

**BELLEFONTE BOROUGH COUNCIL
SPECIAL MEETING
July 19, 2016
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CALL TO ORDER

The special meeting of the Bellefonte Borough Council was called to order by Council Vice-President Randy Brachbill in the Bellefonte Borough Municipal Building at 6:00 p.m.

ROLL CALL

Members Present: Clark, DeCusati, Hombosky, Johnson, Tosti-Vasey
Brachbill,

Members Excused: Beigle, Brown, Dunne, Johnson,

Officials Present: Ralph Stewart, Borough Manager
Don Holderman, Assistant Borough Manager
Mayor Wilson

Staff Present:

Guests: Walt Schneider, Code Enforcement Officer

DISCUSSION OF PROPERTY MAINTENANCE CODE CHANGES

Mr. Brachbill would like to stay on task and to the point of the code that was already discussed. Either Walt can go over each change or if people have things they have pulled out those can be discussed first. If people think they need a review it can be done. Ms. Tosti-Vasey spent six hours today going through this and she has questions and some things that she needs some clarification, but there are also some other areas that she felt needed some tweaking. She would like to go through it page by page.

Ms. Tosti-Vasey spent six hours going through the April 26 draft.

1. Summary Sheet from Randy Brachbill –
2. Summary Sheet from Walt Schneider –
3. 2016 Centre Region Building & Safety Property Maintenance Code Draft 3 April 26, 2016
4. Bellefonte Safety and Property Maintenance Code – 2011 Edition -

Page 2 - Mr. Brachbill has a question on 102.2. The maintenance portion seemed to meet the description. Walt said the only difference between this and what has been in place on this document is they indicated that the owner's authorized agent could act on their behalf. It indicates that the owner shall maintain the dwelling in good repair as well as the equipment or the authorized agent. Mr. DeCusati has a question. He understands the reason for the false statement, but he asked what the penalty would be for people that make false statements. Walt said it would be cited under the code. If you are cited in court the penalties are \$300.00 to \$1,000.00. It's a non-traffic violation. Any violation under the code can be considered a non-traffic citation. Randy was looking for an example of the language in 102 is in regard to – you clarified the code to be applied to structure and modifications could be required regardless of when the building was constructed. Walt said an example is if regardless of when the structure was constructed if something is found that is a problem you can be required to fix it. It will not go retroactive but it truly is saying requirements necessary for the strength, stability or proper operation for existing fixture, structure or equipment for the public safety, health or general welfare not specifically covered by the code so essentially if there isn't something that specifically says that the retaining wall should be standing up and you have to maintain the retaining wall but the retaining wall is falling down code can call on this section to fix the retaining wall. Mr. Holderman said basically if a question comes up about a requirement not covered by code it will be in here somewhere. It won't just be somebody's opinion. Walt said this allows us to essentially go over to the building code and so on, but they can't argue with you that it was built in 1800 and there was no code in place so it can just be left as is. This says no, even though it's not directly covered under here we can require you to fix it because it's a problem with the safety, stability and general welfare. This isn't applicable to peeling paint. This is applicable to there is something physically wrong. Ms. Tosti-Vasey said several years ago the house next door to her put in a sidewalk and repaired the front half of the wall. They had somebody do it who wasn't a stone mason and with the sidewalk and the ice in the winter people can fall off of it. Code came back in and forced them to put a railing on their crazy wall. Now the other end of the wall is falling down. It is ruining her garden, and lean to and everything else. It hasn't been touched for three years now. Mr. DeCusati has a general suggestion based on something Walt said at an earlier meeting. There are going to be places where they are going to use their judgment. Property owners might see things differently, but Walt suggested there be an Appeals Board staffed with local residents it might be the answer. He understands that Walt wants to have standards that all his guys can follow. If an agreement can't be made on something such as the wall you would go to the review board and let them handle it. Walt said the first line of appeal is to him. If you don't like his decision the next line is to Bellefonte's Appeals Board. As of a month ago it is fully staffed so now appeals can be heard if somebody doesn't agree with his ruling on an appeal. Mr. DeCusati said that is nice because the residents then have to deal with the decision. Randy said that is something that can be told during an inspection. Ms. Tosti-Vasey asked when somebody has a citation is the appeals process laid out to them. Walt said the citation is we make an order and you totally refuse to do anything. That is when you get in to citations. That is the first piece of the puzzle. If they appeal it they get told right off the bat that they have the right to appeal it to Walt. He has a number of pending ones based on they wanted to get the appeals board so if he made a ruling against it then it wasn't hung at the next level. The next level of appeal goes to the

Bellefonte Appeals Board is they don't like the decision Walt gave them. If they don't like what the appeals board gives them the next for rental housing comes to Council and from there it goes to County Court. Walt said Council can truly dictate, and one of the things that needs done is he has to rewrite the appeals process. If Council chose to want to be out of it like the state code Council isn't in at all. It's a new construction code appeal. It goes to Walt, to the Appeals Board and from the Appeals Board it goes right to County Court. It skips the municipality. If you said the same thing on rental housing and said look, I want to be insulated the world is good...it is just written in to the process and the process is adopted. That is an option of Council.

Page 3, 103.5.1 - it was added in writing within (?) days...Ms. Tosti-Vasey asked if that included email. She asked if that could be included. Walt said they have the same thing and they will end up having a form that you fill out. The only thing they don't accept is picking up the phone and calling the staff and saying by the way, I need to transfer this.

