

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 45 - 2025

MAY 7, 2025

AN ORDINANCE

Repealing Chapter 455, Property Rehabilitation and Maintenance, in its entirety and adopting the International Property Maintenance Code with amendments as follows:

WHEREAS, the City recognizes that the inadequate provisions for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, dilapidation and disrepair of buildings, structures, dwellings and premises, and the use and occupancy or existence of buildings, structures and dwellings unfit for use, occupancy or human habitation in the City of Allentown endanger the health, safety, morals and welfare of the community; and

WHEREAS, the transfers and leases of substandard buildings, structures and premises to transferees and lessees who are unaware of, or unconcerned with negative property conditions often create unwarranted delays in correcting such conditions dangerous to the health, safety, needs and welfare of the community; and

WHEREAS, the establishment and maintenance of proper residential and nonresidential standards and procedures for requiring the inspection, rehabilitation, repair, abatement of nuisances or compulsory demolition of buildings, structures and housing are essential to the public health, safety and welfare; and

WHEREAS, the International Property Maintenance Code is a model code that regulates maintenance requirements for existing buildings; and

WHEREAS, the International Property Maintenance Code establishes maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety and fixes responsibility among owners, operators and occupants for code compliance; and

WHEREAS, the International Property Maintenance Code provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Chapter 455, Property Rehabilitation and Maintenance, shall be repealed in its entirety and the International Property Maintenance Code shall be adopted with amendments as follows:

ARTICLE I
International Property Maintenance Code

§455-1. Adoption of Property Maintenance Code.

A certain document, three copies of which are on file in the office of the City Clerk of the City of Allentown, being marked and designated as "The International Property Maintenance Code 2018 edition," as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Allentown, in the State of Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes as prescribed in § 455-2 of this chapter.

§455-2 Additions, insertions and changes

The Property Maintenance Code is amended and revised in the following respects.

A. Chapter 1. Scope and application

101.1 Title: These regulations shall be known as "the Property Maintenance Code of the City of Allentown," hereinafter referred to as "this code."

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Pennsylvania Uniform Construction Code and all incorporated Codes including the International Building Code, International Existing Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, National Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning and/or subdivision/land development regulations of the City of Allentown.

102.6 Historic Buildings - The provisions of this code shall follow the City of Allentown's adopted code Chapter 328 regarding Historic District requirements.

102.11 Enforcement of responsibility. No person upon whom this code places direct responsibility for compliance shall be relieved of any such direct responsibility by reason of any contract, lease or agreement; and, unless otherwise provided herein, the public officer shall enforce the provisions of this code without regard to the existence of any such contract, lease or agreement.

B. Chapter 2. Administration and Enforcement

103.1 General. The City of Allentown's Bureau of Building Standards & Safety (at times referred to as "Bureau") shall be responsible for the administration of the provision of this code.

103.5 Fees. The fees for activities and services performed by the Bureau in carrying out its responsibilities under this code shall be, unless indicated otherwise, established by resolution of City Council from time to time.

104.3 Right of Entry. Shall include that for the purposes of this section, a reasonable or probable cause to gain access and inspect includes when the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the City.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation served in accordance with Section 107 shall be deemed guilty of a summary offense, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and upon conviction thereof in a summary proceeding before a Magisterial District Judge, be fined not more than \$1,000 or be imprisoned for a period not to exceed 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of Violations.

- (1) The imposition of the penalties herein prescribed shall not preclude the Code Official from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
- (2) The Code Official is authorized to employ the necessary labor and materials to perform the required work to correct or abate a violation defined as a public nuisance after due notice has been served in accordance with Section 107 and the violation continues.
- (3) The costs incurred in the performance of such work may be paid by the jurisdiction; however, such costs shall be charged in full to the owner, occupant or person causing, permitting or maintaining the nuisance and such costs shall be a lien on the real property where the nuisance was abated or removed. The owner will have thirty (30) days to reimburse the City for all costs, including cost incurred for the filing of the lien. Failure to pay or make payment arrangements within 30 days shall result in the City filing such lien and taking progressive actions to collect on the lien.

107.3 Method of Service. A notice of violation shall be served upon the owner or occupant in the following manner:

- (1) By handing it to the person to be served; or
- (2) By handing the notice, at the residence of the person to be served to an adult member of the family with which he resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or
- (3) By handing the notice at any office or usual place of business of the person to be served to their agent or to the person for the time being in charge thereof; or
- (4) By mailing the notice to the last known address, according to County records of the person to be served by certified mail, unrestricted delivery, return receipt requested, or first-class mail. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged in full to the owner of such structure, and such costs shall be a lien on the real property where such structure was located. The Code Official may also request the legal officer of the

jurisdiction to proceed for the recovery and collection of the claim by civil action against the owner, as such remedy is provided by general law.

111.1 Application for appeal. Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 business days after the day the decision, notice or order was served.

