

CODIFIED ORDINANCES OF ERIE
PART NINETEEN - HOUSING CODE

Art. 1901. Property Maintenance Code.

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ARTICLE 1901
Property Maintenance Code

1901.01	Adoption of Property Maintenance Code.	1901.03	Additions, insertions, deletions and changes.
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1901.01 ADOPTION OF PROPERTY MAINTENANCE CODE.

A certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as "The BOCA National Property Maintenance Code, Third Edition, 1990" as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Property Maintenance Code of the City for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of such BOCA National Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes prescribed in Section 1901.03.

(Ord. 37-1992 Sec. 1. Passed 7-1-92.)

1901.02 INCONSISTENT ORDINANCES REPEALED.

Part Nineteen, Articles 1901 through 1926 of the City entitled "Housing Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 37-1992 Sec. 2. Passed 7-1-92.)

1901.03 ADDITIONS, INSERTIONS, DELETIONS AND CHANGES.

The BOCA National Property Maintenance Code is amended and revised in the following respects:

Section PM-100.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Erie, Pennsylvania, hereinafter referred to as this Code.

(Ord. 37-1992 Sec. 3. Passed 7-1-92.)

Section PM-106.3 Service: Such service shall be deemed to be properly served upon such owner, if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that the letter has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice. (Ord. 34-1994 Sec. 1. Passed 4-13-94.)

Section PM-107.1 Placarding of Structure: After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure to comply within the time given, the code official shall post on the premises or structure or parts thereof, or on defective equipment a placard or sign bearing the words: "Condemned as unfit for human occupancy or use", together with the name or names of the owners of the premises. The placard or sign shall also set forth a statement of the penalties provided for any occupancy or use or for removing the placard or sign. All placards and signs shall be posted in conformity with all City of Erie Zoning regulations. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate. (Ord. 42-1997 Sec. 1. Passed 7-16-97.)

Section PM-109.2 Penalty: Any person, firm or corporation who violates any provision of this Code shall, upon conviction thereof, be subject to a fine not exceeding one per month on a single property and not more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars (\$5,000) for the third and subsequent continual and uncorrected violation of the same subsection of this Code, or, if the violation is found to pose a threat to public health, safety or property, a fine of not less than five hundred dollars (\$500.00) and no more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations of the same subsection of this Code on the same property, and not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) for the third and subsequent continual and uncorrected violation of the same subsection on the same property, or imprisonment for a term not to exceed ninety days, or both at the discretion of the court. (Ord. 3-1999. Passed 1-20-99.)

Section PM-110.3 Order: If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by being posted on the main entrance of the building and published one time in two separate local publications authorized to provide service by publication. (Ord. 34-1994 Sec. 2. Passed 4-13-94.)

Section PM-111.2 Appeals Board: In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a code appeals board, hereafter referred to as the board, consisting of seven members, five of whom shall be appointed by the chief executive officer of the jurisdiction and two of whom shall be appointed by Council.

Section PM-111.2.1 Membership: The chief executive officer shall appoint for a term of one year an alternate member of such board in addition to the seven members above provided for, who shall act with full power only when a member of the board refuses to vote because of interest or when a member is absent. (Ord. 16-1993 Secs. 1, 2. Passed 2-17-93.)

Section PM-301.3 Driveways: All driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free of hazardous conditions. Stairs shall comply with the requirements of Section PM-302.10.
(Ord. 37-1992 Sec. 3. Passed 7-1-92.)

Section PM-301.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches (254 mm). All 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. Weeds shall be disposed of for curbside collection in the same manner prescribed for in the City of Erie's Composting Program. Only one Compliance Notice will be issued to each violator per calendar year. Thereafter, a citation will issue directly without warning. Any person, firm or corporation who shall violate this section shall, upon conviction thereof, be subject to a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000) or imprisonment for a term not to exceed ninety days, or both at the discretion of the court.
(Ord. 67-1996 §1. Passed 11-20-96.)

Section PM-301.8 Motor Vehicles: Except as provided in other regulations, not more than one currently unregistered and/or uninspected motor vehicle shall be parked, kept or stored on any property and no vehicle shall at any time be in a wrecked or junked condition or in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure.

Section PM-301.9 Parking Restrictions: No property owner shall permit a motor vehicle to be parked in the yard of a one-family, two-family or multiple-family dwelling other than on a driveway or parking lot.
(Ord. 34-1994 Secs. 6, 7. Passed 4-13-94.)

Section PM-302.12. Insect screens: During the period from May 1 through August 31, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

Section PM-504.1 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]. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

Section PM-601.1 Residential Buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of sixty-five degrees F. (eighteen degrees C.) at a level of three feet (914 mm) above the floor and a distance of three feet (914 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 through April 30 to maintain a room temperature of not less than sixty-five degrees F. (eighteen degrees C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than sixty degrees F. (sixteen degrees C.) during other hours. The temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

Section PM-601.2 Nonresidential Structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from September 1 through April 30 to maintain a temperature of not less than sixty-five degrees F. (eighteen degrees C.) during all working hours. The temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls.

