

**Bill No. 1 of 2012**

**Ordinance No. \_\_\_\_\_ of 2012**

**CITY OF MEADVILLE  
CRAWFORD COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE CITY OF MEADVILLE, CRAWFORD COUNTY, PENNSYLVANIA, TO AMEND AND REENACT ARTICLE 19, THE HOUSING CODE, OF THE MEADVILLE MUNICIPAL CODE OF THE CITY OF MEADVILLE TO RENAME THE ARTICLE “THE ROOMING HOUSE AND BED AND BREAKFAST CODE” AND TO INCORPORATE OTHER CHANGES TO SUCH CODE.**

**BE IT ORDAINED AND ENACTED** by the Council of the City of Meadville, Crawford County, Pennsylvania, and it is hereby ordained and enacted by and with the authority of the same as follows:

**Section 1.** *Amendment and Reenactment of Article 1901 formerly entitled Housing Code.* Article 1901 *et. seq.* of the Meadville Municipal Code, formerly entitled the “Housing Code” is hereby renamed “The Rooming House and Bed and Breakfast Code”.

**Section II.** The Code is hereby amended and reenacted to read as follows:

**Article 1901 - POLICY, SCOPE AND CONFLICT**

Sections:

- 1901.01 Short title.
- 1901.02 Statement of policy.
- 1901.03 Scope and application.
- 1901.04 Mixed use.
- 1901.05 Conflict.

**1901.01 Short title.**

This code shall be known and cited as the Rooming House and Bed and Breakfast Code, hereinafter, the “Code.”

**1901.02 Statement of policy.**

The general purpose of this Code is to promote the health, safety and general welfare by requiring that rooming houses and bed and breakfasts that offer shelter to visitors, transient guests and other residents provide a minimum level of sanitation, security and safety.

**1901.03 Scope and application.**

The provisions of this Code shall apply to all rooming houses, rooming units and beds and breakfasts located within the City, whether now used or

vacant.

**1901.04 Mixed use.**

(A) Whenever any dwelling contains both dwelling units and rooming units, the rooming units shall comply with the applicable requirements of this Code for rooming units. Whenever one or more rooming units in a dwelling containing both dwelling units and rooming units are let to three or more persons who are not husband and wife, son or daughter, parent or grandparent, or sister or brother of the operator, the part of the dwelling so used shall also comply with the applicable requirements of this Code for rooming houses.

(B) Whenever any building or structure is occupied in part as a rooming unit and in part for industrial or commercial purposes, that part of the building or structure occupied as a rooming unit shall comply with the applicable requirements of this Code.

**1901.05 Conflict.**

In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**Article 1903 - DEFINITIONS**

Sections:

- 1903.01 Definitions generally.
- 1903.02 Basement
- 1903.03 Bed and breakfast residence.
- 1903.04 Board.
- 1903.05 Cellar
- 1903.06 Dwelling
- 1903.07 Dwelling unit
- 1903.08 Habitable space.
- 1903.09 Health Officer.
- 1903.10 Hearing Board.
- 1903.11 Occupant.
- 1903.12 Operator.
- 1903.13 Owner.
- 1903.14 Person.
- 1903.15 Premises.
- 1903.16 Rooming unit.
- 1903.17 Rooming house.
- 1903.18 Rubbish.

**1903.01 Definitions generally.**

The following definitions shall apply in the interpretation and enforcement of this Code. The singular shall include the plural and the plural shall include

the singular. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" or "premises" are used in this Code, they shall be construed as though they were followed by the words "or any part thereof." The term "occupied," whenever used in this Code, shall be construed as though followed by the words "or intended or designed to be occupied."

#### **1903.02 Basement**

"Basement" means a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

#### **1903.03 Bed and breakfast.**

"Bed and breakfast" means a converted, existing, residential, detached dwelling which is the principal residence of the operator of the bed and breakfast establishment and which contains separate guest rooms for temporary use as sleeping quarters for guests for compensation and where meals may be provided by the owner-occupant.

#### **1903.04 Board.**

"Board" means the Board of Health of the City of Meadville, Pennsylvania.

#### **1903.05 Cellar**

"Cellar" means a portion of the building partly underground, having half or more than half its clear height below the average grade of the adjoining ground.

#### **1903.06 Dwelling.**

"Dwelling" means a building containing one or more dwelling units.

#### **1903.07 Dwelling unit.**

"Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

#### **1903.08 Habitable space.**

"Habitable space" means space in a structure for living, sleeping, eating or cooking. (Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.)

