

**TOWNSHIP OF MANHEIM  
LANCASTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2021-16**

**AN ORDINANCE REPEALING ORDINANCE NO. 2018-04 (PROPERTY MAINTENANCE CODE) AND REPEALING ORDINANCE NO. 1974-4 (RENTAL PROPERTY CODE) AND REPLACING BOTH ORDINANCES WITH A REVISED AND CONSOLIDATED ORDINANCE ENTITLED THE PROPERTY MAINTENANCE AND RENTAL HOUSING CODE OF MANHEIM TOWNSHIP SETTING FORTH A COMPREHENSIVE SET OF RULES, REGULATIONS, STANDARDS AND INSPECTIONS GOVERNING PROPERTY MAINTENANCE AND RENTAL HOUSING AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.**

WHEREAS, the Township of Manheim ("Township") is a township organized and operating under the laws of the Commonwealth of Pennsylvania and the First-Class Township Code, Act of June 24, 1931, P.L. 1206, No. 331, re-enacted and amended by Act of May 27, 1949, P.L. 1955, No. 569, and amended by Act 96 of 2020 (HB 2073, PN 3052);

WHEREAS, the Manheim Township Board of Commissioners ("Commissioners") has determined that in order to protect the safety, health and welfare of the community, it is necessary to revise and consolidate Ordinance No. 2018-04 (Chapter 367 Property Maintenance Code) and Ordinance No. 1974-4 (Chapter 382 Rental Property Code) into a single code;

WHEREAS, the Township previously acquired the rights to edit, revise and use the International Property Maintenance Code, 2015 Edition ("IPMC") as part of developing a Township specific property maintenance code;

WHEREAS, the Township also has developed a new rental housing code that provides for a comprehensive set of regulations related to inspecting and licensing residential rental housing within the Township;

WHEREAS, the Township seeks to consolidate its revised property maintenance code with its new rental housing code into a single ordinance entitled the "Property Maintenance and Rental Housing Code of Manheim Township"; and

WHEREAS, pursuant to the First Class Township Code, the Property Maintenance and Rental Housing Code of Manheim Township was introduced to the Commissioners on September 27, 2021 and a notice of the introduction along with the general nature and listing of its table of contents was advertised on October 15, 2021.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Manheim, Lancaster County that Ordinance No. 2018-04 and Ordinance No. 1974-4 are hereby repealed in their entirety and replaced with the following revised and consolidated ordinance:

## CHAPTER 1. SCOPE AND ADMINISTRATION

### PART 1. SCOPE AND APPLICATION

#### SECTION 101. GENERAL

##### 101.1 Title.

These regulations shall be known as the *Property Maintenance and Rental Housing Code of Manheim Township*, hereinafter referred to as “this code.”

##### 101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an *owner’s* authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

**Exception:** *Dwelling unit* classifications listed in Section 802.1.1 are exempt from Rental Licensing requirements.

##### 101.3 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

##### 101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### SECTION 102. APPLICABILITY

##### 102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

##### 102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *owner’s* authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility that is required under this section to be

removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

**102.3 Application of other codes.**

Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the current *Zoning Ordinance of Manheim Township*.

**102.4 Existing remedies.**

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

**102.5 Workmanship.**

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

**102.6 Historic buildings.**

The provisions of this Ordinance shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.**

The codes and standards referenced in this Ordinance shall be those that are listed in Chapter 9 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**102.7.1 Conflicts.**

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply. As noted in Section 102.3, nothing in this code shall be construed to cancel, modify or set aside any provision of the current *Zoning Ordinance of Manheim Township*.

**102.7.2 Provisions in referenced codes and standards.**

Where the extent of the reference to a referenced code or standard includes subject matter

that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.8 Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *Director of Code Compliance*.

**102.9 Application of references.**

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.10 Other laws.**

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**PART 2. ADMINISTRATION AND ENFORCEMENT**

**SECTION 103. DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

**103.1 General.**

The Property Maintenance and Rental Housing Code of Manheim Township shall be enforced by the Manheim Township Department of Code Compliance. The Department of Code Compliance consists of the Director of Code Compliance and those persons appointed by the Commissioners of Manheim Township to assist him. Such persons are known as *code officials*. All references to a *code official* in this code shall mean the Director of Code Compliance or the *code officials*.

**103.2 Liability.**

The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

**103.2.1 Legal defense.**

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**103.3 Fees.**

The fees for activities and services performed by the department in carrying out its

responsibilities under this code shall be as indicated in the current Manheim Township Fee Resolution.

**103.3.1 Rental housing license fee.**

Rental housing licenses shall be renewed annually on or before the expiration date of each year. A housing license shall become null and void upon permittee's failure to submit the required or proper annual rental license fee. No reduction shall be made for fractional yearly permits and no refunds will be made for fees paid. Housing licenses shall be transferable without additional fees being charged upon change of ownership, providing the permitted use has not changed. Notice is to be given in writing to the attention of the Department of Code Compliance within 15 days after the change of ownership. After 90 calendar days of lapsation or non-payment the license is subject to a surcharge. After 180 calendar days of lapsation or non-payment the license shall be revoked. This fee may be revised by resolution of the Municipality.

**103.3.2 Rental housing license late fee.**

Rental renewal applications received after April 1<sup>st</sup> are subject to a late fee / surcharge. This fee may be revised by resolution of the Municipality.

**103.3.3 Re-inspection fee.**

When a re-inspection is performed to abate a violation of this code and the inspection reveals that the abatement of the violation has not been completed an additional inspection fee for every re-inspection shall be charged and is required to be paid and violations abated prior to the next scheduled re-inspection. Failure to make the required payment, appear for an inspection, or abate the violations after this point may result in the issuance of a notice of violation with enforcement of Sections 106 and 107 of this code. This fee may be revised by resolution of the Municipality.

**103.3.4 No-show fee.**

If the *owner* or person-in charge fails to be present or provide interior access for an inspection within fifteen minutes after the start time of the scheduled inspection, the *owner* shall be considered a no-show and subject to a *no-show fee* as defined herein, except for good cause shown. When assessed, this fee must be paid within 7 days. Following the first no-show, the inspection shall be rescheduled. If the *owner* or *responsible local agent* fails to be present or fails to provide interior access for the second inspection, the *owner* or *responsible local agent* shall be considered a second no show and shall be subject to an additional *no-show fee* and shall be in violation of this Chapter. A notice of violation may be issued for repeated no-shows with enforcement of Sections 106 and 107 of this code. This fee may be revised by resolution of the Municipality.

**SECTION 104. DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.**

The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies

and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

### **104.2 Inspections.**

The *code official* shall make all the required inspections or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

#### **104.2.1 Rental housing inspection frequency.**

All rental properties shall be inspected per Section 803 of this code.

### **104.3 Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a structure or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, *owner's* authorized agent or other person having charge or control of the structure or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

**104.3.1 Refusal of entry.** If any *owner*, *occupant* or other person in charge of a structure subject to the provision of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or *premises* where inspection authorized by this code is sought, the *code official* may 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 a reasonable or probable cause to conduct an inspection. For the purposes of this section, a reasonable or probable cause to gain access for an inspection 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 Township; or
2. That the Code Compliance Department, after investigation or upon information received, has knowledge, information, or a reasonable belief that a violation of this code or other codes and ordinances of the Township exist; or
3. That such entry is for the purpose of inspecting a previous notice of violation; or
4. That the Department of Code Compliance has received a complaint concerning a violation on or within the *premises*; or

5. That such entry is necessary to determine if the building, structure, *premises*, dwelling or *dwelling units* meet the standards of this code and building, fire, and health codes and for the safety and welfare of the public.

**104.3.2 Right of entry 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 a violation of the 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.

**Section 104.3.3 Notification to tenants.** Every *owner* of a *dwelling unit*, building, structure or *premises* shall give the tenants thereof notice of an inspection and obtain their authorization to grant a *code official* entry to their unit. If the tenant(s) object(s) to entry by the *code official*, the *owner* shall so notify the *code official*.

#### **104.4 Identification.**

The *code official* shall carry proper identification when inspecting structures or *premises* in the performance of duties under this code.

#### **104.5 Notices and orders.**

The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

#### **104.6 Department records.**

The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

### **SECTION 105. APPROVAL**

#### **105.1 Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

#### **105.2 Alternative materials, methods, and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength,

effectiveness, fire resistance, durability, and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons the alternative was not *approved*.

