

ORDINANCE 360

AN ORDINANCE OF THE TOWNSHIP OF HARRIS, CENTRE COUNTY, PENNSYLVANIA, REPEALING THE CENTRE REGION BUILDING SAFETY AND PROPERTY MAINTENANCE CODE, 2017 EDITION AND AMENDMENTS, AND ADOPTING THE CENTRE REGION RENTAL HOUSING & BUILDING SAFETY CODE, 2023 EDITION, AS AMENDED, TO BE KNOWN AS CHAPTER 10 – ARTICLE IV –PROPERTY MAINTENANCE AND FIRE CODE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Harris Township, Centre County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

- Section 1. Intent and Purpose:** It is the intent and purpose of this ordinance to adopt a modern property maintenance code, which will prescribe effective standards and minimum requirements for buildings and premises in the Township. This code is designed to cover every facet of housing and property maintenance in order to insure that persons in or visiting the Township are provided with a safe and sanitary environment.
- Section 2. Repeal of Ordinances:** The provisions of Ordinances 328 as amended that provide for the adoption and modification of the Centre Region Building Safety and Property Maintenance Code / 2017 are hereby repealed.
- Section 3. Adoption of the Centre Region Rental Housing & Building Safety Code, 2023 edition:** It is hereby adopted by Harris Township for the purposes set forth in Section 1 that certain code known as the *Centre Region Rental Housing & Building Safety Code, 2023 edition*, as promulgated by the Centre Region Council of Governments, except such provisions which may be in conflict with the laws of the Commonwealth of Pennsylvania or the regulations issued by an agency of the commonwealth by virtue of such laws and which provide a more stringent standard and which are required to be observed by the Township or the provisions of other ordinances of this jurisdiction which are in conflict with the provisions of this chapter, regardless of the strictness of the provisions. The provisions of the *Centre Region Rental Housing & Building Safety Code, 2023 edition*, as amended, are set forth in the copy presently on file in the office of the Harris Township Municipal Manager, and are hereby adopted as fully as if set forth in length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the municipality, except as modified by this chapter and any subsequent amendments thereto.

Section 4. Deletions: The following sections of the Centre Region Rental Housing & Building Safety Code, 2023 edition, as amended, are deleted in their entirety:

Section 101.6 Tenant Rights

Section 302.11 Trees

Section 315 Vegetative Growth

Section 316 Unlicensed Vehicles

Section 317 Visitability

Table 404.5.1 Minimum Habitable Space applies to all properties receiving a rental housing permit for the first time between January 1, 1998 and December 31, 2002

Section 702.6.1 Three story one or two family dwelling

Section 708.3.3 Open burning

Section 805 Rental housing permit suspension for zoning violations

Section 806 Rental housing permit suspension for nuisance and criminal violations

Section 807 Student home license

Section 902.1 Permit required

Section 5. Amendments, and Alterations: The following sections of the Centre Region Rental Housing & Building Safety Code, 2023 edition, are amended to read as follows:

Alter Section 101.2 Scope. To read:

Exception: Owner-occupied single-family dwellings that do not require a rental housing permit are exempted from all sections of this code except Sections 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 302.1, through 302.7, 302.9, 302.10, 303, 304.1, 304.3 through 304.12, 304.19 through 304.21, 306, exterior provisions of 307.1, exterior provisions 308, 312, 318, 604, and chapters 2, 9, 10, 11 and 12 of this code.

Alter: Section 404.3 Minimum ceiling heights. To read:

Exceptions: 4. Structures constructed prior to 1996

Alter: Table 404.5. Minimum habitable space applies to all properties receiving a rental housing permit.

Alter: Section 714.2 L-P Gas containers. To read:

714.2 L-P Gas containers. Under no circumstances shall any LP-gas container or compressed gas fuel cylinder with a water capacity greater than 2-1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity] be used on any balcony or area that does not have a direct *means of egress* that does not require entry to a *structure* nor in areas covered by a *roof* or partially enclosed area no matter what the construction type.

Alter: Section 803.3 Tenant notification.

Delete item number 17. For units where the tenant is responsible for payment of utilities (electricity, natural gas, propane, fuel oil, water, etc.), the owner shall make available to the tenant the prior 24 months of utility costs prior to signing the lease agreement. The tenant is responsible for providing utility cost information to the owner within 60 days of the receipt of the bill from the utility.

Add: Section 805 Rental housing permit revocation. To read:

Section 805 Rental housing permit revocation.

805.1 Violation Notice Required. Within any eighteen (18) month period, as specified in Section 805.2 (2), written notices may be issued as follows:

1. Prior to revocation of a rental housing permit, the Township shall provide written notice to the owner of any rental property whenever two (2) or more offenses pertaining to occupancy, external or internal property maintenance, refuse, dogs, sidewalk obstructions, noise, drugs, alcohol, disorderly conduct, or vegetation have occurred individually or in combination at the property within an 18-month period. The written notice shall state that the property has been identified as a problem property and that continued offenses could result in revocation of the rental housing permit.
2. Whenever two (2) or more additional violations occur after the first notice, a second written notice shall be sent advising the property owner that his/her property has again been identified as a problem property and that further offenses at said property may result in rental housing permit revocation. To afford the property owner an opportunity to correct problems identified in the first notice, the second notice shall not be sent before thirty (30) calendar days following the first notice.

3. Whenever two (2) or more additional violations occur for a total of six (6) or more offenses, a third written notice shall be sent advising the property owner that the property has again been identified as a problem property and the rental housing permit may be revoked.