111.2 Membership of the Board of Appeals. The Board of Appeals shall be a body of not less than three (3) members, one of whom shall be from the minority community of Allentown and two alternate members who are qualified by experience or training to pass on matters pertaining to property maintenance and who are not employees of the City, all of whom shall be appointed by the Mayor with the advice and consent of Council. The code official shall be an ex-officio member but shall not vote on any matter before the board. A member or alternate member shall serve a term of three years from the time of their appointment or reappointment or until their successor shall take office. Alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 45 days of the filing of an appeal, or at stated periodic meetings.

111.6 Powers of the Property Rehabilitation and Maintenance Code Board of Appeals. The Board shall have the following powers:

- (1) To adopt and administer the rules of procedure regarding its organization, officers, times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction;
- (2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the public officer in the enforcement of the provisions of this code or any other City ordinance that has a relationship to the establishment and maintenance of proper standards, including, but not limited to, fire prevention, health or buildings;
- (3) To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the code;
- (4) To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of an actual undertaking to correct the violation together with a bona fide intent to comply within a reasonable time period;
- (5) In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest. The Board shall render a written decision within 45 days after the last hearing before the board. Where the board fails to render the decision within the 45-day period required by this subsection, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

111.7 Court Review. Any person, including the public officer for the City, aggrieved by any decision of the Board, may appeal to the Court of Common Pleas of Lehigh County.

111.8 Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices or notices that the violation of the Code creates an emergency requiring immediate correction to protect the health or safety of any occupant of a dwelling or the public) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be prosecuted within the limits provided by state or local laws, and upon conviction thereof in a summary proceeding before a Magisterial District Judge, be fined not more than \$1000 or be imprisoned for a period not to exceed 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

C. Chapter 2. Definitions

Definitions. For the purposes of this code, the following definitions shall be added to those outlined in the Section 202 of the IPMC.

CERTIFICATE OF OCCUPANCY- A certificate of occupancy (CO) is the document issued by a building or zoning department that states the property is ready for occupancy following any permitted new construction, additions or alterations of a structure.

CERTIFICATE OF COMPLIANCE- A certificate of compliance (COC) is the document issued by the City's presale inspector to signify that a property complies with the specific property maintenance codes and housing standards as outlined in this article.

CITY. The City of Allentown, Lehigh County, Pennsylvania.

CODES. Any state or local code or ordinance adopted, enacted or in effect in and for the City of Allentown including, but not limited to, the Pennsylvania Uniform Construction Code, International Building Code, International Plumbing Code, International Mechanical Code, National Electrical Code, Fire Prevention Code, Property Rehabilitation and Maintenance Code, International Property Maintenance Code, International Residential Code, Chapter 660, Zoning, Chapter 525, Solid Waste, Article I, Waste Storage, Collection and Disposal, and Article II, Residential Recycling, and general nuisance ordinances.

DISRUPTIVE CONDUCT. Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental 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, or causes damage to said premises or causes damages to said premises, or risks a catastrophe by destroying, damaging, disabling or failing to maintain smoke detectors or other life safety features, such that a report is made to or by a police officer and/or a public 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 said 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 a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences in writing.

DISRUPTIVE CONDUCT REPORT. A written report of disruptive conduct on a form to be prescribed therefore, to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Community and Economic Development.

INVESTMENT PROPERTY. A real estate property owned, other than the primary residence, for the purpose of earning a return on their investment either through rental or resale of the property.

ILLEGAL UNIT. Any dwelling rooming or sleeping unit identified by the City as not properly zoned for use of occupancy, has a non-compliant inspection and/or an inactive residential rental registration.

INSPECTION REPORT. A document noting the current code violations, required to be corrected within the timeframe and by the reinspection date provide by the code official and is served by email, regular mail, or any other form of delivery as noted in 107.3 Methods of Service. The inspection report will be enforced until all violations are complied. Failure to comply an inspection report or to permit an inspection to be conducted may result in a Notice of Violation.

JUNKED VEHICLE. Any vehicle which presents a hazard or danger to the public by virtue of its state or condition of disrepair. The following conditions, if present, are examples of a state or condition of disrepair but are not inclusive of all conditions which may constitute a state or condition of disrepair.:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle;
- (2) Broken glass or windows on or in the vehicle;
- (3) Leaking of any fluids from the vehicle;
- (4) Unsecured and/or unlocked doors, hood or trunk;
- (5) Storage or placement of the vehicle in an unbalanced condition, such as on concrete blocks;
- (6) Harboring of rodents, insects or other pests.

MANAGER. Any person who controls, cares for, or manages a structure or premises which is let or offered for occupancy, other than the occupant/tenant.

NOTICE OF VIOLATION. A written notice of violation issued by the Public Officer, which, in the opinion of the Public Officer, constitute a danger of imminent harm to the occupants of the building or the general public.

OCCUPIED. Any building or structure shall be deemed to be occupied if one or more person(s) resides in any part of the building. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, internet, water and sewer services; or the most recent federal, state, or City income tax statements and evidence of a person(s) possessions.

