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Part 1

Code Enforcement Officer

§101. Establishing of Office of Code Enforcement.

1. Creation of Office of Code Enforcement – There is hereby created by the Council of the Municipality an office of the Municipality to be known as the "Office of Code Enforcement." Said office shall have the responsibility for administering and enforcing the provisions of this Part and of those other codes and/or ordinances of the Municipality (hereinafter referred to as the "Applicable Codes and Ordinances"), which designate said Office of Code Enforcement as their Official Administration and Enforcement Agency. The Council may also enter into agreements with adjoining or contiguous municipalities and may designate in such agreements the creation of a joint office of Code Enforcement for said municipalities having all of the powers and duties of the Office of Code Enforcement herein provided.
2. Appointment of Code Enforcement Officer. There shall be appointed by the Council of the Municipality, a Code Enforcement Officer who shall be in charge of the Office of Code Enforcement of the Municipality. The Code Enforcement Officer shall supervise such other employees or assistants as shall be necessary for the administration and execution of the responsibilities of said office, as appointed and approved by the Council of the Municipality. Said Code Enforcement Officer and other personnel including officials or persons designated to serve on a Code Policy Board, may consist of employees directly hired and compensated by the Municipality and/or employees designated pursuant to any agreements entered into with adjoining municipalities in accordance with the agreements provided for under subsection 1 above. Any such Code Enforcement Officer and other personnel designated pursuant to such agreements shall be deemed to have all of the duties and powers provided in this Part and in the Applicable Codes and Ordinances of the Municipality and shall represent the Municipality to the same extent as if appointed directly by the Municipality. However, no such agreement shall restrict the power of the Municipality to discharge any employee at any time by a majority vote of the Council of the Municipality.
3. Relief from Personal Liability. The Code Enforcement Officer or other official or employee shall not, while acting for the Municipality, render himself liable personally because of any act or omission as required or permitted in the discharge of his official duties. Any suit instituted against such Code Enforcement Officer, official or employee, because of any act performed by him in the lawful discharge of his duties, shall be defended by the Solicitor of the Municipality and in no case will said officer, official or employee be liable for costs in any action, suit or proceeding.
4. Official Record. An official record shall be kept of all business and activities of the Office of Code Enforcement and all such records shall be open to the public for in-

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spection at all appropriate times, except that no individual, owner, operator, occupant or other person shall be subject to unwarranted invasion of privacy and except that all evidence or information obtained in the course of any inspection shall be considered privileged information and shall be kept confidential. Such evidence or information shall not be disclosed except as may be necessary in the judgment of the Code Enforcement Officer for the proper and effective administration and enforcement of the provisions of this Part and shall not otherwise be made public without the consent of the owner, occupant, operator or other person in charge of the unit, structure or premises inspected.

(Ordinance 519, December 1, 1971, §1)

§102. Duties and Powers of Code Enforcement Officer.

1. **Enforcement by Code Enforcement Officer.** The Code Enforcement Officer shall enforce and administer all of the provisions of this Part and of those other Applicable Codes and Ordinances which establish the office of Code Enforcement as their official administration and enforcement agency.
2. **Duties of Code Enforcement Officer.** The duties of the Code Enforcement Officer shall include the receipt of applications, the issuance of permits, notices, certificates and orders, the making of inspections to determine conformance with Applicable Codes and Ordinances, the undertaking of systematic inspection programs, the undertaking of research and investigations, the recommendation of appropriate administrative rules for review and adoption by the Code Hearing Board, the keeping of records, the issuance of written annual reports and such other activities as may be required.
3. **Right of Entry.** In the discharge of his duties the Code Enforcement Officer or his authorized representative, upon showing proper identification where requested, is hereby authorized to enter and inspect, at any reasonable hour, any structure or premises in the Municipality to enforce the provisions of this Part and of those other Applicable Codes and Ordinances.

The Code Enforcement Officer and the owner, operator, or occupant or other person in charge of any structure or premises subject to the provisions of this Part may agree to an inspection at a mutually convenient time.

The owner, operator, or occupant or other person in charge of any structure or premises shall give the Code Enforcement Officer entry and free access thereto and to every part of the structure or to the premises surrounding the structure.

If any owner, operator or occupant or other person in charge fails or refuses to permit entry and free access to the structure or premises under his control, or any part thereof, with respect to any authorized inspection, the Code Enforcement Officer may, upon a showing that probable cause exists for the inspection may file a complaint and may petition for and obtain an order directing compliance with the

inspection requirements of this Part from a court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

(Ordinance 519, December 1, 1971, §2; as amended by Ordinance 533, December 27, 1972)

§103. Permits, Certificates and Fees.

1. **Permit Required.** An application for a permit shall be required in accordance with the provisions of those other Applicable Codes and Ordinances which the office of Code Enforcement has the responsibility to administer. Said application shall be submitted in such form as may be prescribed by the Code Enforcement Officer and shall be accompanied by any required fee.
2. **Action on Application.** The Code Enforcement Officer shall examine said application to determine compliance with those other Applicable Codes and Ordinances of the Municipality and shall, within fifteen (15) days after filing, either approve or reject said application. If said application is rejected, the Code Enforcement Officer shall inform the applicant in writing, stating the reasons for such rejection.
3. **Required Fees.** Applicants for permits required by any of the following Applicable Codes and Ordinances shall pay at the time of application, to the Code Enforcement Officer, for use by the Municipality, fees according to the following schedule.
 - A. **BOCA Basic Building Code.** The fees required for permits under the BOCA Basic Building Code shall be as follows:
 - (1) **New Construction and Alterations.**
 - (a) **Residential**
 - 1) **Single Family dwellings (new)** \$5.00 for each 100 sq. ft. or fraction thereof (outside dimensions) including attached garages, and excluding areas of crawl space, unfinished basements and attics.
 - 2) **Apartments** – \$50.00 per living unit.
 - 3) **Motels** – \$25.00 per unit and non-residential rate for non-living spaces.
 - 4) **Town Houses & Condominiums** – same as single-family dwellings.