Page 4 – Ms. Tosti-Vasey asked why Bellefonte's is 24 months and everyone else's is 36 months. Walt said because up until this point Bellefonte's was adopted; when they adopted the Bellefonte Borough Safety and Property Maintenance Code it was deemed to be a 24-month. It actually used to be a 12-month. They backed it off to every other year. Walt's recommendation to Council is to leave it at 24 for one more cycle at least. Based on what they saw and the number of violations they saw that had been called before but no one forced them to correct the recommendation is to keep it for another round and then it can be pushed back to a 36-month and make it a cycle. A quick back story on that was it was a 12-month, Russell came in and started doing the fire inspection piece for commercial structures and he proposed doing the entire Borough for rental housing for one year and the entire fire inspection the other year, basically one year for each. There was no physical way to do it, which would be 2,000 inspections, so they went to a 24-month inspection cycle.

Page 6 – 106.3.6, Sanitary Condition – Mr. Brachbill asked if there is an annual inspection fee for that. There is a number off because it is 106.3.4. Ms. Tosti-Vasey thought the unsanitary condition violation was a violation of the Nuisance Ordinance and not the Building Codes. Walt said this is unsanitary conditions predominantly inside the dwelling of a rental property. The classic example is you get in the place and the dog is basically going to the bathroom in the building, they haven't taken the garbage out and those kinds of things. Right now they are kind of somewhat handcuffed and this becomes an unsanitary condition violation that can be acted upon immediately versus having to wait. Under the current code he would have to call it out and essentially indicate that he would return tomorrow or the next day to inspect it so there is no real push to keep them sanitary. Ms. Tosti-Vasey is trying to make sure that residents know this is interior stuff and not the exterior on sanitary conditions. Is there a way the wording could be said that this is interior and refer to the Nuisance Code for outdoor sanitary conditions? Mr. DeCusati said it does say interior furniture. Ms. Tosti-Vasey said in the Nuisance Ordinance it says people having interior furniture outside. She feels it needs to be clear so people know they're not violating both of them at the same time. Walt said if it was seen you could use this. Mr. Clark feels this should be left as it is. Ms. Tosti-Vasey is thinking that we need to make sure that we don't end up charging a resident for violating the Nuisance Code and the unsanitary violations code for the exact same issue. Mr. DeCusati said the Code Enforcement Officer should know that. Walt said they have never had that problem in Bellefonte. That problem would most

likely happen in State College based on the proactivity of how they do things. They usually communicate to them if it be something outside they would let them know. They do the same thing with zoning. If they find that zoning and them both have overlapping jurisdiction they pick up the phone and call the zoning officer and say by the way we're going to tackle this thing or do you want to. Walt said they aren't interested in double dipping.

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Page 10 – Mr. Brachbill has a question on 109.5 where it replaces jurisdiction of the municipality and he asked what the purpose was of that. Walt said just staying consistent with verbiage. Over the years things have gone back and forth and they are trying to catch things the best they can and keep them clean.

Page 11 - Ms. Tosti-Vasey has a question on section 110 in general and then it goes to the exceptions on section 111. The buildings, in terms of demolition, they cannot; recently there was one on North Spring Street that Walt said the building was unsafe and they wanted to demolish it. It was in front of the old Academy property. Walt did not say it was unsafe. The clarification on that property is they have indicated that it doesn't meet the requirements of the Bellefonte code. The repairs that they have called out are not structural repairs. It is handrails and a whole host of odd ball stuff that the owner doesn't want to put money into the property so basically at that point of time the owner's statement to them is they are going to demolish the property. Walt said look, for conditions for the code side of things for them to get off their back is they have to notify all the tenants that they will be out the end of the year. They didn't relent on - all the life safety stuff is taken care of so the incidental stuff and you have to get approval by Council for demolishing before a given date. Ms. Tosti-Vasey had a question on one at 245 North Spring that came through a few days ago. Walt said they never ever indicated that it was unsafe. They have not ordered or requested demolition of that property whatsoever. Mr. DeCusati has looked at that property and he is concerned about the safety. All it takes is kids getting in there and playing around. The question Ms. Tosti-Vasey has is is there somewhere in the exception thing that can say if something should be determined to be needed to be demolished and it is a historic building you also need to go to HARB before the decision is made. Walt's recommendation is to leave this out of this code. With other ordinances you can't demo something; he can't order something demoed without going through Council. He doesn't have the authority to do it. He doesn't have the authority to railroad it through. Anything in the Historic District has to go through HARB and anything in the Borough as a whole has to come through Council based upon the other ordinances of the Borough. If it is written in to here there is a chance that later in life the two won't agree with each other. You are better off being silent here. He can order the demolition, at which point they have to go through – an example is he can order demolition but they still have to get a demo permit. The process of getting a demo permit requires that all the other check boxes must be done. Mr. DeCusati has a different question along that line. Buildings that don't have a lot of historic character but have burned, for example, the Uni-Mart. He has been in other communities when there is a fire the town requires them to take that building down within months because it is a safety issue. The question is does Bellefonte have the ability to say that Uni-Mart building must come down after a certain period of time. Walt said you can do that but he can also tell them that the Uni-Mart is in the process of sale. The new owner is going to rehabilitate it and

