comply with the most recently adopted International Fire Code. Approved smoke detectors shall be required in each sleeping room, in the immediate area outside of each sleeping room, and on each floor level, including the basement. Smoke detectors inside dwelling units may be battery operated. Smoke detectors in common areas are required to be connected to the common area system and must be hard-wired with battery back-up.
- D. **Mixed Use Buildings.** In mixed-use buildings containing any non-residential use and any residential unit(s) interconnected smoke detectors shall be required serving the non-residential use and common use areas such as halls, corridors, stairways, stair towers, lobbies, basements or similar common areas. In residential unit(s) in

mixed use buildings approved smoke detectors shall be required in each sleeping room, in the immediate area outside of each sleeping room, and on each floor level, including the basement. Smoke detectors inside dwelling units may be battery operated. Smoke detectors in common areas are required to be connected to the common area system and must be hard-wired with battery back-up.

**EXCEPTION 1:** Buildings that comply with the currently adopted International Fire Prevention Code and were constructed or converted by alteration to a different use and occupancy by meeting the standards of the Pennsylvania Uniform Construction Code or prior Building Codes adopted by the City of Allentown.

**EXCEPTION 2:** Buildings that are sprinklered in a manner approved by the International Fire Prevention Code, as amended, will be permitted the following exceptions:

- A. Common public use area smoke detection is not required other than in the basement.
- B. Smoke detectors will not be retroactively required inside sleeping rooms, providing that an approved smoke detector is installed in the immediate vicinity outside each sleeping room. This exception does not apply to rooming units or similar sleeping units. All dwelling units must have at least one approved smoke detector installed inside that unit.

NOTE: Immediate area outside each sleeping room shall mean approximately fifteen (15) linear feet.

NOTE: The smoke detector(s) installed to protect the area outside of each sleeping room satisfies the requirement of one smoke detector per floor within that unit.

- E. The City of Allentown Shall at all times comply in all respects with Pennsylvania Act No. 121, as amended; also known as Carbon Monoxide alarm Standards Act. (15269 §1 2/03/16)

Providing standards for carbon monoxide alarms; and imposing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

#### Section 1. Short title.

This act shall be known and may be cited as the Carbon Monoxide Alarm Standards Act.

#### Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Dwelling Unit." A group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking & eating for the exclusive use the occupants thereof.

"Approved carbon monoxide alarm." The term includes:

(1) A single or multiple station carbon monoxide alarm listed as complying with the Approved American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034) or a carbon monoxide detector listed as complying with the Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075) installed in accordance with this act.

(2) A device that may be combined with a smoke alarm or smoke detector if the combined smoke alarm or detector meets all of the following:

(i) Complies with either of the following:

(A) The Approved American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034) for carbon monoxide alarms and the Approved American National Standard for Single and Multiple Station Smoke Alarms (ANSI/UL217) for smoke alarms.

(B) The Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075) for carbon monoxide detectors and the Approved American National Standard for Safety for Smoke Detectors for Fire Alarm Systems (ANSI/UL268) for smoke detectors.

(ii) Emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.

(3) A carbon monoxide detection system that includes carbon monoxide detectors and audible notification appliances that are installed and maintained in accordance with the National Fire Alarm and Signaling Code (NFPA 72) and the Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (NFPA 720) and are in compliance with the Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075).

"Fossil fuel." Coal, kerosene, oil, wood, fuel gases and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion.

"Installed." A carbon monoxide alarm that is hardwired into the electrical wiring, directly plugged into an electrical outlet without a switch, other than a circuit breaker, or, if the alarm is battery powered, attached to the wall or ceiling of a residential building, an apartment or a multifamily dwelling, in accordance with the Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (NFPA 720).

"Multi-unit dwelling." means in each dwelling or part thereof containing two (2) or more dwelling unit.

"Operational." Working and in service.

### Section 3. Administration.

Nothing in this act is intended to modify the authority and responsibilities of the Department of Labor and Industry under the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.

### Section 4. Carbon monoxide alarm requirements.

(a) Residential building --Upon sale of a residential building, the seller shall disclose information regarding the installation of carbon monoxide detectors on the property disclosure statement require by 68 Pa C.S. 73 (relating to seller disclosures.

(b) Multifamily dwellings.—Each dwelling unit in a multifamily dwelling, which uses a fossil fuel-burning heater or appliance, fireplace, or an attached garage, must have an operational, centrally located and approved carbon monoxide alarm installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace within 18 months of the effective date of this act.

### Section 5. Carbon monoxide alarm requirements in rental properties.

(a) Owner responsibilities.--The owner of a multifamily dwelling having a fossil fuel-burning heater or appliance, fireplace or an attached garage used for rental purposes and required to be equipped with one or more approved carbon monoxide alarms shall:

(1) Provide and install an operational, centrally located and approved carbon monoxide alarm in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace.

(2) Replace, in accordance with this act, any approved carbon monoxide alarm that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the rental property and which has not been replaced by the prior occupant before the commencement of a new occupancy of the rental property.

(3) Ensure that the batteries in each approved carbon monoxide alarm are in operating condition at the time the new occupant takes residence in the rental property.

(b) Maintenance, repair or replacement.--Except as provided in subsection (a), the owner of a multifamily dwelling used for rental purposes is not responsible for the maintenance, repair or replacement of an approved carbon monoxide alarm or the care and replacement of batteries while the building is occupied. Responsibility for maintenance and repair of carbon monoxide alarms shall revert to the owner of the building upon vacancy of the rental property.

(c) Occupant responsibilities.--The occupant of each multifamily dwelling used for rental purposes in which an operational and approved carbon monoxide alarm has been provided must:

(1) Keep and maintain the device in good repair.

(2) Test the device.

(3) Replace batteries as needed.

(4) Replace any device that is stolen, removed, missing or rendered inoperable during the occupancy of the building.

(5) Notify the owner or the authorized agent of the owner in writing of any deficiencies pertaining to the approved carbon monoxide alarm.

### Section 6. Enforcement.

Willful failure to install or maintain in operating condition any approved carbon monoxide alarm required by this act is a summary offense punishable by a fine of up to \$50.

### Section 7. Municipal requirements.

Nothing in this act shall be construed to prevent a municipality from adopting, by resolution, equal or more stringent requirements relating to carbon monoxide alarms.

### Section 20. Effective date.

This act shall take effect immediately.

## 1745.09 SEPARATION OF COMMON CEILINGS WALLS AND FLOORS

A. All residential dwellings when attached by a common ceiling, wall or floor to another dwelling unit, or non-residential unit, shall have a minimum fire separation of one (1) hour fire resistance rating. (15022 §1 10/17/12)

B. All residential dwellings located above or attached by a common wall to a garage shall have a one (1) hour fire separation rating. Interior doors leading to an attached garage shall be a labeled twenty (20) minute fire rated door or shall be one and three-quarter (1 ¾") inch flush wood doors with a solid lumber core. Doors shall fit into their openings with a

one-eighth (1/8") inch tolerance between the door edge and frame and one-half (1/2") inch tolerance between door bottom and floor. (15022 §1 10/17/12)

C. Common laundry facilities shall be separated from combustibles by material having a one (1) hour fire rating extending three (3) feet beyond the facilities. All dryers shall be connected to a smooth metal duct-work system (not to exceed 35 feet) and properly vented to the exterior with a back draft damper. (15022 § 10/17/12)

#### **1745.10 PRIMARY EXIT WAYS**

A. A primary exit ways containing eight (8) risers or more shall be either interior enclosed exit ways or shall be constructed of non-combustible materials.

B. Exceptions to this requirement will be allowed for primary exits from structures built of combustible materials and approved in accordance with the Basic Building Code in force at the time of construction.

#### **1745.11 FIRE EXTINGUISHERS**

Fire extinguishers are required to be installed according to the most recently adopted Fire Prevention Code of the City of Allentown. (14737 §1 8/24/2009)

### **ARTICLE 1746 SPACE, USE AND LOCATION**

- 1746.01 Minimum Standards Required
- 1746.02 Size of Habitable Area
- 1746.03 Size of Sleeping Area
- 1746.04 Rooming Unit - Floor Area
- 1746.05 Calculation of Floor Area
- 1746.06 Sharing of Plumbing Facilities
- 1746.08 Attic, Basement or Cellar Occupancy

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#### **1746.01 MINIMUM STANDARDS REQUIRED**

No owner, operator or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for space, use, and location, and no dwelling, rooming house, dwelling unit or rooming unit or any premises containing such areas shall fail to comply with the following minimum standards for space, use and location.

For purposes of this Section, a person under one (1) year of age shall not be considered an occupant. (12199 §6 8/4/76)

#### **1746.02 SIZE OF HABITABLE AREA**

Every dwelling unit shall contain at least two hundred and fifty (250) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable floor area for each additional occupant. (12199 §6.1 8/4/76; 13140 §1 7/2/92)

#### **1746.03 SIZE OF SLEEPING AREA**

In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every dwelling unit room occupied for sleeping purposes by more than one (1) occupant shall contain an additional forty-five (45) square feet of floor area for each occupant twelve (12) years of age and over, and thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age in addition thereto subject to the limits of Section 1746.07. (12199 §6.2 8/4/76; 13140 §2 7/2/92)

#### **1746.04 ROOMING UNIT: FLOOR AREA**

Every rooming unit shall contain a minimum of one hundred and fifty (150) square feet of floor area and may be occupied by one (1) person. In every rooming unit, the bedroom thereof shall contain at least seventy (70) square feet of floor area. (12199 §6.3 8/4/76)

#### **1746.05 CALCULATION OF FLOOR AREA**

Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, or rooming unit, where provided, may count for not more than ten (10%) percent of the required floor area. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7') feet and the floor area of any part of any room where the ceiling height is less than four and one-half (4 1/2') feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy. (12199 §6.4 8/4/76)

#### **1746.06 SHARING OF PLUMBING FACILITIES**

In any dwelling in which water closet, lavatory basins, bathtubs or shower facilities are shared by the occupants of more than one (1) rooming unit, such facilities shall be so located within the dwelling as to be accessible without going through another dwelling unit or rooming unit. (12199 §6.5 8/4/76)

#### **1746.08 BASEMENT OR CELLAR OCCUPANCY**

No basement or cellar shall be used as a habitable room without meeting all applicable requirements of this code. (14737 §1 8/24/2009)

### **ARTICLE 1747 SAFE AND SANITARY MAINTENANCE**

- 1747.01 Minimum Standards Required
- 1747.02 Exterior Conditions
- 1747.03 Interior Conditions
- 1747.04 Windows and Doors
- 1747.05 Stairs, Porches, Balconies and Decks
- 1747.06 Plumbing
- 1747.07 Floors
- 1747.08 Supplied Equipment - Chimney
- 1747.09 Yard - Lot
- 1747.10 Basement or Cellar Window
- 1747.11 Accessory Structures
- 1747.12 Fences
- 1747.13 Sidewalks and Driveways
- 1747.14 Exterior Maintenance
- 1747.15 Rain Water Conductors
- 1747.16 Interior Doors
- 1747.17 Residential Off-Street Parking Requirements
- 1747.18 Clearance
- 1747.19 Premises Identification
- 1747.20 Ahnely's Law (15542 § 1 6/19/2019)

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#### **1747.01 MINIMUM STANDARDS REQUIRED**

No owner, operator or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for safe and sanitary maintenance, and no dwelling, rooming house, dwelling unit or rooming unit or any premises containing such areas shall fail to comply with the following minimum standards for safe and sanitary maintenance. (12199 §7 8/4/76)

#### **1747.02 EXTERIOR CONDITIONS**

Every foundation, exterior wall, retaining wall and exterior roof shall be substantially weather tight, watertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. (12199 §7.1 8/4/76; 13332 §13 5/18/95)

#### **1747.03 INTERIOR CONDITIONS**

A. Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. (12199 §7.2 8/4/76)

B. Every cellar floor, basement floor and crawl space shall be maintained in a smooth, dry, hazard-free condition so as to prevent conditions conducive to decay or deterioration of the structure. (12554 §1 5/4/83)