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- 5) Alterations – \$10.00 minimum for first \$1,000 of construction cost, \$5.00 each additional \$1,000 or fraction thereof.
 - 6) Detached garages, sheds, etc. – \$10.00 for single garage, \$15.00 for double garage.
- (b) Non-Residential
- 1) New – \$100 for first 1,000 sq. ft., \$50.00 for each 1,000 sq. ft. or fraction for next 4,000 sq. ft. \$25.00 for each additional 1,000 sq. ft. or fraction thereof.
- (c) Alterations and Additions
- 1) \$10.00 (minimum) for first \$1,000 of construction cost, \$5.00 for each additional \$1,000 of construction.
- (d) Detached garages, sheds, etc. Same as alterations or additions
- (2) Swimming Pool. Over 24" of water capacity minimum \$20.00 for first \$1,000 of construction cost, \$5.00 for each additional \$1,000 of cost.
 - (3) Mobile Homes. Same as residential.
 - (4) Temporary Trailers and Buildings. (on construction sites) \$20.00 (limited to one year).
 - (5) Moving of Building. A fee of \$1.00 for each \$100 of the estimated cost of moving any structure, plus the cost of new foundations and all other necessary work required to affix the structure to the site.
 - (6) Demolition. A fee of \$10.00 for each \$1,000 of the cost of demolition. In addition, for any structure to be demolished which has assessed valuation in excess of \$500, the applicant shall post a bond with the Code Enforcement Officer for a sum equal to no less than four times the assessed valuation of the building to be demolished which bond shall be for the faithful performance of the demolition in accordance with the Applicable Codes and Ordinances.
- B. National Electrical Code. A fee of \$2.00 for the first \$100.00 of job cost.
- C. BOCA Basic Plumbing Code.
- (1) Air Conditioning. \$5.00 for each ton capacity (1 ton – 12,000 BTU)
 - (2) Heating. \$10.00 for each \$1,000 of cost or fraction.

- (3) Fuel storage tanks (over 550 gallon capacity. \$10.00 for each 1,000 gallon capacity.
- (4) Gasoline pumps. \$10.00 for each pump.
- (5) Sprinkler system. \$10.00 for first \$1,000 cost; \$5.00 for each \$1,000 of cost.
- (6) All other plumbing. \$0.75 for each \$100 of cost with a minimum charge of \$5.00.

D. BOCA Fire Prevention Code. A fee of \$25.00 for the establishment and operation of any use or activity provided in the BOCA Basic Fire Prevention Code where such uses require a permit.

All permits granted under any of the above Applicable Codes and Ordinances shall be good for a period of one year, provided that extensions may be granted by the Code Enforcement Officer for good reasons; except that any permit granted for demolition activities shall be valid for six (6) months only and if such demolition work is not completed within that time any bond posted by the applicant shall be forfeited. (Ordinance 573)

4. Certificates. The following certificates shall be required in accordance with the provisions of those other Applicable Codes or Ordinances which the Office of Code Enforcement has the responsibility to administer. Said certificates may be issued separately or combined in the form of a single certificate.¹

(Ordinance 519, December 1, 1971, §3; as amended by Ordinance 548, July 2, 1975; and by Ordinance 573, March 12, 1980)

§104. Violations and Penalties and Nuisances.

1. Violations and Notices. The following procedures and guidelines are to be followed in cases of alleged violations.
 - A. Serve notice in writing of the alleged violation which shall be signed by the Code Enforcement Officer or his authorized representative. Said notice shall be served personally to the responsible owner, occupant, operator or other person in charge; or served by registered mail with a return receipt requested; or where such responsible person in charge cannot be found, service may be made by posting a notice in or about the structure or premises or by publishing such notice in a newspaper of general circulation for a period of three consecutive days; or served by another method authorized under the laws of the Commonwealth of Pennsylvania.

¹ Editor's Note: Apparently information was omitted in typing of original ordinance No. 519 since subsections a through d dealt with violations and penalties rather than certificates, and the first part of section 4 was not present. A beginning for section 4 [§104] has been added for the sake of clarification.

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- B. Said notice shall include a statement of the reasons why the notice is being issued, the sections of the Code and/or ordinances which have been violated, and the remedial actions required.
 - C. Said notice shall allow a reasonable time, not to exceed one hundred (100) days, for the initiation and correction of the violation alleged or of the remedial actions required, except where emergency conditions exist which require immediate corrective action. (Ordinance 548)
 - D. Said notice shall contain a statement indicating that the notice will become an order if no request and approval for an extension of time is made to the Code Enforcement Officer or if no petition for an appeal or hearing is requested before the Code Hearing Board within fifteen (15) days from the receipt of said notice.
 - E. The Code Enforcement Officer may grant a request for a reasonable extension of time where he has evidence to believe that the responsible person is attempting to remove the alleged violation. However, no such extension of time may exceed a period of one hundred and thirty (130) days unless authorized by the Code Hearing Board upon appeal of the responsible owner, operator, occupant or other person in charge. (Ordinance 548)
2. Penalties. Any person who fails to correct a violation or take a remedial action as ordered by the Code Enforcement Officer or who violates a provision or fails to comply with any requirements of this Part or of any of the other Applicable Codes and Ordinances shall be subject, for each violation, to a fine of not more than three hundred dollars (\$300.00) and costs of prosecution; or to imprisonment for not more than thirty (30) days. Each day's failure to comply with any such provision or requirement or any such order shall constitute a separate offense.
- The imposition of the penalties, herein prescribed shall not preclude the Solicitor representing the municipality from initiating, and he is hereby ordered to initiate, appropriate actions or proceedings at law, or in equity, to effect the purposes of this Part.
3. Dangerous and Unsafe Conditions and Structures and Dwellings Unfit for Human Habitation. Structures which contain dwellings which are unfit for human habitation, or structures which are dangerous or unsafe and structures which contain dangerous conditions or materials, as defined by the Applicable Codes and Ordinances of the Municipality are hereby declared to be a public nuisance.
- A. General Procedure. The Code Enforcement Officer shall order the responsible owner, operator, occupant or person in charge of the structure or premises which are dangerous, unsafe or unfit for human habitation to vacate, repair and/or demolish said structure and to remove the public nuisance as provided for in this Part and in the Applicable Codes and Ordinances of the

Municipality in accordance with the laws of the Commonwealth of Pennsylvania.

- B. **Failure to Comply.** Whenever an order to vacate, repair and/or demolish a structure which is a public nuisance because it is unsafe, dangerous or unfit for human habitation has not been complied with, the Code Enforcement Officer may, in accordance with the laws of the Commonwealth of Pennsylvania, proceed to cause the structure to be vacated, repaired and/or demolished or take such other action as is necessary to abate the nuisance. Abatement under this section shall not commence until at least ten (10) days after the service of the order, except that the Code Enforcement Officer may determine that more immediate action is required because of the special emergency or dangerous conditions which exist.
- C. **Recovery of Expenses.** The expenses incurred pursuant to subsection B above and of the other Applicable Codes and Ordinances shall be paid by the responsible owner, operator or occupant or by the persons who caused or maintained such a public nuisance. The Code Enforcement Officer shall file on his records an affidavit stating with fairness and accuracy the items and date of the expenses incurred. The Council of the Municipality may institute a suit to recover such expenses to be charged against the property as a lien.