### **105.3 Required testing.**

Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

#### **105.3.1 Test methods.**

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

#### **105.3.2 Test reports.**

Reports of tests shall be retained by the *code official* for the period required for retention of public records.

### **105.4 Used material and equipment.**

The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

### **105.5 Approved materials and equipment.**

Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

### **105.6 Research reports.**

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

## **SECTION 106. VIOLATIONS**

### **106.1 Unlawful acts.**

It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this code.

### **106.2 Notice of violation.**

The *code official* shall serve a notice of violation or order in accordance with Section 107.

### **106.3 Prosecution of violation.**

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense or civil infraction as determined by the



local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

#### **106.4 Violation penalties.**

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Any person convicted of violating a provision of this code shall be sentenced to pay a fine of not less than \$75 nor more than \$500 for the first two continual and uncorrected violations of the same subsection on the same property and not less than \$150 nor more than \$1,000 for the third and subsequent continual and uncorrected violation of the same subsection of the code on the same property, plus costs and restitution. Every section of this code that is violated shall constitute a separate offense punishable by a separate fine as set forth herein. Each day that a violation continues after due notice has been served shall be deemed a separate offense punishable by a separate fine as set forth herein.

#### **106.5 Abatement of violation.**

The imposition of the penalties herein prescribed shall not preclude the *code official* of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure, or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure, or *premises*.

**106.6 Extensions.** Upon application, an extension of time beyond that given on the correction order to bring the violations set forth on the inspection into compliance with this code may be granted for a reasonable cause. An application for extension shall include:

- (a) Name, address and phone number of applicant;
- (b) Address of property referenced on correction order; and
- (c) Violation(s) referenced on correction order for which an extension is being requested.

### **SECTION 107. NOTICES AND ORDERS**

#### **107.1 Notice to person responsible.**

Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3. No notice shall be required when a property is open and unsecured, and the *code official* has determined that the property shall be secured. The *code official* may order the structure secured.

**107.2 Form.**

Such notice prescribed in Section 107.1 shall be in accordance with all the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* or *owner's* authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

**107.3 Method of service.**

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified and first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**107.4 Unauthorized tampering.**

Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed, or tampered with, or removed without authorization from the *code official*.

**107.5 Penalties.**

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**107.6 Transfer of ownership.**

It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**SECTION 108. UNSAFE STRUCTURES, EQUIPMENT AND PREMISES**

## **108.1 General.**

When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

### **108.1.1 Unsafe structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

### **108.1.2 Unsafe equipment.**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

### **108.1.3 Structure unfit for human occupancy.**

A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

### **108.1.4 Unlawful structure.**

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, or occupied contrary to law.

### **108.1.5 Dangerous structure or premises.**

For the purpose of this code, any structure or *premises* that has any or all the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any

- other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
  5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal, or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
  6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
  7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
  8. Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
  9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
  10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
  11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
  12. Any *premises* which because of physical condition, use or *occupancy* is considered an

attractive nuisance to children, including but not limited to abandoned wells, shafts, excavations, and unsafe fences or structures.

13. Any premises which because of *neglect* or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.
14. Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this act, and those in the future having a two-year tax delinquency.
15. Any property which is vacant, but not tax delinquent, and which identified defects have not been eliminated within one year of the receipt of notice to rehabilitate from the Department of Code Compliance.
16. Any abandoned structure or *premises*. Abandoned shall be defined as:
  - (a) A vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;
  - (b) A vacant property or vacant or unimproved lot or parcel of ground on which the total sum of municipal liens on the property for taxes or any other type of municipal claim exceed 150% of the fair market value of the property as established by anybody with legal authority to determine the taxable value of the property;
  - (c) A property declared abandoned by the *owner*, including an estate that is in possession of the property;
  - (d) A property which has defective or unusual conditions of title or no known *owners*, rendering title unmarketable; or
  - (e) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety, and welfare of the community.

### **108.2 Closing of vacant structures.**

If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

#### **108.2.1 Authority to disconnect service utilities.**

The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval.

The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the *owner*, *owner's* authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

### **108.3 Notice.**

Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, *owner's* authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

### **108.4 Placarding.**

Upon failure of the *owner*, *owner's* authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment, or removing the placard.

#### **108.4.1 Placard removal.**

The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

### **108.5 Prohibited occupancy.**

Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, *owner's* authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

### **108.6 Abatement methods.**

The *owner*, *owner's* authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other *approved* corrective action. The *owner*, *operator* or *occupant* of a *building*, *premises* or *equipment* shall notify the *code official* when the corrective action has been completed. The *code official* shall then inspect the *building*, *premises*, or *equipment* and shall notify the *owner*, *operator*, or *occupant* that the corrective action either does or does not comply with this code. If not, the *code official* may take such other action as is provided by this code.

### **108.7 Record.**

The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

## **SECTION 109. EMERGENCY MEASURES**

### **109.1 Imminent danger.**

When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

### **109.2 Temporary safeguards.**

Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

### **109.3 Closing streets.**

When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways*, and places adjacent to unsafe structures, and prohibit the same from being utilized.

### **109.4 Emergency repairs.**

For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible when the property *owner* or responsible agent fails to address an *imminent danger*.

### **109.5 Costs of emergency repairs.**

Costs incurred in the performance of emergency work shall be paid by Manheim Township. The legal counsel of Manheim Township shall institute appropriate action against the *owner* of the *premises* or *owner's* authorized agent where the unsafe structure is or was located for the recovery of such costs.

### **109.6 Hearing.**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## **SECTION 110. DEMOLITION**

### **110.1 General.**

The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is located any structure, which in the *code official's* or *owner's* authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* or *owner's* authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

### **110.2 Notices and orders.**

Notices and orders shall comply with Section 107.

### **110.3 Failure to comply.**

If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

### **110.4 Salvage materials.**

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **SECTION 111. MEANS OF APPEAL**

### **111.1 Application for appeal.**

Any person directly affected by a decision of the *code official*, or a notice or order issued under this code shall have the right to appeal to the Manheim Township Uniform Construction Code (UCC) Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

### **111.2 Notice of meeting.**

The board shall meet upon notice from the chairman at the published bi-monthly meeting of the board of appeals.



### **111.3 Open hearing.**

Hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official*, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

#### **111.3.1 Procedure.**

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

### **111.4 Postponed hearing.**

When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

### **111.5 Board decision.**

The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

#### **111.5.1 Records and copies.**

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

#### **111.5.2 Administration.**

The *code official* shall take immediate action in accordance with the decision of the board.

### **111.6 Court review.**

Any person aggrieved by any decision of the Manheim Township UCC Board of Appeals or any officer or department of the Township, may appeal the decision to the Court of Common Pleas of Lancaster County, Pennsylvania pursuant to the Local Rules of Court governing Local Agency and Administrative Agency Appeals Other than Land Use Appeals; which appeal must be filed with the Court within 30 days after service of the decision filed by the board.

### **111.7 Stays of enforcement.**

Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

## **SECTION 112. STOP WORK ORDER**

### **112.1 Authority.**

Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

### **112.2 Issuance.**

A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

### **112.3 Emergencies.**

Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

### **112.4 Failure to comply.**

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 dollars or more than \$1,000.00 dollars.

## **CHAPTER 2. DEFINITIONS**

### **SECTION 201. GENERAL**

#### **201.1 Scope.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

#### **201.2 Interchangeability.**

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

#### **201.3 Terms defined in other codes.**

Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

#### **201.4 Terms not defined.**

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

#### **201.5 Parts.**

Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*,” “*housekeeping unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

### **SECTION 202. GENERAL DEFINITIONS**

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Acceptable to the *code official*.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

**BOARDING HOUSE.** A building arranged or used for lodging, with or without meals for compensation, and not more than 10 individuals that do not constitute a family.

**BONFIRE.** An outdoor fire used for ceremonial purposes and is greater than 3 feet in diameter and more than 2 feet in height.