C. Every interior wall and ceiling in a dwelling shall be maintained so as to be free of holes or cracks and loose plaster or other materials the collapse of which might cause injury. (12554 §1 5/4/83)

- C. The surface of every interior wall and ceiling shall be finished with paint, paneling, wallpaper or equivalent material so as to be ~~reasonably~~ smooth, clean, tight and easily cleaned. (12554 §1 5/4/83)

#### **1747.04 WINDOWS AND DOORS**

Every window, exterior door and basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent-proof and shall be kept in sound working condition and good repair. All entrance doors into a dwelling unit or rooming unit shall be maintained in sound condition and good repair and equipped with locks. (12199 §7.3 8/4/76)

#### **1747.05 STAIRS, PORCHES AND BALCONIES**

Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Structurally sound handrails shall be provided on any steps containing five (5) risers or more. Porches and/or balconies located more than three (3') feet higher than the adjacent area shall have structurally sound protective guardrails not less than thirty-six (36") inches high, and, if unenclosed, vertical balusters or rails spaced no more than six (6") inches apart shall be provided regardless of the number of risers. (12630 §1 11/7/84; 12801 §1 10/21/87; 13332 §14 5/18/95)

#### **1747.06 PLUMBING**

Every plumbing fixture shall be properly installed and maintained in sanitary working condition, free from defects, leaks and obstructions. When repairs or replacements are necessary, the fixture or fixtures shall be installed in accordance with the Plumbing Code of the City. (12244 §1 4/6/77)

#### **1747.07 FLOORS**

The floor in every kitchen, bathroom or toilet room shall be, or be so covered as to be reasonably impervious to water and easily kept in a clean and sanitary condition. (12199 §7.6 8/4/76)

#### **1747.08 SUPPLIED EQUIPMENT; CHIMNEY**

Every supplied facility, piece of equipment or utility which is required under this Code, and every chimney and smoke pipe shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition. (12199 §7.7 8/4/76)

#### **1747.09 YARD; LOT**

Every yard and lot shall be properly graded so as to obtain thorough drainage and prevent the accumulation of stagnant water, and shall be maintained in a sanitary manner and free of weeds, in accordance with the applicable ordinances of the City. (See also 1753.09.) (12199 §7.8 8/4/76)

#### **1747.10 BASEMENT OR CELLAR WINDOW AND ENTRANCE WAYS**

Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement or cellar which might provide an entry for rodents, shall be supplied with a screen or other device which will effectively prevent their entrance. (12199 §7.9 8/4/76)

Every basement or cellar entranceway shall be kept clear of trash and rubbish. In such locations that act as a repository for trash or litter and have been cited, warned in writing, on more than one occasion, the public officer may order safeguards that may include installing a permanent hatch door over open cellar steps. However, such installation shall in no way block, stop or impede a required means of egress. (13842 §1 6/84/00)

#### **1747.11 ACCESSORY STRUCTURES**

Accessory structures, located on exterior property areas, shall be kept in good repair, free from health, fire and accident hazards and vermin, insect and rodent harborage, or such structures shall be removed from the premises. (12199 §7.10 8/4/76)

#### **1747.12 FENCES**

All fences shall be maintained in a structurally sound and safe condition, and any materials shall be protected against decay or rust by the use of paint or other preservative. Wherever any egress from the structure opens into the fenced areas, there shall be a means of egress to any public way adjacent thereto. (12199 §7.11 8/4/76; 12801 §1 11/21/87)

#### **1747.13 SIDEWALKS AND DRIVEWAYS**

All sidewalks, driveways and curbs shall be constructed of durable and water-resistant material and shall be maintained in a safe and hazard-free condition, and in a manner which will permit proper drainage and maintained in accord with Section 1753.08. (12554 §1 5/4/83)

#### **1747.14 EXTERIOR MAINTENANCE**



A. Each exterior wall of a dwelling and accessory structure on the premises and all their structural components subject to decay or corrosion shall be maintained so as to prevent its deterioration due to weather and insects and to preserve its appearance and longevity.

B. Without restricting the generality of subsection (a) hereof, maintenance includes the application of paint or other preservative restoring or repairing of the wall, coping or flashing, waterproofing of joints of the wall itself, installing or repairing of termite shields or using other suitable means. (12199 §7.13 8/4/76)

#### **1747.15 RAIN WATER CONDUCTORS**

Rain water conductors and downspouts shall be provided and maintained in good condition and the drainage shall not be directed into the sanitary sewer system or in a manner that creates a public nuisance. (12554 §1 5/4/83; 12801 §1 10/21/87; 13332 §15 5/18/95; 14737 §1 8/24/2009)

#### **1747.16 INTERIOR DOORS**

Every interior door shall be maintained in sound condition and good repair and provided with the proper hardware. (12554 §1 5/4/83; 13332 §16 5/18/95)

#### **1747.17 RESIDENTIAL OFF-STREET PARKING REQUIREMENTS**

All parking lots which are now, or may become substandard with respect to premises, protection against unsafe maintenance or other conditions which are deemed to constitute a menace to the safety and welfare of the people and lead to the continuation, extension and aggravation of urban blight required to comply with the listed requirement. Adequate protection of the public therefore requires the establishment and enforcement of the following minimum standards:

##### **1. Curb Cuts**

Parking lots shall be arranged to afford ready means of entrance and exit at sidewalk level; and special permits shall be secured for curb cuts from the administrative authorities.

##### **2. Protection of Adjoining Property**

A substantial bumper of masonry, steel or heavy timber shall be placed near all interior lot lines to protect structures and property abutting the parking lot. Secured wheel stops may be accepted at the discretion of the Inspector.

##### **3. Surface and Drainage**

Parking lots shall be a hard surface with a dustless, durable, all-weather pavement or other nonabsorbent material to prevent raising of dust and shall be maintained to prevent drainage onto adjoining property or sidewalk. (12554 §1 5/4/83; 12801 §1 10/21/87; 13332 §17 5/18/95; 14737 §1 8/24/2009)

#### **1747.18 CLEARANCE**

Mechanical equipment projections into the public right-of-way area shall have a minimum clearance above the sidewalk area of seven (7") feet and shall not project more than fourteen (14") inches. (12801 §1 10/21/87)

#### **1747.19 PREMISES IDENTIFICATION**

Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Number shall be four (4") inches (102mm) high with a minimum stroke width of 0.5 inches (12.7mm). (14737 §1 8/24/2009)

#### **1747.20 Ahnely's Law (15542 § 1 6/19/2019)**

Window Guards shall be required in all windows: (1) if a child 10 years or younger lives in the rental unit, or regularly spends considerable time in the unit; and (2) the tenant requests the landlord to install the window guards. A tenant must make this request in writing. The tenant's written request should be delivered to the landlord through the same means that rental payments are made. In making the written request, the tenant may request the installation on applicable windows within the unit itself and within any applicable windows that are in common areas that the unit has access to. Window guards are not required on windows that serve as fire exits or that are not designed to be opened. This shall apply to buildings which have 3 or more apartments, in a condominium, cooperative, or mutual housing. Once installed, a tenant shall not take down, change or remove any part of a window guard. Window guards shall meet the requirements of ASTM F2090-ASTM F2006. Window guards cannot be permanently fixed to the building and shall be able to be removed in an emergency for the safety of the building occupants and firefighters. The Landlord is responsible to install such guards when requested by the tenant in writing as stated.

Procedures for Requesting Variances for Window Guards shall be submitted in writing in accordance with the appeal Process of Section 1714.14 of the Allentown Property Maintenance Code. Request for variances will be entertained only if submitted by the owner or management of the property, or by his representative. Notices of violation of this Ordinance will be served in accordance with section 1741.10, and penalties in accordance with Section 1741.99 of the Allentown Property Maintenance Code.

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**ARTICLE 1748  
COOKING EQUIPMENT**

- 1748.01 Minimum Standards Required
- 1748.02 Installation – Maintenance
- 1748.03 Cooking Prohibited

**1748.01 MINIMUM STANDARDS REQUIRED**

No owner, operator or other person shall occupy or let to another person any dwelling or dwelling unit which does not comply with the following minimum standards for cooking equipment, and no dwelling, dwelling unit or rooming unit or any premises containing such areas shall fail to comply with the following minimum standards for cooking equipment. (12199 §8 8/4/76)

**1748.02 INSTALLATION; MAINTENANCE**

Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition. (12199 §8.18/4/76)

**1748.03 COOKING PROHIBITED**

Cooking shall not be permitted in rooming units. (12199 §8.2 8/4/76)

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**ARTICLE 1749  
RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

- 1749.01 General Responsibilities
- 1749.02 Waste Disposal
- 1749.03 Extermination of Insects, Rodents Pests
- 1749.04 Plumbing
- 1749.05 Heating
- 1749.06 Enforcement of Responsibility

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**1749.01 GENERAL RESPONSIBILITIES**

Where in this Code the obligation for observance is not otherwise clearly designated, the respective responsibilities of owner, operator and occupants is as follows:

A. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls.

- B. Every owner or operator of a two-unit dwelling, multi-unit dwelling or rooming house shall maintain in a clean and sanitary condition, the shared, public, owner and operator-controlled areas of the dwelling and yard. (12199 §9-9.2 8/4/76)

**1749.02 WASTE DISPOSAL**

Every occupant of a dwelling or dwelling unit shall dispose of all rubbish, ashes, garbage and other organic waste by placing it in containers which are watertight, rodent-proof and are equipped with tight-fitting covers. Every occupant shall provide such facilities for his own unit and shall maintain them. The owner or operator of a multi-unit dwelling shall furnish common storage of disposal facilities and shall maintain them. Every owner or operator of a rooming house shall dispose of all rubbish and garbage in furnished common storage. Containers as described above are the minimum acceptable standard for common storage. (12199 §9.3 8/4/76)

**1749.03 EXTERMINATION OF INSECTS, RODENTS AND PESTS**

A. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. In a two-unit dwelling or a multi-unit dwelling, the occupant shall be responsible for

such extermination whenever his dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

B. Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public area of any two-unit dwellings or any multi-unit dwelling.

C. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. (12199 §9.4-§9.6 8/4/76)

#### **1749.04 PLUMBING**

Every occupant of a dwelling unit or a rooming unit shall keep all plumbing, kitchen, bathroom and other fixtures in it in a clean sanitary condition and shall exercise proper and reasonable care in their use and maintenance. (12199 §9.7 8/4/76)

#### **1749.05 HEATING**

From October 1 to May 1, in every dwelling unit and every rooming unit when the control of supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight (68 ) degrees Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments measured at a distance of thirty-six (36") inches above the floor level in a location where the sensing device is not exposed to a condition of abnormal heat gain or loss. (12199 §9.8 8/4/76)

#### **1749.06 ENFORCEMENT OF RESPONSIBILITY**

No person upon whom this Code places direct responsibility for compliance shall be relieved of any such direct responsibility by reason of any contract, lease or agreement; and, unless otherwise provided herein, the public officer shall enforce the provisions of this Code without regard to the existence of any such contract, lease or agreement. (12199 §9.9 8/4/76)

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### **ARTICLE 1750**

#### **DISCONTINUANCE OF REQUIRED SERVICES, FACILITIES, EQUIPMENT OR UTILITIES**

##### 1750.01 Discontinuance of Required Services

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#### **1750.01 DISCONTINUANCE OF REQUIRED SERVICES**

No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required to be supplied under the provisions of this Code to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs, replacement or alterations are in process of being made. (12199 §9.10 8/4/76)

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### **ARTICLE 1751**

#### **ROOMING HOUSES**

- 1751.01 Minimum Standards Required
- 1751.02 Compliance with Other Minimum Standards
- 1751.03 Plumbing Facilities
- 1751.04 Linen Supplied

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#### **1751.01 MINIMUM STANDARDS REQUIRED**

No owner, operator or other person shall occupy or let to another person any rooming house or rooming unit which does not comply with the following minimum standards for rooming houses, and no rooming house or rooming unit or any premises containing such areas shall fail to comply with the following minimum standards for rooming houses. (12199 §10 8/4/76)

