

CHESTER COUNTY HEALTH DEPARTMENT

CHAPTER 400. HOUSING AND INSTITUTIONS.

401. HOUSES AND ROOMING HOUSES.

401.1. PURPOSE. This section provides Rules and Regulations which:

401.1.1. Establish minimum standards governing utilities, facilities, and other physical objects and conditions essential to make dwellings safe, sanitary, and fit for human habitation.

401.1.2. Establish minimum standards governing the condition and maintenance of dwellings, dwelling units, rooming houses, and rooming units.

401.1.3. Fix certain responsibilities and duties on owners, operators, and occupants of dwellings, dwelling units, rooming houses, and rooming units.

401.1.4. Require permits for the operation of rooming houses.

401.1.5. Authorize preliminary area surveys of dwellings.

401.1.6. Authorize the inspection of dwellings, and the condemnation of or removal of dwellings unfit for human habitation.

401.1.7. Provide penalties for non-compliance with the standards and requirements set forth herein.

401.2. STATEMENT OF POLICY. It is hereby declared that inadequate provisions for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, dilapidation and disrepair of dwellings and premises, and the occupancy or existence of dwellings unfit for human habitation in Chester County endanger the health, safety, morals, welfare, and reasonable comfort of the citizens of Chester County, and that the establishment and maintenance of proper housing standards and the rehabilitation of housing are essential to the public health and welfare.

401.3. DEFINITIONS. The following words and terms, when used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

401.3.1. "Accessory structure": A building, the use of which is customarily incidental to that of the dwelling unit, and which is on the same lot as the main building.

401.3.2. "Basement": A portion of any building located partly underground, but having less than

half its clear floor-to-ceiling height below the average grade of the adjoining ground.

401.3.3. "Cellar": A portion of a building located partly or wholly underground, and having half of more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

401.3.4. "Central heating": A heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms, and water closet compartments from a source outside of these rooms.

401.3.5. "Communicating corridor": An enclosed passageway in a dwelling unit connecting a habitable room with another habitable room, water closet compartment, or bathroom, or an enclosed passageway in a rooming house connecting a habitable room with another habitable room in the same rooming unit or with a water closet compartment or bathroom used by the occupant of the habitable room.

401.3.6. "Dwelling": Any building or structure, or part thereof, occupied, or intended or designed to be occupied as the home, residence, shelter, or sleeping place of one or more persons.

401.3.7. "Dwelling unfit for human habitation": Any dwelling which, by reason of serious deficiencies in drainage, plumbing, water supply, light, heat, ventilation, floor area, and rodent or pest control facilities, or by reason of dilapidation, disrepair, or other similar conditions, or because of the need for major repairs to the roofs, walls, ceilings, floors, stairs, or other parts of the dwelling, is in the judgement of the Director, unsanitary or unsafe and constitutes a serious hazard to the health of the occupants of the dwelling, or to the public.

401.3.8. "Dwelling unit": A room or group of rooms located within any dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.

401.3.9. "Egress": See "Exit", below.

401.3.10. "Emergency": Any situation requiring immediate action to protect the health or welfare of any occupant of a dwelling.

401.3.11. "Exit": A way of departure from the interior of a building or structure, to the exterior at street or grade level, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes, and all other facilities necessary for egress or escape.

401.3.12. "Exterior property areas": Any open space on the premises, and vacant open space on adjacent premises.

401.3.13. "Extermination": The control and elimination of insects, rodents, or other pests by: eliminating their harborage places; removing or making inaccessible materials that may serve as their food; poisoning, spraying, fumigating, or trapping; or any other recognized and legal pest

elimination methods approved by the Director.

401.3.14. "Garbage": All putrescible wastes (except sewage and body waste); included in this term are animal and vegetable offal.

401.3.15. "Habitable room": A room or enclosed floor space used or intended to be used for living, sleeping, shelter, cooking, or eating purposes; excluded from this term are bathrooms, water closet compartments, laundries, pantries, foyers, public halls, communicating corridors, stairways, closets, and storage spaces.

401.3.16. "Let for occupancy" or "Let": To permit possession or occupancy of a dwelling, dwelling unit, rooming house, or rooming unit by a person who shall be the legal owner of record thereof, or his agent, pursuant to a written or unwritten lease, agreement, or license or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

401.3.17. "Multiple dwelling": Any dwelling containing more than two (2) dwelling units.