**BUILDING USE GROUP R-1.** Residential Group R-1 occupancies containing *sleeping units* where the *occupants* are primarily transient in nature, including:

- Boarding houses (transient) with more than 10 *occupants*
- Congregate living facilities (transient) with more than 10 *occupants*
- Hotels (transient)
- Motels (transient)

**BUILDING USE GROUP R-2.** Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (nontransient) with more than 16 *occupants*
- Congregate living facilities (nontransient) with more than 16 *occupants*
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)

**BUILDING USE GROUP R-3.** Residential Group R-3 occupancies where the *occupants* are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two *dwelling units*
- Boarding houses (nontransient) with 16 or fewer *occupants*
- Boarding houses (transient) with 10 or fewer *occupants*
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities (nontransient) with 16 or fewer *occupants*
- Congregate living facilities (transient) with 10 or fewer *occupants*
- Lodging houses with five or fewer guest rooms

**BUILDING USE GROUP R-4.** Residential Group R-4 *occupancy* shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

**CLEAN AND SANITARY.** A surface that is free of visible soil and free from elements such as filth or bacteria that endanger health. Also, the reduction of pathogenic organisms on a clean surface to a safe level.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for *occupancy*.

**CONGREGATE LIVING FACILITY.** A building or part thereof that contains *sleeping units* where residents share *bathroom* or kitchen facilities, or both.

**COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS.** The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GROUP HOME.** A facility for social rehabilitation, substance abuse or mental health problems that contains a group housing arrangement that provides custodial care but does not provide medical care.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.*

**HEATING FACILITY.** A fixed, non-portable heating equipment or unit.

**HISTORIC BUILDING.** Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking, and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or *premises* of insects, rodents, vermin, or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Equipment, materials, or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LAVATORY.** A fixed washbowl with running water and drainpipe (sink).

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise, or structure 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.

**LIFE SAFETY VIOLATION.** A condition that could cause serious or life-threatening injury or death at any time due to structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress, which cause a fire hazard, are otherwise dangerous to human life or the public welfare, or which involve illegal or over *occupancy* or failure to maintain fire protection systems.

**LODGING HOUSE.** A one-family dwelling where one or more *occupants* are primarily permanent in nature and rent is paid for guest rooms. For the purposes of this code, a bed-and-breakfast establishment, as defined in the Zoning Ordinance of Manheim Township, would qualify as a lodging house.

**MEANS OF EGRESS.** A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a *public way*. A means of egress consists of three separate and distinct parts; the exit access, the exit and the exit discharge.

**NON-COMPLIANT.** That which does not meet the requirements of this code, nor the intent of this code.

**NO-SHOW FEE.** A fee charged for the failure of the property *owner* to be present for an inspection within fifteen minutes after the start time of the scheduled inspection.

**NEGLECT.** The lack of proper maintenance for a building or *structure*.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building or having possession of a space within a building.

**ONE- OR TWO-FAMILY DWELLING.** For the purposes of this code, a *detached* dwelling for one or two families not more than 3 stories in height with a separate means of egress.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed *ventilation*, and which opens directly to the outdoors.

**OPEN BURNING.** The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

**OPERATOR.** Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

**OWNER.** Any person, agent, *operator*, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership, or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved* pest elimination methods.

**PLUMBING.** Refers to water pipes, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, garbage disposal units, as well as gas pipes, and gas-burning equipment, water heating facilities and vents and other similar supply fixtures, together with all connections to water, sewer, and gas lines.

**PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

**PREMISES.** A lot, plot or parcel of land, *easement*, or *public way*, including any structures thereon.

**PROPERTY MAINTENANCE VIOLATION.** Any conflict or violation of this code, other than a Life Safety Violation as determined by the *Code Official*.

**PUBLIC WAY.** 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.

**RECREATIONAL FIRE.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

**RENTAL HOUSING.** The operation or rental to another, or to provide residential *occupancy* with compensation as follows:

1. One- and two-family dwellings and townhouses, which are offered for rent or lease as a living facility for a minimum of 6 months.
2. Apartments and other applicable residential occupancies which are offered for rent or lease as a living facility for 1 or more consecutive days with or without compensation. Hotels, motels, convents, monasteries, dormitories, fraternities, sororities, and *occupancy* types at assisted living facilities are excluded from the provisions of rental housing and rental housing licensing.

**RENTAL HOUSING LICENSE.** A document issued annually by the Department of Code Compliance to the property *owner* of a residential rental property certifying the property is licensed for being rented. Such license is required for lawful rental of residential rental units.

**RESPONSIBLE LOCAL AGENT.** Any person who has charge, care, control or management of a residential rental property and lives within 25 air miles from the property. Except where the person-in-charge is also the property *owner*, the *responsible local agent* shall be an adult 21 years of age or older.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; 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 and dust and other similar materials.

**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*.



**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership, or group occupying a building or portion thereof as a unit that has been *Let for Occupancy*.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**TOWNHOUSE.** A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**VIOLATION.** A failure to follow or abide by the requirements as set forth by this code.

**WATER CLOSET.** A compartment or room with plumbing fixtures used for the elimination of bodily wastes (toilet bowls and urinals).

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

## **CHAPTER 3. GENERAL REQUIREMENTS**

### **SECTION 301. GENERAL**

#### **301.1 Scope.**

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

#### **301.2 Responsibility.**

The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling*

*unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* which they occupy and control.

### **301.3 Vacant structures and land.**

Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

#### **301.3.1 Exterior conditions.**

The exterior of every vacant structure, accessory structure or *premises* shall be maintained free of broken windows, loose, or deteriorating shingles, siding, or decorative features or building materials, crumbling stone or brick, or excessive peeling paint.

## **SECTION 302. EXTERIOR PROPERTY AREAS**

### **302.1 Sanitation.**

*Exterior property* and *premises* shall be maintained in a clean, safe, and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition free of any offensive odor(s).

### **302.2 Grading and drainage.**

*Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** *Approved* retention areas and reservoirs.

### **302.3 Sidewalks and driveways.**

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. The exit discharge(s) as defined in the International Building Code shall be kept in a proper state of repair and maintained free from hazardous conditions.

### **302.4 Weeds.**

*Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 6 inches in height. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

### **302.5 Rodent harborage.**

Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

### **302.6 Exhaust vents.**

Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

### **302.7 Accessory structures.**

Accessory structures, including, but not limited to *detached* garages, fences, and walls, shall be maintained structurally sound and in good repair.

### **302.8 Motor vehicles.**

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

### **302.9 Defacement of property.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

### **302.10 Trees, bushes, and shrubs.**

All trees, bushes and shrubs shall be maintained to prevent the creation of a dangerous condition as determined by the *code official*.

### **302.11 Interior furniture.**

Furniture that is manufactured and intended exclusively for interior use including but not limited to sofas, couches, recliners, chase lounges, upright padded chairs, mattresses, box springs, or any furniture containing sufficient padding, and material whether animal, natural, or manmade that it cannot resist the environmental elements such as weather, insects, rodents, or which may be in

the opinion of the *code official* a fire hazard, shall not be stored, or left on a patio, deck, covered porch, lawn, driveway, parking area, or walkway.

**Exception:** That furniture that is properly placed at the curbside for weekly refuse collection.

## **SECTION 303. SWIMMING POOLS, SPAS AND HOT TUBS**

### **303.1 Swimming pools.**

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

### **303.2 Enclosures.**

Private swimming pools, hot tubs, and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

## **SECTION 304. EXTERIOR STRUCTURE**

### **304.1 General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

#### **304.1.1 Unsafe conditions.**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

### **304.2 Protective treatment.**

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

### **304.3 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.

Residential Structures - The number(s) shall be at least 2-3/4 inches in height and shall be placed at least 18 inches above finished grade. Numbers displayed on the main front door or overhead doors are not permanent in nature and do not count towards the required premise identification.

Nonresidential Structures - The numbers(s) shall be at least 6 inches in height with a minimum stroke of at least 1/2 inch and shall be placed as directed by the *code official*. Numbers installed on glass are to be white in color.

Each tenant in a multi-tenant commercial structure shall display numbers at both the front and all rear entrances to the unit.

### **304.4 Structural members.**

Structural members shall be maintained free from *deterioration* and shall be capable of safely supporting the imposed dead and live loads.

### **304.5 Foundation walls.**

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition to prevent the entry of rodents and other pests.

### **304.6 Exterior walls.**

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

### **304.7 Roofs and drainage.**

The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from

obstructions. The controlled method of water disposal from roofs shall terminate at least 5 feet from the exterior foundation wall and discharge in a manner that does not create a nuisance on the adjacent property(s) and shall terminate no closer than 10 feet from the street right-of-way.

**304.8 Decorative features.**

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.**

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches, and balconies.**

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.**

Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.**

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. *Guards* which are deteriorated and deemed unsafe by the Director of Code Compliance, or the *code official* shall be repaired and shall comply with the currently adopted guardrail provisions found in the International Residential Code or International Building Code.