(Ordinance 519, December 1, 1971, §4; as amended by Ordinance 548, July 2, 1975; and by Ordinance 599, December 19, 1983)

§105. Variances and Appeals.

- 1. **Code Hearing Board.** There is hereby established a Code Hearing Board, appointed by the Council of the Municipality consisting of not less than three (3) members nor more than five (5) members who shall serve without compensation, but may be reimbursed for necessary and reasonable expenses. Their terms of office shall be for three (3) years, except for those first appointed, so fixed that the term of office of at least one member shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- 2. **Powers of the Code Hearing Board.** The Code Hearing Board shall have the following powers and duties:
 - A. **Interpretation.** On appeal from a determination of the Code Enforcement Officer or on request of any Municipal Official, the Code Hearing Board shall decide any questions involving the interpretation of any provision of this Part or of those other Applicable Codes and Ordinances.
 - B. **Variances.** The Code Hearing Board may grant a variance from the strict application of this Part or of those other Applicable Codes. Such variances may be granted only in those cases which would result in practical difficulty

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or unnecessary hardship and where the public health and safety shall not be jeopardized.

- C. **Decide Appeals.** The Code Hearing Board shall hear all appeals made to it and, depending on its findings, shall decide whether such appeals shall be granted.
3. **Requests for Appeals or Variances.** Any person requesting a variance or aggrieved by a decision of the Code Enforcement Officer or by any other employee or official charged with the administration and enforcement of this Part and of those other Applicable Codes or Ordinances, may take an appeal to the Code Hearing Board. All appeals shall be made in writing stating the grounds upon which the appeal is based and shall be transmitted to the Office of Code Enforcement. An appeal must be taken within fifteen (15) days of the action or of the receipt of written notice of any decision or ruling which is being appealed.
 4. **Appeals and Variance Procedure.**
 - A. **Public Hearing.** The Code Hearing Board shall meet and conduct a hearing within thirty (30) days of the receipt of an appeal or a request for a variance. All hearings shall be public and all persons whose interest may be affected shall be given an opportunity to be heard. A record shall be kept of all evidence and testimony presented at the hearing.
 - B. **Decision of the Board.** All decisions of the Board shall be in writing and a copy of each decision shall be sent to the applicant and to the Code Enforcement Officer. The Code Hearing Board shall also retain in its files a copy of each decision, which files shall be available for inspection by the public. Each decision shall set forth fully the reasons for the decision of the Code Hearing Board and the findings of fact on which the decision was based. The Code Hearing Board shall make an order on its decision and the Code Enforcement Officer shall take immediate action to carry out said order.
 5. **Appeals from the Decision of the Code Hearing Board.** Any person or persons aggrieved by any final order or decision of the Code Hearing Board may appeal such order or decision within thirty (30) days, to the Court of Common Pleas in accordance with, as far as practicable, the Rules of Civil Procedure of the Supreme Court regarding appeals from administrative agencies.
 6. **Reports by the Code Hearing Board.** The Code Hearing Board shall report to the Council of the Municipality periodically, at intervals of not later than twelve (12) months. The report shall summarize all applications and appeals made to it since the last report and shall contain a summary of the Board's decision on each case. A copy of the report shall be filed with the Code Enforcement Officer. The Code Hearing Board may also submit to the Council of the Municipality advisory reports recommending changes and modifications in this Part or in those other Applicable Codes or Ordinances.

(Ordinance 519, December 1, 1971, §5)

§106. Regulation of Tradesmen.

1. **Qualifications of Tradesmen.** No person, firm or corporation shall engage in the practice of plumbing, building, electrical or other skilled trade activity within the municipality, unless excepted by this Part, unless technically qualified to perform such activities in a competent manner. Such technical qualification shall be demonstrated by the person, firm or corporation by the submittal of the following information to the Code Enforcement Officer.
 - A statement describing the training course or courses satisfactorily completed.
 - A statement adequately describing the work experience of the person, firm or corporation.
 - A statement describing any plumbing, building, electrical or other licenses received from the State, County or any other municipality.

2. **Review of Qualifications.** Such application shall be reviewed and, if deemed necessary, investigated by the Code Enforcement Officer and a recommendation for the approval or disapproval of said application shall be made to the Code Hearing Board. Said Board shall make the final determination on the technical qualifications and competence of the applicant.

The above provision for the regulation of plumbers shall not apply to any person who applies for a permit to do any work regulated by any of the applicable codes or ordinances in a single or two family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such dwelling, provided the person is the bona fide owner of such dwelling and that the same will be occupied by said owner and that said owner shall personally purchase all material and perform or supervise all labor in connection therewith.

(Ordinance 519, December 1, 1971, §6)

Part 2

Adoption of Codes

§201. Adoption by Reference.

1. The following standard codes, as last amended or supplemented, are hereby adopted by reference for the Borough of Stroudsburg:
 - A. The BOCA National Building Code, Twelfth Edition, 1993, as published by the Building Officials and Code Administrators International, Inc.
 - B. The National Electrical Code, 1993, as published by the National Fire Protection Association.
 - C. The BOCA National Fire Prevention Code, Ninth Edition, 1993, [as published by] the Building Officials and Code Administrators International, Inc.
 - D. The BOCA National Property Maintenance Code, Fourth Edition, 1993, as published by the Building Officials and Code Administrators International, Inc.
 - E. The BOCA National Plumbing Code, Ninth Edition, 1993, as published by the Building Officials and Code Administrators International, Inc.
 - F. The One and Two Family Dwelling Code, 1992 Edition, as published by, among others, the Building Officials and Code Administrators International, Inc.
 - G. The BOCA National Mechanical Code, Eighth Edition, 1993, as published by the Building Officials and Code Administrators International, Inc.
 - H. Act 222 as enacted by the Commonwealth of Pennsylvania on December 15, 1980, known and cited as the "Building Energy Conservation Act" is hereby adopted in its entirety by reference thereto.
 - I. The BOCA National Energy Conservation Code/1993, as published by the Building Officials Code Administrators International, Inc.

(Ordinance 584, August 12, 1981, §1; as added by Ordinance 586, October 14, 1981; as amended by Ordinance 599, December 19, 1983; by Ordinance 643, February 10, 1988; §1; by Ordinance 711, October 9, 1991, §1; and by Ordinance 750, April 19, 1995, §1)

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§202. Copies on File.