401.3.18. "Occupant": Any person (including an owner or operator) who lives, sleeps, cooks, or eats in a dwelling unit, or who lives and sleeps in a rooming unit.

401.3.19. "Operator": Any person, whether or not he is the owner, who has charge, care or control of any dwelling unit, rooming house, or rooming unit.

401.3.20. "Owner": A person who, alone or jointly or severally with others:

401.3.20.1. Has legal or equitable title to a dwelling, dwelling unit, rooming house, or rooming unit, either with or without possession of said dwelling, dwelling unit, rooming house, or rooming unit; or

401.3.20.2. Has charge, care or control of a dwelling, dwelling unit, rooming house, or rooming unit, either as agent of the owner or as administrator, trustee, or guardian of the estate of the owner.

401.3.21. "Plumbing" or "Plumbing fixtures": All of the following supplied facilities and equipment: gas pipes; gas-burning equipment; water heating facilities; water pipes; garbage disposal units; waste pipes; water closets; sinks, installed dishwashers; lavatories; bathtubs; shower baths; installed clothes-washing machines; catch basins; drains; vents; and any other similar supplies and fixtures, together with all connections to water, sewer, or gas lines.

401.3.22. "Premises": A lot, plot, or parcel of land, including the buildings and structures thereon.

401.3.23. "Public nuisance":

401.3.23.1. The physical condition or use of any premises regarded as a public nuisance at common law; or

401.3.23.2. Any physical condition, use or occupancy of any premises or its appurtenances which is considered an attractive nuisance to children, including (but not limited to) abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

401.3.23.3. Any premises which has unsanitary sewerage or plumbing facilities; or

401.3.23.4. Any premises which is designated as unsafe for human habitation under this Section: or

401.3.23.5. Any premises which is manifestly capable of being a fire hazard, or which is so manifestly unsafe or unsecure as to endanger persons or property; or

401.3.23.6. Any premises from which the plumbing, heating, and/or other facilities required by this Section have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or for which the required precautions against trespassers have not been provided.

401.3.24. "Refuse": All nonputrescible wastes, generally regarded and classified as rubbish, trash, junk, and similar designations.

401.3.25. "Rooming house": Any dwelling, or part thereof, containing one or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband, wife, son, daughter, parent, grandparent, sister, or brother of the owner or operator, whether or not it is operated for profit, including boarding houses for infants, children, and the aged.

401.3.26. "Sewage": Any substance which contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any biological, chemical, radioactive, or other noxious or deleterious substance which is harmful or inimical: to the public health; to animal or aquatic life; or to the use of water for domestic water supply or for recreation. Sewage shall include kitchen and laundry waste.

401.3.27. "Rooming unit": A room or group of rooms located within any dwelling and forming a single habitable unit with facilities for living and sleeping, but not for cooking or eating purposes.

401.3.28. "Supplied": Installed, furnished, or provided by or under the control of the owner or operator, at his expense.

401.3.29. "Temporary housing": Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system, on the same premises for more than thirty (30) consecutive days.

401.3.30. "Approved sewer system": A community sewerage system approved by the Pennsylvania Department of Environmental Resources, or an individual sewage disposal system

approved by the Department in accordance with Chapter 500. §504. of these Rules and Regulations.

401.4. MIXED USE.

401.4.1. Whenever any dwelling contains both dwelling units and rooming units, the dwelling units shall comply with the applicable requirements of this Section for dwelling units, and the rooming units shall comply with the applicable requirements of this Section for rooming houses.

401.4.2. Whenever one or more rooming units in a dwelling containing both dwelling units and rooming units are let to three (3) or more persons who are not husband, wife, son, daughter, parent, grandparent, sister, or brother of the operator, the part of the dwelling so used shall also comply with the applicable requirements of this Section for rooming houses.

401.4.3. Whenever any building or structure is occupied in part as a dwelling and in part for industrial or commercial purposes, that part of the building or structure occupied as a dwelling shall comply with the applicable requirements of this Section.

401.5. INSPECTION OF AND ACCESS TO DWELLINGS.

401.5.1. Under the authority of Section 12 (c) of the "Local Health Administration Law" (16 P.S. §12012 (c)), and subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania, the Director is authorized and directed to enter and inspect any dwelling for the purpose of determining compliance with the provisions of this Section.