bring it back as a convenience store. Walt said they contacted them because of the pieces of the puzzle to get back into the building. They were directed to contact zoning. It is an existing use. Walt said here is the problem but the use was never abandoned. In the Commonwealth of Pennsylvania willful abandonment is a big one in zoning. That use has never been abandoned. Just because it hasn't been occupied and run as a convenience store and a gas station it doesn't mean that it doesn't exist as one. Willful abandonment would be if it was turned in to a hair dresser. That would be willful abandonment of the use. This is huge in Pennsylvania. This is the land right piece of it. It's been a gas station. It has never ceased to be a gas station. It has never ceased to be a convenience store. If he wants to put it back as a gas station and convenience store they will have a real tough fight on their hands to not let it be a gas station and convenience store. He will have to bring it up to code as far as anything that is damaged, burned or deteriorated, but under the zoning regulations trying to make that not be a gas station right now, although it is a non-conformity, but unfortunately under zoning codes the non-conformity continues. That is under the municipal planning code. A zoning regulation at the state level continues until such time that it has been willfully abandoned. Mr. DeCusati said the code does say if a property has not been used for over twelve months it is considered abandoned. Mr. Stewart said the code says two years, but what Walt said is the case law of Pennsylvania says different. It is a legal question. He would recommend they talk to the solicitor, but the solicitor will most likely say what Walt just said. Walt said this is a big one. Mr. Brachbill said the residents are concerned about what it is. The question was asked about who drives the tanks storage for the gas. Walt said he knows for a fact that he had them checked. The guy is a professor at Penn State, works for ARL, and came in and asked him 1600 questions regarding process. He sent him back to zoning. He said he paid to have the tanks checked and has certification on the tanks. He paid for that. He checked in to looking at the money that is on deposit at the Borough that the insurance deposited here. He asked if he automatically gets that back. Walt's recommendation to him is to make sure his bill of sale says he gets it back and not the original owners. Mr. DeCusati said he also doesn't get it back until the building has been rehabbed. Walt said he knows that but his assumption was that if he rehabs the building and owns it at that time he gets the money. Walt said told him he wasn't the depositor. The new owner's intent is to put it back exactly as what was there. Mr. DeCusati said it has been a nuisance business for years. Walt doesn't disagree with that but he thinks from a zoning standpoint, and he encourages Council to talk with the solicitor, which is what Mr. Stewart said, because denial of this one will get the Borough in hot water. Walt said it would be different if it were changed into an H&R Block office and it was no longer a mercantile. Mr. DeCusati said the Borough needs to talk to the lawyer. Walt said the true term is called willful abandonment.

Page 11 – 111.6 - Ms. Tosti-Vasey said under notice of hearing the Bellefonte Housing Board of Appeals is not listed.

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Page 13 – Definitions – Mr. Brachbill had a question on The Bed & Breakfast definition. The purpose of the code definition Bed & Breakfast shall be identical to a definition of a Bed & Breakfast in the Municipal Zoning Ordinance of the Municipality. He asked if there were any changes to it. Walt said there is enough goofy differences between the municipalities so the easiest thing for some of these definitions is to go to the zoning code because they don't want zoning to say it is one thing and the building code to say

it's another with respect to this document. Ms. Tosti-Vasey said that was a complaint they were having earlier because the Bed & Breakfasts are in R1, which is a private residence and it is defined as a private residence yet they were being treated... Walt said there is still some definition in the Building Code of a Bed & Breakfast. What they are getting in to is that some of them required five rooms and some required six in some of the municipalities so they said for consistency whatever the zoning code says a Bed & Breakfast is, that is a Bed & Breakfast. The code requirements still essentially will require that they get a housing permit or a fire permit no matter whether they are an R1 or truly a Bed & Breakfast. As these tweaks are going they don't want the difference of one bedroom getting a Bed & Breakfast versus a hotel. Mr. DeCusati said from what he understands in State College they are doing this thing where they are renting out their; air B&B's. Walt said that is a different animal. An air B&B is recognized by any of the codes. What they get in to is; State College is starting to tackle it and College Township has already tackled it in 2010; oddly enough Bellefonte tackled it in 2011 but they don't realize they did it. Walt said what you did is if it rented for one day Bellefonte requires a rental permit. If Walt would do an air B&B he would be required to have a rental permit. In State College you can rent up to seven days without a rental permit. They are probably headed for one. The municipalities are having problems with them and how to regulate them. The other problem is a lot of them aren't paying taxes. They're not paying the hotel tax. They're not paying sales tax.

Page 14 – Mr. DeCusati had a question regarding fire escapes. Walt said all this does is it allows for a fire escape to be defined. Later in the code they actually allow fire escapes to not have as many...the openings can be bigger on them. The standards are a little looser on them. The idea is you can't use the fire escape for anything other than a fire escape. If it's truly going to be a fire escape they are saying it doesn't need to meet the dimensional requirements of a stair. That's a relaxation. Mr. Holderman asked if you can relinquish outside stair requirements if you have a sprinkler system. Walt said that is still in there. Mr. Stewart said people had the option.

Page 15 – Mr. DeCusati had a question with Historic Registry. There is a historic district with lots of structures. Some have plaques and some do not. There is a plaque on his house that he didn't put in, but he asked if it is enough that it is in the historic district to call it a historic building. Walt said that is yes and no. The yes and no is in the entire district if you look at everything in the district; one of the things that Vana has on file for HARB is whether it's a contributing member. An example is there's a house at the corner of Armour and Curtin Street, a very modern – it's in the historic district so that means any changes have to come through HARB. It's not historic by any stretch of the imagination and under this code it would not be considered historic. It's not contributing. It would have to be contributing by HARB's standards. Mr. Stewart said there are a couple reasons. There are definitions in the historic district as well as the National Register District. The minimum age of the building must be fifty years. Mr. Holderman said that sign was up in the 80's because he lived in the attic for a couple years.