Two (2) copies of each of the standard codes referred to in §201 have been placed on file in the Stroudsburg Municipal Building, Pennsylvania. (Ordinance 584, August 12, 1981, §2; as amended by Ordinance 643, February 10, 1988; §2)

§203. Modifications.

1. The following sections of the BOCA National Building Code, Twelfth Edition, 1993, herein adopted are amended or deleted as follows:
 - A. Deleted:
 - (1) Section 101.1 Insert: (Borough of Stroudsburg)
 - (2) Section 112.3.1 Delete Section
 - (3) Section 116.4 Insert: (Summary Offense, \$1,000.00, 30 days)
 - (4) Section 117.2 Insert: (\$25.00, \$1,000.00)
 - (5) Section 121.2 – Membership of the Board (Delete)
 - (6) Section 121.2.1 – Qualifications (Delete)
 - (7) Section 348.2 Insert: (January 1, 1971)
2. The National Electrical Code, (1993 Edition), herein adopted shall not be modified by deletions, additions or amendments.
3. The BOCA National Fire Prevention Code (1993 Edition) herein adopted are amended or deleted as follows:
 - A. Deleted:
 - (1) Section F-113.2 Membership of Board
 - (2) Section F-113.1 Qualifications
 - B. Amended:
 - (1) Section F-101.1 Insert: Borough of Stroudsburg
4. The following sections of the BOCA National Property Maintenance Code, 1993, herein adopted are hereby amended or deleted as follows:
 - A. Deletions

- (1) Section P.M. 111.2 – Membership of the Board
- (2) Section P.M. 111.2.1 – Qualifications

B. Amendments

- (1) Section P.M. 101.1 Title Insert Borough of Stroudsburg
- (2) P.M. 105.7.1 Enforcement Authority – 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 Part and of the Property Maintenance 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 provision, or application of this Part, which violation if corrected would not substantially serve to further the purpose of this Part in protecting the public health, and safety and where 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 Hearing Board of the presence of such special conditions. In providing such advice and information, the Code Enforcement Officer shall give consideration of existing older dwellings in the municipality which might require extensive structural alterations to conform with the strict provisions of application of this code.
- (3) Section P.M. 106.2 (Page 3, 3rd line) Insert: \$25.00, \$1,000.00
- (4) Section P.M. 106.2 (Page 3, 4th line) Insert: 30 days
- (5) Section P.M. 304.12 (Page 11, First line) Insert: May 1st and October 1st
- (6) Section P.M. 602.2.1 (Page 17, 5th line) Insert: September 15 and May 15
- (7) Section P.M. 602.3 (Page 17, 3rd line) Insert: October 1 and May 1
- (8) Section P.M. 702.3 Number of Exits: In nonresidential buildings, every occupied story more than six (6) stories above grade shall not have less than two (2) independent exits. In residential buildings, every story exceeding one (1) story above grade shall be provided with not less than two (2) independent exits. In stories where more than one (1) exit is required, all occupants shall have access to at least two (2) exits. Every occupied story which is totally below grade and greater than two thousand (2000) square feet shall be provided with not less than two (2) independent exits.

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- (9) Section P.M. 508.2 Storm drainage, roof drainage and floor drainage shall not be connected to the sanitary sewer system.
5. The following sections of the BOCA National Plumbing Code, Ninth Edition, 1993, herein adopted are hereby amended or deleted as follows:
 - (1) Delete Section P-121.1 Membership of Board:
 - (2) Delete Section P-121.2.1 Qualifications:
 - (3) Section P-101.1 (Page 1, 2nd line) Insert: Borough of Stroudsburg
 - (4) Section P-113.2 Fee Schedule: Deleted
 - (5) Section P-116.4 (Page 5, 7th, 8th and 9th lines) Insert: Misdemeanor \$1,000.00, 30 days
 - (6) Section P-304.3 (Page 13, 3rd line) Insert: \$25.00, \$1,000.00
 - (7) Section P-304.3 (Page 13, 3rd line) Insert: 200 feet
 - (8) Section P-309.4 (Page 14, 2nd & 3rd lines) Insert: 3 feet, 0 inches
 - (9) Section P-309.5 (Page 14, 2nd & 4th lines) Insert: 36 inches, 36 inches
7. The following Sections of the BOCA National Mechanical Code, Eighth Edition, 1993, herein adopted are hereby amended or deleted as follows:
 - (1) Section M-101.1 (Page 1, 2nd line) Insert: Borough of Stroudsburg
 - (2) Delete M-113.2 – Periodic Inspections
 - (3) Delete M-113.3 – Fee Schedule
 - (4) Section M-116.4 (Page 5, 7th, 8th and 9th lines) Insert: Misdemeanor \$1,000.00, 30 days
 - (5) Section M-117.2 (page 5, 5th and 6th lines) Insert: \$25.00, \$1,000.00

(Ordinance 584, August 12, 1981, §3; as amended by Ordinance 599, December 19, 1983; by Ordinance 643, February 10, 1988; §3; by Ordinance 711, October 9, 1991, §2; and by Ordinance 750, April 19, 1995, §2)

§204. Administration, Enforcement and Fees.

The standard codes referred to in §201 above shall be administered by the Office of Code Enforcement as provided in Ordinance No. 519 as amended [Part 1 this Chapter]. Violations of any of the provisions of said standard codes or of orders of the Code Enforcement Officer entered pursuant thereto shall be subject to the penalties provided in Ordinance No. 519 as amended. (Ordinance 584, August 12, 1981, §4)

§205. Electrical Installations.

Applicants for permits for electrical work shall furnish proof that an application for inspection of the proposed work has been made to an organization licensed to perform such inspections in the Commonwealth of Pennsylvania, and inspection fees and charges shall be borne by the applicant. Following completion of the building in which electrical work is performed, the applicant shall, within thirty (30) days, obtain an electrical certificate of approval from the licensed inspection agency. It shall be the responsibility of the inspection agency to provide the Codes Office with proof that such approval has been obtained. (Ordinance 584, August 12, 1981, §5)

Part 3

Flood Plain Construction

§301. Flood Damage Control Regulations.

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction and to construction of substantial improvements to existing structures occurring in the Flood Plain District.

1. Basements and Lowest Floors.
 - A. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to or above an elevation of one foot above the Base Flood Elevation.
 - B. All new construction and substantial improvements of non-residential structures must have the lowest floor (including basement) elevated to or above an elevation of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, be designed so that below an elevation of one foot above the base flood level the structure is watertight with walls subsequently impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. Fill. If fill is used to raise the finished surface of the first floor one foot above the Base Flood Elevation:
 - A. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for the intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five percent (25%) of the perimeter of a nonresidential structure.
 - B. Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
 - C. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.
 - D. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Building Inspector.