OWNER OCCUPANT. A natural person with a legal or equitable ownership interest in property which is owned and occupied by the same owner for at least three consecutive months of each year and is not let for rent for any portion of the time in which the owner is not occupying the property.

PRIMARY RESIDENCE. Primary residence is defined as the property wherein the owner spends the most time and can be verified by the following criteria.

- (1) The occupant is the same as the mortgage holder.
- (2) The property owner on record and property owner address are one and the same on County Assessment records.
- (3) The property owner qualifies for the Homestead Act on County assessment records,
- (4) The address used as the legal address listed on tax returns
- (5) The address used as the legal address on a driver's license
- (6) The address used as the legal address on a car registration; and
- (7) The address used as the legal address on a voter registration card.

PUBLIC NUISANCE.

- (1) The physical condition, or use of any premises regarded as a public nuisance at common law.

- (2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavation and unsafe fences, including barbed or razor wire or structures.
- (3) Any premises which have unsanitary sewerage or plumbing facilities.
- (4) Any premises designated as unsafe for human habitation.
- (5) Any premises which are manifestly capable of being a fire hazard or are manifestly unsafe or insecure as to endanger persons or property.
- (6) Any premises from which the plumbing, heating and/or sewer facilities required by this code have been removed, or from which utilities have been permanently disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided.
- (7) Any premises which are unsanitary, or which are littered with rubbish or garbage or which have an uncontrolled growth of weeds.
- (8) Any premises upon which is situated any junked vehicle or parts thereof which presents a hazard or danger to the public by virtue of its state of condition or disrepair.

PUBLIC OFFICER. The Director of the Department of Community and Economic Development's appointed Building Code Official(s) and/or their authorized representative(s).

RESIDENCE. A building in which living accommodations or sleeping accommodations and cooking facilities as a unit are provided and meet all applicable City, State and Federal building codes, except when classified as an institution under the Uniform Construction Code.

RESIDENTIAL PROPERTY. A property used or intended to be used for residential purposes only and is zoned as such.

RESIDENTIAL RENTAL LICENSE. A license issued by the Department of Community and Economic Development to the owner, operator, responsible agent or manager of a residential rental unit. Such a license is required for lawful rental and occupancy of any residential rental units under this article. A Residential Rental License does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way.

RESIDENTIAL RENTAL UNIT. A dwelling unit regardless of monetary agreements or lack thereof, or any other than an owner-occupied residential unit or a premises or structure occupied by a person who is not the legal owner of record, regardless of familial relationship and/or regardless of whether rent is charged. A residential rental unit shall not include a hotel, motel or bed-and-breakfast. A residential rental unit shall include dwelling units under a written or unwritten lease agreement or a recorded agreement of sale greater than six (6) months.

RESPONSIBLE AGENT. Any person residing or working within the County of Lehigh designated to accept service on behalf of a legal owner or operator of a rental dwelling unit and is not the tenant.

SECONDARY RESIDENCE. A secondary residence is a vacation home that is occupied by the owner of record for at least 3 consecutive months of every year. The owner-occupied unit must have sole control over the property, and cannot be a rental, short-term rental, investment property, or timeshare and must remain vacant during which time the property is not occupied by the owner of record.

SUPPLIED. Installed, furnished, or provided by the owner or operator at their expense.

TRANSFER OF TITLE. The conveyance of ownership, either in whole or in part, of real estate whether by will, voluntary or involuntary transfer, or any other means.

VIOLATION TICKET. A form issued by a police officer or public officer to a person who violates a provision of this code. The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

WEEDS. All rank vegetable growth, including but not limited to grass, ragweed, dandelion and miscellaneous other vegetation or pollen or which may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin.

ZONING ORDINANCE. The latest ordinance regulating the division of the City of Allentown into districts or zones, and to regulate therein the locations, bulk and use of buildings and other structures and the use of land. (See Chapter 660, Zoning.)

D. Chapter 3. General Requirements

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

- (1) Prior to occupancy, any vacant structure must be inspected and receive a Certificate of Compliance and/or a Certificate of Occupancy.
- (2) The property shall be maintained free of graffiti or similar markings.
- (3) Grass, weeds, or vegetation around the building shall not be in excess of 10" and be pruned back from walls to allow good airflow, and any yard area, front, side and rear, shall be cleared and maintained free of trash, solid debris or any other material that causes litter and accumulated to unhealthy conditions; and
- (4) Pools and spas shall be kept in working order and secured so the water remains clear and free of pollutants and debris, or drained and kept dry with proper fencing and covers.
- (5) Properties shall be maintained securely as not to be accessible by unauthorized persons, vermin, rats and other pests through any of the openings.
- (6) Accessory Structures including sheds, trellises, awnings, fences, and similar features, shall be maintained structurally safe and sound and in good repair.
- (7) Roofs shall be structurally sound, tight, and have no defects that might admit drainage in approved receivers. Roof drainage shall be in good repair and adequately placed to prevent rainwater from pooling around any portion of the building or attached areas.; and
- (8) All chimneys, cooling towers, smokestacks, towers, and similar appurtenances/attachments shall be maintained to be structurally safe and sound, and in good repair and shall be maintained in a condition which ensures there will be no structural defects, leakage or backup of noxious gases.
- (9) Foundation elements shall adequately support the building and shall be free of defects of rot, crumbling elements, or similar deterioration.
- (10) Stairs, porches, decks, balconies, and appurtenances/attachments attached thereto shall be constructed and maintained to be safe to use and capable of supporting the loads to which they are subjected and shall be kept in sound condition and good repair and be free of unsafe obstructions or hazardous conditions.
- (11) Utilities must be turned off and safely disconnected with no apparent fire hazards; and or deficiencies.
- (12) No residential property shall be used as a place for the storage and handling of highly combustible or explosive materials or any articles which may be dangerous or detrimental to life or health.