#### **1903.09 Health Officer.**

"Health Officer" means the legally designated Health Officer of the City or his authorized representative.

#### **1903.10 Hearing Board.**

"Hearing Board" means the Board of Health of the City.

#### **1903.11 Occupant.**

"Occupant" means any individual living or sleeping in a building, or having possession of a space within a building.

**1903.12 Operator.**

"Operator" means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**1903.13 Owner.**

"Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**1903.14 Person.**

"Person" means an individual, corporation, partnership, any other group acting as a unit.

**1903.15 Premises.**

"Premises" means the ground, yard, lawn or court, or the private way, walk, alley or approach used or intended to be used in connection with a dwelling.

**1903.16 Rooming unit.**

"Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking or eating purposes.

**1903.17 Rooming house.**

"Rooming house" means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator. A rooming house is differentiated from a motel or hotel in that in a motel or hotel, the owner/operator provides clean sheets and towels, has access to rooms and cleans the rooms, rents out rooms for short stays only and advertises as a place for travelers and lodgers.

**1903.18 Rubbish.**

"Rubbish" means combustible and noncombustible waste materials, except garbage, and includes the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

**Article 1905 - ENFORCEMENT, HEARINGS,**

## **ORDERS AND PENALTY**

Sections:

1905.01 Enforcement – Responsibility of Health Officer.

1905.02 Delegation of power or duty by Health Officer.

1905.03 Rules and regulations by Board of Health.

1905.04 Entry and inspection of dwellings.

1905.05 Hearing – Procedure – Decision or order by Board.

1905.06 Emergency orders – Action by Health Officer without prior notice.

1905.07 Noncompliance with orders – Remedy or prosecution.

1905.08 Violation notice – Contents and service.

1905.09 Penalty.

### **1905.01 Enforcement – Responsibility of Health Officer.**

The Health Officer shall be responsible for the administration and enforcement of this Code.

### **1905.02 Delegation of power or duty by Health Officer.**

The Health Officer may delegate to any other properly qualified officer or employee of the Board of Health, any power or duty vested to him by this Code, except that the Health Officer may not delegate his power or duty to issue regulations pursuant to MMC 1905.03.

### **1905.03 Rules and regulations by Board of Health.**

(A) The Board of Health is hereby authorized to make, adopt and issue such written rules and regulations setting forth such standards, conditions and other specifications as they deem advisable for the proper interpretation and enforcement of the provisions of this Code, with approval of council. The rules and regulations may include but shall not be limited to matters respecting:

(1) Required facilities, utilities and fixtures, illumination, ventilation, heating, structural condition, good repair and sanitary maintenance of rooming houses and bed and breakfasts.

(2) The sanitary condition and maintenance of rooming houses and bed and breakfasts.

(3) The occupancy of rooming houses and bed and breakfasts.

(4) The elimination and prevention of infestation in rooming houses and bed and breakfasts.

(5) The conditions under which a license for the operation of a rooming house or bed and breakfast may be granted.

(6) The records to be kept by rooming house and bed and breakfast operators.

(B) The rules and regulations shall not be in conflict with the provisions of this Code or with any other ordinance or law of the City, state or federal government.

(C) The rules and regulations shall have the same force and effect as the provisions of this Code, and the penalty for their violation shall be the same as the penalty for the violation of the provisions of this Code.

(D) The Board of Health shall, 30 days prior to the issuance of any rules and regulations, with the approval of council, cause to have printed and advertised in accordance with the Third Class City Code such rules and regulations, and shall file a copy of the proposed rules and regulations readily accessible to the public in the office of the City Clerk.

(E) A copy of all rules and regulations issued by the Board of Health shall be kept on file in the office of the City Clerk.

#### **1905.04 Right of entry and inspection of dwellings.**

Subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania and the Third Class City Code, and in order to carry out the purpose and provisions of this Code, the Health Officer or any other officer or employee of the Board, upon showing proper identification of office, may enter, examine, survey and inspect any rooming house, rooming unit, bed and breakfast and premises at all reasonable times and, in an emergency, at any time. The owner, operator or occupant of every rooming house, bed and breakfast, rooming unit and premises shall give the Health Officer or his agent free access for the purpose of such inspection, examination and survey.