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- E. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
3. Placement of Buildings, Structures, and Mobile Homes.
- A. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
 - B. The following shall not be placed or caused to be placed in the designated Floodway fences, except two-wire fences, other matter which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood plain.
 - C. Mobile homes shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at least one foot above the Base Flood Elevation.
 - D. Adequate surface drainage and access for a mobile home hauler shall be provided.
 - E. When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten feet (10') apart, and reinforcement shall be provided for pilings more than six feet (6') above the ground level.
4. Anchoring.
- A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
 - B. All air ducts, large pipes and storage tanks located at or below the first floor level shall be firmly anchored to resist flotation.
 - C. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specifically:
 - (1) over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than fifty feet (50') long requiring one additional tie per side.

- (2) frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty feet (50') long requiring four (4) additional ties per side.
- (3) all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- (4) any additions to a mobile home shall be similarly anchored.

5. Storage.

- A. No new construction which stores materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life, shall be stored below an elevation one (1) foot above the Regulatory Flood Elevation.

(Ordinance 560, March 9, 1977, Article 1)

§302. Administration.

To insure that the aforementioned flood damage controls are being employed in all new construction or substantial improvement within the Flood Plain District, the Building Inspector shall provide the applicant information concerning the location of the District boundaries relative to his proposed construction and the water surface elevation of the one hundred (100) year flood at the proposed construction site. The source of this information shall be the Type 15 Flood Insurance Study for the Borough of Stroudsburg as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance, Administration.

When reviewing permit applications, the Building Inspector shall consider whether proposed work is designed and anchored to prevent flotation, collapse, or lateral movement; uses material and equipment resistant to flood damage; and uses construction methods that minimize flood damage.

Placement of a mobile home on a lot or in a mobile home park shall require a building permit under this Part.

- 1. Plan Requirements. The Building Inspector shall require the following specific information to be included as part of an application for a building permit for work within the Flood Plain District.
 - A. For structures to be elevated to an elevation at least one foot above the Base Flood Elevation:
 - (1) a plan showing the size of the proposed structures and its relation to the lot where it is to be constructed.

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- (2) a determination of elevations of the existing ground, proposed finished ground, lowest floors certified by a Registered Professional Engineer, Surveyor, Architect.
 - (3) plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Inspector, these plans shall be prepared by a Registered Professional Engineer or Architect.
 - (4) plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to an elevation at least one foot above the Base Flood Elevation at the building site.
- B. For structures to be floodproofed to an elevation at least one foot above the Base Flood Elevation (nonresidential structures only):
- (1) plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
 - (2) a determination of elevations of existing ground, proposed finished ground, lowest floors, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.
 - (3) a certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in 1 above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that:
 - (a) below an elevation one foot above the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water.
 - (b) the structure will withstand the hydrostatic, hydrodynamic buoyant, impact, and other forces resulting from the flood depths, velocities, pressures and other factors associated with the Base Flood.

(Ordinance 560, March 9, 1977, Article II)

§303. Definitions.

BASE FLOOD ELEVATION – the one hundred (100) year flood elevation. Within the approximated flood plain, the base flood elevation shall be established as a

point on the boundary of the approximated flood plain which is nearest to the construction site in question.

FILL – a temporary inundation of normally dry land areas.

FLOODPROOFING – any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

MOBILE HOME – a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

NEW CONSTRUCTION – structures for which the Start of Construction as herein defined commenced on or after the effective date of this Part. This term does not apply to any work on a structure existing before the effective date of this Part.

ONE HUNDRED YEAR FLOOD – a flood that has one chance in one hundred or a one percent (1%) chance of being equalled or exceeded in any year. For the purposes of this Part, the one hundred (100) year flood (base flood) as defined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, in the Type 15 Flood Insurance Study, Borough of Stroudsburg, Monroe County, Pennsylvania.

START OF CONSTRUCTION – the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include any preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as a part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home on its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

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STRUCTURE – for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

SUBSTANTIAL IMPROVEMENT – any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either,

- (a) before the improvement or repair is started or
- (b) if the structure has been damaged, and is being restored before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(Ordinance 560, March 9, 1977, Article 3)

§304. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Part 3 is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part 3 does not imply that areas outside the flood plain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

This Part 3 shall not create liability on the part of the Borough of Stroudsburg or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

(Ordinance 560, March 9, 1977, Article 5)

Part 4

Regulated Rental Unit Occupancy

§401. General.

1. Purpose/Scope/Declaration of Policy and Findings.

It is the purpose of this Part and the policy of the Council of the Borough of Stroudsburg in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain dwelling units in the Borough of Stroudsburg and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As means to those ends, this Part provides standards for its enforcement and penalties for violations. This Part shall be liberally construed and applied to promote its purposes and policies. In considering the adoption of this Part, the Borough of Stroudsburg makes the following findings:

- A. There is a greater incidence of violations of various codes of the Borough at residential properties where owners do not reside in the Borough and rent such property to three (3) or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.
- B. There is a greater incidence of problems with the maintenance and upkeep of residential properties where owners do not reside in the Borough and rent such property to three (3) or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.
- C. There is a great incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where owners rent to three (3) or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.

2. Definitions.

BOROUGH – the Borough of Stroudsburg, Monroe County, Pennsylvania.

CODE – any code or ordinance adopted, enacted and/or in effect in the Borough of Stroudsburg concerning fitness for habitation or construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit. Included within, but not limited by, this definition are the following which are in effect as of the date of enactment of this Part: BOCA Basic Building Code; BOCA Basic Plumbing Code; BOCA Basic Property Maintenance Code; BOCA Basic Fire Pre-

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vention Code; National Electrical Code; the Code of Ordinances of the Borough of Stroudsburg; and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER – the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Borough of Stroudsburg, and any assistants or deputies thereof.

COMMON AREA – in multiple unit dwellings, space which is not part of a regulated rental unit and which is shared with other occupants of the dwelling whether they reside in regulated dwelling units or not. Common areas shall be considered as part of the premises for purposes of this Part.

DISRUPTIVE CONDUCT – any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a regulated dwelling unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur and keep written records, including a disruptive conduct report, of such occurrence.

DISRUPTIVE CONDUCT REPORT – a written report of disruptive conduct on a form to be prescribed therefor, to be completed by the Code Enforcement Officer or police, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.

DWELLING – a building having one or more dwelling units.

DWELLING UNIT – a room or group of rooms within a dwelling and forming a single unit and used for living and sleeping purposes, having its own cooking facilities, and a bathroom with a toilet and a bathtub or shower.