**304.13 Window, skylight, and door frames.**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.**

Glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.**

During the period from April 15 to October 1, every door, window and other outside opening

required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

#### **304.14.1 Insect screens in food preparation areas.**

In commercial structures, every door, operable window and other outside opening serving any congregate food preparation areas, congregate food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch, and every screen door shall have a self-closing device in good working condition. Screens shall not be torn or damaged in a way that may allow insect *infestation* into the structure.

#### **304.15 Doors.**

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

#### **304.16 Basement hatchways.**

Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

#### **304.17 Guards for basement windows.**

Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

#### **304.18 Building security.**

Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

##### **304.18.1 Doors.**

Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased, or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

##### **304.18.2 Windows.**

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or



a walking surface below that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased, or let shall be equipped with a window sash locking device.

#### **304.18.3 Basement hatchways.**

*Basement hatchways* that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

#### **304.19 Gates.**

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

### **SECTION 305. INTERIOR STRUCTURE**

#### **305.1 General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

##### **305.1.1 Unsafe conditions.**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies, and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

##### **Exceptions:**

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

### **305.2 Structural members.**

Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

### **305.3 Interior surfaces.**

Interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition.

### **305.4 Stairs and walking surfaces.**

Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair.

### **305.5 Handrails and guards.**

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

### **305.6 Interior doors.**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **SECTION 306. HANDRAILS AND GUARDRAILS**

### **306.1 General.**

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** *Guards* shall not be required where exempted by the adopted building code.

## **SECTION 307. COMBUSTIBLE WASTE MATERIAL**

### **307.1 Waste accumulation prohibited.**

Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon *premises*.

**307.1.1 Waste materials.**

Accumulation of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher recreational vehicle or other similar structure.

**307.1.2 Vegetation.**

Weeds, grass, vines, or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the *owner* or *occupant* of the *premises*.

**307.1.3 Space underneath seats.**

Spaces underneath grandstand and bleacher seats shall be kept free from combustible and flammable materials. Except where enclosed in not less than 1-hour fire-resistance-rated construction in accordance with the *International Building Code*, spaces underneath grandstands and bleacher seats shall not be occupied or utilized for purposes other than means of egress.

**307.2 Storage.**

Storage of combustible *rubbish* shall not produce conditions that will create a nuisance or hazard to the public health, safety, or welfare.

**SECTION 308. RUBBISH AND GARBAGE**

**308.1 Accumulation of rubbish or garbage.**

*Exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

**308.2 Disposal of rubbish.**

Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

**308.2.1 Rubbish storage facilities.**

The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

**308.2.2 Refrigerators.**

Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on *premises* without first removing the doors.

**308.3 Disposal of garbage.**

Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

**308.3.1 Garbage facilities.**

The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food

waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

**308.3.2 Containers.**

The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

**308.3.3 Storage, collection, and removal.**

The *owner* of every residential, commercial, institutional, and industrial establishment shall ensure that all municipal waste from the *premises* is removed properly and in such a manner not to create a public nuisance.

**308.3.4 Recyclables.**

The *owner* of any residential, commercial, or industrial establishment shall be responsible for the proper storage, collection, and disposal of all recyclables from the property and in such a manner not to create a public nuisance.

**308.4 Solid Waste and Recyclable Ordinance.**

Every *owner* of every dwelling shall comply with the Solid Waste and Recyclable Ordinance of the Township in effect regarding the removal of municipal waste from the property.

**SECTION 309. PEST ELIMINATION**

**309.1 Infestation.**

Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

**309.2 Owner.**

The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

**309.3 Single occupant.**

The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the *premises*.

**309.4 Multiple occupancy.**

The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

### **309.5 Occupant.**

The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

## **SECTION 310. KITCHEN FACILITIES**

### **310.1 Kitchen stove.**

The *owner* or *operator* of rental residential property shall provide every *dwelling unit* with utility connection for installed cooking appliance(s).

### **310.2 Kitchen sink.**

The *owner* or *operator* of rental residential property shall provide every *dwelling unit* with a kitchen sink in good working condition which provides an adequate amount of heated and unheated running water under pressure.

### **310.3 Refrigerator.**

The *owner* or *operator* of rental residential property shall provide every *dwelling unit* with a utility connection for refrigeration.

### **310.4 Counters and cabinets.**

All counters, countertops and cabinets provided for cooking in a rental residential property shall be maintained in good repair.

## **CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

### **SECTION 401. GENERAL**

#### **401.1 Scope.**

The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation*, and space for occupying a structure.

#### **401.2 Responsibility.**

The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

#### **401.3 Alternative devices.**

In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

### **SECTION 402. LIGHT**

#### **402.1 Habitable spaces.**

Every *habitable space* shall have not less than one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet. The exterior glazing area shall be based on the total floor area being served.

#### **402.2 Common halls and stairways.**

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings, and treads.

#### **402.3 Other spaces.**

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment, and fixtures.

#### **402.4 Closet and storage lighting requirements.**

Lighting installed in clothes closets shall be limited to surface mounted or recessed incandescent luminaires with completely enclosed lamps, surface-mounted or recessed fluorescent luminaires, and surface-mounted fluorescent or LED luminaires identified as suitable for installation within the storage area. Incandescent luminaires with open or partially enclosed lamps and pendant luminaires or lamp-holders shall be prohibited.

### **SECTION 403. VENTILATION**

#### **403.1 Habitable spaces.**

Every *habitable space* shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

#### **403.2 Bathrooms and toilet rooms.**

Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

#### **403.3 Cooking facilities.**

Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

##### **Exceptions:**

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

#### **403.4 Process ventilation.**

Where injurious, toxic, irritating, or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

#### **403.5 Clothes dryer exhaust.**

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

**Exception:** Listed and *labeled* condensing (ductless) clothes dryers.

### **SECTION 404. OCCUPANCY LIMITATIONS**

#### **404.1 Privacy.**

*Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

#### **404.2 Minimum room widths.**

A habitable room, other than a kitchen, shall be not less than 7 feet in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet between counterfronts and appliances or counterfronts and walls.

#### **404.3 Minimum ceiling heights.**

*Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet.

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting a maximum of 6 inches below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches with a minimum clear height of 6 feet 4 inches under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet shall be included.

**404.3.1 Stair headroom.**

The minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches measured vertically from the sloped line adjoining the tread nosing or from the floor surface of the landing or platform on that portion of the stairway. At the discretion of the *code official*, reductions in stairway headroom are permitted.

**404.4 Bedroom and living room requirements.**

Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.**

Every living room shall contain not less than 120 square feet and every *bedroom* shall contain not less than 70 square feet and every *bedroom* occupied by more than one person shall contain not less than 50 square feet of floor area for each *occupant* thereof.

**404.4.2 Access from bedrooms.**

*Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

**Exception:** Units that contain fewer than two *bedrooms*.

**404.4.3 Water closet accessibility.**

Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

**404.4.4 Prohibited occupancy.**

Kitchens and non-habitable spaces shall not be used for sleeping purposes.



**404.4.5 Other requirements.**

*Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.**

*Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements of Table 404.5 or as restricted by the current Zoning Ordinance of Manheim Township.

**TABLE 404.5  
MINIMUM AREA REQUIREMENTS**

| SPACE                       | MINIMUM AREA IN SQUARE FEET       |               |                     |
|-----------------------------|-----------------------------------|---------------|---------------------|
|                             | 1-2 occupants                     | 3-5 occupants | 6 or more occupants |
| Living room <sup>a, b</sup> | 120                               | 120           | 150                 |
| Dining room <sup>a, b</sup> | No requirement                    | 80            | 100                 |
| Bedrooms                    | Shall comply with Section 404.4.1 |               |                     |

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1 Sleeping area.**

The minimum *occupancy* area required by Table 404.5 shall not be included as a sleeping area in determining the minimum *occupancy* area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.**

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**404.6 Efficiency unit.**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- 1. A unit occupied by not more than one *occupant* shall have a minimum clear floor area of 120 square feet. A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet. A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet. These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

#### **404.7 Food preparation.**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## **CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **SECTION 501. GENERAL**

#### **501.1 Scope.**

The provisions of this chapter shall govern the minimum plumbing systems, facilities, and plumbing fixtures to be provided.

#### **501.2 Responsibility.**

The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* that does not comply with the requirements of this chapter.