401.5.1.1. For this purpose, the Director is authorized, upon showing proper identification of office, to enter and inspect any dwelling, dwelling unit, rooming house, rooming unit, or any part thereof, at all reasonable times, and in an emergency at any time.

401.5.1.2. The owner, operator, or occupant of any dwelling, dwelling unit, rooming house, or rooming unit shall give the Director free access for the purpose of inspecting any such dwelling.

401.5.1.3. If permission to enter any premises or any part thereof for the purpose of inspection is denied, or an area is locked or otherwise not freely accessible and permission to enter cannot be obtained, the Director shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

401.5.1.4. For the purpose of this §401.5. a "reasonable or probable cause to gain access and inspect" shall include, without being limited to, the following:

401.5.1.4.1. That the inspection of the said area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated enforcement program, of the Rules and Regulations, in that portion of Chester County; or

401.5.1.4.2. That the Director has knowledge or information that a violation of this Section may exist; or

401.5.1.4.3. That said entry is for the purpose of reinspecting a previous notice of violations.

401.5.2. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times and after reasonable notice has been given, for the purpose of conducting inspections to determine whether violations of this Section may exist, or for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Section or with any lawful Rule or Regulation adopted or any lawful order issued pursuant to the provisions of this Section.

401.6. NOTICE OF VIOLATIONS, HEARING, EMERGENCIES, AVAILABILITY OF RECORDS.

401.6.1. NOTICE. Whenever the Director determines that there has been a violation of any provision of this Section so as to cause a nuisance detrimental to the public health he shall give notice, of the alleged violations, in the manner provided herein, to the person responsible for compliance under this Section. The notice, in accordance with Section 12 (d) of the "Local Health Administration Law" (16 P.S. §12012 (d)), shall:

401.6.1.1. Be in writing;

401.6.1.2. Include a brief description of the real estate, sufficient for identification;

401.6.1.3. Specify the violation which exists, with reference to the applicable provisions of this Section, together with a brief statement of the remedial action required;

401.6.1.4. Provide a reasonable time, not to exceed thirty (30) days, for the correction of any violation alleged.

401.6.2. SERVICE. A notice of violation shall be served upon the owner, operator, occupant, or any other party in interest, as the case may require. Service of the notice of violation shall be made in the following manner:

401.6.2.1. By handing the notice to the person to be served; or

401.6.2.2. By handing the notice to the persons designated in Rule 1009 (b) (2) of the Rules of Civil Procedure promulgated by the Supreme Court of Pennsylvania; or

401.6.2.3. By mailing the notice to the last known address of the person to be served by registered

mail, postage prepaid, accompanied with a request for a return receipt; or, if service cannot be accomplished in this manner,

401.6.2.4. By posting the notice of violation, in a conspicuous place, on the premises described in the notice.

401.6.3. EMERGENCY ORDERS: ACTION BY DIRECTOR WITHOUT PRIOR NOTICE.

401.6.3.1. Under the authority of Section 12 (d.) of the "Local Health Administration Law" (16 P.S. §12012 (d)), the Director, whenever he determines that an emergency exists which necessitates immediate action to protect the public health, 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.

401.6.3.2. Notwithstanding the provisions of §401.6.1., 2., and 3., of this Section, above, this order shall be effective upon service and shall be complied with immediately.

401.6.4. AVAILABILITY OF RECORDS. Every notice of violation, and every record of proceedings occurring subsequent to the notice of violation until the final disposition of the matter, shall be public and available for inspection; however, the Director may prescribe reasonable regulations regarding the time and manner of inspection.

401.7. NON-COMPLIANCE WITH ORDERS. In the event of the failure to comply with an order issued pursuant to any provision of this Section, the Director may take any action which is authorized by Section 12 (d) of the "Local Health Administration Law" (16 P.S. §12012 (d)).