GUEST – a person on the premises with the actual or implied consent of an occupant.

LANDLORD – one (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit (same as "owner").

MANAGER – an adult individual designated by owner of a regulated rental unit under §402(2). The manager shall be the agent of the owner for service of process

and receiving notices or demands and to perform the obligations of the owner under this Part and under rental agreements with occupants.

MULTIPLE UNIT DWELLING – a building containing two (2) or more independent dwelling units including, but not limited to, double houses, row houses, town houses, condominiums, apartment houses and conversion apartments.

OCCUPANT – an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof or a person with whom a legal relationship with the owner/landlord is established by a written or oral lease or by the laws of the Commonwealth of Pennsylvania.

OWNER – one (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

OWNER-OCCUPIED DWELLING UNIT – a dwelling unit in which the owner resides on a regular, permanent basis.

PERSON – a natural, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

POLICE – the Police Department of the Borough of Stroudsburg, any regional police department or any properly authorized member or officer thereof or of any other law enforcement agency having jurisdiction within the Borough of Stroudsburg.

PREMISES – any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more regulated rental units is located.

REGULATED RENTAL UNIT – a dwelling unit occupied by three (3) or more unrelated persons.

RENTAL AGREEMENT – a written agreement between owner/landlord and occupant/tenant supplemented by the addendum required under §402(5) of this Part, embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit or premises.

TENANT – an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof or with whom a legal relationship with the owner/landlord is established by a written or oral lease or by the laws of the Commonwealth of Pennsylvania (same as "occupant").

UNRELATED – not related to one another through blood to the level of second cousins or by adoption or marriage.

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(Ord. 822, 9/5/2002, Art. I)

§402. Owner's Duties.

1. General.

- A. It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with all applicable codes and provisions of all other applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition.
- B. As provided for in this Part, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. As provided for in this Part, every owner shall also be responsible for regulating the conduct and activities of the occupants of every regulated rental unit which he, she or it owns in the Borough, which conduct or activity takes place at such regulated rental unit or its premises.
- C. In order to achieve those ends, every owner of a regulated rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below. This subsection shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding or criminal law; nor shall this subsection be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.
- D. This Part is not intended to, nor shall its effect be, to limit any enforcement remedies which may be available to the Borough against an owner, an occupant or a guest.

2. Designation of Manager. Every owner who is not a full-time resident of the Borough of Stroudsburg, or of Monroe County, shall designate a manager who shall reside within the County. If the owner is a corporation a manager shall be required if an officer of the corporation does not reside within the County. If a corporate officer does reside within the aforesaid area, the officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside within the County. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving notices and demands, as well as for performing the obligations of the owner under this Part and under rental agreements with oc-

cupants. The identity, address and telephone number (s) of the person who is designated as manager or the officer or partner who performs the function of manager hereunder shall be provided by owner or manager to the Borough, and such information shall be kept current and updated as it changes.

3. Disclosure.

A. The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy:

- (1) The name, address and telephone number of the manager, if applicable.
- (2) The name, address and telephone number of the owner of the premises.

B. Before an occupant initially enters into or renews a rental agreement for a regulated rental unit, the owner or manager shall furnish the occupant with the most recent inspection report relating to the property.

4. Maintenance of Premises.

A. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.

B. The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between owner and occupant only if:

- (1) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant.
- (2) The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

C. In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this Part or other ordinances or codes for maintenance of premises.

5. Written Rental Agreement.

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- A. All rental agreements for regulated dwelling units shall be in writing and shall be supplemented with the addendum attached hereto as Appendix A.² No oral leases and no oral modifications thereof are permitted. All disclosures and information required to be given to occupants by the owner shall be furnished before the signing of the rental agreement. The owner shall provide occupant with copies of the rental agreement and addendum upon execution.
 - B. Terms and Conditions. Owner and occupant may include in a rental agreement terms and conditions not prohibited by this Part or other applicable ordinances, regulations and laws, including rent, term of the agreement and other provisions governing the rights and obligations of the parties.
 - C. Prohibited Provisions. Except as otherwise provided by this Part, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Part. A provision prohibited by this subsection included in a rental agreement is unenforceable.
 - D. Attachment of Ordinance to Rental Agreement. Following the effective date of this Part, a summary of this Part shall be attached to each rental agreement delivered by or on behalf of an owner when any such agreement is presented for signing to any occupant. If a summary has been provided when the rental agreement was first executed, a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this Part, the owner shall provide the occupants with a copy of the summary within sixty (60) days of the enactment of this Part.
6. Complaints. The owner shall reply promptly to reasonable complaints and inquiries from occupants. If the owner does not respond, the tenant may file a complaint with the Code Enforcement Officer.
 7. Landlord/Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.
 8. Common Areas. Where an owner does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common area as if the owner were an occupant.
 9. Enforcement.
 - A. Within forty-eight (48) hours after receipt of written notice from the Code Enforcement Officer that an occupant or regulated rental unit has violated a provision of this Part, the owner shall take immediate steps to remedy the

² Editor's Note: Addendum A is included at the end of this chapter.

violation and take steps to assure that there is not a reoccurrence of the violation.

- B. Within five (5) days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report, on a form provided by the Borough, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.
 - C. The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan and time for compliance is adequate to address future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan, and failure to do so shall be a violation of this Part.
 - D. In the event that a second violation occurs within a twelve (12) month period involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to retake possession from the occupant (s) who violated this Part and not to permit the said occupants to occupy the premises during the twelve (12) month period following the said occupant(s) surrender or possession.
10. Code Violations. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall take action as prescribed in the notice, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.
11. Borough Can Make Repairs. In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code within the period time stated in such notice, the Borough may, in accordance with procedures set forth in applicable laws, codes and/or ordinances, cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved plus ten percent (10%) of said costs for each time the Borough shall cause a violation to be corrected and the owner of the premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate, attorney's fees permitted, the Borough's cost of enforcement and court costs. The remedies provided by this subsection (11) are not exclusive, and the Borough and its Code Enforcement Officer may invoke such other remedies under this Part or other applicable codes, ordinances or statutes including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation.

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12. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice.

(Ord. 822, 9/5/2001, Art. II)

§403. Occupant Duties.