301.4 Discontinuance of required services. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required to be supplied under the provisions of this code to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for

such temporary interruption as may be necessary while actual repairs, replacement or alterations are in process of being made.

301.5 Linen supplied. Where bedding, bed linen, or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to a new occupant.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. Violations and subsequent enforcement actions will follow City Ordinance 649.

304.7.2 Rainwater conductors and downspouts shall be provided and maintained in good condition and the drainage shall not be directed into the sanitary sewer system.

304.14. Insect Screens. Every door, window and other outside opening utilized or required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition providing year round protection. Exceptions: Screen doors shall not be required where other approved means, such as air curtains or insect-repellent fans, are employed. Properties located within a designated Historic District will be subject to the guidelines outlined by HARB.

304.18.2.b Windows. Ahnely's Law (window guards). Window guards shall be required in all windows: (1) if a child 10 years or younger lives in the rental unit, or regularly spends considerable time in the unit; and (2) the tenant requests the landlord to install the window guards. A tenant must make this request in writing. The tenant's written request should be delivered to the landlord through the same means that rental payments are made. In making the written request, the tenant may request the installation on applicable windows within the unit itself and within any applicable windows that are in common areas that the unit has access to. Window guards are not required on windows that serve as fire exits or that are not designed to be opened. This shall apply to buildings which have three or more apartments, in a condominium, cooperative, or mutual housing. Once installed, a tenant shall not take down, change or remove any part of a window guard. Window guards shall meet the requirements of ASTM F2090-ASTM F2006. Window guards cannot be permanently fixed to the building and shall be able to be removed in an emergency for the safety of the building occupants and firefighters. The landlord is responsible to install such guards when requested by the tenant in writing as stated. Procedures for Requesting Variances for Window Guards shall be submitted in writing in accordance with the appeal process of the Property Maintenance Code of the City of Allentown. Request for variances will be entertained only if submitted by the owner or management of the property, or by their representative. Notices of violation of this section will be served in accordance with this code and penalties in accordance with the Property Maintenance Code of the City of Allentown.

E. Chapter 6 - Mechanical and Electrical Requirements

602.3 Heat supply.

- (1) 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 heat during the period from October 1st. to May 1st., to maintain a temperature of not less than 68° F. in all habitable rooms, bathrooms, and toilet rooms measured at a distance of 36 inches above the floor level in a location where the sensing device is not exposed to a condition of abnormal heat gain or loss.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is

operating at its full design capacity. The winter outdoor design temperature for the locality shall be indicated in Appendix D of the International Plumbing Code.

(2) Oil-Fired units shall be serviced every year by a certified service technician.

(3) Gas-Fired units shall be serviced every two years by a certified service technician.

602.4 Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat during the period from October 1st. to May 1st., to maintain a temperature of not less than 65° F. (18° C.) during the period the spaces are occupied.

Exceptions:

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

ARTICLE II

Licensing Residential Rental Units

§ 455-3 Purpose.

The purpose of this article and the policy of the City of Allentown shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential rental units in the City and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. As a means to these ends, this article provides for a systematic inspection program, registration and licensing of residential rental units, responses to disruptive conduct in residential rental units, and penalties.

§ 455-4 Owner Duties.

- A. It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager of any residential rental unit within the City of Allentown without having an active annual Residential Rental License, as required by this article.
- B. It shall be the duty of every owner, operator, responsible agent, or manager to keep and maintain all residential rental units in compliance with all applicable codes and provisions of all applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such residential rental units.
- C. It shall be the responsibility of every owner, operator, or responsible agent to post a copy of their Residential Rental License in a conspicuous place in the owner's or operator's office or public hall in structures that contain five or more dwelling units. For all residential rental units, the Residential Rental License shall be accessible by the owner or operator to produce upon request of the Code Official. The intent is also served if the owner or operator does produce the Residential Rental License within 24 hours of request.
- D. No Residential Rental License shall be issued to any residential rental unit owned or operated by a person residing outside the County of Lehigh unless there is provided to the Department of Community and Economic Development the name, mailing address and telephone number of a designated responsible agent residing or working within the County of Lehigh, authorized to accept service of process on behalf of the legal owner of said residential rental unit, and cannot be the occupant/tenant of the unit. For the purpose of this section, a post office box is not acceptable for the owner and/or responsible agent's address. The owner/operator shall be required to notify the Department of Community and Economic Development within five (5) business days of any change in responsible agent.