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.
- (Ord. 37-1992 Sec. 3. Passed 7-1-92.)

Section PM-601.3 Heating Equipment: All heating equipment, components, and accessories in every heating and water heating device shall be properly installed and maintained free from leaks and obstructions.
(Ord. 34-1994 Sec. 3. Passed 4-13-94.)

Section PM-601.4 Mechanical Equipment: Hot water tanks and furnaces shall be properly installed and maintained in safe working conditions, and capable of performing the intended function.

Subsection PM-601.4.1 Flue: Exception: Fuel-burning equipment and appliances that are labeled for unvented operation. However, kerosene heaters may not be used as a primary source for heating the premises.
(Ord. 34-1994 Secs. 4, 5. Passed 4-13-94.)

SECTION PM-803.0 WILD ANIMALS

PM-803.1 Defining Wild Animals: No person shall board, breed, house, keep or maintain any wild animal which is prohibited or protected by Title 50, Code of Federal Regulations, or otherwise controlled or prohibited by the Commonwealth of Pennsylvania. No person shall board, breed, house, keep or maintain any animal which is wild, dangerous, noxious or naturally inclined to do harm in any place; nor any animal usually kept as a farm animal or livestock in the City of Erie.

For purposes of this Code, animal shall include but not be limited to the following:

- (a) All members of the dog (Canidae) family except commonly accepted domesticated dogs.
- (b) All members of the cat (Felidae) family except commonly accepted domesticated cats.
- (c) All members of the bear (Ursidae) family; weasel (Mustelidae) family including weasels, martens, minks, wolverines, badgers, otters, ermine, etc.; non-human primates, porcupine (Erithizontidae) family; racoon (Procyonidae) family; skunks, mongoose and all other mammalian species not commonly accepted as domestic animals.
- (d) All venomous snakes, including but not limited to all members of the families Viperidae (vipers and pit vipers), Elapidae (cobras), Hydrophidae (seasnakes), venomous Colubridae (boomslang, twig snake and keel back snake genus); all members of the order Crocodilia including alligators, crocodiles, caimans and gharials, venomous fish other than those commonly kept in small aquariums and posing no significant hazard to humans or domestic animals, piranha, sharks, barracuda and other predatory fish other than common small aquarium species posing no significant hazard to humans or domestic animals.

All reptilian species not prohibited as pets or specimens must be contained within habitats designed to prevent escape; shall be transported in escape-proof containers; shall not be handled openly in public places unless the handler is conducting an educational meeting or is demonstrating a reptile for sale within a commercial animal establishment; and shall not be released or abandoned except for native reptiles which may be released at their local point of capture, or wild reptiles which have wandered near human habitation and may be relocated to nearby natural habitat. Any captive reptile secured by or forfeited to the City shall be released to a zoo, humane society or reptile rescue organization, or euthanized in the discretion of City officials.

(Ord. 44-1998. Passed 8-19-98.)

- (e) Cattle, horses, swine (excluding pet "pot-belly pigs"), sheep, goats, fowl and all other animals usually kept as farm animals or livestock for the production of food, clothing, other products or agricultural labor.
(Ord. 58-2002. Passed 10-9-02.)

PM-803.2 Exceptions: The provisions of this Code shall not apply to:

- (a) A bona fide publicly or privately owned zoological park or educational institution incorporated or authorized to do business in Pennsylvania such as:
 - (1) A humane society or animal park;
 - (2) A veterinary hospital, clinic or office;
 - (3) A bona fide research institution using animals for scientific research; or
 - (4) A circus, sideshow, amusement show or facility.

PM-803.3 Penalties for Violations: In the event any person is found to be boarding, breeding, housing, keeping or maintaining any animal in violation of this Code, such animal shall be seized by any member of the Bureau of Housing, any police officer, fireman or any other person authorized by the Code Official, and placed immediately in a zoological park or humane society.

PM-803.4 Additional Violations: In addition to the other penalties prescribed in this Code, the person or persons found boarding, breeding, housing, keeping or maintaining any animal in violation of this Code shall be obligated to reimburse the City all moneys expended by the City in seizing such animal or animals and placing such animal or animals in a zoological park or humane society, or in otherwise disposing of such animal.

ARTICLE 10

ROOMING HOUSE PERMITS

SECTION PM-1000.0 GENERAL

PM-1000.1 Effective Date: From and after January 1, 1959, no person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, unless he holds a rooming house permit issued by the Code Official.

PM-1000.2 Application: From and after thirty days from the effective date of this Code, application for permit shall be made by the operator to the Code Official on forms furnished by the Bureau of Housing. The application shall include:

- (a) The name and address of the operator, and the name and address of the owner, if the operator is not the owner;
- (b) The location of the rooming house, including the street and number for each entrance;
- (c) The number of rooming units occupied or available for occupancy, and the number of persons who may be accommodated in accordance with the provisions of this Code; and
- (d) Such other information as the Code Official may by rule or regulation require.