401.8. DWELLINGS UNFIT FOR HUMAN HABITATION.

401.8.1. NOTICES AND HEARINGS.

401.8.1.1. Whenever the Director determines that a dwelling is unfit for human habitation, he shall give notice to the owner to repair or alter the dwelling. The notice, in accordance with Section 12 (d) of the "Local Health Administration Law" (16 P.S. §12012 (d)), shall:

401.8.1.1.1. Be in writing;

401.8.1.1.2. Include a brief description of the real estate, sufficient for identification;

401.8.1.1.3. Include a statement of the reasons why the notice is being issued;

401.8.1.1.4. Indicate the repairs or alterations necessary to render the dwelling fit for human habitation;

401.8.1.1.5. Specify a reasonable time for performance; and

401.8.1.1.6. Inform the owner of his right to a hearing.

401.8.1.2. Service of the notice shall be made in accordance with §401.6.2., above.

401.8.1.3. Any person aggrieved by the notice shall have the right to a hearing, in accordance with Chapter 100. §100.8., of these Rules and Regulations.

401.8.2. ORDER TO VACATE.

401.8.2.1. If the owner fails to comply with the order to repair or alter the dwelling, the Director, under the authority of Section 12 (d) of the "Local Health Administration Law" (16 P.S. §12012 (d)), may issue a further written order requiring all occupants to vacate the dwelling within thirty (30) days from the date the order is served.

401.8.2.2. Service of this order shall be made in accordance with §401.8.5., below.

401.8.2.3. Upon issuance of an order to vacate, the Director shall placard the dwelling as unfit for human habitation. Only the Director shall be able to remove said placard.

401.8.2.4. A dwelling vacated in accordance with the order shall not be occupied by any person until written approval is secured from the Director after the conditions which render the dwelling unfit have been corrected and the Director has removed the placard from the dwelling.

401.8.2.5. The owner of the dwelling shall be liable for failure of the occupants to vacate the dwelling as required by this §401.8.2.

401.8.3. DEMOLITION.

401.8.3.1. The Director shall make periodic inspections of any dwelling vacated as unfit for human habitation or any other vacant dwelling.

401.8.3.2. Whenever an inspection of the dwelling discloses that the dwelling, by reason of its being a rat harborage or for any other health reason, has become a public nuisance or a serious hazard to the health of the public, the Director, under the authority of 16 P.S. §12012 (d.), shall issue a written notice requiring the owner, within a reasonable time specified in the notice, to remove or demolish the dwelling.

401.8.3.3. Service of the notice shall be made in accordance with §401.8.5., below.

401.8.3.4. Any person aggrieved by the notice shall have the right to a hearing, in accordance with Chapter 100. §100.6., of these Rules, and Regulations.

401.8.4. EMERGENCY ORDER TO VACATE.

401.8.4.1. Whenever the Director determines that an emergency exists, which, for the protection of the public health, necessitates the vacation of a dwelling unfit for human habitation unless there is an immediate repair or alteration of the dwelling, he shall, under the authority of 16 P.S. §12012 (d.), without prior notice, issue a written order reciting the existence of the emergency and requiring whatever action he deems advisable to meet the emergency.

401.8.4.2. This order shall be effective upon service and shall be complied with immediately.

401.8.4.3. If the owner fails to comply with the order, the Director shall issue a further written order requiring all occupants to vacate the dwelling immediately and shall also placard the dwelling as unfit for human habitation.

401.8.4.4. Service of any order required by this §401.8.4., shall be made in accordance with §401.8.5., below.

401.8.4.5. A dwelling vacated in accordance with the order shall not be occupied by any person until written approval is secured from the Director and the Director has removed the placard from the dwelling.

401.8.5. SERVICE AND POSTING OF NOTICES AND ORDERS.

401.8.5.1. Every notice or order required by §401.8.5.2., .3, .4, shall be served in the following manner:

401.8.5.1.1. By handing the notice to the person;

401.8.5.1.2. By handing the notice to the persons in Rule 1009(b) (2) of the Rules of Civil Procedure promulgated by the Supreme Court of Pennsylvania; or, if service cannot be accomplished in this manner;

401.8.5.1.3. By mailing the notice to the last known address of the owner by registered mail, postage prepaid, accompanied with a request for a return receipt; or, if service cannot be accomplished in this manner;

401.8.5.1.4. By presenting the notice to the agent of the owner, to the operator, or to an occupant of the dwelling.

401.8.5.2. In addition to the service required by §401.8.5.1., a copy of every notice or order shall be posted in a conspicuous place on the dwelling.

401.9. MINIMUM STANDARDS FOR ROOMING HOUSES.

401.9.1. GENERAL REQUIREMENT. No owner, operator, or other person shall occupy or let to another person any rooming house or rooming unit which does not comply with the following minimum standards for rooming houses.