#### **1751.02 COMPLIANCE WITH OTHER MINIMUM STANDARDS**

Every rooming house and every rooming unit shall be in compliance with the minimum standards set forth by Sections 1743.01 to 1747.14 of this Code and the responsibilities of an owner or operator of a rooming house as set forth in Sections 1749.01 to 1749.06. (12199 §10.1 8/4/76)

#### **1751.03 PLUMBING FACILITIES**

A. Every rooming house shall be equipped with at least one (1) flush water closet, one (1) lavatory basin and one (1) bathtub or shower for each six (6) persons or fraction thereof within the rooming house, including members of the family of the owner or operator, if they share the use of the facilities. In a rooming house in which rooms are let only to males, flush urinals may be substituted for not more than one half (1/2) of the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. (12199 §10.2 8/4/76)

B. Every flush water closet, flush urinal, lavatory basin and bathtub or shower required by subsection (a) hereof shall be located within the rooming house in a room or rooms which:

1. Afford privacy and are separate from the habitable rooms; and
2. Are accessible from a common hall and without going outside the rooming house; and
3. Are not more than one story removed from the rooming unit of any occupant intended to share the facilities. (12199 §10.3 8/4/76)

#### **1751.04 LINEN SUPPLIED**

Where bedding, bed linen, or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to a new occupant. (12199 §10.4 8-4-76)

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### **ARTICLE 1752 VACANT BUILDINGS**

- 1752.01 Unoccupied or Vacant Structure Definition
- 1752.02 Basic Equipment Facilities
- 1752.03 Electricity
- 1752.04 Safety from Fire
- 1752.05 Safe and Sanitary Maintenance
- 1752.06 Cooking Equipment
- 1752.07 Responsibilities of Owners
- 1752.08 Applicability

#### **1752.01 UNOCCUPIED OR VACANT STRUCTURE DEFINITION**

An unoccupied or vacant structure shall mean any structure or portion thereof intended for use as a dwelling unit, habitable room, hotel, multi-family dwelling, rooming house, dwelling, mixed and non-residential structures, but not being occupied. (12801 §1 10/21/87)

#### **1752.02 BASIC EQUIPMENT FACILITIES**

Every unoccupied or vacant structure must comply with the following minimum standards for basic equipment and facilities:

A. All plumbing fixtures connected to an approved public water system and/or to an approved public sewerage system shall be properly installed and be in sound condition and good repair. (12801 §1 10/21/87)

B. All plumbing fixtures which are connected to an approved public water system and /or to an approved public sewage system which are not properly installed or maintained in sound condition and good repair shall be removed and the service terminated in the manner prescribed by existing City Codes and Ordinances. (12801 §1 10/21/87)

All plumbing fixtures which are not connected to an approved water system and/or to an approved sewage system shall either be connected to an approved system or the system shall be removed. (12801 §1 10/21/87)

#### **1752.03 ELECTRICITY**

All unoccupied or vacant structures which are supplied with electricity shall have every existing outlet and fixture properly connected, wiring and service lines installed and maintained in good and safe working condition, or such outlets and fixtures shall be removed and/or the services from the street terminated in a manner prescribed by existing City codes and ordinances. (12801 §1 10/21/87)

#### **1752.04 SAFETY FROM FIRE**

All owners of unoccupied or vacant structures shall comply with the applicable provisions of the City Fire Prevention Code and Regulations of the Department of Labor and Industry, Commonwealth of Pennsylvania, and the following additional standards for safety from fire:

- A. No unoccupied or vacant structure shall contain any space utilized for the storage of flammable liquids. (12801 §1 10/21/87)
- B. No room within any vacant or unoccupied structure shall be used for storage of junk, rubbish or waste, furniture and building materials not intended to be used in the existing structure. (12801 §1 10/21/87)
- C. Where a vacant or unoccupied structure has a heating plant, it shall be maintained in a safe condition or the plant shall be removed. (12801 §1 10/21/87)
- D. All unsecured openings shall be secured. All openings requiring securing under this ordinance are to be covered with one-half (½) inch CDX plywood, equivalent or better. The plywood is to be cut to the size of the opening within one-half (½) inch of actual size of the window frame and is not to overlap onto the wall surface. Sills, headers, and lintels shall be left exposed. All plywood shall be painted with exterior grade flat paint of one uniform color matching the exterior wall as close as possible. (12801 §1 10/21/87; 13063 §6 7/3/91; 13993 §1 6/20/02)

**1752.05 SAFE AND SANITARY MAINTENANCE**

All unoccupied or vacant structures shall comply with the following minimum standards for safe and sanitary maintenance:

- A. Every foundation, exterior wall and exterior roof shall be weather tight, watertight, and rodent-proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. (12801 §1 10/21/87)
- B. Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be place thereon. (12801 §1 10/21/87; 15022 §1 10/23/12)
- C. Every window, exterior door and basement or cellar door and hatchway shall be weather tight, watertight, rodent-proof and locked and shall be kept in sound working condition and good repair. (12801 §1 10/21/87)
- D. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be place thereon, and shall be kept in sound condition and good repair. (12801 §1 10/21/87)
- E. Every yard shall be properly graded so as to prevent the accumulation of stagnant water (12801 §1 10/21/87)
- F. There shall be a controlled method of disposing of water from roofs by use of gutters and downspouts, which shall be installed and maintained in sound condition, free of leaks and obstructions. (12801 §1 10/21/87)
- G. Every structure's cellar, basement and crawl space shall be maintained reasonable free from dampness. (12801 §1 10/21/87)
- H. The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick, or excessive peeling paint. (12801 §1 10/21/87)

**1752.06 COOKING EQUIPMENT**

All owners of unoccupied or vacant structures containing any cooking equipment shall be required to see that such facilities are in safe condition or cause them to be removed. 12801 §1 10/21/87)

**1752.07 RESPONSIBILITIES OF OWNERS**

All owners of unoccupied or vacant structures shall be required to comply with the following standards:

- A. Any yard area, front, side and rear, belonging to an unoccupied or vacant structure shall be cleared and maintained free of trash, solid debris or any other material that causes litter and accumulated to unhealthy and blighting proportion. (12801 §1 10/21/87)
- B. No person owning or occupying any property within the City shall permit any grass, weeds, or vegetation whatsoever to grow or remain on the side, front and/or rear yards of any unoccupied or vacant structure so as to exceed a height of ~~twelve (12")~~ ten (10") inches, to throw off any unpleasant or noxious odor, to conceal any filthy deposit, or to create or produce pollen. Any edible vegetation or vegetation planted for some useful or ornamental purpose shall not be governed by this Article. (12801 §1 10/21/87)

C. Unoccupied or vacant structures shall not be utilized for storage of any materials, whether solid or liquid, including the yard portion of that structure used as a dwelling unit. (12801 §1 10/21/87)

D. Any owner of an unoccupied or vacant structure found to be infested with rats, termites, roaches, and/or any other insects and vermin, shall undertake an expedient means of extermination of such nuisances. Such extermination shall be certified by an approved exterminator. (12801 §1 10/21/87)

E. A landlord shall lock or remove all doors and/or lids on appliances, furniture, utilized for storage or on heating furnaces in order to deny entry to any individual wherein the potential for physical harm or death may result should such door close and impede the individual's escape. (12801 §1 10/21/87; 13332 §18 5/18/95)

A landlord shall not use appliances or furniture utilized for storage or a heating furnace in a manner that is at variance with Section 1752.04 (a) through (c). (12801 §1 10/21/87)

#### **1752.08 APPLICABILITY**

The standards and requirements of Section 1752.01 to 1752.07 shall apply as long as any structure remains vacant or unoccupied. Upon occupancy, the other applicable rules and regulations of the City of Allentown shall prevail. (12801 §1 10/21/87)

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### **ARTICLE 1753 NONRESIDENTIAL STANDARDS ENVIRONMENTAL REQUIREMENTS**

- 1753.01 Minimum Standards Required
- 1753.02 Sanitation
- 1753.03 Noxious Weeds
- 1753.04 Insect and Rodent Harborage
- 1753.05 Accessory Structures
- 1753.06 Grading and Drainage
- 1753.07 Paving and Walkways
- 1753.08 Parking Lots and Driveways

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#### **1753.01 MINIMUM STANDARDS REQUIRED**

A. The provisions of this Article shall govern the minimum conditions of nonresidential property and buildings. Every building or structure occupied by humans and the premises on which it stands shall comply with the conditions herein prescribed.

B. No person shall occupy as owner-occupant or let to another for occupancy any structure, building, or premises which does not comply with the following requirements. 12199 §300 8/4/76)

#### **1753.02 SANITATION**

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. (12199 §300.1 8/4/76)

#### **1753.03 NOXIOUS WEEDS AND RUNNING BAMBOO PROHIBITED (15397 § 09/20/17)**

All exterior property areas shall be kept free from all species of weeds or plant growth which are noxious or detrimental to the public health. (12199 §300.2 8/4/76)

Running Bamboo is prohibited.

“Running Bamboo” means any monopodial, or “running”, woody grass that spread variously, sending out underground runners (rhizomes) which sometimes range far from the parent plant. The definition refers to all parts of the bamboo including the above ground plant, its roots and rhizomes. For the purposes of enforcement of this Article running bamboo shall be identified by the structure of growth and need not be by biological identification.

Any property owner who, with respect to running bamboo, plants, grows, maintains, or allows any of the same, on the property, shall be prohibited and subject to the penalties herein unless said owner can establish to the reasonable satisfaction of the City or court that the following conditions are met:

(a) Such running bamboo existed at its then present location prior to the enactment of this ordinance;

(b) No part of the running bamboo and its root system is closer than 20' from any property line, utility easement, and public right of way;

(c) Such running bamboo shall be isolated from all other vegetation by a barrier composed of a high density polypropylene or polyethylene, with a thickness of at least 40 mils. The barrier shall be secured and joined together with stainless steel clamps or stainless steel closure stripes designed to be used with such barriers and shall be installed at least thirty (30) inches deep. At least three (3) inches of barrier must protrude above ground level and the barrier shall slant outward from bottom to top.

Disposal of removed running bamboo plant or root system shall be done in an ecologically sensitive manner within a sealed container.

#### **1753.04 INSECT AND RODENT HARBORAGE**

Every owner or occupant of a building, structure or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises. Whenever infestation exists in the shared or public parts of the premises, extermination shall be the responsibility of the owner. (12199 §300.3 8/4/76)

#### **1753.05 ACCESSORY STRUCTURES**

All accessory structures, fences, garages, outhouses, and other minor structures shall be maintained structurally sound and in good condition and repair. (12801 §1 10/21/87)

Accessory structures, located on exterior property area, shall be kept in good repair, free from health, fire, and accident hazards and vermin, insect and rodent harborage, or such structures shall be removed from the premises. (12801 §1 10/21/87)

#### **1753.06 GRADING AND DRAINAGE**

All premises shall be graded and maintained so as to prevent accumulation of stagnant water. (12801 §1 10/21/87)

A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant pools. Roof or surface drainage shall not create a structural, safety or health hazard by reason of construction. (12801 §1 10/21/87)

B. Rain water conductors and downspouts shall be provided and maintained in good condition and the drainage shall not be directed into the sanitary sewer system or in a manner that creates a public nuisance. (12801 §1 10/21/87; 13332 §19 5/18/95; 14737 §1 8/24/2009)

#### **1753.07 PAVING AND WALKWAYS**

All paved areas and-walkways which are now, or may become substandard with respect to premises, protection against unsafe maintenance or other conditions which are deemed to constitute a menace to the safety and welfare of the people and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public therefore requires the establishment and enforcement of the following minimum standards. (14737 §1 8/24/2009)

#### **1753.08 PARKING LOTS AND DRIVEWAYS**

All parking lots and driveways which are now, or may become substandard with respect to premises, protection against unsafe maintenance or other conditions deemed to constitute a menace to the safety and welfare of the people and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of the following minimum standards:

##### **A. COMMERCIAL A (1 TO 10 SPACES)**

###### **1. Curb Cuts**

Parking lots and driveways shall be arranged to afford ready means of entrance and exit at sidewalk level; and special permits shall be secured for curb cuts from the administrative authorities.