#### **1905.05 Hearing – Procedure – Decision or order by Board.**

(A) Any person aggrieved by a violation notice may request and shall be granted a hearing in the manner provided in this section. The person requesting a hearing shall, within 10 days from the day the notice was served, file in the office of the City Clerk a petition for a hearing on forms provided by the Board of Health. The secretary of the Board of Health shall immediately refer the petition to the Hearing Board, which shall set a time and place for the hearing and shall give the petitioner written notice thereof. The hearing shall be held before the Board not more than 10 days from the day the petition was filed, except that upon application of the petitioner or upon its own motion, the Board may delay the time of the hearing for not more than 40 days from the day the petition for a hearing was filed if there is good and sufficient reason for delay. The petitioner shall have the right to appear at the hearing in person or to be represented by an attorney or by any other person.

(B) After the hearing, the Board shall sustain, modify or revoke the notice of the Health Officer. If the Board sustains or modifies the notice it shall be deemed to be an order. If the Board finds that by reason of the hearing it is not possible for the petitioner to comply with the order within the time specified in the original notice of the Health Officer, the Board may extend the time for compliance.

(C) Any notice served pursuant to MMC 1905.08 will automatically become an order if a written petition for a hearing is not filed in the office of the secretary of the Board of Health within 10 days from the day the notice was served.

(D) After a hearing in the case of any notice suspending any license required by this Code or by any rule or regulation adopted pursuant thereto, when

such notice has been sustained by the Board of Health, the license shall be deemed to have been revoked. Any such license which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the secretary of the Board of Health within 10 days after such notice is served.

**1905.06 Emergency orders – Action by Health Officer without prior notice.**

(A) Whenever the Health Officer determines that an emergency exists which necessitates immediate action to protect the public health, safety or welfare, he shall, without prior notice, issue a written order reciting the existence of the emergency and requiring whatever action he deems advisable to meet the emergency.

(B) Notwithstanding the provisions of MMC 1905.05 and 1905.08, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Board of Health shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Code and of the rules and regulations adopted pursuant thereto have been complied with, the Board of Health shall continue such order in effect, or modify or revoke it.

**1905.07 Noncompliance with orders – Remedy or prosecution.**

(A) In the event of the failure to comply with an order issued pursuant to any section of this Code, the Board of Health may institute appropriate actions or proceedings at law or in equity to restrain, correct or abate the violation of the order, or they may cause the order to be carried out at the expense of the City. The City may recover the amount of the expense by action of assumpsit, or where appropriate, in the manner provided by law for the collection of municipal claims under the Act of May 16, 1923, P.L. 207, or any amendments or reenactments thereof.

(B) Any person failing to comply with an order issued pursuant to any section of this Code may also be prosecuted for a violation of this Code in accordance with MMC 1905.09.

**1905.08 Violation notice - contents and service.**

(A) Whenever the Health Officer determines that there has been a violation of any provision of this Code or of any rule or regulation issued thereunder, he shall give notice of the alleged violation in the manner provided in this section to the person or persons responsible for compliance under this Code. The notice shall be in accordance with notice requirements of the Meadville Property Maintenance Code.

(B) Service of the notice shall be made in accordance with the notice service requirements of the Meadville Property Maintenance Code.

**1905.09 Penalty.**

Whoever violates any provision of this Code or any rule or regulation adopted by the Health Officer pursuant to the authority granted by this Code

shall, upon conviction, be fined not more than \$1,000 and costs, and in default of payment of the fine and costs, shall be imprisoned for not more than 30 days. Each day's failure to comply with any such provision or any rule or regulation shall constitute a separate violation. The unauthorized removal of notices or orders posted in accordance with MMC 1905.08 shall constitute a violation of this Code. The provisions for penalties contained in this section are in addition to any other remedies provided by this Code.

## **Article 1907 - ROOMING HOUSES AND BED AND BREAKFAST RESIDENCES LICENSES**

Sections:

1907.01 License required.

1907.02 Applications.

1907.03 Licenses.

1907.04 Failure of operator to obtain license.

1907.05 License denial – Hearing and decision by Board.

1907.06 License revocation or suspension.

### **1907.01 License required.**

No person shall operate a rooming house or bed and breakfast or shall occupy or let to another for occupancy any room in any rooming house or bed and breakfast without a license issued by the Health Officer or Board of Health.

### **1907.02 Applications.**

(A) Application for a license shall be made by the owner/operator to the Health Officer on forms furnished by the Board of Health. Such application shall include:

- (1) The name and address of the operators and owners of the business and property;
- (2) The location of the rooming house or bed and breakfast including the street and number of each entrance;
- (3) The number of rooms occupied or available for occupancy and the number of persons who may be accommodated in accordance with the provisions of this Code and with the regulations issued thereunder; and
- (4) Such other information as the Health Officer may by rule or regulation require.