Page 17 – For residential rental property Ms. Tosti-Vasey read any building or portion thereof which is offered to rent or lease as livings for one or more she asked if that is with or without compensation. It does not include Bed & Breakfast to her question is that this seems to be saying that B&B's would not be under the rental properties. Walt told her that she would find later on that this is defined not as a residential rental property. When you go back later in the document it makes a statement regarding

B&B's and requiring a permit no matter what. That is under Chapter 8, Section 802.1. Ms. Tosti-Vasey said if she is understanding it correctly the house two doors up from her is a B&B and is designated in a R1 area would only have to meet the fire safety license. Is that correct? Walt said in reality the fire safety license triggers basically the same requirements. The difference is the cost. Oddly enough it is cheaper to get the rental housing permit than the fire permit. Is there a rental permit that covers you for the fire permit? Basically here is the thing with B&B's, what Walt calls all transient rentals. A transient rental is somewhere that I am going to show up, I'm not living there, and I'm going to be there, depending on whose code you're talking to, less than thirty days or less than sixty days. I don't know the structure. I'm not there enough. The level of safety we want in those is actually higher because if there is a fire I don't know; if I lived there I know which window I can crawl out onto the roof. I know how to get out of the building. I know where the furniture is and so on. If I'm only there for a short period of time and the potential for a fire starts I don't know how to get out easily so the requirements actually for the fire permit are higher than the rental housing permit and there is additional cost with it. They treat it more like commercial structures as compared to a residential. An example is, and here is where we're mixing R's, and you have to be careful about this. An R1 in a zoning district is not an R1 in the Building Code. There is a huge difference. An R1 in a zoning district is simply single family homes. In the International Code an R1 is a hotel. That's why they're triggered as an R1. An R1 is truly a hotel; occupancy less than thirty days; multi-family occupancy. Essentially you've got – pick your favorite hotel and that's an R1. An R2 is essentially an apartment building. The Bellefonte Muse is an R2. The Cadillac Building and the Garman Building are both R2's. The old school on Bishop Street is an R2. Under the Building Code an R3 is a single family home. Ms. Tosti-Vasey asked if that was written anywhere so people understand. Most people think R1 is a private residential. Walt said there is a statement where they refer people back to the International Building Code for the definitions. That is basically where definitions are gotten - either the International Building Code or International Fire Code. There is a copy of those on file at the Borough that anyone can look at anytime. Mr. Stewart asked if they inspect hotels. Walt said yes. How frequently? They get a fire permit so in Bellefonte Borough if there is a hotel it would be inspected every year or every other year depending on risk. In the Centre Region it would be one, three or five depending on risk. An example is if he built the hotel out of non-combustible construction so it is a concrete building with sprinklers it would probably get inspected every three years or in Bellefonte every two years. If it were built out of wood...if the Bush House were still here it would be seen every year, no matter if it was in State College or Bellefonte, based on risk potential. Mr. Stewart did some checking because when Council started talking about the codes it sounded like they wanted to look at some options. In Lewisburg they have the COG in that are administering the code for that Borough, but their B&B's are not under their property maintenance code. They are looked at like a hotel. Walt said for us, that is where the little statement in chapter 8 triggers does it get a housing permit or does it get a fire permit. If it was built as an R1 it will stay as an R1 and get a fire permit. Mr. Stewart said say one of the older historical homes wanted to open a B&B, in Lewisburg it would be looked at as a hotel. Walt said that would be more restrictive than looking at it as a rental housing permit. They would have to have the exit lights, etc. It gets more restrictive as you get into the fire permit. Ms. Tosti-Vasey said if the person has a historic home and opens it up as a B&B, but it is a private residence and

they are still living there which permit would they need? In Bellefonte it would be a rental housing permit. Walt said one of the things they did that helped Borough residents for consistency is it used to be when Russell was administering every room got a separate permit in the B&B's. They reduced the fees because they said what are you doing? If you are permitting the house, just permit the whole house and have one fee versus a couple of them. In State College they have rooming houses, which you are permitting a bedroom. The minute you get to two rooms you might as well permit the whole house because it is cheaper. The downfall is the whole house has to comply. Under rooming house the common areas still have to apply so there's not a whole lot of difference. If the tenants have access to the kitchen in a rooming house it still has to comply. The biggest thing is usually some of the rooming houses in State College it has an apartment style setup if the owner is going to live there, which the code official doesn't have access to because the tenant doesn't have access to it. Mr. Holderman asked if you are permitting the house how do you know what the occupancy is. He feels the reason Russell did that was because if you get over a certain number then it becomes a hotel. There were certain B&B's that were on that border. Walt said they look at the occupancy number, but they're not driving the numbers to be able to get to the hotel status. If they are living there they are meeting the requirements of a B&B. The kitchen areas in B&B's are considered part of the common area. Walt said they have not really had huge problems. Most of what they are seeing is smoke detectors, hand rails, outlets and those kind of things. Mr. DeCusati understands the need to have a higher level of safety because people aren't familiar with the structures. Walt said as a rental housing permit they are getting them to the same level as an apartment. They're not getting them up to where a hotel would be. The one complaint Ms. Tosti-Vasey heard, and she didn't know if it was a fire level or a rental housing level, was placing those red lighted exit signs in the hallways in the bedroom areas. Walt would need to know the property address and he would have to look into it. Joann Knupp quit having a B&B and she didn't want the fire exit signs. Walt would need to look into it. He doesn't recall exit signage being required but he would have to look in to it. Ms. Tosti-Vasey said Jennifer, who now owns it is running it as a B&B, but she hasn't done it yet because she doesn't want to put red exit signs in the bedroom hallway. Mr. DeCusati said they want to have escape lighting there illuminating the staircase, which is usually a dark area. Ms. Tosti-Vasey said it is 439 or 437. She said it sounds to her that they ended up with the fire rather than the rental housing one. Walt can pull out the violation notice and see what the list of corrections were going to be. He will check it out. Another thing Walt found is he gets the story – Commissioner Pipe cornered him about 1 ½ years ago about six months after they started. A friend of his had a property in town and just chewed him all over about how evil they were and the world was coming to an end. Walt asked where the property is. They said they didn't want him to do retribution. Walt said he wasn't doing retribution but he needed to look in to the problem. Walt said if you're not going to tell me what it is you go look at the property and tell him whether he was willing to live in it. Once you tell me that you're willing to live in it call Walt and he will meet him there. He saw him about three months later and said he never heard back from him. He said yea, you know why you didn't hear back from me. Walt said okay, so you weren't willing to live in it and your buddy was just trying to suck all the life blood out of the building and not put any money back into it. He said yep, pretty much. Walt will check it out. Mr. Holderman can't see why that would be the only B&B that would have to do it.