###### **2. Protection of Adjoining Property**

A substantial bumper of masonry, steel or heavy timber shall be placed near all interior lot lines to protect structures and property abutting the parking lot. Secured wheel stops may be accepted at the discretion of the inspector.

### 3. Surface and Drainage

Parking lots and driveways shall be a hard surface with a dustless, durable, all-weather pavement or other non-absorbent material to prevent raising of dust and shall be maintained to prevent drainage onto adjoining property or sidewalk. (14737 §1 8/24/2009)

## B. COMMERCIAL B (11 OR MORE SPACES)

### 1. Curb Cuts

Parking lots and driveways shall be arranged to afford ready means of entrance and exit at sidewalk level; and special permits shall be secured for curb cuts from the administrative authorities.

### 2. Lanes and Parking Spaces

Access lanes not less than twelve (12') feet. (3658 mm) in width shall be provided for each row of cars; and the parking space shall be not less than eight (8') feet (2438 mm) by eighteen (18') feet (5486 mm) in area for each motor vehicle.

### 3. Protection of Adjoining Property

A substantial bumper of masonry, steel or heavy timber shall be placed near all interior lot lines to protect structures and property abutting the parking lot. Secured wheel stops may be accepted at the discretion of the inspector.

### 4. Surface and Drainage

Parking lots and driveways shall be a hard surface with a dustless, durable, all-weather pavement or other non-absorbent material to prevent raising of dust and shall be maintained to prevent drainage onto adjoining property or sidewalk.

### 5. Electric Illumination

Electric light wiring shall be provided to furnish adequate illumination of driveways and lanes as required by the administrative authorities for street lighting, but such illumination shall not be less than 0.25 lumen per square foot (2.69 lumens/m) of parking area. (12801 §1 10/21/87)

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## ARTICLE 1754 EXTERIOR OF STRUCTURE

- 1754.01 Exterior Structure
- 1754.02 Foundation, Walls and Roof
- 1754.03 Stairs, Porches, Decks, Balconies, and Railings
- 1754.04 Windows, Doors and Hatchways
- 1754.05 Store Fronts
- 1754.06 Exits

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### 1754.01 EXTERIOR STRUCTURE

No person shall occupy as owner-occupant or let to another for occupancy, any nonresidential structure or portion thereof which does not comply with the following requirements. (12199 §400.1 8/4/76)

### 1754.02 FOUNDATION, WALLS AND ROOF

A. Every foundation, exterior wall, and exterior roof shall be substantially weather tight, watertight, and rodent-proof, and shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. (12801 §1 10/21/87)

B. Each exterior wall of a dwelling and accessory structure on the premises and all their structural components subject to decay or corrosion shall be maintained so as to prevent its deterioration due to weather and insects and to preserve its appearance and longevity. (12801 §1 10/21/87)



C. Where in the opinion of the public officer, rain water conductors and downspouts are necessary they shall be provided and maintained in good condition and the drainage shall not be directed into the sanitary sewer system, or in a manner that creates a public nuisance. (12801 §1 10/21/87; 14737 §1 8/24/09)

D. Mechanical equipment projections into the public right-of-way area shall have a minimum clearance above the sidewalk area of seven (7") feet and shall not project more than fourteen (14") inches. (12801 §1 10/21/87)

#### **1754.03 STAIRS, PORCHES, DECKS, BALCONIES, AND RAILINGS**

Every outside stair, porch, deck, balcony, railing and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Structurally sound handrails shall be provided on any steps containing five (5) risers or more. Porches, decks, and balconies more than three (3') feet high shall have structurally sound protective guardrails not less than thirty-six (36") inches high and if unenclosed, balusters or rails spaced no more than six (6") inches apart shall be provided. (12801 §1 10/21/87)

#### **1754.04 WINDOWS, DOORS AND HATCHWAYS**

A. Every window, exterior door and basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent-proof and shall be kept in sound working condition and good repair. (12801 §1 10/21/87)

B. Required Egress Doors. All egress doors shall be openable from the side from which egress is to be made without the use of a key or special knowledge or effort at all times the building or area served is occupied. (12801 §1 10/21/87)

#### **1754.05 STORE FRONTS**

A. All store fronts shall be kept in good repair, painted where required and shall not constitute a safety hazard or nuisance. (12801 §1 10/21/87)

B. Display windows or storefronts constructed of plate glass shall be kept (maintained) clean and free of cracks. No storage shall be permitted in the show window area unless shielded from the public view. (12801 §1 10/21/87)

C. All exposed architectural elements or appurtenances thereto, including facades, business signs and security devices, shall be maintained in good structural and decorative repair. All such elements or appurtenances exhibiting substantial conditions of deterioration including rusted finishes, peeling paint, accumulated grime, graffiti, bent, broken or distorted surfaces shall be considered in violation of the provisions of this subsection. (13290 §1 11/4/94)

#### **D. Security Devices**

**New Installations.** All installations of security devices designed to limit or block access to the interior of a building or structure used for commercial purposes shall only be installed on the interior of the building at window locations and shall allow for full visibility of the interior of the building or structure at all times.

**Existing Installations.** All existing security devices designed to limit or block access to the store front of a building or structure, at the time of this amended ordinance, shall be allowed to remain as long as they allow for substantial visibility of the store front at all times. Substantial visibility shall mean at least seventy-five (75%) percent of the store front shall be visible. Solid shutters shall not be permitted. Existing security devices that limit or block access to the store front of a building or structure shall be permanently removed when any or all of the following conditions apply:

- Change in ownership of the building
- Change in ownership of the business
- Change in name of the business
- Device requires repair with expenditures equal to or greater than 25% of the original installation cost

Replacement of existing installations shall be prohibited (14191 § 6/4/04; 14737 §1 8/24/2009 )

E. Advertising and other signage shall be prohibited from being placed on any security device. (13290 §1 11/4/94)

(Editor's Note: All structures and conditions must be brought into conformance with the requirements of this Ordinance within one (1) year of the effective date of passage, unless solid structure was installed prior to the effective date of this Ordinance pursuant to a permit obtained from the City of Allentown. 13290 §2 11/4/94)

#### **1754.06 EXITS**

The requirements of the Basic Building Code applicable to use and occupancy shall be the exit requirements of this Code. (12801 §1 10/21/87)

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**ARTICLE 1755  
INTERIOR OF STRUCTURE**

- 1755.01 Interior Structure
  - 1755.02 Free from Dampness
  - 1755.03 Structural Members
  - 1755.04 Interior Stairs, Railings and Balconies
  - 1755.05 Interior Walls, Ceiling and Doors
  - 1755.06 Light and Ventilation
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**1755.01 INTERIOR STRUCTURE**

No person shall occupy as owner-occupant or let to another for occupancy any nonresidential structure or portion thereof which does not comply with the following requirements. (12199 §500.1 8/4/76.

**1755.02 FREE FROM DAMPNES**

Every building, cellar, basement and crawl space shall be maintained free from dampness to prevent conditions conducive to decay or deterioration of the structure. (12801 §1 10/21/87; 14737 §1 8/24/2009)

**1755.03 STRUCTURAL MEMBERS**

The supporting structural members of every building shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads. (12801 §1 10/21/87)

**1755.04 INTERIOR STAIRS, RAILINGS AND BALCONIES**

Every inside stair, railing and balcony, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Structurally sound handrails shall be provided on any steps containing five (5) risers or more. Balconies located more than three (3') feet higher than the adjacent area shall have structurally sound protective guardrails not less than thirty-six (36") inches high, and, if unenclosed, balusters spaced no more than six (6") inches apart shall be provided. (12801 §1 10/21/87)

**1755.05 INTERIOR WALLS, CEILINGS, FLOORS AND DOORS**

All interior walls, ceilings, floors and doors shall be structurally sound, in good repair, from defects and reasonably clean. (12801 §1 10/21/87; 13063 §9 7/3/91)

**1755.06 LIGHT AND VENTILATION**

Light and ventilation required in every room or space intended for human use and/or occupancy shall have an exterior openable glazing area of not less than 8% of the floor area of which 40% shall be openable. (12801 §1 10/21/87)

In lieu of the above, artificial light and mechanical ventilation shall be provided and installed in accordance with applicable Codes of the City of Allentown. (12801 §1 10/21/87)

**ARTICLE 1756  
SPACE, SANITARY AND OCCUPANCY REQUIREMENTS**

- 1756.01 Basic Facilities
- 1756.02 Sanitary Facilities
- 1756.03 Water and Sewer System
- 1756.04 Heating Facilities
- 1756.05 Rubbish and Storage Facilities
- 1756.06 Equipment Installation and Maintenance
- 1756.07 Facilities Clean and Sanitary
- 1756.08 Plumbing
- 1756.09 Electrical Facilities

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#### **1756.01 BASIC FACILITIES**

Nonresidential buildings occupied in whole or in part, except unattended buildings where there are no permanent employees, shall comply with the following requirements. (12244 §1 4/6/77)

#### **1756.02 SANITARY FACILITIES**

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition:

##### **A. Water Closet**

Every building or structure shall contain within its walls a room separate from the occupiable space which affords privacy and which is equipped with a water closet. (12199 §600.2 5/4/83)

##### **B. Shower or Wash Facilities**

Shall be supplied as required for the use of the building or structure. (See Section 1756.08 (c).) (12554 §1 5/4/83)

#### **1756.03 WATER AND SEWER SYSTEM**

A. Every sanitary facility required in the use and occupancy of the building or structure shall be properly connected to the public water and sewer system. All sinks, showers or lavatories shall be supplied with hot and cold running water where required. (12801 §1 10/21/87)

B. Water Heating Facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at a temperature of not less than one hundred ten (110°) degrees Fahrenheit nor more than one hundred twenty (120°) degrees Fahrenheit. (12801 §1 10/21/87; 14737 §1 8/24/2009)

#### **1756.04 HEATING FACILITIES**

Every building or structure shall have approved heating facilities to supply heat to the occupiable space requiring heat, and the owner shall be required to see that they are properly installed, safely maintained and in good working condition and that they are capable of safely and adequately heating all occupiable space requiring heat as well as wash rooms, toilet rooms and rooms incidental to the use, to a temperature of an average of sixty-eight (68°) degrees Fahrenheit. The temperature shall be existent at a level of (3') feet above the floor level and three (3') feet or more from an exterior wall. (12801 §1 10/21/87; 14737 §1 8/24/2009 )

A. Every building or structure that has heating facilities that supply heat to occupiable spaces requiring heat shall be properly installed, safely maintained, and in good working condition. These facilities shall be supplied to wash rooms, toilet rooms and rooms incidental to their use. (12801 §1 10/21/87)

From October 1 to May 1, in every occupied unit when the control of supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight (68o) degrees Fahrenheit shall be maintained in all rooms, bathrooms and floor level in a location where the sensing device is not exposed to a condition of abnormal heat gain or loss. (13332 §20 5/18/95)

B. Chimneys, flues and vents shall be maintained structurally safe, durable, smoke-tight and capable of withstanding the actions of flue gases. (12801 §1 10/21/87)

#### **1756.05 RUBBISH AND STORAGE FACILITIES**

Every building or structure shall provide approved containers and covers for storage of rubbish and industrial waste, and the owner, operator or agent in control of the building or structure shall be responsible for the removal of such rubbish or industrial wastes. (12801 §1 10/21/87)

#### **1756.06 EQUIPMENT INSTALLATION AND MAINTENANCE**

No person shall occupy as owner-occupant or let to another for occupancy any nonresidential building or structure which does not comply with the following:

All equipment and machinery shall be properly installed and equipped with protective safeguards where necessary. (12801 §1 10/21/87)

#### **1756.07 FACILITIES CLEAN AND SANITARY**

All buildings and facilities shall be maintained in a clean and sanitary condition by the occupant and/or owner so as not to breed insects and rodents or produce dangerous or offensive gases or odors. (12801 §1 10/21/87)

#### **1756.08 PLUMBING**

## Plumbing Fixtures

In buildings and structures, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order, and shall be kept free from obstructions, leaks and defects and toilet rooms without windows to the outdoors shall be properly vented by gravity duct or mechanical means to the outdoors. (12801 §1 10/21/87)

## 1756.09 ELECTRICAL FACILITIES

### A. Correction of Defective Electrical System

Where it is found, in the opinion of the public official, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, he shall require the defects to be corrected to eliminate the hazard. (12801 §1 10/21/87)

### B. Defective Wiring

If, upon inspection, an electric wiring system is found defective and unsafe, the building official shall revoke all certificates and permits in effect. Use of such system shall be discontinued until it has been made to conform to the approved rules and after a new permit has been issued. (12801 §1 10/21/87)

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## ARTICLE 1757 FIRE SAFETY

- 1757.01 Minimum Fire Safety Standards
- 1757.02 Exterior Stairs
- 1757.03 Doorways to Existing Fire Escapes
- 1757.04 Exit Signs and Lighting
- 1757.05 Portable Heating and Appliance Prohibited
- 1757.06 Fire and Tenant Separation
- 1757.07 Windowless Stories

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### 1757.01 MINIMUM FIRE SAFETY STANDARDS

A. No owner, operator or other person shall occupy or let to another person any nonresidential building, structure or premises which does not comply with the following minimum standards for safety from fire. (12801 §1 10/21/87)

There shall be no less than two (2) approved independent exit ways serving every building which exceeds the requirement for simple exit ways as seen in Table 809.3 of the 1990 BOCA National Building Code, printed below.