### **1907.03 Licenses.**

(A) A license shall be issued by the Health Officer to the operator upon reasonable proof:

- (1) That the rooming house or bed and breakfast complies with the applicable provisions of this Code and with the regulations issued hereunder; and
- (2) That there has been compliance with the provisions of the Fire Code, Building Code, Meadville Property Maintenance Code, Zoning Code and all other applicable Codes.

- (B) An annual license fee shall be paid before a license may be issued.
- (C) Each license shall expire at the end of the calendar year in which it is issued and shall be renewed annually upon satisfactory proof that compliance with the applicable regulations is being maintained and upon payment of the license fee.
- (D) The license shall be posted in a conspicuous place.
- (E) No transfer of a license shall be made without the written approval of the Health Officer.
- (F) The operator shall promptly notify the Health Officer of any transfer of the rooming house or bed and breakfast to a new owner.
- (G) The operator shall maintain a list of occupants or guests at all times.

**1907.04 Failure of operator to obtain license.**

Any person who operates a rooming house or bed and breakfast without a current, valid license issued by the Health Officer, or who violates any other regulations governing the rooming house or bed and breakfast, shall immediately cease operation of the rooming house or bed and breakfast residence and no person may occupy any room or guest unit therein. The operator shall be subject to summary proceedings and penalty in accordance with MMC 1905.09.

**1907.05 License denial – Hearing and decision by Board.**

Any person whose application for a license has been denied for the reason that the rooming house or bed and breakfast does not comply with the applicable provisions of this Code or the rules and regulations issued hereunder shall be notified promptly of the denial and shall, upon request, be granted a hearing before the Board of Health under the procedure provided by MMC 1905.05. If the Board does not sustain the denial of the license, the Health Officer shall issue the license forthwith.

**1907.06 License revocation or suspension.**

(A) Whenever the Health Officer determines that conditions exist in the operation of a rooming house or bed and breakfast which is in violation of this Code or of any regulation issued hereunder, he shall give notice to the operator under the procedure provided by MMC 1905.08. The operator shall, upon request, be granted a hearing before the Board of Health under the procedure provided by MMC 1905.05. If the Board sustains the notice of the Health Officer, or if a request for a hearing is not made within 10 days from the day the notice was served, the Health Officer shall revoke the license if the operator does not comply with the order of the Health Officer within the period prescribed in the order.

(B) If the Health Officer determines that an emergency exists which necessitates immediate action to protect the public health, safety or welfare, he may direct that a service of notice under this section shall constitute a suspension of the license until the suspension is lifted by action of the Board or by compliance with the notice or order of the Health Officer, or until the license is revoked by failure to comply with the order of the Health Officer.

(C) Notwithstanding the provisions of MMC 1905.08 and 1905.05, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Board of Health shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Code and of the rules and regulations adopted pursuant thereto have been complied with, the Board of Health shall continue such order in effect, or modify or revoke it.

(D) When a license has been suspended or revoked, the operator shall immediately cease operation of the rooming house or bed and breakfast, and no person may occupy any room or guest unit therein.

**Article 1909- Deleted in its entirety.**

**Article 1911- Deleted in its entirety.**

**Article 1913- Deleted in its entirety.**

**Article 1915- Deleted in its entirety.**

**Article 1917- Deleted in its entirety.**

## **Article 1919 - ROOMING HOUSES AND BED AND BREAKFAST GENERAL STANDARDS**

Sections:

1919.01 Maintenance of rooming houses.

1919.02 Maintenance of rooming houses by operator.

1919.03 Occupancy and letting of rooming units.

1919.04 Fire safety standards of rooming houses.

1919.05 Water closets, lavatory basins and bathtubs or showers in rooming houses.

1919.06 Occupancy of cellars prohibited.

1919.07 Occupancy of basement.

1919.08 Standards for bed and breakfasts.

### **1919.01 Maintenance of rooming houses.**

Every owner and every operator, where any part of a dwelling is used as a rooming house, shall keep the dwelling and premises, including all fences, enclosures and appurtenances, in compliance with the Meadville Property Maintenance Code.

### **1919.02 Maintenance of rooming houses by operator.**

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the maintenance of a sanitary condition in every part of the rooming house.

### **1919.03 Occupancy and letting of rooming units.**

No person shall occupy as owner-occupant or let to another for occupancy any vacant rooming unit, unless it is clean, sanitary, in good maintenance and repair and fit for human occupancy.