Page 18 – Tourist Home – Walt said it's not in the definition in Bellefonte. It's really a State College thing. Ms. Tosti-Vasey said if it's not applicable should it be noted. Walt said if you notice what they have done to solve this is if there is no definition in zoning then there would be no definition in this code. He is trying to engineer it so that it stays as clean as possible.

Page 19 - Ms. Tosti-Vasey said this is the same thing about interior furniture inside and outside. Walt said oddly enough the ordinance piece doesn't kick in, as best he can tell, in any of the municipalities, so right now he can sit a couch in the middle of the yard and watch TV according to the ordinance enforcement piece until it deteriorates and becomes an incredible nuisance. According to this provision, if it is kept in, you won't be able to take your inside furniture and put it out in the yard and have a Super Bowl party. Bellefonte has some of this. It's a problem with respect to rodent harborage more than anything else. One of the interesting things that has shown up as a big positive since they have been doing the administration of the code for the last two years they have found no less than four major bedbug cases in Bellefonte and have corrected no less than four major bedbug cases in Bellefonte, which is a public health hazard that before, from what they can gather, one of them was going on for years. They are trying to keep rodent harborage down. Ms. Tosti-Vasey said if there is a football game and they decide to take a big screen out in their back yard and their furniture out and take it back in is that an issue? Walt said it is an issue. They don't drive around looking for this stuff, but if they see it they are probably going to make a comment on it. They are finding that the problem is they're not taking it back in. He hasn't found anyone that is taking their nice furniture and putting it outside. It's their old crappy furniture and it stays outside and gets rained on.

Page 20 - Chapter 3 – Mr. Brachbill had a question on 302.11 about trees. He wondered how that language affects the shade tree committee. Walt said what this does is it came out of two situations. One is in the State College Borough. This came as a request of the arborist. They actually have an arborist on staff. He requested this and has reviewed it. Walt had a situation in Ferguson Township. The guy has no money and the house, for all intents and purposes, was abandoned, and there was a massive tree in the back yard that was overhanging the neighbors. They had no legal recourse to make him trim the trees. The neighbors were so scared that they wouldn't let their children play in the backyard. Essentially what they were told was the neighbors could trim the tree at the property line. The problem is when the rest of the tree dies it falls over, but then they could also get sued for killing the tree. What you wind up with is a court case. They put this in place that allows them to, there are some similar things later with respect to engineering study, allows them to order a study to have somebody come in and look at it and make a determination about what needs to be done, whether it is trimming the tree or removing the whole tree. This allows them to get rid of problematic trees. Walt said they can't override another ordinance, so if it qualifies in the shade tree ordinance that would be another trigger because you can't trim or remove the shade trees without their permission. It's like knocking a building down. The arborist says this needs removed. They'll have to go in front of the Shade Tree Commission to get permission to remove it. Mr. Clark said if there is a problem in the code it doesn't alleviate you from getting the permits to perform the work. That's a key element to this. Walt can cite them but they also have to go get a permit. Your house is falling down, the world is coming to an end, but you still have to go through all the normal process.

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Page 22 – Under the exceptions Ms. Tosti-Vasey wants to make sure, where it says demolition must be approved by the code official. Walt said they still have to go through the normal process. It would include HARB. Walt said he wouldn't approve anything without HARB and zoning approving it. Walt said one of the neat things that he gets to do – he's the gatekeeper. One of his jobs is, and Vana has found this out in a positive fashion, they won't give you a building permit without HARB or without zoning. From bad habits years ago when he showed up they were getting chewed by zoning. The zoning official calls him up and screams at him. He said okay, we're going to stop doing that. I don't like getting screamed at by zoning officers. The same thing with sewer officers. Mr. Stewart and Mr. Holderman have seen it with respect to water. Walt won't let you build a building in Bellefonte without a letter saying you're going to get water and sewer service. Walt's job is to make sure all the stuff ahead of him is all checked off before he says go.

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Page 24 – 304.23 Ms. Tosti-Vasey asked if this is State College specific and why is there a date there. Walt said the reason there is a date as far as exterior opening protectives is truly because the code has changed up and down, left and right multiple times. The date January 1, 2013 actually came with a statewide code change. If it was built before that time, from a statewide building code and you had already got compliance for it the world is good. If not, you truly have to follow the requirements. Mr. DeCusati asked if you had a rental permit before January 1, 2013 and you were in compliance at that time you are good even though today it may allow 4" sphere to go through.

Page 25 - Ms. Tosti-Vasey had the same question on 305.7. It is the same answer. It just winds up being an interior versus exterior. Mr. Brachbill had a question on 305.8, Safety Hazards associated with a garage attached to a single family home. He asked how the code official supports the determination of what they are finding. Walt said this is around two major things. The biggest one is furnaces. You can't have the furnace in the garage unprotected. It's a true fire hazard. You can wind up getting leaky gas and blow the place sky high. When it becomes a rental a lot of times they'll create a furnace room and frame out a room around the furnace, which is fine, and then you can keep using the garage. If you can't then they are basically told they have an option. If you don't want to create a furnace room then lock the garage so you can't use it as a garage. That takes care of the hazard. It's in the state building code and you couldn't build it that way today, but there are a lot of people that have either done it or they have modified it. If you do that in your single family home and you live in it so be it, but in a rental you don't want to subject the tenants to that hazard. This is actually a case where they had used, there are provisions to be able to use International Residential Codes stuff on there with known hazards, this is one they have been calling for a long time and brought in here directly so that way you don't have to go to six other books to find it.