**Table 809.3  
BUILDINGS WITH ONE EXIT**

<u>Use Group</u>	<u>Maximum Number Of Stories Above Grade</u>	<u>Maximum Occupants, Travel Distance or Dwelling Units Per Floor</u>
All except A	1 Story	50 Occupants plus 75 feet Travel Distance
B, F, M, Sa	2 Stories	30 Occupants plus 75 feet Travel Distance
R-2	2 Stories	4 Dwelling Units

(13332 §21 5/18/95)

### 1757.02 EXTERIOR STAIRS

A. Exterior stairs shall be of materials consistent with the structure's type of construction. 12801 §1 10/21/87)

B. It shall be unlawful to obstruct or reduce in any way clear width of any doorway, hallway, passageway or other exit ways. (12801 §1 10/21/87)

C. All exterior stairways and fire escapes shall be maintained structurally sound and shall be scraped and painted as often as necessary to maintain them in safe condition. (12801 §1 10/21/87)

### 1757.03 DOORWAYS TO EXISTING FIRE ESCAPES

Doorways leading to existing fire escapes shall be one and three-fourths (1 3/4") inch thick solid core wood doors or equivalent. Any glass in the door shall be wire glass. (12801 §1 10/21/87)

**1757.04 EXIT SIGNS AND LIGHTING**

All existing exit signs shall be maintained in a clean and legible condition and shall be clearly illuminated at all times the building is occupied. Supplemental directional signs shall, when necessary, be installed indicating the direction and way of egress. All required exits shall be properly posted in approved locations. (12801 §1 10/21/87)

**1757.05 PORTABLE HEATING APPLIANCES PROHIBITED**

Liquid or gas type portable heating appliances shall be prohibited. (12801 §1 10/21/87)

**1757.06 FIRE AND TENANT SEPARATION**

All fire and tenant separation shall conform to the applicable Codes of the City of Allentown. "Fire Resistance Rating Structure Elements (In Hours)" Table in the current IBC Code. (12801 §1 10/21/87; 14737 §1 8/24/2009)

**1757.07 WINDOWLESS STORIES**

A. Windowless stories, as defined below, are required to be retroactively fit with automatic fire sprinkler systems in accordance with Article 10 of the City of Allentown Building Code.

B. An automatic fire suppression system shall be provided throughout every story or basement of all buildings where there is not provided at least one of the following types of openings:

1. An exterior stairway that conforms to the requirements of Section 817.0 or an outside ramp that conforms to the requirements of Section 816.0 leading directly to grade in each fifty (50) lineal feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building.

2. Openings directly above the adjoining ground level totaling twenty (20) square feet (1.9m) in each fifty (50) lineal feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building. Openings shall have minimum dimensions of not less than twenty (22") inches (550 mm). Such openings shall be accessible to the Fire Department from the exterior and shall be unobstructed to allow firefighting and rescue operations from the exterior.

C. Where openings in a story are provided on only one side and the opposite wall of such story is more than seventy-five (75') feet (22860 mm) from such openings, the story shall be equipped throughout with an automatic sprinkler system or openings as specified herein shall be provided on at least two (2) sides of the exterior walls of the story. If any portion of a basement is located more than seventy-five (75') feet (22860 mm) from the openings required in this section, the basement shall be equipped throughout with an automatic sprinkler system.

D. All use types noted above shall be brought into compliance with the provisions of this article within five (5) years after the date of its passage, September 22, 1994. (13332 §22 5/18/95)

**ARTICLE 1759  
LICENSING RESIDENTIAL RENTAL UNITS**

(Passed by Certified Voter Initiative on May 18th, 1999, Ordinance No. 13775)

- 1759.01 Purpose
- 1759.02 Definitions
- 1759.03 Owner and Occupant Duties
- 1759.04 Exempt Units
- 1759.05 Residential Rental Registration
- 1759.06 Residential Rental License
- 1759.07 Sale or Transfer of Residential Rental Units
- 1759.08 Appeals of Revocation of Residential Rental Registration or Residential Rental License
- 1759.09 Disruptive Conduct Board of Appeals Organization and Powers
- 1759.98 Severability
- 1759.99 Fees/Penalties

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**1759.01 PURPOSE**

The purpose of this ordinance and the policy of the City of Allentown shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential rental units in the City and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. As a means to these ends, this ordinance provides for a systematic inspection program, registration and licensing of residential rental units, and penalties.

In considering the adoption of this ordinance, the City makes the following findings:

1. There is a growing concern in the community with the general decline in the physical condition of residential rental units;
2. City records indicate there is a greater incidence of problems with the maintenance and upkeep of residential properties which are not owner occupied as compared to those that are owner occupied;
3. City records indicate there are a greater number of disturbances at residential rental units than all other properties combined; and
4. City records indicate that violations of the various codes are generally less severe at owner-occupied units as compared to residential rental units.

#### **1759.02 DEFINITIONS**

The following definitions are hereby added to Section 1742.03 -- Definitions.

Codes means any state or local code or ordinance adopted, enacted or in effect in and for the City of Allentown including, but not limited to, The Pennsylvania Uniform Construction Code International Building Code, International Plumbing Code, International Mechanical Code, National Electrical Code, Fire Prevention Code, Property Rehabilitation and Maintenance Code, International Property Maintenance Code, International Residential Code, Zoning Ordinance, Solid Waste Ordinance, Residential Recycling Ordinance, and general nuisance ordinances.

Disruptive Conduct means any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises or causes damages to said premises, or risks a catastrophe by destroying, damaging, disabling or failing to maintain smoke detectors or other life safety features, such that a report is made to or by a Police Officer and/or a Public Officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Public Officer or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing. (14435 §1 11/7/06)

Disruptive Conduct Report means a written report of disruptive conduct on a form to be prescribed therefore, to be completed by a Police Officer or a Public Officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Community Development.

Hotel Unit means any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than thirty (30) days.

Notice of Violation is a written document issued to a person in violation of a City ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

Residential Rental License means a document issued by the Department of Community Development to the owner, operator, responsible agent or manager of a residential rental unit upon correction of all applicable code violations granting permission to operate a residential rental unit in the City of Allentown. Such license is required for lawful rental and occupancy of residential rental units under this Article, unless a Public Officer has not inspected the unit or violations of the applicable codes are being corrected and the unit operates under a Residential Rental Registration, or the residential rental unit is exempt from the license provisions of this Article.

Residential Rental Registration means the document issued annually for a fee by the City of Allentown to the owner, operator, responsible agent or manager of a residential rental unit evidencing the existence of said residential rental unit. This registration shall be required until the Public Officer inspects the unit and issues a Residential Rental License. A Residential Rental Registration shall be required for lawful rental and occupancy of residential rental units under this Article, unless a Public Officer has inspected the residential rental unit and has issued a Residential Rental License or the residential rental unit is exempt from the registration provisions of this Article. This registration does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way.

Residential Rental Unit means a rooming unit or a dwelling unit or an other-than-owner-occupied residential unit to include vacant units. A residential rental unit shall not include a hotel unit. A residential rental unit includes dwelling units under lease-purchase agreements, or long-term [greater than six (6) months] agreements of sale. (15022 §1 10/17/12)

Violation Ticket is a form issued by a police officer or public officer to a person who violates the provisions of this Code. The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator. (14737 §1 8/24/2009)

### **1759.03 OWNER AND OCCUPANT DUTIES**

A. Owner's Duties: It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all residential rental units in compliance with all applicable codes and provisions of all applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such residential rental units.

It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any residential rental unit within the City of Allentown without having a Residential Rental Registration or a Residential Rental License, as required by this Article.

The owner, operator, responsible agent or manager shall include the amendment attached hereto as the Addendum to Residential Rental Agreement in each lease of a residential rental unit taking effect on or after January 1, 2000. Said amendment is hereby considered to be a part of every lease of a residential rental unit in the City of Allentown executed on or after January 1, 2000.

It shall be the responsibility of every owner, operator, responsible agent or manager to display the Residential Rental Registration or Residential Rental License in the residential rental unit. The Residential Rental Registration or Residential Rental License shall include the following information:

1. The name, mailing address, telephone number and email address of the owner, operator, responsible agent or manager; (15022 §1 10/17/12)
2. The evenings on which garbage and recycling are to be placed curbside for collection;
3. The telephone number to call to register complaints regarding the physical condition of the residential rental unit;
4. The telephone number for emergency police, fire and medical services;
5. The date of expiration of the Residential Rental Registration or Residential Rental License; and
6. A summary of the owner's and occupant's duties under this Article.

It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the residential rental units under his/her control in compliance with the provisions of this ordinance, City codes and applicable State laws.

No Residential Rental Registration or Residential Rental License shall be issued to any residential rental unit owned or operated by a person residing outside the County of Lehigh unless there is provided to the Department of Community Development the name, mailing address and telephone number of a designated responsible agent residing or working within the County of Lehigh, authorized to accept service of process on behalf of the legal owner of said residential rental unit. For the purpose of this section, a post office box is not acceptable for the owner and/or responsible agent's address.

The absentee owner/operator shall be required to notify the Department of Community Development within thirty (30) days of any change in responsible agent. (15022 §1 10/23/12)

Owners or operators residing outside the County of Lehigh but within a ten (10) mile radius of Allentown City Hall and meeting the following criteria shall be exempt from naming a designated responsible agent:

No cases of three (3) disruptive conduct complaints within a twelve (12) month period regarding the same occupants of a particular residential rental unit, as documented by upheld Disruptive Conduct Reports;

All taxes and fees paid by December 31 of the preceding year;

The residential rental units must pass inspection at the first re-inspection, both interior and exterior of the property must be in compliance with all codes (there will be an allowance for exterior repairs for the time of the year);

The previous year's annual license fee was paid by March 31 of each year prior to 2005 and by April 15th for 2005, and for each year after 2005; and (14219 §2 10/21/04)

The owner, operator or manager must correct any code violations cited between the five (5) year full inspections within thirty (30) days.

B. Occupant Duties: The occupant(s) shall comply with all obligations imposed by this Article and all applicable codes and ordinances of the City of Allentown, as well as all State laws and regulations.

The occupant(s) shall conduct themselves and require other persons, including but not limited to, guests on the premises and within their residential rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the residential rental unit or engage in disruptive conduct, or other violations of this Article, City codes or applicable State laws. The occupant(s) shall not tamper with or interfere with the operation or effectiveness of any smoke detector. Every occupant shall maintain in a clean and sanitary condition that part of the dwelling, dwelling or rooming unit, sleeping unit and yard which he occupies and controls. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. In a two-unit or multi-unit dwelling, the occupant(s) shall be responsible for such extermination whenever his dwelling is the only one infested.