805.2. Empowerment and Conditions for Revocation. The code official of the Centre Region Code Administration is empowered to revoke the rental housing permit for any property within the Township whenever all of the following conditions have occurred:

1. The property owner received two (2) written notices from the Municipality that the property has been determined to be a problem property;
2. Six (6) or more offenses pertaining to occupancy, external/internal property maintenance, refuse, dogs, sidewalk obstructions, noise, disorderly conduct, drugs, alcohol or vegetation have occurred individually or collectively at the property within an eighteen (18) month period;
3. Said offenses resulted in a plea of guilty or conviction or judgment in favor of the Municipality or warrant for the arrest of a defendant.

Revocation by the code official shall not be for internal property maintenance offenses, except those that are deemed life-safety offenses.

When a complaint made by the property owner, their property manager, person in charge, or by the tenants of the premises results in prosecution against another at the premises, such violation shall not be counted toward revocation of the rental housing permit.

805.3 Revocation Procedures. The code official shall notify the property owner of the revocation by written notice sent by a parcel service with delivery receipt, delivered in person, or posted on the property. The notice shall advise the property owner of the property address, the effective dates of the revocation, the reason for the revocation, the effect of the revocation on the property, penalties that can be imposed for violation of the revocation and appeal rights and procedures.

The code official shall set forth the effective date of the revocation in such manner so that revocation commences on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a one-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, revocation shall commence upon the first day following the annual permit renewal date. No housing permit shall be renewed

for six (6) months for the first revocation and twelve (12) months for each subsequent revocation beginning on the effective date of the revocation.

805.4 Effect of Revocation. Upon the commencement of revocation, the property shall be secured and no person, firm or corporation shall operate or rent/lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental housing permit for such unit is revoked.

805.5 Appeal Procedure from Code Official. Appeals of revocation initiated by the code official shall be heard by the Centre Region Building and Housing Code Board of Appeals in accordance with the procedures established for appeals to that Board, as referenced in Section 112, "Means of Appeals. The Board of Appeals is empowered to sustain, withdraw or modify the revocation.

805.6 Offenses. For purposes of this section, offenses are those as set forth in the following ordinances or statutes:

Occupancy: Refers to applicable definitions within Chapter 12, Article XI of the Harris Township Code of Ordinances, as amended.

Refuse. Refers to Municipal Solid Waste regulations enforced by the Ordinance Enforcement Officer pursuant to Chapter 5 of the Harris Township Code of Ordinances, as amended.

Property Maintenance (Interior and Exterior). Refers to regulations for the maintenance of residential property contained in the Centre Region Rental Housing & Building Safety Code, as generally enforced by the Centre Region Code Office.

Sidewalk Obstruction. Refers to regulations for clearing snow, ice and other obstructions from sidewalks pursuant to Chapter VII, Subchapter D. of the Harris Township Code of Ordinances, as amended.

Vegetation. Refers to enforcement of grass and weeds pursuant to Chapter V, Subchapter B. of the Harris Township Code of Ordinances, as amended.

Disorderly Conduct. Refers to enforcement by the State College Borough Police Department of Section 5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334.

Drugs. Refers to enforcement by police of The Controlled Substance, Drug, Device and Cosmetic Act," of April 14, 1972, P.L. 233, No. 64, as amended.

Alcohol. Refers to possession or consumption by a minor pursuant to Section 6308, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, or furnishing to a minor, Section 493, Liquor Laws, Act of April 12, 1951, P.L. No. 90, as amended.

Dogs. Refers to enforcement of dog offenses pursuant to Ordinance No, 159, the Harris Township Dog Ordinance, and the Pennsylvania State Dog Law.

805.7 Assignment of Offenses. Offenses, as set forth in Section 805.6 of this ordinance, shall apply towards revocation of the rental housing permit for any 1-family house, duplex, multiple-family dwelling unit, rooming unit or fraternity, as the case may be, in accordance with the following:

1-Family House or Fraternity House: Section 805.6 offenses that occur anywhere on the property, including sidewalk obstruction on sidewalks contiguous to the property, shall apply to the house or the fraternity.

2-Family (Duplex), Multiple-Family or Rooming Unit: Section 805.6 offenses that occur within an individual dwelling or rooming unit shall apply to that unit. Offenses committed by a tenant shall apply to the tenant's dwelling or rooming unit. Offenses committed by the property owner shall be assigned to the property in general.

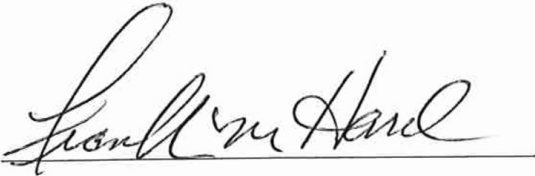
SECTION 7. Effective Date. The effective date of this ordinance shall be August 1, 2023.

SECTION 8. Severability Clause. Nothing in this ordinance or Chapter or in the Centre Region Rental Housing & Building Safety Code 2023 edition hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, as cited in Section 2 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 9. In all other respects the Code of Harris Township remains in full force and effect, and is not in any way affected or modified by this amendment.

ENACTED AND ORDAINED as an ordinance by the Township of Harris this the 10th day of July 2023.

HARRIS TOWNSHIP BOARD OF SUPERVISORS

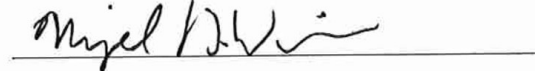


Franklin Harden, Chair



Charles E. Graham, Vice-Chair

Bruce Lord, Supervisor



Nigel Wilson, Supervisor



Dennis Hameister, Supervisor

ATTEST:



Peter S. Marshal, Interim Manager/Secretary