### **SECTION 502. REQUIRED FACILITIES**

#### **502.1 Dwelling units.**

Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

#### **502.2 Rooming houses.**

Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

#### **502.3 Hotels.**

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory

and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.

#### **502.4 Employees' facilities.**

Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

##### **502.4.1 Drinking facilities.**

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

#### **502.5 Public toilet facilities.**

Public toilet facilities shall be maintained in a safe, sanitary, and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

### **SECTION 503. TOILET ROOMS**

#### **503.1 Privacy.**

*Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

#### **503.2 Location.**

*Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

#### **503.3 Location of employee toilet facilities.**

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

#### **503.4 Floor surface.**

In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

### **SECTION 504. PLUMBING SYSTEMS AND FIXTURES**

#### **504.1 General.**

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary, and functional condition. Floor drains in existing residential and non-residential structures shall discharge by means of gravity, or an *approved* sump pump with a sealed lid, to the exterior of the structure. Floor drains shall not be connected to the sanitary sewer system. Piping materials and fittings used for discharge shall conform to the underground building drainage requirements in the adopted *International Residential Code*. Floor drain piping discharge termination shall be at least 5 feet from the exterior foundation wall and discharge in a manner that does not create a nuisance on the adjacent property(s) and shall terminate no closer than 10 feet from the street right-of-way.

#### **504.2 Fixture clearances.**

Plumbing fixtures shall have adequate clearances for usage and cleaning.

#### **504.3 Plumbing system hazards.**

Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, *deterioration*, or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

### **SECTION 505. WATER SYSTEM**

#### **505.1 General.**

Every sink, lavatory, bathtub, or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

#### **505.2 Contamination.**

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

#### **505.3 Supply.**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

#### **505.4 Water heating facilities.**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not

be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## **SECTION 506. SANITARY DRAINAGE SYSTEM**

### **506.1 General.**

Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system. Existing on-lot (private) sewage facilities shall comply with the Pennsylvania Code, Title 25, Chapter 71 and the Manheim Township Code of Ordinances, Chapter 399 Sewers and Sewage Disposal.

In existing structures with on-lot sewage systems an inspection, performed by an *approved* septic service company in accordance with the current Manheim Township Administrative Order, shall evaluate and verify that the on-lot sewage facility(s) properly operates in accordance with Manheim Township Code of Ordinances, Chapter 399 Sewers and Sewage Disposal regulations prior to the issuance of any permit. Provisions shall be made for additional flows when *bedrooms* are added, or as other conditions warrant. Noted deficiencies shall be corrected under a permit issued by the Manheim Township Sewage Enforcement Officer.

### **506.2 Maintenance.**

Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks and defects.

### **506.3 Grease interceptors.**

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

### **506.4 Sump pump connections.**

Sump pumps discharging groundwater shall not connect to the sanitary sewer, unless *approved* by the sewer authority having jurisdiction. The sump pit shall be an *approved* type with a sealed lid.

## **SECTION 507. STORM DRAINAGE**

### **507.1 Roof Drainage.**

The controlled method of water disposal from roofs shall terminate at least 5 feet beyond the exterior foundation wall and discharge in a manner that does not create a nuisance on the adjacent property(s) and shall terminate no closer than 10 feet from the street right-of-way.

### **507.2 Sump pump discharge.**

Sump pump pipes discharging groundwater shall terminate at least 5 feet beyond the exterior foundation wall and discharge in a manner that does not create a nuisance on the adjacent property(s), but no closer than 10 feet from the street right-of-way.

## **CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS**

### **SECTION 601. GENERAL**

#### **601.1 Scope.**

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

#### **601.2 Responsibility.**

The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that does not comply with the requirements of this chapter.

### **SECTION 602. HEATING FACILITIES**

#### **602.1 Facilities required.**

Permanent heating facilities shall be provided in structures as required by this section.

#### **602.2 Residential occupancies.**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

#### **602.3 Heat supply.**

Every *owner* and *operator* of any building who rents, leases, or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 1 to April 15 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

#### **Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter

outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

#### **602.4 Occupiable workspaces.**

Indoor occupiable workspaces shall be supplied with heat during the period from October 1 to April 15 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

#### **Exceptions:**

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

#### **602.5 Room temperature measurement.**

The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

#### **602.6 Prohibited method of heating.**

Liquid-gas-type portable heating appliances shall be prohibited except in single-family residential homes. Wood-burning stoves are prohibited except in single-family residential owner-occupied homes.

### **SECTION 603. MECHANICAL EQUIPMENT**

#### **603.1 Mechanical appliances.**

Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Installation, maintenance, and inspection of these appliances shall be in accordance with the manufacturer's recommendations. If manufacturer's recommendations are not available, the installation and/or maintenance will be in accordance with the *International Residential Code*, *International Mechanical Code*, *International Fuel Gas Code*, and/or the appropriate NFPA standard for the specific use and appliance as *approved* by the *code official*.

#### **603.2 Removal of combustion products.**

Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

**Exception:** Fuel-burning equipment and appliances that are *labeled* for unvented operation.

### **603.3 Clearances.**

Required clearances to combustible materials shall be maintained.

### **603.4 Safety controls.**

Safety controls for fuel-burning equipment shall be maintained in effective operation.

### **603.5 Combustion air.**

A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

### **603.6 Energy conservation devices.**

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

## **SECTION 604. ELECTRICAL FACILITIES**

### **604.1 Facilities required.**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

### **604.2 Service.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

### **604.3 Electrical system hazards.**

Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration*, or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

#### **604.3.1 Abatement of electrical hazards associated with water exposure.**

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

##### **604.3.1.1 Electrical equipment.**

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors, and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's



representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

**604.3.2 Abatement of electrical hazards associated with fire exposure.**

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

#### **604.3.2.1 Electrical equipment.**

Electrical switches, receptacles, and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

### **SECTION 605. ELECTRICAL EQUIPMENT**

#### **605.1 Installation.**

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

#### **605.2 Receptacles.**

Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

#### **605.3 Luminaires.**

Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

#### **605.4 Extension cords.**

Extensions cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.

#### **605.5 Unapproved conditions.**

Open junction boxes and open-wiring splices shall be prohibited. *Approved* covers shall be provided for all switch and electrical outlet boxes.

### **SECTION 606. ELEVATORS, ESCALATORS AND DUMBWAITERS**

#### **606.1 General.**

All requirements relating to elevators and other lifting devices shall be administered and enforced by the PA Department of Labor and Industry Elevator Division in accordance with the applicable edition of ASME A.17.1 and any addenda.

### **606.2 Elevators.**

In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## **SECTION 607. DUCT SYSTEMS**

### **607.1 General.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

### **607.2 Hood systems.**

Hood systems in commercial structures shall be maintained in accordance with this code, the manufacturer's installation instructions, and NFPA 96. Hood systems shall be regularly serviced and cleaned to prevent the accumulation of oil, grease, and other harmful, combustible, or flammable substances. The cleaning process shall be completed by an *approved* third-party cleaning company on a basis not to exceed that stated in NFPA 96. If the *code official* determines based on observations that the hood system is not performing adequately or that material buildup is observed, the *code official* may order that the hood system be cleaned more frequently.

At the time of cleaning, the hood system shall be marked with an inspection tag supplied by the third-party cleaning company. This tag shall remain on the hood system until the next cleaning.

## **CHAPTER 7. FIRE SAFETY REQUIREMENTS**

### **SECTION 701. GENERAL**

#### **701.1 Scope.**

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

#### **701.2 Responsibility.**

The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

#### **701.3 Applicability of International Fire Code.**

The *International Fire Code* shall be applied to provide minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in existing buildings, structures, and premises and to provide safety to building *occupants*, fire fighters and emergency responders during emergency operations.

## **SECTION 702. MEANS OF EGRESS**

### **702.1 General.**

A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

### **702.2 Aisles.**

The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

### **702.3 Locked doors.**

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

### **702.4 Exit Signs.**

Where required, exit signs shall be maintained in good working order. Exit signs shall be internally or externally illuminated. Exit signs shall be visible under emergency illumination conditions.

### **702.5 Means of Egress Illumination.**

Where required, means of egress illumination shall be maintained in good working order. In the event of power supply failure, illumination shall be automatically provided from an emergency system or source.

### **702.6 Emergency escape openings.**

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

## **SECTION 703. FIRE-RESISTANCE RATINGS**

### **703.1 Fire-resistance-rated assemblies.**

The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

### **703.2 Unsafe conditions.**

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered.