401.9.2. COMPLIANCE WITH THE STANDARDS OF OTHER SUBSECTIONS. Every rooming house and every rooming unit shall be in compliance with the minimum standards set forth by the following subsections of this §401:

401.9.2.1. §401.10. (basic equipment and facilities);

401.9.2.2. §401.11. (light, ventilation, and heating);

401.9.2.3. §401.12. (safety from fire);

401.9.2.4. §401.13. (space, use, and location);

401.9.2.5. §401.14. (safe and sanitary maintenance);

401.9.2.6. The provisions of §401.15. which deals with the responsibilities of an owner or operator of a rooming house.

401.9.2.7. §401.15. (discontinuance of required services).

401.9.3. BATHROOM FACILITIES.

401.9.3.1. Every rooming house shall be equipped with at least one (1) flush water closet, one (1) lavatory basin, and one (1) bathtub or shower for each six persons or fraction thereof within the rooming house, including members of the family of the owner or operator, if they share the use of these facilities.

401.9.3.2. In a rooming house in which rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) of the required number of water closets.

401.9.3.3. All such facilities shall be properly connected to approved water and sewerage systems.

401.9.4. BEDDING AND TOWELS.

401.9.4.1. Where bedding, bed linen, or towels are supplied in a rooming house, the owner or operator shall maintain the bedding in a clean and sanitary manner.

401.9.4.2. The owner or operator shall also furnish clean bed linen and towels at least once each week, and prior to the letting of any room to a new occupant.

401.10. BASIC EQUIPMENT AND FACILITIES.

401.10.1. RESPONSIBILITY FOR COMPLIANCE. No owner, operator, or other person shall occupy or let to another person any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards for basic equipment and facilities. No dwelling, dwelling unit, rooming house, or rooming unit, or any premises containing such areas shall fail to comply with the following minimum standards for basic equipment and facilities.

401.10.2. BATHROOM FACILITIES.

401.10.2.1. Every dwelling, other than a rooming house, in existence prior to the effective date of this Section or to be constructed in the future shall be provided with at least one flush water closet, one lavatory basin, and one bathtub or shower within the dwelling.

401.10.2.2. Every rooming house shall meet the requirements for bathroom facilities that are promulgated in §401.9.3., above.

401.10.2.3. None of the facilities described in this §401.10.2., shall be located in a basement or cellar, except by written approval of the Director. If the approval of the facilities is denied, a hearing may be requested in accordance with Chapter 100. §100.8., of these Rules and Regulations.

401.10.3. KITCHEN SINKS. Every dwelling unit shall contain an installed kitchen sink which:

401.10.3.1. shall be located in the kitchen;

401.10.3.2. is approved by the Department;

401.10.3.3. provides at all times an adequate amount of heated and unheated running water under pressure; and

401.10.3.4. is connected to a sewer system approved by the Department.

401.10.4. WATER SUPPLY. Every dwelling unit and rooming house shall be supplied with piped running water under pressure to provide an adequate, safe, and sanitary water supply to every fixture connected with the water supply and drainage system.

401.10.5. WATER HEATING FACILITIES.

401.10.5.1. Every dwelling shall have water heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the water supply system required in §401.10.4., above, and capable of heating water to a temperature of not less than one-hundred twenty degrees Fahrenheit (120° F.) which will permit an adequate amount of hot water

to be drawn at every required kitchen sink, lavatory basin, bathtub, or shower.

401.10.5.2. The water heating facilities shall be capable of meeting the requirements of this §401.10.5. even when the heating facilities required under §401.11.5. below, are not in operation.

401.10.6. GARBAGE AND REFUSE.

401.10.6.1. FACILITIES REQUIRED. Every dwelling unit shall be supplied by the occupant with adequate garbage and refuse storage facilities, except that in the case of multiple dwellings, and rooming houses the owner or operator shall be responsible for supplying such facilities. Garbage and refuse storage facilities shall be made of metal or equivalent material, shall be watertight and provided with tight covers which shall be kept securely closed at all times. The type and location of garbage and refuse storage and disposal facilities shall be subject to approval by the Director.