Police Officers or Public Officers shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent or manager within ten (10) working days of the occurrence of the alleged disruptive conduct.

The occupant or the owner, operator, responsible agent or manager shall have ten (10) working days from the date of receipt of a Disruptive Conduct Report to appeal the contents of said Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Department of Community Development. An appeal of the third Disruptive Conduct Report within a twelve (12) month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the third Disruptive Conduct Report.

After three (3) disruptive conduct incidents in any twelve (12) month period by an occupant documented by Disruptive Conduct Reports, or any violation of Landlord Tenant Act relating to drug offenses set forth in 68 P.S. 205.505A, the owner, operator, responsible agent or manager shall have ten (10) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the Residential Rental Registration or Residential Rental License. The residential rental unit involved shall not have its Residential Rental Registration or Residential Rental License reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Magistrate has ruled in the occupant's favor, the Magistrate has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not re-occupy any residential rental unit on the same premises involved for a period of at least one (1) year from date of eviction. This paragraph is not intended to limit or inhibit the owner, operator, responsible agent or manager's right to initiate eviction actions prior to the third disruptive conduct incident. (14827 11/5/2010)

The content of the Disruptive Conduct Report shall count against all occupants of the residential rental unit. More than one (1) Disruptive Conduct Report filed against the occupants of a residential rental unit in a twenty-four (24) hour period shall count as a single Disruptive Conduct Report for the purpose of the preceding paragraph. The Department of Community Development shall maintain a list of the names of all occupants evicted as a result of the preceding paragraph. The names shall remain on the list for a period of five (5) years. (14737 §1 8/24/2009)

#### **1759.04 EXEMPT UNITS**

All property owned by the Housing Authority of the City of Allentown or the Housing Authority of the County of Lehigh which is inspected annually by those agencies to assess conformance with federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of Housing and Urban Development or the Pennsylvania Housing Finance Agency, regardless of the occupants, shall no longer be exempt but payment will be deferred until October 31<sup>st</sup> in the year 2010 only, without penalty. Commencing in January 1, 2011 all exemptions and deferments under this paragraph shall be void. (14753 §1 11/18/09)



The registration and licensing provisions of this Article shall not apply to hospitals, nursing homes, group homes or other rental units used for human habitation which offer or provide medical or nursing services, and wherein all operations of such facilities are subject to county, state or federal licensing or regulations concerning the health and safety of the users, patients or tenants. The registration and licensing provisions of this Article also shall not apply to hotel units, as defined previously, or dormitories, fraternity houses and sorority houses, as defined in the City's Zoning Ordinance.

If, in response to a complaint, an exempt unit is found to be in violation of a City code, the owner, operator, responsible agent or manager shall correct the violation(s) within the time frame cited by the Public Officer. If the violation(s) is/are not corrected, the unit shall lose its exemption until the violation(s) is/are corrected. If three (3) verified complaints are received in any twelve (12) month period, the unit shall lose its exemption for a period of five (5) years.

#### **1759.05 RESIDENTIAL RENTAL REGISTRATION**

**A. Registration Required for Rental Units:** By March 31, 2000, the owner, operator, responsible agent or manager of each residential rental unit shall apply for a Residential Rental Registration with the Department of Community Development. By March 31st of each calendar year from 2000 through 2004, inclusive, and by April 15th of 2005 and all subsequent years, the owner, operator, responsible agent or manager of each residential rental unit shall continue to apply for a Residential Rental Registration until the unit is licensed, at which time he/she shall be issued a Residential Rental License. For each calendar year thereafter, the owner, operator, responsible agent or manager of the residential rental unit shall continue to apply for a Residential Rental License. (14219 §3 10/21/04)

**B. Issuance of Residential Rental Registration:** A Residential Rental Registration shall be issued if the owner or operator of the residential rental unit provides the name of a responsible agent (if applicable), pays the registration fee and is current on water and sewer fees for the residential rental unit, as defined in Article 925, Water Rates and Article 945, Sewer Rates of the Codified Ordinances of the City of Allentown, respectively. This registration does not warrant the proper zoning, habitability, safety or condition of the residential rent unit in any way.

**C. Revocation of Residential Rental Registration:** A Residential Rental Registration shall be revoked if the owner or operator of a residential rental unit does not provide and maintain for City records the name and current mailing address for the owner, operator and responsible agent (if applicable), has not brought the unit into compliance with the minimum standards for safety and maintenance as per 1759.06 (B) (1) or (B) (2), does not pay the registration fee, is not current on water and sewer fees and other municipal charges for the residential rental unit, does not correct a code violation found in response to a complaint within the time frame cited by the Public Officer, and/or has not complied with the disorderly conduct provision of this ordinance, as described above. (14737 §1 8/24/2009)

**D. Reinstatement of Residential Rental Registration:** A Residential Rental Registration shall be reinstated if the owner or operator of a residential rental unit corrects the reason for the revocation of the Residential Rental Registration and has paid the Residential Rental Registration reinstatement fee. (14737 §1 8/24/2009)

#### **1759.06 RESIDENTIAL RENTAL LICENSE**

**A. Residential Rental License Required for Residential Rental Units:** A Residential Rental License shall be required for each residential rental unit unless the residential rental unit has not been inspected or has outstanding violations of the applicable codes and operates under a Residential Rental Registration, or is exempt as defined above.

Prior to initial occupancy of newly constructed residential rental units, newly created residential rental units, or substantially rehabilitated residential rental units (as documented by a certificate of occupancy), the owner, operator, responsible agent or manager of each residential rental unit shall register with and make written application to the Department of Community Development for a Residential Rental License as herein provided. Such units will be exempt from further inspection, unless a complaint of violation has occurred or a Public Officer has probable cause to believe that a violation has occurred as provided in Section 1741.08, for a period of at least five (5) years and will be inspected again when the area in which they are located is next scheduled for inspection after the five (5) year exemption has expired.

For licensing purposes, the Department of Community Development shall fully inspect each residential rental unit no more frequently than once within a five (5) year period unless a complaint of violation has occurred or a Public Officer has probable cause to believe that a violation is occurring as provided in Section 1741.08. Unless sooner revoked for cause, the Residential Rental License shall remain in effect until such time as the next regularly scheduled inspection occurs, assuming the annual license fee is paid.

Initial inspections will occur in accordance with a phased-in systematic inspection program to be prepared and made available upon request by the Department of Community Development. A minimum sixty (60) days written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the Residential Rental Registration or the Residential Rental License.

B. Compliance: If the Public Officer, upon completion of the inspection, finds that the applicable codes have not been met, a Notice of Violation shall be issued, as prescribed in Section 1741.10 and 1741.11.

1. Ten (10) Day Notice of Violation: If the Public Officer finds one (1) or more of the following violations:

Multiple Dwelling Unit Fire Exits, Section 1745.06  
Separation of Common Walls and Floors, Section 1745.09  
Automatic Fire Alarm Systems, Section 1745.08  
Multiple Dwelling Unit Fire Protection, Section 1745.04  
Heating, Section 1749.05  
Hot and Cold Water Supplies, Section 1743.05  
Water Closet and Basin, Section 1743.02  
Plumbing Connections, Section 1743.06  
Electrical Hazards, Section 1744.05  
Structural Hazards, Section 1747.02 and Section 1747.03  
Overcrowding, Sections 1740.02, 1746.03, 1746.04, 1746.05  
Serious Roof Leak, Section 1747.02

a. A Ten (10) Day Notice of Violation shall be issued; and

b. The residential rental unit shall be determined Unfit for Human Habitation and ordered vacated as prescribed in 1741.15 and shall remain vacant until the violation is abated. If after ten (10) days from the receipt of the Ten (10) Day Notice of Violation, a re-inspection reveals that the violations are not corrected and arrangements satisfactory to the Public Officer have not been made, the Residential Rental Registration or Residential Rental License for the residential rental unit shall be revoked, and if the residential rental unit is vacant, it shall remain vacant.

2. Thirty (30) Day Notice of Violation: If the Public Officer finds violations other than those listed in 1759.06(B)(1), a Thirty (30) Day Notice of Violation shall be issued.

If after thirty (30) days from the date of receipt of the Thirty (30) Day Notice of Violation, the first re-inspection reveals that all violations have not been corrected, a Thirty (30) Day Legal Action Warning shall be issued.

If after thirty (30) days from the date of receipt of the Thirty (30) Day Legal Action Warning, the second re-inspection reveals that all violations have not been corrected, the Residential Rental Registration or the Residential Rental License for the residential rental unit shall be revoked, and if the residential rental unit is vacant, it shall remain vacant.

A fee will be charged for the initial inspection and for each re-inspection after the second re-inspection. The Department of Community Development shall maintain a list of all residential rental units and their ownership that have been the subject of prosecution in Magistrates Court during the preceding five (5) years.

C. Issuance of Residential Rental License: A Residential Rental License shall be issued if the residential rental unit meets the following conditions:

1. The Public Officer finds that the residential rental unit is in compliance with the applicable codes;
2. The owner, operator or manager provides the name of a responsible agent (if applicable);
3. The owner, operator, responsible agent or manager pays the license inspection and re-inspection (if applicable) fee(s);
4. The owner, operator, responsible agent or manager is current on water and sewer fees for the residential rental unit, as defined in Article 925, Water Rates and Article 945, Sewer Rates of the Codified Ordinances of the City of Allentown, respectively;
5. The uses of the property are in compliance with the Zoning Ordinance of the City of Allentown;

D. **Revocation of Residential Rental License:** A Residential Rental License shall be revoked if the owner or operator of a residential rental unit does not provide and maintain for City records the name and current mailing address for the owner, operator and responsible agent (if applicable), does not correct a code violation found in response to a complaint within the time frame cited by the Public Officer, does not pay the annual license fee, is not current on water and sewer fees and other municipal charges for the residential rental unit, changes the uses of the property so as to no longer be in compliance with the Zoning Ordinance of the City of

Allentown, and/or has not complied with the disorderly conduct provision of this ordinance, as described above. If the Residential Rental License is revoked and the residential rental unit is vacant, it shall remain vacant. (14737 §1 8/24/2009

E. Reinstatement of Residential Rental License: A Residential Rental License shall be reinstated if the owner or operator of a residential rental unit corrects the reasons for the revocation of the Residential Rental License and has paid the license reinstatement fee. (14737 §1 8/24/2009

#### **1759.07 SALE OR TRANSFER OF RESIDENTIAL RENTAL UNITS**

A Residential Rental Registration issued hereunder is not automatically transferable to any person or entity who has acquired ownership of a residential rental unit. A Residential Rental Registration shall be revoked upon failure to apply for its transfer within sixty (60) days of the date of sale or transfer of ownership of the residential rental unit.

A Residential Rental License shall not be transferred. In the case of licensed residential rental units that are sold or transferred, the new owner shall seek a Residential Rental License for each residential rental unit and have each residential rental unit inspected. Failure to seek a Residential Rental License for each residential rental unit within sixty (60) days of the date of sale or transfer of ownership shall result in the revocation of the Residential Rental License.

#### **1759.08 APPEALS OF REVOCATION OF RESIDENTIAL RENTAL REGISTRATION OR RESIDENTIAL RENTAL LICENSE**

Property Condition Appeals: Any person aggrieved by any decision of a Public Officer may appeal to the Property Rehabilitation and Maintenance Code Board of Appeals in accordance with the provisions of Section 1741.12, et seq., of Title Five, Property Rehabilitation and Maintenance Code.

Disruptive Conduct Appeals: Any person aggrieved by any decision of a Police Officer or Public Officer in regard to a Disruptive Conduct Report or the revocation of a Residential Rental Registration or Residential Rental License may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing, within ten (10) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation.