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Page 28 – Fire Escape Guards, 307.2 – Mr. DeCusati asked what it means. Walt said basically instead of having all the little protections like all the balusters you can have a top rail and a mid rail. Currently if you look at the other document from his other binder you will find that it requires a sphere no bigger than 4" to be going through there and so

on, but this actually relaxes it back and says this is a fire escape. It's not meant for anything other than escape during a fire. It doesn't have to be up; little kids shouldn't be running down it. There is some stuff in here, being a code official, he went backwards trying to keep some logic, not to mention what they were putting on to get the 4" sphere thing.

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Page 30 - Ms. Tosti-Vasey assumes section 314 is ADA stuff. Walt said the background of that is something he had put in. It is here because under the current code he has no authority to make you maintain your accessibility provisions under this code. What he has is the statewide code. An example, Kinkos in State College decided they were going to get rid of a handicap parking spot. They cut the sign off and made it their manager's parking spot. The only way Walt has to enforce that right now is he walks in and says you're not allowed to do that. They look at him and say what are you going to do to me if I don't fix it? It's real easy. I revoke your certificate of occupancy for the building immediately and you have to vacate the structure until you fix it. It's like going zero to 100 at the state code. I've got nothing but the hammer of revoking your occupancy. This allows me now all the provisions that I can cite you, I can do warm and fuzzy and say you've got thirty days to fix it or I'm going to take you to court; that kind of stuff as compared to nope, immediately your building is no longer compliant because your parking spot got removed. This allows me to ramp up to about 10 mph without going to 100.

Page 31 – 402.4 – When Ms. Tosti-Vasey read that whole section she interpreted it to mean that all closets had to have lighting in it. She went back and felt that doesn't make any sense. She wondered if at the beginning of the second paragraph if it said if luminaries are installed and then go on so people understand that if you put lighting in the closets you have to follow these rules, but you don't have to. When she read the closet and storage lighting requirements title she read it to say you have to have lights in your closet. Mr. DeCusati said some of the older buildings have old style closets with the old hooks and he wanted to know if these are allowed. Walt said the hooks are allowed. This refers to lighting. One of the things they have had problems with is people put lighting in the closets and the lighting gets too hot and starts fires. All closets do not have to have lighting.

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Page 36 – Walt said this page does not apply to Bellefonte. They will be exempting all of 36. Ms. Tosti-Vasey didn't understand the tables. Walt said Bellefonte will be at 404.5. The second two will go away. This gets your minimum square footage. For a bedroom to be used for a person they have to have 70 square feet. If you put two people in there you need 100 square feet. For three people you need 150 square feet. If you are going to put three people in the apartment you need to have a living room of a minimum of 190 square feet. The idea is so that you don't pack them in. The Asian population literally has wall to mattresses.

Page 37, Chapter 5 –

Page 38 – Mr. Stewart said grease interceptors. Walt said it was going to be commercial and not for residential. Mr. DeCusati asked if that means B&B's have to have it. Walt said it doesn't say you have to have one. It says if you have one you have

to take care of it. If you have a commercial grease interceptor, an example is Indy Lu, Bellefonte Wok, they are notoriously bad for backing up and from a municipal standpoint you want them to clean them properly because you don't want them to just dump it in the street and go into the storm sewers. This provides that they actually have to clean it on a regular basis and they have to truly be a cleaning company doing it. They can't do it themselves. When they do it they can't dump it into the private or public sewer system. Walt said it's a public health issue and it screws up the sewer system.

Page 39 – Walt said an example is they have to tag it so they know at any given time who did the cleaning. The municipal engineer, Mr. Stewart, will submit any SDS sheets on any chemicals they want to dump down the system because they will go to the sewer plant and he wants to make sure they don't kill off the very expensive process that is going on down there. Mr. DeCusati, 507.1, asked how they are going to handle the storm water drains in Boalsburg. Walt said as long as they don't negatively impact things the world is good. They have had some screaming matches with people because they try to shove their storm water onto somebody else's property.

Page 40 – Mr. Brachbill had a question on 602.2 and wondered if that is a regular occurring issue? Walt said there was actually one in Bellefonte doing this. They were running the place off a generator. They had their electricity shut off and were running off a generator. They found out about it because they had a carbon monoxide call. The carbon monoxide detectors were going off in a neighbor's house. Mr. Stewart remembers somebody also using space heaters. Mr. Brachbill had a question on 603.1, mechanical appliances. He asked how that with the frequency of the two or three year inspection. Walt said every year they can be required to see the evidence that it is inspected in between inspections. This came out of the carbon monoxide death in the Centre Region twelve years ago where the guy and his kid were killed because the flu pipe wasn't properly inspected. The flu pipe had pin holes in it and was rusting from the inside out. It was an oil furnace originally that somebody had illegally converted to natural gas. When you convert it to natural gas, oil furnaces give off an oily substance and it actually protects the flu pipe. Natural gas burns much cleaner and gives off moisture laden exhaust. That moisture laden exhaust then rusts the flu pipes out from the inside out. Ms. Tosti-Vasey asked if you change from oil to gas what should be done. Walt said in their case they actually converted an oil furnace to a gas furnace. There isn't a single manufacturer that will allow that to occur. They will sell you the kit, but the original manufacturer will not honor any rating on it because the original appliance was modified; all the ratings on it are all based on the original testing. Ms. Tosti-Vasey asked what happens if someone pulls out an oil furnace and puts in a gas furnace. Walt said their flu and everything else will be installed properly to meet the gas furnace. In the case he mentioned the flu was the original oil furnace flu. Ms. Tosti-Vasey said twenty years ago they did switch and she doesn't think they changed the flu. Walt said a lot of them over the years have changed because this has become more efficient. Mr. DeCusati has a mechanical company that handles the furnace and plumbing. They do the inspections yearly and if something needs done he has them do it. He asked them why they don't put an inspection sticker on there and they said they didn't need to. Mr. DeCusati said the code guy is coming and we need it. Walt said they don't want to be linked to it.