401.10.6.2. RESPONSIBILITY FOR PROPER STORAGE AND DISPOSAL. The occupant of every dwelling unit or rooming unit shall be responsible for the storage of garbage and refuse in a clean and sanitary manner in accordance with the provisions of this §401.10.6. Except where otherwise provided in this §401.10.6., the occupant of every dwelling unit where an incinerator is used shall be responsible for the clean and sanitary disposal of any residue remaining after incineration. Where an incinerator is used in a multiple dwelling for more than one dwelling unit or in a rooming house, the owner or operator shall be responsible for the clean and sanitary disposal of any residue remaining after incineration.

401.10.6. INCINERATOR. Incinerator shall comply with applicable Federal, State and/or Local Air Pollution Standards.

401.10.7. INSTALLATION AND MAINTENANCE.

401.10.7.1. Every gas pipe, water pipe, garbage disposal unit, waste pipe, water closet, flush urinal, sink, installed dishwasher, lavatory basin, bathtub, shower, installed clothes washing machine, catch basin, drain, vent, gas burning fixture, any device connected with the water supply and drainage system, or any other similar fixture, together with all connections to water, sewer, or gas lines shall be cleanable and shall be: installed and maintained in good, sanitary working condition; free from defects, leaks, and obstruction; in adherence to common plumbing practices; and in accordance with the laws of the Commonwealth of Pennsylvania and these Rules and Regulations.

401.10.7.2. Every kitchen sink, lavatory basin, water closet, flush urinal, bathtub, or shower shall be connected to the water supply system and to a sewer system which is subject to the approval of the Department and/or the Pennsylvania Department of Environmental Resources.

401.11. LIGHT, VENTILATION, AND HEATING.

401.11.1. RESPONSIBILITY FOR COMPLIANCE. No owner, operator, or other person shall occupy or let to another person any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards for light, ventilation, and heating; and no dwelling, dwelling unit, rooming house, or rooming unit, or any premises containing such areas, shall fail to comply with the following minimum standards for light, ventilation, and heating.

401.11.2. LIGHTING.

401.11.2.1. Every habitable room, bathroom, water closet compartment, or laundry, shall have at least one window or skylight facing outdoors, provided that if connected to an area or room used seasonally (i.e., a porch), then adequate daylight must be possible through this interconnection.

401.11.2.2. The minimum total window or skylight area measured between stops for every habitable room shall be at least ten per cent (10%) of the floor area of such rooms.

401.11.2.3. The minimum total window or skylight area measured between stops for every bathroom, water closet compartment, or laundry shall be at least eight per cent (8%) of the floor area of such rooms.

401.11.2.4. If light obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the total required window area.

401.11.2.5. All windows and skylights shall be enclosed with glass or other approved materials.

401.11.3. VENTILATION.

401.11.3.1. Every habitable room, bathroom, water closet, compartment, and laundry room shall have at least one (1) window or skylight facing directly to the outdoors, equipped with suitable hardware, so that if connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection.

401.11.3.2. The total openable area of the window or skylight area in every habitable room, bathroom, water closet compartment, and laundry room shall be equal to at least forty-five per cent (45%) of the minimum window area size or minimum skylight-type window size, as required in §401.11.2., above, except where there is supplied some other device (i.e., gravity duct or mechanical ventilation) supplying adequate ventilation as required by these Rules and Regulations.

401.11.4. ELECTRIC FIXTURES AND OUTLETS. Every dwelling shall be supplied with electricity. Within each dwelling:

401.11.4.1. Every habitable room shall contain at least two (2) separate duplex wall-type electric convenience outlets, and one (1) supplied ceiling-type electric light fixture or one (1) switch controlled outlet. Additional outlets shall be required to power electrical appliances serviced by temporary wiring.

401.11.4.2. Every water closet compartment, bathroom, laundry room, laundry area, and furnace room shall contain one (1) ceiling-or wall-type electric light fixture; and each bathroom, laundry room, or laundry area shall contain, in addition, one (1) convenience outlet.

401.11.4.3. Every outlet and fixture shall be installed in an approved manner on circuits properly equipped with "S" type fuses or circuit breakers, and maintained in good and safe working condition.

401.11.4.4. No obvious shock hazard shall exist.

401.11.4.5. No temporary wiring shall be used, except extension cords which run directly from portable electrical equipment to convenience outlets, and which do not lie underneath floor covering materials or extend through doorways, transoms, or other similar apertures through structural elements. Extension cords shall not exceed twelve (12) feet in length.