#### **1759.09 DISRUPTIVE CONDUCT BOARD OF APPEALS ORGANIZATION AND POWERS**

A. Any person aggrieved by any decision of a Police Officer or Public Officer in regard to a Disruptive Conduct Report or the revocation of a Residential Rental Registration or Residential Rental License based upon the issuance of Disruptive Conduct reports or a revocation a Residential Rental Registration or Residential Rental License based on any the failure to abide by any other provision of this ordinance, may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing with appropriate fee, within ten (10) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation. (14827 11/5/2010)

B. The Disruptive Conduct Board of Appeals shall be a body of seven (7) members consisting of: the Director of Community Development or his/her designee who shall serve as Chairperson; a Councilperson, the Director of Public Works or his/her designee; the Chief of Police or his/her designee; an owner, operator, responsible agent or manager of a residential rental unit(s) in Allentown; an occupant of a residential rental unit residing in the City of Allentown; and a member of a community group recognized by the Bureau of Planning. (14435 §2 11/7/06)

There shall be three (3) alternate members: an owner, operator, responsible agent or manager, an occupant of a residential rental unit residing in the City of Allentown and a member of a community group recognized by the Bureau of Planning.

All members of the board shall be appointed by the Mayor with the advice and consent of the Council of the City of Allentown, with the exception of the Council Member, who shall be appointed by the Council President.

A member or alternate member shall serve a term of not more than three (3) years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of one (1), two (2) and three (3) years.

Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

Four (4) members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

C. The Board shall have the following powers:

1. To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction;

2. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Police Officer or Public Officer in the enforcement of the provisions of this Ordinance.

3. To modify any notice of violation or order and to authorize a variance from the terms of this Code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code;

4. To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period;

5. In exercising the above mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within ten (10) working days after the appeal hearing.

6. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the Police Officer or Public Officer; provided, however, that the Disruptive Conduct Board of Appeals, in its determination, shall be bound by this Article and shall not ignore the clear provisions and intent of this Article.

D. Any person, including the Police Officer or Public Officer for the City, aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Lehigh County. Such appeal shall be made by a duly verified petition which shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such petition shall be presented to the Court of Common Pleas and a notice thereof must be given to the appellee within thirty (30) days after the filing of the decision in the office of the Board.

E. If this appeal is of a third Disruptive Conduct Report and the decision of the Police Officer or Public Officer has been affirmed, and no appeal is pending, within ten (10) working days after the expiration of the time for compliance as required by the decision of the Disruptive Conduct Board of Appeals or Court of Common Pleas, the Public Officer shall re-inspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.

F. If, when so required by a third Disruptive Conduct Report or any violation of Landlord Tenant Act relating to drug offenses set forth in 68 P.S. 205.505A, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, the public officer shall institute revocation of the Residential Rental Registration or the Residential Rental License. (14827 11/5/2010)

G. The Disruptive Conduct Report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the Police Officer or Public Officer may prescribe reasonable regulation regarding the time and manner of inspection.

#### **1759.10 PROTECTION FOR VICTIMS OF DOMESTIC ABUSE OR CRIME (15185 § 2/04/2015)**

The Disruptive Conduct Report portions of this ordinance shall at all times comply in all respects with Pennsylvania House Bill No. 1796 Session of 2013, Printer's No. 2870 and as amended. (15185 § 2/04/2015)

#### **1759.98 SEVERABILITY**

The provisions of this article are declared to be severable and if any section, sentence, clause or phrase of this article shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this article but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part.

#### **1759.99 FEES/PENALTIES SECTION**

A. FEES

1. Registration:

The fee for a Residential Rental Registration shall be Seventy-five Dollars per residential rental unit per year due and payable by on or before December 31<sup>st</sup> of each year until a Residential Rental License is obtained. (14047 §1 12/10/02 14219 §1 10/21/04; 14436 §1 11/7/06; 14737 §1 8/24/2009; 14753 §1 11/18/09; 15468 §1 8/1/2018)

For all payments received after December 31<sup>st</sup> of any year, a late fee shall be assessed, such that the total fee shall be One Hundred Twenty-Five (\$125) Dollars per residential rental unit. (14219 §1 10/21/04; 14436 §1 11/7/06; 15468 §1 8/1/2018)

2. Licensure:

The fee for a Residential Rental License or License shall be Seventy-five (\$75.00) Dollars per residential rental unit per year due and payable on or before December 31<sup>st</sup> of each year. (14047§1 12/10/02 14219 §1 10/21/04; 14436 §1 11/7/06; 15468 §1 8/1/2018)

For all payments received after December 31<sup>st</sup> of any year, a late fee shall be assessed, such that the total fee shall be One Hundred Twenty-Five (\$125) Dollars per residential rental unit. (14219 §1 10/21/04; 14436 §1 11/7/06; 14744 §1 10/20/09; 15468 §1 8/1/2018)

3. Re-inspections:

The fee for the second re-inspection shall be Seventy-five (\$75) Dollars per residential unit. The fee for the third and all subsequent re-inspections shall be One Hundred Fifty (\$150) Dollars per residential rental unit per re-inspection. (14436 §1 11/7/06)

4. Inspection Cancellation Fee:

Cancellation of an inspection requires Forty-Eight (48) hour notice. When Forty-Eight (48) hour notice is not given a fee of One Hundred (\$100) Dollars for the first three (3) units and then an additional Twenty-Five (\$25) per unit for each unit thereafter. (15528 §1 03/20/2019)

5. Reinstatement:

The fee to reinstate a revoked Residential Rental Registration or a Residential Rental License shall be One Hundred (\$100) Dollars per residential rental unit. (14047 §1 12/10/02; 14436 §1 11/7/06; 14737 §1 8/24/2009)

B. PENALTIES

1. Revocation of Residential Rental Registration or Residential Rental License:

A fine of not less than Five Hundred (\$500) Dollars per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine shall not be sought for any period during which the residential rental unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations. (14436 §1 11/7/06)

2. Failure to Register, or Failure to Seek a Residential Rental License (for newly constructed, newly created or substantially rehabilitated residential rental units):

The owner, responsible agent or manager shall be sent a Thirty (30) Day Notice of Violation, warning them of their failure to comply with the terms of this Article. If they do not comply at the end of thirty (30) days, there shall be a fine of not less than Five Hundred (\$500) Dollars per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

3. There shall be a penalty fee of Five Hundred (\$500.00) dollars for the unauthorized removal of any official notice or placard placed on a property by an official from the City of Allentown, including but not limited to a notice posting a property as uninhabitable or being an illegal unit. Any unpaid charges relative to this penalty may be subject to a lien being placed upon the property. (14820 § 9/17/2010; 15120 § 3/19/2014)

4. There shall be a penalty fee of One Thousand (\$1,000.00) dollars for occupying, or allowing to be occupied any unit that has been identified by the City as "unfit for human habitation" or "occupancy unlawful". Any unpaid charges relative to this penalty shall be subject to a lien being placed upon the property. (14820 §1 9/17/2010)

5. There shall be a penalty fee of One Thousand (\$1000.00) dollars for each unit identified by the City as an illegal unit. Any unpaid charges relative to this penalty shall be subject to a lien being placed upon the property. (14820 §1 9/17/2010; 15120 § 3/19/2014)

C. FINES/LEGAL ACTIONS (15022 §1 10/23/12)

1. Whoever violates any provision of this Code or any Section of this Code shall upon a first offense be fined not more than One Thousand (\$1,000) Dollars or imprisoned not more than ninety (90) days, or both. (15022 §1 10/23/12)

2. If, after any conviction for violation of this Code or any lawful order issued pursuant thereto, such person continues violation, then such person shall be liable for further prosecution, conviction, and punishment without any necessity of the Public Officer to issue a new notice of violation or order, and until such violation has been corrected. 15022 §1 10/23/12)

3. In addition to prosecution of persons violating this Code, the Public Officer, or the Bureau of Law or any duly authorized agent of the City may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to effect the provisions of this Code. (14737 §1 8/24/2009; 15022 §1 10/23/12))

(A section of the initiative also states that the Department of Community Development shall be responsible for promulgating rules and regulations to carry out Article 1759.)

**ARTICLE 1760**  
**PRE-SALES INSPECTION OF RESIDENTIAL PROPERTIES AND UNITS**

- 1760.01 Purpose
  - 1760.02 Definitions
  - 1760.03 Inspections Required
  - 1760.04 Compliance
  - 1760.05 Abatement of Violations
  - 1760.06 Guarantee
  - 1760.98 Severability
  - 1760.99 Fees/Penalties
- Created by Ordinance No. 14561 §1 12/20/07

**1760.01 Purpose**

To protect and improve the public health and safety by causing all residential properties and units to be inspected for compliance prior to transfer of title with the standards for basic safety and maintenance as found in the City of Allentown Property Rehabilitation and Maintenance Code and the allowable use designation according to the City of Allentown Zoning Ordinance. To make sellers aware and to notify buyers of property defects as related to the applicable Codes.

**1760.02 Definitions**

The following definitions are hereby added to section 1742.03 – Definitions.

**Inspection Report** means a Notice of Violation which is issued to a seller of residential property or units upon inspection by the public officer as required under Article 1760. The Inspection Report shall list any discovered or uncorrected violations of the Allentown Property Rehabilitation and Maintenance Code and the allowable use designation according to the City of Allentown Zoning Ordinance. The Inspection Report shall expire one year from the date of original inspection. (14737 §1 8/24/2009)

**Certificate of Occupancy** means a certificate issued by the public officer at compliance with the standards in the City of Allentown Property Rehabilitation and Maintenance Code and the allowable use designation according to the City of Allentown Zoning Ordinance following inspection of such property as required by this Ordinance.

**Temporary Certificate of Occupancy** means a certificate issued at compliance with section 1760.05(2) of this ordinance.

**Transfer of Title** means the conveyance of ownership, either in whole or in part, of real estate whether by will, voluntary or involuntary transfer, or any other means.

**Unfit for Human Habitation** means a dwelling, dwelling unit or rooming unit which is dangerous or detrimental to life or health because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment standards according to the City of Allentown Property Rehabilitation and Maintenance Code, as designated by the City of Allentown Bureau of Building Standards and Safety.

#### **1760.03 Inspections Required**

A. The seller of any residential property in the City of Allentown is hereby required to secure the Inspection Report from the City of Allentown prior to the transfer of title. The seller of the property or their agent shall have five (5) business days from the date of listing, or offer to sell, to request an inspection from the Bureau of Building Standards and Safety and pay the appropriate fee for said inspection. Upon inspection, an Inspection Report shall be prepared and issued by the public officer, within three (3) business days. Failure of the seller to comply with this subsection and/or refusal to provide access to the public officer for inspection upon reasonable notice shall be deemed a violation of this Ordinance.

B. In the event that any transfer of title occurs without an inspection having been conducted under the requirement in Article 1760.03 A, the buyer is responsible for obtaining the Inspection Report, to include paying the appropriate fee for said inspection. (14737 §1 8/24/2009)

#### **1760.04 Compliance**

A. Notices shall be issued as required in the City of Allentown Property Rehabilitation and Maintenance Code. A Certificate of Occupancy shall be issued by the public officer upon compliance with the City of Allentown Property Rehabilitation and Maintenance Code and the allowable use designation according to the City of Allentown Zoning Ordinance. A Temporary Certificate of Occupancy shall be issued by the public officer upon compliance with Section 1760.05(2) of this Ordinance. The public officer shall not issue a Temporary Certificate of Occupancy for a residential property if the property is unfit for human habitation.

B. The buyer and/or their agent, shall within three (3) business days of transfer of title, provide to the City of Allentown Bureau of Building Standards and Safety, the buyers name, address and date of transfer.

C. All properties subject to Article 1759 of the City of Allentown Property Rehabilitation and Maintenance Code must comply with both the provisions of Article 1759 as well as the provisions of Article 1760.