§ 455-5 Occupant Duties.

- A. Occupant duties. The occupant(s) shall comply with all obligations imposed by this article and all applicable codes and ordinances of the City of Allentown, as well as all state laws and regulations.
- B. The occupant(s) shall conduct themselves and require other persons, including but not limited to guests on the premises and within their residential rental unit with their consent, to conduct themselves in a manner that will not disturb the quiet enjoyment of the premises by others and that will not disturb the quiet enjoyment of adjacent or nearby dwellings by people occupying the same.
- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the residential rental unit or engage in disruptive conduct, or other violations of this article, City codes or applicable state laws.
- D. The occupant(s) shall not tamper with or interfere with the operation or effectiveness of any smoke detector. Every occupant shall maintain in a clean and sanitary condition that part of the dwelling, dwelling or rooming unit, sleeping unit and yard which he occupies and controls. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard.
- E. The occupant(s) shall allow the Code Official to inspect the residential rental unit in accordance with this article at reasonable times

§ 455-6 Residential Rental License

- A. Submission of Application – A Residential Rental License application must be submitted within 10 business days of title transfer of new ownership for all rental units.
- B. Registration Fees- The registration fee must be paid at the time of the initial application, covering the current calendar year or the remaining portion of the year. All subsequent registration fees are due annually by December 31st, regardless of the initial registration date, to ensure the registration remains active for the following year.
- C. Transferability of Fees- Rental registration fees may be transferred if the previous owner complied with all registration requirements, presale inspections, and fee payments prior to the title transfer. Proof of ownership, a completed rental registration application, and a certificate of compliance must be provided to the City within 10 business days of title transfer to qualify for exemption from paying fees for the current year.
- D. Issuance of Residential Rental License- A Residential Rental License will be issued if the owner/operator:
 - (1) Provides the name of a responsible agent (if applicable); and
 - (2) Pays the registration fee; and
 - (3) Is current on water and sewer fees for the rental unit; and

§455-7 Inspections

- A. Every rental unit is required to pass inspection as a postcondition to the issuance of a Residential Rental License, for the purpose of ascertaining that the unit complies with City of Allentown housing and property maintenance standards.

- B. After receipt of a complete application and issuance of a Residential Rental License, the owner/operator/responsible agent shall schedule an inspection within a timeframe established by the Bureau of Building Standards and Safety. The inspector shall confirm that the rental unit is compliant with the City of Allentown housing, zoning, and property maintenance standards following the inspection.
- C. After the initial inspection, if the inspector finds that the rental premises is not in compliance with the City of Allentown housing and property maintenance standards, the Bureau of Building Standards and Safety shall notify the owner/operator/responsible agent in writing of the deficiencies within ten (10) business days of the inspection via first-class mail. The owner must correct all deficiencies within thirty (30) calendar days of any inspection, unless otherwise cited by code official.
- D. Unfit for Human Habitation: If, at any time, the residential rental unit is determined to be unfit for human habitation, the unit shall be ordered vacated and remain vacant until the violation is corrected. If, after ten (10) calendar days from receipt of a Notice of Violation, a reinspection reveals that the violations have not been corrected, the Residential Rental License shall be revoked, and the unit shall remain vacant until the violation is corrected and the owner/operator/responsible agent.
- E. Reinspection: Every residential rental unit shall be reinspected no more frequently than once within a five-year period, unless a complaint of violation has been received, or a public officer has probable cause to believe a violation is occurring.
- F. Reinspection Notice: Reinspection will occur in accordance with a systematic inspection program. A minimum of thirty (30) calendar days' written notice shall be provided for all inspections, unless otherwise mutually agreed upon between the owner and the public officer.
- G. Compliance After First Reinspection: If, upon completion of the first reinspection, the public officer finds any violations of the code, the violations will be noted in the inspection report, along with a scheduled date for the next reinspection.
- A. The owner, operator or manager must maintain and correct any code violations cited between the five-year full inspections within thirty (30) calendar days of any inspection, unless otherwise cited by code official.
- B. The owner is required to provide two (2) business days' notice of any change to inspection. If notice is not received within the time specified, the code official will conduct an exterior inspection of the property which will count as the 1st inspection and a no-show fee will be applied.

§ 455-8 Exempt units.

- A. The licensing provisions of this article shall not apply to hospitals, nursing homes, group homes or other units which offer or provide medical or nursing services, and wherein all operations of such facilities are subject to county, state or federal licensing or regulations concerning the health and safety of the users, patients or occupants. The registration and licensing provisions of this article also shall not apply to hotel/motel units, institutional dormitories, fraternity houses and sorority houses, as defined in the Chapter 660, Zoning.
- B. An exemption may be considered for up to one property designated as a vacation home or secondary residence (snow bird property) to be exempt from the licensing requirements of this article when the property is not the primary residence of the owner but the listed owner of the property occupies the

property for at least three consecutive months of every year and property must remain vacant during which period they live in their primary residence, as evidenced by a 12-month report of all utility bills. During the time of vacancy, the property must follow the vacant property guidelines. No exemptions will be permitted for more than one property under this section. Any violation of this code will cause the property to permanently lose its exemption.