PM-1000.3 Proof: A permit shall be issued by the Code Official to the operator upon reasonable proof that:

- (a) The rooming house complies with the applicable provisions of this Code; and
- (b) An occupancy permit certifying that there has been compliance with the provisions of the Building Code and the Zoning Code has been issued by the Bureau of Building Inspection.

PM-1000.4 Appeals: In the event a permit is denied, the Code Official shall issue prompt notice to the applicant in accordance with the provisions of Article 1.

PM-1000.5 Permit Fee: The annual permit fee shall be as follows:

<u>Number of Rooms</u>	<u>Permit Fee</u>
1 through 4	\$ 25.00
5 through 9	50.00
10 through 24	75.00
50 through 149	200.00
150 or more	300.00

No reduction in the fee shall be made for fractional yearly permits. The permit shall expire at the end of the calendar year in which it is issued and shall be renewed annually at the rate established.

PM-1000.6 Posting: The permit shall be posted in a conspicuous public place in the rooming house.

PM-1000.7 Transfer: No transfer of a permit shall be made without the written approval of the Code Official.

PM-1000.8 Change of Ownership: The new owner or operator shall notify the Code Official within ten days of any transfer of the dwelling to the new owner.

PM-1000.9 Occupant List: The operator shall keep a list of occupants up to date at all times in a permanent volume.

ARTICLE 11

RENT WITHHOLDING

SECTION PM-1100.0 GENERAL

PM-1100.1 Special Definition of Dwelling: As used in this article "dwelling" means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

PM-1100.2 Special Definition of Dwelling Unfit for Human Habitation: As used in this article, "dwelling unfit for human habitation" means any dwelling, which, by reason of serious deficiency or inadequacy in plumbing, water supply, light, heat, ventilation, floor area, room area, fire safety, and rodent and pest control, or by reason of damage, deterioration or disrepair to the building, the dwelling is insanitary or unsafe and constitutes a serious hazard to the health, safety or general welfare of the occupants of the dwelling.

PM-1100.3 Determining Factors: The standards which shall be followed by the Code Official, in determining whether the dwelling shall be certified to be unfit for human habitation, are as follows:

- (a) Existence of deficiency or inadequacy in plumbing, water supply, light, heat, ventilation, floor area, room area, fire safety, rodent or pest control, as represented by the terms and provisions of this Code; or which by reason of damage, deterioration or disrepair to the building, the dwelling is insanitary or unsafe according to the terms of this Code.

PM-1100.4 Suspension of Duty to Pay Rent: When the Code Official certifies a dwelling unfit for human habitation, the duty of any tenant of such dwelling to pay, and the right of the landlord to collect rent, shall be suspended without affecting any other terms or conditions of the landlord-tenant relationship, until the dwelling is certified as fit for human habitation by the Code Official, or until the tenancy is terminated for any reason other than the nonpayment of rent.

PM-1100.5 Escrow Account: During any period when the duty to pay rent is suspended and the tenant continues to occupy the dwelling, the rent withheld shall be deposited by the tenant in an escrow account, as hereinafter designated, and shall be paid to the landlord when the dwelling is certified as fit for human habitation at any time within six months from the date on which the dwelling was certified as unfit for human habitation.

PM-1100.6 Disbursement of Escrow Account Funds: If, at the end of six months after certification of a dwelling as unfit for human habitation, such dwelling has not been certified as fit for human habitation, any moneys deposited in escrow on account of continued occupancy shall be payable to the depositor. Except that any funds deposited in escrow may be used for the purpose of making such dwelling fit for human habitation and for the payment of utility services for which the landlord is obligated but which he refuses or is unable to pay. No tenant shall be evicted for any reason whatsoever while rent is deposited in escrow.

PM-1100.7 Designated Escrow Agent: The Mayor, City Controller and Code Official are hereby authorized and directed to enter into an agreement on behalf of the City and the Mellon Bank, for the Mellon Bank to act as the aforesaid escrow agent.
(Ord. 37-1992 Sec. 3. Passed 7-1-92.)

1901.04 SAVING CLAUSE.

Nothing in this article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1901.02; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. 37-1992 Sec. 4. Passed 7-1-92.)

1901.05

1901.05 FEE FOR REQUESTED INSPECTION.

Any individual, person or agency requesting the Bureau of Housing to inspect any residence or structure for the purpose of securing a Certificate of Code Compliance shall be liable for a fee in accordance with the following fee schedule:

<u>Number of Units</u>	<u>Inspection Fee</u>
1 thru 4	\$ 50.00
5 thru 9	75.00
10 thru 24	100.00
25 thru 49	125.00
50 thru 149	225.00
150 or more	325.00

(Ord. 12-1987 Sec. 1. Passed 4-8-87.)