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Page 43 – Walt said 607.2 will be commercial. For rentals, every stove does not have to have a hood. Walt said this is meant for restaurants.

Page 44 – Mr. Brachbill asked who determines the moisture levels. Walt said usually you can tell. They were finding that this is truly State College based. They have apartments in the basement that smell like mold. This allows to require that the owner has to supply the equipment.

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Page 46 - Ms. Tosti-Vasey asked if 702.4.1.2 was commercial. Walt said this is emergency escape window wells. If there is a cover over it they have to be operable from the inside with no special knowledge.

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Page 51 – Walt said 704.10 will not apply to anything in the Borough. This is a goofy one. In State College, back in the 90's kids were pulling fire alarms at the Graduate and timing the fire department. They did an extensive sting operation. They put die on the pull stations, caught the kids and took them in to the District Justice. The District Justice said they're just being kids. They changed the code and said the pull stations don't have to ring off-site. Instead of solving the problem they solved the symptom. Now if you go in to some apartment buildings in State College you'll see a notification on the pull station that says this is only ringing on site and you have to dial 911 for a fire. This is saying when you replace the guts of your system the new system is going to be required to be ringing off-site. Have a nice day.

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Page 53 – Mr. Brachbill asked if you are permitted to do recreational burning in the Borough. Walt said there is an exception to the required open burn permit, which is a recreational fire conducted more than 25' from a structure or combustible materials or conditions that would cause a fire to spread within 25' of a structure; with a Chiminea you have to be more than 15' away from a combustible structure and without a Chiminea you have to be 25' away from anything combustible. There's a limit on the size of the wood you can burn based on the definition of recreational fire.

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Page 55 - Ms. Tosti-Vasey said based on that the open flame cooking devices says 10' from combustible construction or combustible cooking balconies. Walt said that would be a charcoal grill. They are assuming you're using charcoal briquettes or gas. If you have your deck protected by an automatic sprinkler system you can put them under it. LP gas containers, Walt said this is a very, very specific one designed to take care of some big problems throughout the entire area and that is people buy a gas grill and get a 20 pound propane cylinder and try to take it up onto the second or third floor. The problem is you're not allowed to take a 20 pound propane cylinder inside a building. By saying you can't do this unless you have outside access and it's not covered takes care of the 20 pound propane cylinder in a building. Mr. DeCusati said there are portable heaters with propane tanks and people put them on porches. Walt said this kicks them because they are dangerous.

Page 56 - Ms. Tosti-Vasey wanted to clarify whether people need the fire code permit or the rental housing permit. Walt said it needs to be explained to them. Mr. DeCusati questioned where it says you need a rental housing permit and a fire safety permit license. Walt said that is the R1's. If you were built as a hotel you need a commercial.

If you were built as a single-family home as a B&B as an R2 or R3 then you wind up with the rental housing permit.

Page 57 – 802.813 Email Address - Ms. Tosti-Vasey asked about people that don't have email addresses. Walt said they have been mandated by all the municipal officials to communicate better with the renters, or increased communication. To do it efficiently email is the only to get it done and it is the only way to get it efficient. Walt said there aren't a lot of people that don't have email. If they don't have email Walt works with them and tells them they can get a Gmail account for free. They can also designate a person in charge if they don't feel that they can keep up with modern times. Ms. Tosti-Vasey has been dealing at the national level with parts of the country where people have trouble having email access. Ms. Tosti-Vasey asked if it should say and/or person in charge. Walt said under the code you are automatically the person in charge unless you delegate that to somebody else so they would be the same email address. Ms. Tosti-Vasey said in case there is that one person she asked if it could say if the owner does not have an email address they shall designate a person in charge of his communications. Walt said they can appeal it and a decision can be made based on an appeal versus; he's hoping he can get them into the realm of getting an email address and checking their email. Mr. DeCusati had a question on Transfer Ability, 802.6, if someone sells a house that has a rental they are given thirty days to notify Walt. Mr. DeCusati said it probably won't occur to the property owners because they are busy with the transfer, might be out of town and won't know, he thought that could be a little tight. He asked what notification is. Walt said either the new or old owner has to provide the name of the new property owner in writing. Walt said this is a huge deal because within that thirty day window it's still sketchy because somebody has to be taking care of the property. If the furnace doesn't work or something Walt needs to know who owns the property. At one point in time that was talked about as being seven.

Page 58 – Mr. DeCusati said for the cases where people come in and mean well and forget to let Walt know about the change will their permit be revoked. Walt said they have never revoked a permit because of not knowing. The worst they could get is a citation. It's not grounds to pull a permit. Ms. Tosti-Vasey had a question about C at the top of the page. Walt said you would have them. They are going to post information that the owner can provide for all the tenants. He will make sure that is addressed in that section. Ms. Tosti-Vasey said D says State College Borough and it should say Bellefonte Borough. Walt will adjust that accordingly.