### **703.3 Maintenance.**

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained.

Openings made therein for the passage of pipes, electrical conduits, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors or *approved* construction meeting the fire protection requirements for the assembly.

#### **703.3.1 Fire blocking and draft stopping.**

Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

#### **703.3.2 Smoke barriers and smoke partitions.**

Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

#### **703.3.3 Fire walls, fire barriers, and fire partitions.**

Required fire walls, fire barriers, and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

### **703.4 Opening protectives.**

Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

#### **703.4.1 Hold-open devices and closers.**

Hold-open devices and automatic closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

#### **703.4.2 Door operation.**

Swinging fire doors 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.

### **703.5 Ceilings.**

The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

### **703.6 Vertical shafts.**

Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected. New floor openings in existing buildings shall comply with the *International Building Code*.

### **703.7 Opening protective closers.**

Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection.

### **703.8 Fire sprinkler area.**

Existing building area currently protected by automatic fire sprinkler systems shall be separated from an adjacent building area which is not protected by a fire sprinkler system by constructing an *approved* 2-hour fire-resistive rated fire barrier assembly(ies) and/or horizontal assembly(ies) in accordance with the Fire Barrier requirements in the currently adopted *International Building Code*. More restrictive requirements shall apply as required by the *International Building Code*.

## **SECTION 704. FIRE PROTECTION SYSTEMS**

### **704.1 Inspection, testing and maintenance.**

Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times and shall be replaced or repaired when defective.

#### **704.1.1 Installation.**

Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered, or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards. Failure to maintain a fire protection system in an operable condition at all times and complete the required inspections is a violation of this code and subject to the provisions of Sections 106 and the person(s) are exempt from the notification requirements of Section 107.

#### **704.1.2 Required fire protection systems.**

Fire protection systems required by this code and the *International Building Code* shall be installed, repaired, operated, tested, and maintained in accordance with this code. A fire protection system for which a design option, exception, or reduction to the provisions of this code or the *International Building Code* has been granted shall be considered to be a required system.

### **704.2 Standards.**

Fire protection systems shall be inspected, tested and maintained in accordance with their applicable NFPA standard.

| <b>SYSTEM</b>                            | <b>STANDARD</b> |
|--|-----------------|
| Portable fire extinguishers              | NFPA 10         |
| Carbon dioxide fire-extinguishing system | NFPA 12         |
| Halon 1301 fire-extinguishing systems    | NFPA 12A        |
| Dry-chemical extinguishing systems       | NFPA 17         |
| Wet-chemical extinguishing systems       | NFPA 17 A       |
| Water-based fire protection systems      | NFPA 25         |
| Fire alarm systems                       | NFPA 72         |
| Smoke and heat vents                     | NFPA 204        |
| Water-mist systems                       | NFPA 750        |
| Clean-agent extinguishing systems        | NFPA 2001       |

**704.2.1 Records.**

Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

**704.3 Systems out of service.**

Where a required fire protection system is out of service, the fire marshal and the building *code official* shall be notified immediately and, where required by the *code official*, either the building shall be evacuated, or an *approved* fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been restored to service.

**704.4 Removal of or tampering with equipment.**

Any person removing, tampering, or interfering with the effectiveness of a smoke detector, emergency lighting, exit signs, fire extinguisher, sprinkler system, suppression system, alarm system, or anyone obstructing a fire exit or propping open a fire door or compromising any other life safety aspects of the structure, shall be in violation of this code and subject to the provisions of Sections 106 and the person(s) are exempt from the notification requirements of Section 107.

**704.4.1 Termination of monitoring service.**

For fire alarm systems required to be monitored, notice shall be made to both the fire marshal and the building *code official* whenever alarm monitoring services are terminated. Notice shall be in writing by the provider of the monitoring service being terminated.

**704.4.2 Fire alarm monitoring.**

Existing fire alarm systems shall be maintained per the currently adopted Fire Alarm Ordinance. Fire alarm systems that do not transmit to a central station are to be identified with permanent signage with language *approved* by the *Code Official* and in locations as specified by the *Code Official* that contain as a minimum the following language:

**“Local Alarm System – In the event of an emergency call 9-1-1 immediately”**

**704.5 Signage requirements for fire protection equipment.**

All fire protection equipment signage shall be installed per the currently adopted Fire Protection Systems Administrative Order. Existing signage for fire protection equipment is to be maintained

and legible. Such signs shall be subject to the approval of the fire marshal or building *code official*.

#### **704.6 Lock Box Supervision.**

Existing, non-supervised lock boxes do not need to have tamper switches connected to an existing alarm system. Lock boxes with supervised tamper switches that do not reliably transmit supervisory signals to their central station because of damage or tamper switch failure, may have their tamper switches disabled at the property *owner's* request. Regardless of lock box supervision, updated keys, fobs, access cards, etc. shall be maintained within the lock box(es).

#### **704.7 Single- and multiple-station smoke alarms.**

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.7.1 through 704.7.3.

##### **704.7.1 Where required.**

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.7.1.1 through 704.7.1.4. Interconnection and power sources shall be in accordance with Sections 704.7.2 and 704.7.3.

##### **Exceptions:**

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

##### **704.7.1.1 Group R-1, One and Two-Family Dwellings and Townhouses**

Single- or multiple-station smoke alarms shall be installed in all the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
3. In each story within the *sleeping unit*, including *basements*. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.



#### **704.7.1.2 Groups R-2, R-3, R-4, and I-1.**

Single-or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwelling*s or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

#### **704.7.1.3 Installation near cooking appliances.**

Smoke alarms shall not be installed in the following locations:

1. Ionization smoke alarms shall not be installed less than 20 feet horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet horizontally from a permanently installed cooking appliance.

#### **704.7.1.4 Installation near bathrooms.**

Smoke alarms shall be installed not less than 3 feet horizontally from the door or opening of a *bathroom* that contains a bathtub or shower.

#### **704.7.2 Interconnection.**

Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

#### **Exceptions:**

1. Interconnection is not required in buildings that are not undergoing *alterations*, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for interconnection without the removal of interior finishes.

#### **704.7.3 Power source.**

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

#### **Exceptions:**

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

#### **704.7.4 Smoke detection system.**

Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.
2. Activation of a smoke detector in a dwelling or *sleeping unit* shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the *International Fire Code*.

#### **704.8 Single- and multiple-station smoke alarms.**

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit or shall be replaced if the date of manufacture cannot be determined.

#### **704.9 Maintenance.**

The property *owner* shall maintain all smoke detectors located in owner-occupied *dwelling units*. For rental units, it is the responsibility of the property *owner* or *responsible local agent* to provide functioning smoke detectors at the beginning of each lease period. Tenants shall always maintain smoke detectors in a functional condition after starting *occupancy*. Removal of the battery or power source from a smoke detector, making a detector inoperable, or tampering with the detector in any way, is a violation of this code and subjects that person to the violation penalties.

#### **704.10 Carbon monoxide detection.**

##### **704.10.1 Where required.**

An *approved* carbon monoxide (CO) detector shall be installed outside of all sleeping areas when one or more of the following conditions apply:

1. In all *dwelling units*, *rooming units*, guest rooms, and lodging rooms when a fossil fuel or solid fuel appliance is utilized as the primary or supplemental heat source, fixed cooking appliance, or auxiliary power source.
2. In *dwelling units* and *sleeping units* and that contain a fuel-burning appliance or a fuel burning fireplace.
3. In *dwelling units* and *sleeping units* in buildings with attached private garages.

##### **704.10.2 Power source.**

Carbon monoxide alarms shall be allowed to be solely battery operated.

##### **704.10.3 Approved detectors.**

*Approved* detectors will be listed in accordance with ANSI/UL 2034.

#### **704.11 Fire Extinguishers.**

Portable fire extinguishers shall be installed in new and existing construction as required by the currently adopted building and/or fire code.

##### **704.11.1 Fire extinguishers in rental units.**

Rental units of *Building Use Group R-2, R-3, R-4* and *One and Two Family Dwelling & Townhouses* shall have at least one 2.5-pound type ABC (1:A:10-B:C) portable fire extinguisher placed in the kitchen area of each *dwelling unit*. In *Building Use Group R-1* and *R-2 Rooming Houses*, a 5-pound type ABC fire extinguisher with a minimum 2A rating shall

be provided in corridors. Those provided in other areas shall be in accordance with the *International Fire Code*.