- C. An exemption may be considered for any residential unit wherein, the property is occupied by a family member for whom a Power of Attorney is held, and wherein no rent is collected from any occupant. A copy of the legal Power of Attorney and names of all occupants must be provided to the City for consideration. Any violation of this code will cause the property to permanently lose its exemption.
- D. Exempt units may be inspected by a code official in response to a complaint, and if the exempt unit is found to be in violation of any City code, the owner, operator, responsible agent or manager shall correct the violation(s) within the time frame cited by the code official. If the violation(s) is/are not corrected, the unit(s) shall be enforced by all necessary means until the violation(s) is/are corrected.

§ 455-9 Residential Rental License Revocation and Reinstatement

A. Revocation of Residential Rental License

A Residential Rental License may be revoked for any of the following reasons:

- (1) Failure to provide and maintain the name and current mailing address of the owner, operator, and responsible agent (if applicable) for City records.
- (2) Failure to bring the rental unit into compliance with the minimum standards outlined in this code.
- (3) Failure to pay the registration fee or failure to resolve any past-due balances on the account.
- (4) Failure to remain current on water and sewer fees or any other municipal charges associated with the rental unit.
- (5) Failure to correct a code violation identified in response to a complaint within the time frame specified by the public officer.
- (6) Noncompliance with the disorderly conduct or nuisance property provisions of this article.
- (7) Change of property use in a manner that no longer complies with Chapter 660, Zoning, of the City of Allentown.

B. Reinstatement of Residential Rental License

If the Residential Rental License is revoked and the rental unit is vacant, the unit shall remain vacant until it is brought into compliance with this code. A Residential Rental License may be reinstated if the owner or operator:

- 1. Corrects the reason for revocation of the registration license, and
- 2. Pays the residential rental license reinstatement fee.

§ 455-10 Tenant Rights

A landlord may not engage in any retaliatory actions against a tenant. It is the right of every tenant and resident to report any alleged violation of City codes to the appropriate City official. An owner or property manager shall not evict a tenant in retaliation for the reporting of alleged code violations.

§ 455-11 Disruptive Conduct

- A. Owners, Operators, or Occupant(s) at residential rental units shall not engage in disruptive conduct, nor tolerate, nor permit others on the property to engage in disruptive conduct.
- B. Police officers or public officers shall investigate alleged incidents of disruptive conduct. If the Police or Public officer identifies disruptive conduct they shall complete a disruptive conduct report for the property on the prescribed form. A copy of the disruptive conduct report shall be sent to the owner, operator, responsible agent or manager within 10 working days of the occurrence of the alleged disruptive conduct.
- C. The Owner of a residential rental unit shall have ten (10) working days from the date of receipt of a disruptive conduct report to appeal the contents of said disruptive conduct report. The appeal shall be made in writing and submitted to the Department of Community and Economic Development. An appeal of the third disruptive conduct report within a twelve-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the third disruptive conduct report.
- D. After three disruptive conduct incidents in any twelve-month period by an occupant documented by disruptive conduct reports, or any violation of Landlord and Tenant Act relating to drug offenses set forth in 68 P.S. § 250.505-A, the owner, operator, responsible agent or manager shall have ten (10) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the Residential Rental License. The residential rental unit involved shall not have its Residential Rental License reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Magisterial District Judge has ruled in the occupant's favor, the Magisterial District Judge has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not reoccupy any residential rental unit on the same premises involved for a period of at least one year from date of eviction. This subsection is not intended to limit or inhibit the owner, operator, responsible agent or manager's right to initiate eviction actions prior to the third disruptive conduct incident.

§ 455-12 Disruptive Conduct Board of Appeals

- A. Any property owner aggrieved by any decision of a police officer or public officer regarding a disruptive conduct report or the revocation of a Residential Rental License based upon the issuance of disruptive conduct reports or a revocation of a Residential Rental License based on the failure to abide by any other provision of this article, may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing with appropriate fee, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation. [Amended 11-5-2010 by Ord. No. 14827]
- B. The Disruptive Conduct Board of Appeals shall be a body of seven members consisting of: the Director of Community and Economic Development or his/her designee who shall serve as Chairperson; a Councilperson, the Director of Public Works or his/her designee; the Chief of Police or his/her designee; an owner, operator, responsible agent or manager of a residential rental unit(s) in Allentown; an occupant of a residential rental unit residing in the City of Allentown; and a member of a community group recognized by the Bureau of Planning. [Amended 11-7-2006 by Ord. No. 14435]
 - (1) There shall be three alternate members: an owner, operator, responsible agent or manager, an occupant of a residential rental unit residing in the City of Allentown and a member of a community group recognized by the Bureau of Planning.
 - (2) All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Allentown, with the exception of the Council member, who shall be appointed by the Council President. A member or alternate member shall serve a term of not more than three years

from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of one, two and three years.