**1919.04 Fire safety standards of rooming houses.**

Fire safety standards and regulations for all rooming houses in the City shall be in accordance with and shall conform to the Fire Prevention Code of the City.

**1919.05 Water closets, lavatory basins and bathtubs or showers in rooming houses.**

None of the flush water closets, lavatory basins, bathtubs or shower facilities for use by occupants of the rooming house shall be located in a basement or cellar except by written approval of the Health Officer.

**1919.06 Occupancy of cellars prohibited.**

No cellar shall be occupied as a habitable room. This section shall not be construed to prohibit workrooms, playrooms or other recreation rooms in cellars.

**1919.07 Occupancy of basement.**

(A) No basement shall be occupied as a habitable room unless there is compliance with the following requirements:

(1) The floors and walls shall be impervious to leakage of underground and surface runoff water and protected against dampness. The floors shall be constructed of material which is easy to keep in a clean and sanitary condition.

(2) Each room shall be adequately lighted and ventilated and shall have a safe and unobstructed means of egress.

(3) The ceiling height shall be at least seven feet.

(4) There shall be appurtenant to every habitable room a water closet room conforming in design and materials to the laws of the Commonwealth and the ordinances of the City.

(5) The Health Officer has issued a written license indicating that all the conditions prescribed by this Housing Code and the rules and regulations issued thereunder have been complied with, and the basement has been found fit for human habitation. The license shall be kept at all times readily accessible in the basement.

(B) In the event the license required by this section is denied, a hearing may be requested in accordance with MMC 1905.05. Any person who occupies or lets for occupancy a basement without a license shall be subject to prosecution in accordance with MMC 1905.09.

(C) This section shall not be construed to prohibit workrooms, playrooms or other recreation rooms in a basement, provided there is compliance with subsections (A)(1) and (A)(2) of this section.

**1919.08 Standards for bed and breakfast.**

(A) A bed and breakfast must be occupied by and be the principal residence of the owner(s) and/or operator(s).

- (B) There shall be no more than 10 guest bedrooms and no more than four guests per bedroom, and each bedroom must meet the occupancy requirements of the Meadville Property Maintenance Code.
- (C) For every two guest bedrooms, there shall be provided a full bathroom facility including a lavatory, water closet and bath, shower or bath/shower combination.
- (D) Use by guests shall be temporary only and shall not exceed 14 consecutive days.
- (E) Guest rooms shall not have separate cooking facilities.
- (F) The premises shall be inspected by City inspectors prior to the commencement of the use and each year thereafter and shall conform to the Meadville Property Maintenance Code and this Code as a condition of renewal of the owner's license.
- (G) The bed and breakfast and the dwelling in which the bed and breakfast is operated shall meet the Meadville Property Maintenance Code and all applicable fire safety standards and requirements set forth in City Codes.
- (H) For the purposes of serving food, bed and breakfasts shall conform to Pennsylvania law and local ordinances governing Retail Food Facilities.
- (I) A bed and breakfast may cater occasional on-site events or activities for no more than forty (40) persons at a time, including, without limitation, wedding rehearsal parties, business meetings, small office parties, and similar events or activities. A bed and breakfast shall not cater or prepare foods for consumption for any off-site event or activity. A bed and breakfast that serves meals other than breakfast, or caters on-site events or activities as described in this Ordinance, shall be subject to licensing as a Retail Food Facility and all applicable rules and regulations of the Meadville Board of Health. All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (J) The owner/operator of any bed and breakfast shall, at all times, maintain the guestrooms, bathroom facilities, residence and premises generally in a clean and sanitary and safe condition, in good maintenance and repair and in compliance with the Meadville Property Maintenance Code, in addition to the requirements of this Code.

## **Article 1921- Deleted in its entirety.**

### **Section III.**

*Repealer.* All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

*Severability.* Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any Code of which this Ordinance may be or may be considered to be part, shall

continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

***Effective Date.*** The provisions of this Ordinance shall become effective at 12:01 AM, prevailing time, on the 21st day after the date of final passage and enactment.

Introduced This 18th day of January, A.D., **2012**

Second Reading This 18th day of January, **2012**

Finally Passed and Enacted This \_\_\_\_\_ day of \_\_\_\_\_, **2012**

**CITY OF MEADVILLE**

/s/ John Christopher Soff  
John Christopher Soff, Mayor

Attest:

/s/ Janet L. Niedermeyer  
Janet L. Niedermeyer, City Clerk