

B-12 P39

HOUSING CODE ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE BOCA BASIC HOUSING CODE; ESTABLISHING STANDARDS ESSENTIAL TO MAKE DWELLINGS SAFE, SANITARY AND FIT FOR HUMAN HABITATION; GOVERNING THE CONDITIONS OF PROPERTY AND BUILDINGS TO BE USED FOR HUMAN OCCUPANCY INCLUDING THE CONDITION OF EXTERIOR PROPERTY AREAS, AND THE EXTERIOR AND INTERIOR OF STRUCTURES; ESTABLISHING MINIMUM STANDARDS FOR BASIC FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS; ESTABLISHING INSTALLATION, MAINTENANCE AND OCCUPANCY REQUIREMENTS; REQUIREMENTS FOR LIGHT AND VENTILATION AND FOR SAFETY FROM FIRE; AND FIXING CERTAIN RESPONSIBILITIES OF OWNERS AND OCCUPANTS OF DWELLINGS; AUTHORIZING THE INSPECTION OF DWELLINGS AND THE CONDEMNATION OF DWELLINGS UNFIT FOR HUMAN HABITATION.

WHEREAS, in the Borough of West Wyoming, LUZERNE County, Pennsylvania (hereinafter called the Municipality), there are, or may be, in the future, dwelling structures which are unsafe, dangerous, unhygienic, or unsanitary as to constitute a menace to the health and safety of the residents of the Municipality.

BE IT THEREFORE ORDAINED by the _____ of the Municipality as follows:

- 1.1 BOCA Basic Housing Code - There is hereby adopted in its entirety by the Municipality copies of which are on file in the office of the Municipality, that certain Housing Code known as the "BOCA Basic Housing Code", 1970 Edition as amended through the effective date of adoption of this Ordinance and as published by the Building Officials and Code Administrators International, Inc., save and except such portions as are hereinafter deleted, modified or amended.

The Municipality also declares that any subsequent amendment, revision, supplement or updating of said BOCA Code, as may be issued and published by the Building Officials

and Code Administrators International, Inc. shall also become a part of said BOCA Code and shall be effective in the Municipality upon the introduction and ratification of a motion by the Council of the Municipality approving said amendment, revision, supplement or updating.

- 1.2 Application - The provisions set forth in this Ordinance and in the BOCA Basic Housing Code adopted herein shall take effect immediately upon enactment of this Ordinance and shall apply throughout the entire Municipality.

SECTION 2. ADMINISTRATION AND ENFORCEMENT

- 2.1 Office of Code Enforcement - All of the provisions of the Code Enforcement Ordinance of the Municipality are hereby adopted with this Ordinance. The Administration and Enforcement of this Ordinance and of the BOCA Basic Housing Code herein adopted shall be carried out by the Office of Code Enforcement of the Municipality, in accordance with the procedures established by the Code Enforcement Ordinance of the Municipality and by the BOCA Basic Housing Code herein adopted. Said Code Enforcement Ordinance provides for certain powers and duties of the Code Enforcement Officer, for the creation of a Code Hearing Board and for procedures relative to applications, fees, permits, inspections, appeals and penalties.

SECTION 3. MODIFICATIONS MADE IN SAID CODE

- 3.1 Deletions - The following sections of the "BOCA Basic Housing Code" herein adopted are hereby deleted in their entirety:
- H-140.3 Penalty for Violation*
- a. H-141.0 Right of Appeal - *H-120.12 Administrative Liability*
- 3.2 Amendments - The following sections of the "BOCA Basic Housing Code" are hereby amended to read as follows:
- a. H-120.1 Enforcement Officer - It shall be the duty and responsibility of the Code Enforcement

Officer of the Municipality and/or his authorized representative to enforce the provisions of this Ordinance and of the Housing Code herein adopted.

Where, in the course of his enforcement duties, the Code Enforcement Officer finds a recurring existing condition in the existing structures of the Municipality which constitutes a violation in the strict provisions or application of this Ordinance which violation, if corrected would not substantially serve to further the purpose of this Ordinance in protecting the public health, safety and welfare, and where the elimination of said violation would constitute a practical difficulty or unnecessary hardship because of the special conditions existing in the Municipality, said Code Enforcement Officer shall advise and inform the Code Hearing Board of the presence of such special conditions. In providing such advice and information the Code Enforcement Officer shall give consideration to the special physical characteristics of existing older dwellings in the Municipality which might require extensive structural alterations to conform with the strict provisions or application of this Code. *In the event a waiver is deemed advisable, said waiver shall be at the sole discretion of the Code Hearing Board.*

b. H-324.1 Guards for Basement Windows - Where a rodent infestation problem exists in a building or area every basement or cellar window which is openable shall be supplied with corrosion-resistant rodent proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum, or No. 16 U.S. gage expanded metal, or wire mesh screens, with not more than one half (1/2) inch mesh openings; or with other material affording equivalent protection against the entry of rodents, including storm windows.

c. H-333.2 Handrails - Where a handrail is required for safety purposes, every stairwell and every flight of stairs, which is more than two (2) risers high, shall have handrails or railings located in accordance with the provisions of the Building Code. Every handrail or railing shall be firmly fastened and must be maintained in good

condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the Building Code, shall be placed on the open portions of the stairs, balconies, landings and stairwells.

3.3 Additions - There are hereby added the following new sections to the "BOCA Basic Housing Code" herein adopted:

- a. H-325.0 Protective Coating for Surfaces - All exterior and interior surfaces of a structure, including fences, sheds, signs and other accessory structures, that are not of a species inherently resistant to decay, rust, tarnish or other form of deterioration shall be treated periodically with paint, preservative or other suitable protective coating to prevent or control said form of deterioration. Surfaces shall be deemed to be in need of such a protective coating if there is evidence of excessive peeling of paint, or plaster, chipping or scaling of plaster, or weathering or deterioration of any protective coating previously applied. *Topic paint and/or materials shall not be used where readily accessible to children.*
- b. H-406.0 Approved Means of Egress - Every dwelling unit shall have one or more approved means of egress, with minimum head room of six feet six inches, leading to safe and open space at ground level and every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress with minimum head room of six feet six inches, leading to safe and open space at ground level, as required by the laws of this State and this Municipality.
- c. H-321.4 - Interior Doors and Floors.

SECTION 4. GENERAL PROVISIONS

- 4.1 Saving Clause - Nothing in this Ordinance or in the BOCA Basic Housing Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action accrued or existing, under any act or

ordinance repealed hereby. No right or remedy of any character shall be lost, impaired or affected by this Ordinance.

- 4.2 Validity - The invalidity of any section or provision of this Ordinance or of the Housing Code hereby adopted shall not invalidate other sections or provisions thereof.
- 4.3 Conflict of Ordinances - Any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance be, and the same is hereby repealed, insofar as the same affects this Ordinance.
- 4.4 Short Title - This Ordinance, together with the "BOCA Basic Housing Code" adopted herein shall be known and may be cited as the "Housing Code of the Municipality."

Ordained and enacted into a law this 9th day of May, 1973.

MUNICIPALITY

By: John Zuk
CHAIRMAN

ATTEST:..

By: Leonard Chesterfield
SECRETARY

Approved this 9th day of May, 1973

By: John Mizgine
MAYOR