**Exception:** Disposable fire extinguishers that are UL listed and met the requirements of NFPA 10 shall be *approved* for use as listed, but in no way more than 6 years from the date of manufacture. Disposable fire extinguishers are exempted from the requirements to be inspected annually by a 3<sup>rd</sup> party trained individual. It is the responsibility of the property *owner* to schedule inspections of fire extinguishers annually. The individual inspecting the extinguisher shall permanently affix the date that the inspection occurred and the initials of the inspection to the tagged extinguisher.

#### **704.11.2 Fire extinguisher maintenance.**

All fire extinguishers shall be inspected and maintained annually in accordance with NFPA 10, the Standard for Portable Extinguishers. Inspections of fire extinguishers must be conducted by a certified extinguisher technician.

### **SECTION 705. OPEN BURNING, RECREATIONAL FIRES AND BONFIRES**

#### **705.1 General.**

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and *approved* in accordance with this code.

#### **705.2 Open burning.**

Burning of refuse, leaves and trimmings is prohibited. Refuse, leaves, and trimmings shall not be burned outdoors on the *premises* in any manner whatsoever.

**Exception: Agricultural Burning.** Properties with 10 or more acres with an active agricultural farming operation are permitted to burn agricultural by-products only (no household refuse, construction materials or similar materials). A Fire Permit (Agricultural Burning) is to be obtained from the fire marshal's office prior to starting any agricultural burning and is valid for one (1) year from date of issuance.

The following conditions apply to agricultural burning:

1. Open burning of agricultural commodities in their unmanufactured state is permitted. Agricultural commodities include field tree limbs and trimmings, field brush accumulated as part of farm maintenance and yard waste.
2. Refuse, which includes garbage, trash, recyclables, plastics, building materials, tires, and other materials are not agricultural commodities and shall not be burned outdoors and on the premise.
3. Burning shall be performed during daylight hours.
4. Agricultural fires shall be at least 100 feet from any structure, property line and combustible material.

5. Fires shall be constantly attended.
6. A portable fire extinguisher with a minimum 4-A rating or garden hose shall be readily available for immediate use.
7. Contact Lancaster County Wide Communications prior to any agricultural burn providing the property *owner* name, contact phone number, property address and proposed day and time of burn.

### **705.3 Prohibited open burning.**

Open burning shall be prohibited when atmospheric conditions or local circumstances, such as a County burn ban, make such fires hazardous.

### **705.4 Extinguishment authority.**

When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *code official* or a representative of Manheim Township Fire Rescue is authorized to order the extinguishment of the open burning operation.

### **705.5 Recreational Fires.**

Recreational fires for the purposes of pleasure, religious, ceremonial, cooking, warmth, or similar purposes, do not require a permit and are permitted with the following stipulations:

1. Fires shall not be more than 3 feet in diameter and no more than 2 feet in height.
2. Fires shall be at least 25 feet from any structure, property line, and combustible material.
3. Fires shall be constantly attended until the fire is extinguished.
4. A portable fire extinguisher with a minimum 4-A rating or a garden hose shall be readily available for immediate use.
5. Recreational fires shall be completely extinguished no later than 10 PM.

### **705.6 Bonfires.**

Bonfires are permitted only after obtaining a fire permit from the fire marshal's office. Fire permits shall be obtained for each bonfire event. A Fire Permit Application must be completed and submitted along with the applicable permit fee and site plans indicating the proposed location of the bonfire with distances between the proposed fire locations and all structures and property lines. Bonfires shall comply with the following conditions:

1. The minimum required distance from a building and property line is fifty (50) feet.
2. Bonfires shall be constantly attended until the fire is extinguished.
3. A portable fire extinguisher with a minimum 4-A rating or a garden hose shall be

available for immediate use.

4. Bonfires shall be completely extinguished no later than 10 PM.

#### **705.7 Portable outdoor fireplaces.**

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

**Exception:** Portable outdoor fireplaces used at one- and two-family dwellings shall be used in accordance with the manufacturer's instructions.

### **SECTION 706. OPEN FLAME COOKING DEVICES**

#### **706.1 Open-flame cooking devices.**

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

**Exceptions:**

1. Where buildings, balconies and decks are protected by an automatic sprinkler system.
2. One- or Two-Family Dwellings

#### **706.2 LP Gas cooking devices.**

LP gas or compressed gas fuel cylinders with a water capacity greater than 2 ½ pounds shall not be used on any balcony, deck or areas covered by a roof or partially enclosed area no matter what the construction type.

## **CHAPTER 8. RENTAL HOUSING REQUIREMENTS**

### **SECTION 801. GENERAL**

#### **801.1 Scope.**

The provisions of this chapter shall govern the issuance, refusal, and maintenance of rental housing licensing for Manheim Township, Lancaster PA.

**Exclusions:** The following residential occupancies are excluded from the requirements for rental housing:

1. Hotels (transient and non-transient)
2. Motels (transient and non-transient)
3. Convents
4. Monasteries

5. Dormitories
6. Fraternities and Sororities
7. All *occupancy* types at Assisted Living Facilities

Refer to the current Fire Safety and Emergency Equipment Inspections Ordinance for applicability and inspection requirements for the above noted excluded occupancies.

## **SECTION 802. RENTAL HOUSING LICENSING**

### **802.1 Licensing requirements.**

No person, firm, or corporation shall operate or rent to another, or provide for residential *occupancy* with compensation, any *dwelling unit* or *rooming unit* until successfully licensing the rental property as follows:

1. One- and two-family dwellings and townhouses, which are offered for rent or lease as a living facility for a minimum of 6 months.
2. Apartments and other applicable residential occupancies which are offered for rent or lease as a living facility for one or more consecutive days with compensation. Hotels, motels, convents, monasteries, dormitories, fraternities, sororities, and *occupancy* types at assisted living facilities are excluded from the provisions of rental housing and rental housing licensing.

Lodging Homes / Bed and Breakfasts are required to license their property in accordance with this section prior to *occupancy*.

#### **802.1.1 Licensing Exemptions:**

1. **Post-settlement occupancy.** When as part of a property sales agreement, the *owner* of an owner-occupied single-family residential property negotiates a post-settlement agreement to stay in the property after the transfer of ownership to the purchaser, for a maximum of 180 days, the property is not required to have a rental housing license.
2. **Subsidized rental unit exemption.** *Dwelling units* that receive federal, state or county funding and receive an annual inspection through that funding program are exempt from the rental housing licensing and inspection program. Evidence of registration and inspection is needed to receive this exemption.
3. **Licensed facilities.** Residential group home and health-care facilities in possession of a current license issued by the Commonwealth of Pennsylvania shall be exempt from the rental housing licensing and inspection program.

4. **Accessory dwelling units.** Approval for accessory *dwelling units* is to be obtained from the Planning and Zoning Department.
5. **Family members.** The *owner* of a single-family residential property does not require a rental housing license for adult individuals related by blood, marriage, or adoption to reside in the *owner's* dwelling, or a portion thereof, regardless of compensation.

#### **802.1.2 Occupancy prior to licensing.**

*Occupancy* of any rental property prior to licensure is a violation of this code.

#### **802.2 Licensure implementation.**

Within 120 days after the effective date of this Ordinance, the property *owner* or *responsible local agent* shall apply for Rental Housing License for each regulated rental unit or group thereof.

#### **802.3 License application.**

Applications for licenses shall be made to the Manheim Township Department of Code Compliance on forms furnished by said office. Applications for rental housing licensing and applications for the renewal of rental housing licenses shall be filled out completely and accurately including addresses and telephone numbers for both the *owner(s)*, and *responsible local agent*. The rental housing license shall not be issued or renewed if an application does not contain all required information.

#### **802.4 License issuance.**

The *code official* shall approve a Rental Housing License Application upon proof that all the following requirements have been satisfied:

1. Zoning use has been verified and *approved* as part of application;
2. The applicant has signed and dated the application acknowledging their responsibility to provide a fit and habitable rental unit complete with functional life safety systems;
3. A proper rental housing licensure fee has been submitted;
4. No open/outstanding code enforcement cases or open/expired permits exist for said property.

#### **802.5 Renewal.**

Rental housing licenses shall be renewed annually, on or before the license expiration date of each year. Rental housing licenses shall become null and void upon permittee's failure to submit the required or proper annual rental housing licensure fee. No reduction shall be made for fractional yearly licenses.