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Page 60 – 805.9.3 Ms. Tosti-Vasey referred to the Nuisance Endorsement. She said in some communities in the state part of the nuisance is you got calls or violated and there was a harassment or sexual assault or domestic violence then a person was evicted from a rental property. In December of 2014 the state passed a law saying you could evict the perpetrator but you cannot evict the victim. Walt said this actually doesn't let you evict anyone. This was developed by State College Borough and everyone else has all followed suit. The 805's and 806's are sitting in there as Nuisance Property Systems, which is what is generically called the points system. The effect of this is points get put against the property. When you hit five points you get a warning. At ten points it revokes your rental housing permit, but it doesn't evict anybody. What it does is knocks off the rental housing permit at the end of the lease or one year, whichever is sooner. There is a consent agreement, which is a corrective agreement on the property

that is reached by the manager of the municipality and the property. How are they going to correct the problem? It's an in-depth way of trying to deal with problem properties. Eviction is a whole different ball of wax in the Commonwealth of Pennsylvania under tenant/landlord law. Walt said it takes an act of God to evict somebody. Ms. Tosti-Vasey asked with the domestic violence they could evict the perpetrator.

Page 61 - Walt said with the point stuff most people will pull point stuff out. They don't keep track of the point system. State College Borough is the only one that tracks the points. The others keep it in place in case they choose to do so in the future. Mr. Clark suggests Bellefonte leaves it in place. This starts on the bottom of page 61. Ms. Tosti-Vasey had a comment on 805.14, Appeals, the two exceptions need to include Bellefonte Housing Authority on 14 and 15. Walt said he will be able to check on these if they are being kept in. Ms. Tosti-Vasey asked if the point portion of the code is not being done theoretically couldn't someone say you're not enforcing this section why aren't you doing...Walt said there is a severability clause. If they found one thing they did was actually unconstitutional you didn't throw out the baby with the bath water. Mr. Stewart said just because something is on the books it doesn't mean you're obligated to enforce it.

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Page 65 – 806.9 and 806.10 Ms. Tosti-Vasey said it needs to have Bellefonte Board of Appeals. Walt said when they originally did this they didn't know so they will craft the extra language since Bellefonte is headed in that direction.

Page 66 – Walt suggested they would get rid of 807. Walt said currently Bellefonte doesn't have a definition of a student so you can't have student housing. State College has the definition of a student and they aren't a protected class under the law and therefore can be discriminated against. Mr. DeCusati asked how you are not going to have this in Bellefonte Borough. Walt said it is real easy. If you look at the bottom of any of the pages and note the little parenthesis behind and you'll see a parenthesis behind with a number 7 and that means the section has not been adopted and what they do is write it in the ordinance. When he writes the ordinance for adoption and brings it in to Council it will exclude section 807 in the ordinance and in here it will be notated that it was excluded. Ms. Tosti-Vasey went back to 806.1; 11.4; .5 – Walt said they are all State College things that he will update. He will make a blanket statement up front in the entire section.

Page 67 – Page 71 – All deal with students.

Page 72-

Page 73 – Walt said property identification is in the ordinance. It has improved some. If Walt had his way he would paint the house numbers on the street with an arrow pointed toward the house.

Page 74 – Walt said this hasn't changed with the exception of one thing. This is the same program that has been in place that was adopted. The only thing that has changed in there is the municipal variance if it happens to be in the flood plain.

Ms. Tosti-Vasey asked Walt to explain the appendix. Walt said appendices are not enforced by law unless they are directly adopted. This was put in so if someone had a building that needed to be secured or boarded he could send them someplace for direction, but it's not required by law. He can require the code that you secure the

property but he can't require how you secure it. This allows him to send you to an area of direction.

Mr. Stewart said there are some structures in the Borough that are not secure and have been sitting there for a year. Before this came into being the position was if it was secure and the grass was cut there was nothing the Borough can do. He asked if that is still the case. Walt said the property is you get into the property rights situation and there's not a legal requirement to occupy a structure. It can sit vacant forever as long as it's being maintained properly. They can require things be done with it to maintain it. An example right now is Ferguson Township, the house next door to the Pine Grove Mills post office. He has posted the property in 2010 as unsafe for human occupation. It hasn't fallen down. It's secured. There's some requirements that would allow him to order it removed if there were problems with it. If there are truly problems and you are ordered to make corrections and don't make them after a period of time they can require removal. It's always a question of do you really want to go down that road. He doesn't know the rate of interest on Borough liens but an interesting one is if you have properties that are in disrepair and correction is ordered and the owner doesn't do the correction and you do it yourself if you set the rate high enough on your lien rate you can drive it for tax sale quicker and potentially get somebody in there who is going to do something with the property. An example is with Mark Kunkle, Ferguson Township, they are up in the teens on their adopted liens. It's like a credit card.

Walt says the way he sees this process rolling and doing is he will go back and make updates and corrections regionally so everybody is playing out of the same book. Sometime this fall he will bring it back before Council. If there is something Council doesn't want it can be taken out. In is more difficult than out. A date will be set this fall for a municipal hearing. Walt will get them a copy of the ordinance and a draft document. Once the draft document is done and they do the municipal ordinance there will probably be an October adoption with a January 1, 2017 enforcement. That way the whole region goes on one date and everybody switches over at the same time. They publish it, give the Borough copies, put it on websites and do some notification as far as they will having an educational piece or two or three of them in Bellefonte. The current one will become obsolete when the new one goes in to effect.

ADJOURNMENT

- Ms. Tosti-Vasey made a motion to adjourn the Special Council Meeting of July 19, 2016 at 8:00 p.m. Mr. DeCusati seconded the motion. A voice vote was unanimous.