1. **General.** The occupant shall comply with all obligations imposed upon occupants by this Part, all applicable codes and ordinances of the Borough and all applicable provisions of State law.
2. **Health and Safety Regulations.**
 - A. The maximum number of persons, including occupants and guests permitted in any regulated rental unit at any time shall not exceed one (1) person for each forty (40) square feet of habitable floor space in said regulated rental unit. The maximum number of such persons permitted in the common areas of any multiple-unit dwelling at any time shall not exceed one (1) person for each fifteen (15) square feet of common area on the premises.
 - B. The occupant shall dispose from his or her regulated rental unit all rubbish, garbage and other waste in a clean and safe manner, and separate and place for collection all recyclable materials, in compliance with applicable laws, codes and ordinances.
3. **Peaceful Enjoyment.** The occupant shall conduct himself or herself and require other persons, including, but not limited to, guests on the premises and within his or her regulated rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others, and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.
4. **Residential Use.** The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her regulated rental unit for no other purpose than as a residence.
5. **Illegal Activities.** The occupant shall not engage in, nor tolerate nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. §101 et seq.) or Liquor Code (47 P.S. §1-101 et seq.), or the Controlled Substance, Drug and Cosmetic Act (35 P.S. §780-101 et seq.).
6. **Disruptive Conduct.**
 - A. The occupant shall not engage in, nor tolerate nor permit others on the premises to engage in, disruptive conduct or other violations of this Part.

- B. When police or the Code Enforcement Officer investigates an alleged incident of disruptive conduct, he or she shall complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute disruptive conduct as defined herein. The information filled in on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the police make such investigation, the police shall then submit the completed disruptive conduct report to the Code Enforcement Officer within five (5) days of the investigation. In all cases, the Code Enforcement Officer shall mail a copy of the disruptive conduct report to the owner or manager within three (3) working days of the occurrence of the alleged disruptive conduct, within five (5) days whether the person making the investigation on behalf of the Borough is the Code Enforcement Officer or police.
- 7. Compliance with Rental Agreement. The occupant shall comply with all lawful provisions of the rental agreement entered into between owner and occupant. Failure to comply may result in the eviction of the occupant by the owner as per the.
- 8. Damage to Premises. The occupant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the premises. Conduct which results in damages in excess of five hundred dollars (\$500.00) shall be considered a violation of this Part.
- 9. Presentation of Premises. The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.

(Ord. 822, 9/5/2001, Art. III)

§404. Applicability and Inspections.

- 1. Applicability. This Part does not apply to the following categories of rental properties:
 - A. Owner-occupied dwelling units provided that not more than two (2) unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling unit at any given time.
 - B. Hotels, motels or bed and breakfasts (if permitted by applicable ordinances).
 - C. Hospitals and nursing homes.
 - D. Multiple-unit dwellings except for regulated rental units within the structure. The foregoing notwithstanding, all other provisions of this Part shall apply to the common areas of the structure.

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2. List of Occupants. The owner shall maintain a current list of occupants in each regulated dwelling unit which shall include their names, permanent addresses and permanent telephone numbers. The owner shall furnish the list to the Borough upon request and shall notify the Borough of any changes in the number of occupants.
3. Inspection.
 - A. All premises shall be subject to periodic inspection by the Code Enforcement Officer or another duly authorized agent of the Borough.
 - B. The Code Enforcement Officer is hereby designated as the official authorized to enforce this Part and to take appropriate measures to abate violations hereof, for and on behalf of the Borough of Stroudsburg.
 - C. This subsection shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspections of premises, whether or not subject to the inspection requirements of this Part, pursuant to any other ordinance or Code.
4. Search Warrant. Upon a showing of probable cause that a violation of this Part or any other ordinance of the Borough of Stroudsburg has occurred, the Code Enforcement Officer may apply to the district justice having jurisdiction in the Borough of Stroudsburg for a search warrant to enter and inspect the premises.
5. Definition of Options.
 - A. Formal Warning. Formal written notification of at least one violation of this Part. Upon satisfactory compliance with this Part and any conditions imposed by the Code Enforcement Officer and/or the Borough Council, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer or by Borough Council.
 - B. Nonrenewal. The denial of the privilege to apply for license renewal after expiration of the license term. The Borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer or by Borough Council.
 - C. Suspension. The immediate loss of the privilege to rent regulated rental units for a period of time set by the Code Enforcement Officer or Borough Council. The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

- D. Revocation. The immediate loss of the privilege to rent regulated rental units for a period of time set by the Code Enforcement Officer or the Borough Council and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.
6. Criteria for Applying Discipline. The Code Enforcement officer, when recommending discipline, and the Borough Council, when applying discipline, shall consider the following:
- A. The effect of the violation on the health, safety and welfare of the occupants of the regulated rental unit and other residents at the premises.
 - B. The effect of the violation on the neighborhood.
 - C. Whether the owner has prior violations of this Part and other ordinances of the Borough or has received notices of violations as provided for in this Part.
 - D. Whether the owner has been subject to disciplinary proceedings under this Part.
 - E. The effect of disciplinary action on the occupants.
 - F. The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.
 - G. The policies and lease language employed by the owner to manage the regulated dwelling unit to enable the owner to comply with the provisions of this Part.
 - H. In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend, and Borough Council may impose upon the existing or subsequent licenses, reasonable conditions related to fulfilling the purposes of this Part.
7. Grounds for Imposing Discipline. Any of the following may subject an owner to discipline as provided for in this Section.
- A. Failure to abate a violation of Borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
 - B. Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by subsection (3) of this Section.
 - C. Failure to take steps to remedy and prevent violations of this Part by occupants of regulated rental units as required by §402(9) of this Part.

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- D. Failure to file and implement an approved plan to remedy and prevent violations of this Part by occupants of a regulated rental unit as required by §402(9) of this Part.
 - E. Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the Borough as provided for in §402(9) of this Part.
 - F. Three (3) violations of this Part or other ordinances of the Borough that apply to the premises within a license term. For purposes of this Part, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this subsection, the owner must have received notice in writing of this violation within thirty (30) days after the Code Enforcement Officer received notice of the violation.
8. Procedure for Nonrenewal, Suspension or Revocation of License.
- A. Notification. Following a determination that grounds for nonrenewal, suspension or revocation of license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information:
 - (1) The address of the premises in question and identification of the particular regulated rental unit(s) affected.
 - (2) A description of the violation which has been found to exist.
 - (3) A statement that the license for said regulated rental unit(s) shall be either suspended or revoked, or will not be renewed for the next license year beginning July 1 or that the owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence, and in the case of a suspension shall also state the duration of said suspension.
 - (4) A statement that, due to the nonrenewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, letting or permitting occupancy of the dwelling unit(s) by more than two (2) unrelated individuals subject to said enforcement action, from and during the period said action is in effect.
 - (5) A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to Borough Council, by submitting in writing to the Borough Secretary/Administrator, within thirty (30) days from the date primed on the notice, a detailed statement of the appeal including the grounds therefor and the reason(s) alleged as to why the determination of the

Code Enforcement Officer is incorrect or should be overturned and a statement of the relief requested by the appellant. Such notice of appeal may be required. to be submitted on a form to be prescribed therefore by Borough Council, to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established, from time to time, by resolution of Borough Council.