- (3) Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.
- (4) Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

C. The Board shall have the following powers:

- (1) To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction;
- (2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Police Officer or Public Officer in the enforcement of the provisions of this article;
- (3) To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the code;
- (4) To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period;
- (5) In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing;
- (6) The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the Police Officer or Public Officer; provided, however, that the Disruptive Conduct Board of Appeals, in its determination, shall be bound by this article and shall not ignore the clear provisions and intent of this article.

D. Any party to the appeal aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Lehigh County within thirty (30) days after the filing of the decision in the office of the Board.

E. If this appeal is of a third disruptive conduct report and the decision of the police officer or public officer has been affirmed, and no appeal is pending, within ten (10) working days after the expiration of the time for compliance as required by the decision of the Disruptive Conduct Board of Appeals or Court of Common Pleas, the public officer shall reinspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.

F. If, when so required by a third disruptive conduct report or any violation of Landlord and Tenant Act relating to drug offenses set forth in 68 P.S. § 250.505-A, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, the public officer shall institute revocation of the residential rental registration or the Residential Rental License. [Amended 11-5-2010 by Ord. No. 14827]

§ 455-13 Protection for victims of domestic abuse or crime.

The disruptive conduct report portions of this article shall at all times comply in all respects with Pennsylvania House Bill No. 1796 Session of 2013, Printer's No. 2870, and as amended.

§455-14 Fees and Penalties

The fees and penalties for activities and services performed by the Bureau in carrying out its responsibilities under this code shall be established by resolution of City Council from time to time, unless indicated otherwise.

A. Residential Rental License registration fee: \$75.00 per unit annually

- (1) The fee must be paid at the time of the initial application for the calendar year or for the remaining portion of the calendar year.
- (2) Subsequent registration fees are due annually by December 31st, regardless of the date of the initial registration, to remain active for the following year.

B. Residential Rental License registration late fee: \$50.00 per unit

- (1) Applies to all payments received after December 31st of any year.

C. Reinspection Fees: The following fees will be applied if the property fails to comply with the 1st reinspection.

- (1) 2nd Reinspection: \$75.00 per unit
- (2) 3rd and all subsequent reinspection: \$150.00 per unit

D. Inspection Cancellation Fee:

- (1) Owners must provide 2 business days' notice for any inspection change.
- (2) If no notice is received, an exterior inspection will be conducted and count as the 1st inspection. A no-show fee will be applied as follows:
 - i. First 3 Units: \$100 per unit
 - ii. Additional Units: \$25.00 per unit

E. Reinstatement Fee for Residential Rental License Revocation:

- (1) \$100.00 per unit
- (2) Applies when the Residential Rental License is revoked and is reinstated after correction of the violation and payment of the reinstatement fee.

F. Appeals Fee:

- (1) \$100.00
- (2) Applies for all appeals under this code.

G. Placard Removal: Unauthorized removal of any official notice or placard placed by the City of Allentown shall be a penalty of \$500.

§455-15 Penalties and Fines

A. Illegal Occupancy. Leasing, renting, or otherwise allowing a rental unit within the City to be occupied without a valid Residential Rental License from the City as required by this Chapter shall be a summary offense. The penalty, upon conviction thereof in a summary proceeding before a Magisterial District

Judge shall not exceed one thousand dollars (\$1,000) per unit per month that a unit is not properly registered.

- B. Equitable Remedies: In addition to criminal prosecution, the public officer, Bureau of Law, or any authorized agent of the City may take civil or equitable actions in any court of record in Pennsylvania to enforce this article.
- C. This penalty section shall not limit the rights of the City, tenants, or any other person with legal standing to take any lawful action or seek any remedy available to them at law or in equity

ARTICLE III

PRE-Sales Inspection of Residential Properties and Units

§ 455-16 Purpose.

The purpose of this article is to protect and improve the public health and safety by causing all residential properties and units to be inspected for compliance prior to transfer of title with the standards for basic safety and maintenance as found in the City of Allentown Property Rehabilitation and Maintenance Code and the allowable use designation according to Chapter 660, Zoning. To make sellers aware and to notify buyers of property defects as related to the applicable codes.

§ 455-17 Inspections required.

- A. Prior to the sale of any residential property, the owner is required to apply and pay for a presale inspection with the Bureau of Building Standards & Safety.
- B. An inspection report shall list any discovered or uncorrected violations of this specific Code and the allowable use designation according to Chapter 660, Zoning. The inspection report shall expire one year from the date of the original inspection.
- C. The seller of any residential property in the City of Allentown is hereby required to secure the inspection report from the City of Allentown prior to the transfer of title. The seller of the property or their agent shall have five business days from the date of listing, or offer to sell, to request an inspection from the Bureau of Building Standards and Safety and pay the appropriate fee for said inspection. Upon inspection, an inspection report shall be prepared and issued by the public officer, within three business days. Failure of the seller to comply with this subsection and/or refusal to provide access to the public officer for inspection upon reasonable notice shall be deemed a violation of this article.
- D. In the event that any transfer of title occurs without an inspection having been conducted under the requirement, the buyer is responsible for obtaining the inspection report, to include paying the appropriate fee for said inspection.