#### **802.6 Rental housing license expiration.**



Once a license has expired a rental housing license must be obtained prior to renting or offering the unit or structure for rent in accordance with this code. This unit or structure must comply with all provisions of this code in accordance with a first-time rental license application.

**802.7 Transferability.**

Housing licenses shall be transferable upon change of ownership, providing the permitted use has not changed. The new *owner* or *responsible local agent* is required to notify the Department of Code Compliance upon change of ownership within 15 calendar days of said transfer.

**802.8 Display and use.**

The housing license shall be made available by the *owner/operator* within 24 hours upon a request by any party or may be displayed. The issuance of a housing license to an *owner/operator* shall constitute consent for an inspection. The rental housing license is and shall remain the property of Manheim Township.

**802.9 Rental housing license fee.**

The rental housing registration fee shall be established by fee resolution. The rental housing registration fee may be amended, as needed.

**802.10 Late fee.**

A late fee shall be imposed for rental housing license renewals received after April 1. Rental housing license late fees shall be established by fee resolution.

**802.11 License revocation/expiration.**

If a license renewal is not received by July 1<sup>st</sup> the license shall be revoked.

**802.12 License limitation.**

A license or rental unit inspection by itself shall not warrant that a rental unit is lawful, safe, habitable or in compliance with all Township Codes and Ordinances.

**SECTION 803. RENTAL HOUSING INSPECTIONS**

**803.1 Rental Housing Inspection Program.**

Each Residential Housing License shall have an annual term and each regulated rental unit shall be subject to a minimum of at least one inspection every five (5) years, based upon a schedule established by the Department of Code Compliance.

**803.1.1 Compliant Rental Housing Inspection.**

A compliant rental housing inspection is needed no less than once every five (5) years. Once a rental unit successfully passes an inspection it will be placed back on a revolving five (5) year inspection schedule.

**803.1.2 Non-Compliant Rental Housing Inspection.**

Rental units that fail a rental housing inspection are subject to re-inspections once corrective action has been made to known deficiencies of this code. Violations not deemed as an

imminent hazard are subject to a re-inspection within thirty (30) days from the date of inspection. Imminent hazards are subject to requirements of Section 805.1 of this code.

### **803.1.3 Frequency of Inspections Due to Noncompliance.**

There is nothing in this code that would prohibit more frequent inspections of a rental unit(s) if conditions and violations warrant a different inspection frequency. Conditions that shall warrant more frequent inspections include:

1. Upon receipt of complaints regarding any residential rental property subject to this code.
2. Should the unit, or any combination of this unit and other units of the *owner* or any related party of the *owner* receive three (3) notices of violation within any twelve (12) month period; or
3. For any other reasonable just cause.

### **803.2 Warrant.**

Within the limitations of Federal and State law, a Code Officer may apply to the District Justice having jurisdiction for an administrative search warrant to enter and inspect a regulated rental unit and the *premises*. Refer to Section 104.3 of this code for additional regulations on right of entry.

## **SECTION 804. RESPONSIBLE LOCAL AGENT**

### **804.1 Responsible local agent.**

All *owners* of residential rental property shall designate a *responsible local agent* for each of their residential properties. The property *owner* can designate themselves as the *responsible local agent* as long as they reside no more than 25 miles from the property. The *code official* shall be notified in writing as to who the *responsible local agent* is and of any changes to information required by this code within 3 calendar days.

### **804.2 Maintenance.**

The *responsible local agent* shall maintain all rental property under their control in compliance with the *occupancy* limits set forth in Section 404.5 of this code and as specified in the current Zoning Ordinance of Manheim Township. Further, the *responsible local agent* shall notify the *owner* of rental property of any and all violations issued against said property by the *code official*.

## **SECTION 805. RENTAL HOUSING LICENSE SUSPENSION**

### **805.1 Imminent hazard.**

Whenever an imminent hazard to community health, safety, or welfare exists at a property, the *code official* is authorized and empowered to order and require any structure on the property vacated within 10 days from the date of the order. At the end of the 10 days, a notice shall be posted at each entrance to the structure(s) stating that *occupancy* of the structure is unlawful and

any person occupying the structure will be prosecuted. Property *owners* may appeal the issuance of a notice to vacate per Section 111 of this code.

### **805.2 Outstanding violations.**

The *code official* may suspend the rental housing license when a violation of this code has not been corrected after a period of 90 calendar days.

### **805.3 Suspension Procedures.**

#### **805.3.1 Notification.**

The Department of Code Compliance shall notify the property *owner* and *responsible local agent* of a suspension by written notice sent by a method that provides proof of delivery or delivered and posted on the structure in person. The notice shall advise the property *owner* of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.

#### **805.3.2 Term of suspension.**

Rental housing suspensions shall remain in place until which time that the living unit has been brought into compliance. An inspection to verify compliance is to be scheduled with the Department of Code Compliance.

### **805.4 Appeal procedure for suspension initiated by the code official.**

Appeals of suspension initiated by the *code official* shall be heard by Manheim Township's UCC Code Board of Appeals in accordance with the procedures established for in Section 111 of this code. The Board of Appeals is empowered to sustain, withdraw, or modify the suspension.

### **805.5 Appeals to the Court of Common Pleas.**

Appeals by the property *owner* of the decisions of the UCC Code Board of Appeals decisions shall be made to the Lancaster County Court of Common Pleas.

### **805.6 Effect of suspension.**

While under suspension, the residential unit subject to suspension shall be vacated and secured.

### **805.7 Reinstatement.**

Rental Housing Licenses shall be reinstated if the property *owner* corrects the documented violations associated with the rental property and, if applicable, has paid in full all costs and fees associated with the violations and suspension, including reimbursing the Township for reasonable attorney's fees incurred by Township.

## **CHAPTER 9. REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that

reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

|                           |   |  |
|---------------------------|---|--|
| <b>ASME</b>               |   | American Society of Mechanical Engineers<br>Three Park Avenue<br>New York, NY 10016-5990     |
| Standard reference number | Title   | Referenced in code section number  |
| ASME A17.1/CSA B44—2013   | Safety Code for Elevators and Escalators  | 606.1  |
| <b>ASTM</b>               |   | ASTM International<br>100 Barr Harbor Drive<br>West Conshohocken, PA 19428-2959              |
| Standard reference number | Title   | Referenced in code section number  |
| F 1346—91 (2010)          | Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs | 303.2  |
| <b>ICC</b>                |   | International Code Council<br>500 New Jersey Avenue, NW<br>6th Floor<br>Washington, DC 20001 |
| Standard reference number | Title   | Referenced in code section number  |
| IBC—15                    | International Building Code <input type="checkbox"/>  | 102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 401.3, 702.3  |
| IEBC—15                   | International Existing Building Code <input type="checkbox"/>   | 102.3, 305.1.1, 306.1.1  |
| IFC—15                    | International Fire Code <input type="checkbox"/>  | 102.3, 201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2                               |
| IFGC—15                   | International Fuel Gas Code <input type="checkbox"/>  | 102.3  |
| IMC—15                    | International Mechanical Code <input type="checkbox"/>  | 102.3, 201.3   |

|        |   |   |
|--------|---|---|
| IPC—15 | International Plumbing Code <input type="checkbox"/>    | 102.3, 201.3,<br>505.1, 602.2,<br>602.3 |
| IRC—15 | International Residential Code <input type="checkbox"/> | 102.3, 201.3                            |

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|                                 |  |   |
|---------------------------------|--|---|
| <b>NFPA</b>                     | National Fire Protection Association<br>1 Batterymarch Park<br>Quincy, MA 02269                |   |
| Standard<br>reference<br>number | Title  | Referenced<br>in code<br>section number |
| 25—14                           | Standard for the Inspection, Testing and Maintenance of<br>Water-Based Fire Protection Systems | 704.1.1                                 |
| 70—14                           | National Electrical Code   | 102.4, 201.3,<br>604.2                  |

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**SECTION 901. VALIDITY.**

Should any paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid for any reason, the remainder of the Ordinance shall remain in full force and effect, and the same shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 902. REPEALER**

All ordinances, resolutions or parts thereof which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 903. EFFECTIVE DATE**

This Ordinance shall become effective on January 1, 2022.

ENACTED AND ORDAINED by the Board of Commissioners of the Township of Manheim on this 8<sup>th</sup> day of November, 2021.

Attest: James D. Humm  
(Assistant) Secretary

By: Tom Schum  
(Vice) President  
Board of Commissioners

(SEAL)