- (6) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Secretary/Administrator shall schedule a hearing to be held at the time and date of the next regularly scheduled Borough Council meeting not less than ten (10) days from the date on which the appeal is filed.
- (7) The appellant, the Code Enforcement Officer and the owners of properties within a radius of three hundred (300) feet from the premises for which the license is at issue shall receive written notice of the hearing on the appeal.
- (8) Borough Council shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A., §§551-555. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the Borough Council shall make a decision either affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken. Such decision shall be rendered at a public meeting either immediately following the hearing or within thirty (30) days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision, within forty-five (45) days after the hearing. If Borough Council deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than thirty (30) days from the initial hearing, which time and date shall be openly announced at the initial hearing and in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

B. Delivery of Notification.

- (1) All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Code Enforcement Officer shall attempt delivery by personal service on the owner or manager, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.

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- (2) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at the address stated on the most current license application for the premises in question, by regular first-class mail, postage prepaid. If such notice is not returned by the postal authorities within five (5) days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail and all time periods set forth under subsection (8)(A) above shall thereupon be calculated from said fifth day.

(Ord. 822, 9/5/2001, Art. III)

§405. Penalties and Other Remedies.

1. **Penalties.** Any violation of this Part by owner or occupant shall constitute a summary offense punishable, upon conviction thereof by a district justice, by a fine not to exceed six hundred dollars (\$600.00) plus costs of prosecution or, in default of payment of such fine and costs, by a term of imprisonment not to exceed thirty (30) days. Each day of violation shall constitute a separate and distinct offense.
2. **Nonexclusive Remedies.** The remedies provided for in this Part are cumulative and nonexclusive of each other and of any other remedy available to the Borough in law or equity or under any other code of ordinance.
3. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the Borough, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

(Ord. 822, 9/5/2001, Art. V)

§406. Miscellaneous Provisions.

1. **Notices.**
 - A. For purposes of this Part, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.
 - B. There shall be a rebuttable presumption that any notice required to be given to the owner under this Part shall have been received by such owner if the notice was given to the owner in the manner provided by this Part.
 - C. Notices to be given the Code Enforcement Officer shall be given in writing and delivered to said Code Enforcement Officer at the Borough Municipal

Building, 700 Sarah Street, Stroudsburg, PA 18360. Information to be supplied to the Borough hereunder shall also be directed to the Code Enforcement Officer at that address.

2. **Changes in Ownership Occupancy.** It shall be the duty of each owner of a regulated rental unit to notify the Code Enforcement Officer in writing of any change in ownership of the premises or of the number of regulated rental units on the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any regulated rental unit, or of the changing of a dwelling unit from owner-occupied to nonowner-occupied, which thereby transforms the dwelling into a regulated rental unit for purposes of this Part.
3. **Owners Severally Responsible.** If any regulated rental unit is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.

(Ord. 822, 9/5/2001, Art. VII)

Part 5

Uniform Construction Code

§501. General.

The Borough of Stroudsburg hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, and its regulations.

(Ord. 840, 7/7/2004, §1)

§502. Adoption of the Uniform Construction Code.

The Uniform Construction Code, contained in 34 PaCode, Chapters 401 - 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Stroudsburg.

(Ord. 840, 7/7/2004, §2)

§503. Administration and Enforcement.

Administration and enforcement of the Code within the Borough of Stroudsburg shall be undertaken in any of the following ways as determined by the Borough Council from time to time by resolution:

- A. By the designation of the Code Enforcement Officer of the Borough of Stroudsburg to serve as the municipal code official to act on behalf of the Borough.
- B. By the retention of one or more construction code officials or third party agencies to act on behalf of the Borough.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Borough.
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 840, 7/7/2004, §3)

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§504. Board of Appeals.

A Board of Appeals shall be established by resolution of the Council of the Borough of Stroudsburg in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other participating municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

(Ord. 840, 7/7/2004, §4)

§505. Prior Building Code Ordinances.

1. All building code ordinances or portions of ordinances which were adopted by the Borough of Stroudsburg on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
3. All relevant ordinances, regulations and policies of the Borough of Stroudsburg not governed by the Code shall remain in full force and effect.

(Ord. 840, 7/7/2004, §5)

§506. Fees.

Fees assessable by the Borough of Stroudsburg for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution from time to time.

(Ord. 840, 7/7/2004, §6)

5 Attachment 1

Borough of Stroudsburg

APPENDIX "A"

ADDENDUM TO REGULATED RENTAL UNIT RENTAL AGREEMENT

Tenant's Covenants and Obligations:

1. Tenant shall comply with all applicable Codes and Ordinances of the Borough of Stroudsburg and all applicable State laws.
2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time shall be _____ and the maximum number of persons permitted within the common areas of the leased premises at any time shall be _____.
3. Tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean and safe manner and shall separate and place for collection all recyclable materials in compliance with applicable law, Codes and Ordinances.
4. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.
5. Tenant shall use and occupy the lease premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.
6. Tenant shall not cause, nor permit nor tolerate to be caused, damage to the leased premises, except for ordinary wear and tear.
7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in disruptive conduct which is defined as any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a regulated dwelling unit that is so loud, untimely, offensive, riotous or that otherwise unreasonably disturbs other persons in their peaceful enjoyment of their premises such that a report is made to the police and/or to the Code Enforcement Officer. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense nor that criminal charges be filed against any person in order for a person to have perpetuated, caused or permitted the commission of disruptive conduct as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur and keep written records, including a Disruptive Conduct Report of such occurrence.

CODE ENFORCEMENT

- 8. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Regulated Rental Unit Occupancy Ordinance of the Borough of Stroudsburg and that the issuance by any municipal officer of the Borough of Stroudsburg of a certificate of noncompliance with said ordinance relating to the leased premises shall constitute a breach of the rental agreement of which this addendum is a part. Upon such breach, Landlord shall have the right and option to pursue any and all of the following remedies:
 - a. Terminate the rental agreement without prior notice.
 - b. Bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney's fees and costs.
 - c. Bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney's fees and costs.
 - d. Bring an action for damages caused by Tenant's breach, including reasonable attorney's fees and costs.

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

WITNESS

TENANT

WITNESS

TENANT

WITNESS

TENANT

WITNESS

TENANT

WITNESS

LANDLORD

WITNESS

LANDLORD