§ 455-18 Compliance.

- A. Notices shall be issued as required in the Property Maintenance Code. A certificate of compliance shall be issued by the public officer upon compliance with this specific Code and the allowable use designation according to Chapter 660, Zoning.
- B. The buyer and/or their agent shall, within three business days of transfer of title, provide to the City of Allentown Bureau of Building Standards and Safety, the buyer's name, address and date of transfer.

§ 455-19 Abatement of violations.

In the event that the violation of the Property Rehabilitation Code exists in or upon the premises, such violations shall be addressed by either:

- A. The seller abating the violations prior to the transfer of title; or
- B. The buyer executing the Buyer Acceptance form 30 days prior to transfer of title; acknowledging:
 - (1) Receipt of the inspection report or pending inspection; and
 - (2) The buyer shall begin to abate the violations set forth in the buyer notification report within 30 days of taking possession and shall fully comply the premise.
 - (3) Failure for seller to obtain a Presale will then be the responsibility of the buyer to apply, pay the fee and comply an inspection of the property.

§ 455-20 Guarantee.

Compliance with City of Allentown Property Maintenance Code does not indicate compliance with any other standard or code. Permits are required for work done to comply with the code. Appropriate fees apply. There is no guarantee made or liability of any kind assumed by the City of Allentown under this article as a result of the inspection of any property or the issuance of an inspection report.

§ 455-21 Severability.

The provisions of this article are severable and if any provision of this article is held unconstitutional or illegal the remaining provision of this article shall in no way be affected or impaired.

§ 455-22 Fees; penalties.

- A. All fees must be paid prior to scheduling inspections or reinspection, except upon application to the Bureau of Building Standards and Safety providing sufficient proof of economic hardship, in which case, such fees shall be paid at time of transfer or sale. Fees for inspections made pursuant to these requirements shall be:
 - (1) \$100 per property up to and including three units. An additional \$25 will be charged for each unit over three. This fee includes one reinspection.
 - (2) \$75 per unit for any 2nd reinspection.
 - (3) \$150 for 3rd and subsequent presale reinspection per unit.
- B. Fees for inspection shall be amended from time to time, no more frequently than annually, after a public hearing and with approval of City Council.
- C. Penalties. Property owners who violate any provisions of this article shall be subject to a minimum fine as follows:
 - (1) First violation: written notice of violation.
 - (2) Second violation: a fine of \$500.
 - (3) Third violation: a fine of \$750.
 - (4) Fourth and each subsequent violation thereafter shall be a fine of \$1,000.
- D. Inspection cancellation fee. The owner is required to provide 2 business days' notice of any change to inspection. If notice is not received within the time specified, the code official will conduct an exterior

inspection of the property which will count as the 1st inspection and a no-show fee will be applied as follows:

- (1) First three (3) Units: \$100
- (2) Each additional: \$25 per unit

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

Legislative Template

- What department or bureau is this bill originating from?

CED/Bureau of Building Standards & Safety.

- Summary and facts of the bill.

This ordinance repeals Chapter 455, Property Rehabilitation and Maintenance, of the City of Allentown's codified ordinances and adopts the 2018 edition of the International Property Maintenance Code (IPMC), with amendments. The purpose of this action is to bring the City's property maintenance standards in line with the currently adopted International Building Codes, ensuring consistency and clarity across enforcement and interpretation of property-related regulations.

- Purpose – What does the bill do?

Currently Chapter 455 contains provisions that are outdated and, in some cases, inconsistent with the International Building Code and other adopted codes in use by the City of Allentown. The International Property Maintenance Code (IPMC) is a nationally recognized model code that provides up-to-date standards for the maintenance and continued use of existing buildings. Adopting the IPMC will promote consistency across inspection, permitting, and enforcement processes.

- What are the benefits of doing this?

This amendment will seek to enhance public health and safety by establishing uniform minimum standards for building conditions and reduce confusion among property owners, landlords, and tenants by aligning with industry-recognized best practices.

- How does this bill relate to the City's vision/mission/priorities?

Adopting the IPMC supports the City's commitment to safe, healthy, and well-maintained neighborhoods and business districts.

- Priority status – Are there any deadlines to be aware of?

There are no deadlines for this ordinance.

- Why should Council unanimously support this bill?

Supporting this bill brings Allentown's property maintenance standards in line with internationally recognized building codes, eliminating outdated and inconsistent provisions that have hindered effective enforcement. By adopting the International Property Maintenance Code with local amendments, the City ensures safer, healthier living conditions, streamlines code compliance, and

promotes responsible property ownership—ultimately protecting residents, strengthening neighborhoods, and supporting long-term community development.