#### **1760.05 Abatement of Violations**

In the event that the violation of the City of Allentown Property Rehabilitation and Maintenance Code exist in or upon the premises, such violations shall be addressed by either:

- (1) The seller abating the violations prior to the transfer of title; or
- (2) The buyer executing a notarized statement acknowledging:
  - (a) Receipt of the Inspection Report; and
  - (b) That such buyer who shall use the premises as their single-family, owner occupied, primary residence shall begin to abate the violations set forth in the Buyer Notification Report within 30 days of taking possession and shall fully comply the premise within six months of taking possession; or
  - (c) All buyers not covered under 1760.05(2)(b) shall abate the violations set forth in the Inspection Report under the provisions of the City of Allentown Property Rehabilitation and Maintenance Code. (14737 §1 8/24/2009)

#### **1760.06 Guarantee**

Compliance with City of Allentown Property Rehabilitation and Maintenance Code does not indicate compliance with any other standard or Code. Permits are required for work done to comply with the Code. Appropriate fees apply. There is no guarantee made or liability of any kind assumed by the City of Allentown under this Article as a result of the inspection of any property or the issuance of a Inspection Report.

#### **1760.98 Severability**

The provisions of this Code are severable and if any provision of this Code is held unconstitutional or illegal the remaining provision of this Code shall in no way be affected or impaired.

**1760.99 Fees/Penalties**

A. All fees must be paid prior to scheduling inspections or re-inspections, except upon application to the Bureau of Building Standards and Safety providing sufficient proof of economic hardship, in which case, such fees shall be paid at time of transfer or sale. Fees for inspections made pursuant to these requirements shall be:

1. \$100 per property up to and including three (3) units. An additional Twenty-Five (\$25) Dollars will be charged for each unit over three (3). This fee includes one (1) re-inspection. (15404 §1 12/6/2017)
2. Seventy-Five (\$75) Dollars for each second presale re-inspection fee per unit. (15404 §1 12/6/2017)
3. One Hundred Fifty (\$150) Dollars for each third and subsequent presale re-inspection fee per unit. (15404 §1 12/6/2017)

B. Fees for inspection shall be amended from time to time, no more frequently than annually, after a public hearing and with approval of City Council.

**C. Penalties**

Property owners who violate any provisions of this Article shall be subject to a minimum fine as follows:

1. First violation: Written Notice of Violation
2. Second Violation: A fine of Five Hundred (\$500.00) dollars.
3. Third violation: A fine of Seven Hundred Fifty (\$750.00) dollars
4. Fourth and each subsequent violation thereafter shall be a fine of One Thousand (\$1,000.00) dollars (14737 §1 8/24/2009)

**D. Inspection Cancellation Fee:**

Cancellation of an inspection requires Forty-Eight (48) hour notice. When Forty-Eight (48) hour notice is not given a fee of One Hundred (\$100) Dollars for the first three (3) units and then an additional Twenty-Five (\$25) per unit for each unit thereafter. (15528 §1 03/20/2019)

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**ADDENDUM TO RESIDENTIAL RENTAL AGREEMENT**

This Addendum to Residential Rental Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and is incorporated into and shall be deemed and amend and supplement the Residential Rental Agreement made by the undersigned Tenant and Landlord, their heirs, successors and assigns, dated \_\_\_\_\_. The Residential Rental Agreement and this Addendum pertaining to the premises described in said agreement and located at \_\_\_\_\_.

This Addendum is required by Section 1759.03(A) of the Certification of Residential Rental Units Ordinance of the City of Allentown.

**ADDITIONAL COVENANTS AND OBLIGATIONS**

In addition to the covenants and obligations set forth in the aforementioned Residential Rental Agreement, Tenant and Landlord hereby covenant and agree as follows:



A. Landlord's Covenants and Obligations:

1. Landlord shall keep and maintain the leased premises in compliance with all applicable Codes and Ordinances of the City of Allentown and all applicable state laws and shall keep the leased premises in good and safe condition.

2. The manager for the leased premises shall be as follows:

Name	Telephone Number
Address	

3. The Landlord shall be responsible for regularly performing all routine maintenance, including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific tasks which the parties hereby agree shall be delegated to the Tenant and which are identified as follows:

4. The Landlord shall promptly respond to reasonable complaints and inquiries from the Tenant.

5. The Landlord shall comply with all applicable provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.

B. Tenant's Covenants and Obligations:

1. Tenant shall comply with all applicable Codes and Ordinances of the City of Allentown and all applicable state laws.

2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time shall be \_\_\_\_\_ and the maximum number of persons permitted within the common areas of the leased premises at any time shall be \_\_\_\_\_.

3. Tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean and safe manner and shall separate and place for collection all recyclable materials in compliance with the City of Allentown's Solid Waste and Recycling Ordinances.

4. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.

5. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.

6. Tenant shall not cause, nor permit nor tolerate to be caused, damage to the leased premises, except for ordinary wear and tear.

7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in "disruptive conduct" which is defined as "any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises, such that a report is made to a Police Officer and/or a Public Officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Public Officer or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report of such occurrence. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences in writing."

8. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Certification of Residential Rental Units Ordinance of the City of Allentown and that the issuance by a Public Officer or Police Officer of the City of Allentown of three (3) disruptive conduct reports in any twelve (12) month period relating to the leased premises or any violation of Landlord Tenant Act relating to drug offenses set forth in 68 P.S. 205.505A, shall constitute a breach of the rental agreement of which this addendum is a part. Upon such breach, Landlord shall have the right and option to pursue any and all of the following remedies:

- a. Termination of the rental agreement without prior notice; and

b. Bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney's fees and costs; and

c. Bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney's fees and costs; and

d. Bring an action for damages caused by Tenant's breach, including reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

_____ WITNESS	_____ WITNESS
_____ WITNESS	_____ WITNESS
_____ WITNESS	_____ WITNESS
_____ TENANT	_____ TENANT
_____ TENANT	_____ TENANT
_____ TENANT	_____ TENANT

## APPENDIX A

Section 205.505A of the Landlord Tenant Act 68 P.S. 205.101 et seq. is reprinted below to provide notice of the provisions.

### § 250.505-A. Use of illegal drugs

- (a) The following acts relating to illegal drugs shall be a breach of condition of the lease and shall be grounds for removal of the tenant from a single-family dwelling, apartment, multiple dwelling premises or tenement building:
  - 1. The first conviction for an illegal sale, manufacture or distribution of any drug in violation of the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." [FN1] on a single-family dwelling or any portion of the multiple dwelling premises or tenement;
  - 2. The second violation of any of the provisions of "The Controlled Substance, Drug, Device and Cosmetic Act" on a single-family dwelling or any portion of the multiple dwelling premises or tenement;
  - 3. The seizure by law enforcement officials of any illegal drugs on the leased premises in the single-family dwelling or multiple dwelling premises or tenement.
- (b) Failure to remove any tenant for violation of any of the provisions of subsection (a) shall not act as a waiver of the landlord's rights with regard to the same or an other tenant relating to any subsequent acts.

### CREDIT(S)

1951, April 6, P.L. 69, No. 20, § 505-A, added 1990, Dec. 20, P.L. 1465, No. 221, § 2, effective in 60 days.  
Editorially renumbered from § 250.555 in 1993.

[FN1] 35 P.S. § 780-101 et seq.

**PROPERTY REHABILITATION AND MAINTENANCE CODE  
HISTORICAL TOUR OF AMENDMENTS**

2019 Ordinances

15528 03/20/19 added Inspection Cancellation Fee Cancellation of an inspection requires Forty-Eight (48) hour notice. When Forty-Eight (48) hour notice is not given a fee of One Hundred (\$100) Dollars for the first three (3) units and then an additional Twenty-Five (\$25) per unit for each unit thereafter.

2017 Ordinances

15404 12/6/17 changed the Buyer Notification Inspection of Residential Properties and Units Fees portion of Section 1760.99.

15405 12/6/17 increased violation ticket fines and penalties from \$25 to \$100.

2014 Ordinances

15120 3/21/14 provides for a penalty of \$500 for an unofficial removal of a placard on illegal units.

2012 Ordinances

15026 11/1/2012 creates a registration for properties entering into foreclosure.

2010 Ordinances

14827 11/5/2010 requires the owner, operator, responsible agent or manager to begin eviction proceedings against the occupants for any violation of the Landlord Tenant Act relating to drug offenses set forth in 68 P.S. 205.505A .

14820 9/17/10 establishes a penalty of 1000 for the occupation of unfit units and for illegal units.

2009 Ordinances

14753 §1 10/20/09 eliminated the exempt status of certain properties.

14737 introduced on August 5 and passed on August 19 Amending Article 1741, Property Rehabilitation and Maintenance Code, Amends the Property Rehabilitation and Maintenance Code in various sections to bring it into compliance with other codes (Zoning and Fire) and other statutes, providing for violation tickets and an appeal process, identification of property, regulations on security devices for storefronts, and increases certain fees for the rental inspection program.

2007 Ordinances

14561 was introduced on November 7 and passed on December 20, the legislation requires the inspection of all residential properties.

2006 Ordinances

Ordinance 14426 was introduced on October 18 and passed on November 6, 2006. The legislation increased certain penalties.

Ordinance 14435 was introduced on October 18 and passed on November 7, 2006. The legislation allowed police officers to file Disruptive Conduct reports and the Director of CED, or designee to serve as Chairperson.

2004 Ordinances

Ordinance 14224 was introduced on October 6 and passed on October 21, 2004. The legislation amended section 1741.15 by allowing officers to require flammable material to be removed from premises.

Ordinance 14219 was introduced on September 15 and passed on October 21, 2004. The legislation increased certain fees in the residential licensing program to support the program.

2002 Ordinances

Ordinance 14020 was introduced on June 19, 2002 and passed on October 4, 2002. The legislation amended Article 1759.99 Fees/Penalties Section by establishing a sliding fine for penalties.

2000 Ordinances

Ordinance 13842 was introduced on May 3, 2000 and was signed and passed by the Mayor on June 8, 2000. The legislation amended article 1747.10, Basement or Cellar Windows and Entrance ways, allowing public officers to order safeguards for open cellar entrances to prevent such entrances from acting as a repository for litter.

#### 1999 Ordinances

Ordinance 13784 was introduced on October 6, 1999 and was passed and signed by the Mayor on the 21st of October. The legislation amended Article 1759, Licensing Residential Rental Units (the Initiative) by scoping-out the organization and powers of the Disruptive Conduct Board of Appeals.

Ordinance 13775 was a certified voter initiative that established the licensing and inspection of residential rental units. The initiative was passed by the voters on May 18th, 1999 by a vote of 6,169 to 1,159.

#### 1998 Ordinances

Ordinance 13708 was introduced on May 20, 1998 and was passed and signed by the Mayor on November 5, 1998. The legislation established a registration and certification program for rental units - per Article 1759.

#### 1997 Ordinances

Ordinance 13604 was introduced on September 3 and was passed and signed by the Mayor on October 2, 1997. The legislation changed the standards on exits for multi-unit houses.

#### 1996 Ordinances

Ordinance 13413 was introduced on July 17 and was passed and signed on August 17. The ordinance deleted the requirement that each dwelling unit shall contain a refrigerator - allowing the landlord to delegate the responsibility for the refrigerator requirement to the tenant.

#### 1995 Ordinances

There were two additions to the Property Rehabilitation Code in 1995, Ordinances 13315 and 13332. A full copy of the each ordinance is on file in the City Clerk's Office.

Ordinance 13315 was introduced on January 18 and was passed and signed by the Mayor on February 2, 1995. The legislation added Article 1759, Landlord and Rental Dwelling Unit Registration. In a nutshell, the legislation required rental units to be registered and to have a responsible agent within county limits. The full text of the legislation is found under Article 1759.

Ordinance 13332 was introduced on April 5 and was passed and signed by the Mayor on May 18, 1995. In a nutshell, the amendments included establishing an Administration fee for public nuisances; striking the exclusion of hotels and motels from the Ordinance, therefore, allowing the City to inspect hotels; bringing the smoke detector requirements in compliance with those of the Fire Prevention Code adopted in 1994; making space requirements pertaining to the unit size exclusively; adding retaining walls to the code and hardware to door requirements; stating dates when heat is required; and, including windowless story requirements from the fire code.

THE CITY OF ALLENTOWN  
PROPERTY REHABILITATION AND MAINTENANCE CODE

Articles 1741 – 1760 of the Codified Ordinances

Compiled by the City Clerk's Office  
Hanlon@allentowncity.org  
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Allentown, PA 18101-16103  
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