401.11.4.6. Every public hallway and stairway in every multiple dwelling and rooming house shall be adequately lighted at all times by natural and/or electric light, so as to provide, in all parts thereof, at least five (5) foot candles of light at the tread or floor level.

401.11.4.7. Every public hallway and stairway in a structure containing two (2) or more units shall be adequately lighted at all times by natural or electric light, so as to provide, in all parts thereof, at least five (5) foot candles of light at the tread or floor level, except, however, that if conveniently located light switches are supplied to turn on lights when required, full-time lighting shall not be required.

401.11.5. HEATING.

401.11.5.1. From September 1 to June 1 every dwelling shall have heating facilities which are properly installed, maintained in safe and good working condition, and capable of safely and adequately heating all habitable room, rooms containing a water closet, bathtub, or shower, and communicating corridors within dwelling units and rooming houses, to a temperature of at least seventy degrees Fahrenheit (70° F.) (21.1°C.) at a distance of three (3) feet above floor level.

401.11.5.2. From September 1 to June 1, in every dwelling unit and every rooming unit, when the control of supplied heat is the responsibility of a person other than the occupant, a temperature of at least seventy degrees Fahrenheit (70°F. (21.1°C.)) shall be maintained in all habitable rooms, bathrooms, and water closet compartments, measured at a distance of thirty-six inches (36") above the floor level in a location where the sensing device is not exposed to a condition of abnormal heat gain or loss.

401.11.5.3. Responsibility for compliance with this §401.11.5. shall be upon the person who occupies as owner-occupant or lets to another for occupancy any dwelling, dwelling unit, or rooming unit; where the occupant of a dwelling or dwelling unit agrees to furnish the required heating devices, the person who lets to another for occupancy shall provide sufficient flue connections, and fuel connections, and fuel storage facilities at convenient points so as to permit the proper installation of such heating devices.

401.11.5.4. The Director may prohibit the use of any heating device which constitutes a danger to health or safety.

401.12. SAFETY FROM FIRE.

401.12.1. RESPONSIBILITY FOR COMPLIANCE. No owner, operator, or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for safety from fire; also, no dwelling rooming house, dwelling unit, or rooming unit, or any premises containing such areas, shall fail to comply with the following minimum standards for safety from fire.

401.12.2. FLAMMABLE LIQUIDS. No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing, or storing flammable liquids in any quantity which endangers the lives of the occupants.

401.12.3. Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level and shall be so located so as to be accessible without going through another dwelling unit or rooming unit. Exit doors shall swing in the line of egress.

401.12.4. In buildings containing two or more units, every hallway, stairway, corridor, exit, fire escape door, and other means of egress shall be kept clear at all times. No transoms shall be permitted between rooms. Fire protection in hallways, stairways, corridors, and other interior means of egress shall be of three-quarter (3/4) hour fire resistive construction. Doors opening onto public halls shall be three-quarter (3/4) hour rated or shall be one and three-quarter inch (1 3/4") flush wood doors with a solid lumber core. Fire separation between dwelling and rooming units shall be of one (1) hour fire resistive construction. Each of these means of egress shall lead directly to grade.

401.12.5. In buildings containing two or more units, windows leading to fire escapes shall have openings large enough to provide safe and adequate means of egress, with sills not over thirty-six inches (36") above inside floor level. The height of a window sill above a fire escape balcony platform or landing shall not exceed eight inches (8"). Windows shall be maintained in fully operable condition at all times.

401.12.6. Storage rooms and storage lockers or closets shall not be used for the storage of junk, rubbish, waste or inflammable materials.

401.12.7. There shall be at least two (2) means of egress available for all multi-unit houses or rooming houses exceeding two (2) stories above the basement, one of which shall be an interior enclosed stairway, and every two (2) story multi-unit house having more than six (6) apartments, or having more than twenty-five hundred square feet (2500 sq. ft.) in area floor, shall have at least two (2) separate exits.

401.12.7.1. Exterior stairs shall be constructed entirely of metal or other noncombustible materials, attached to noncombustible material, with pipe handrails, or equivalent materials, on both sides of stairway and platforms.

401.12.7.2. The fire escape shall be designed to support a live load of one-hundred (100) pounds per square foot.

401.12.7.3. Doorways leading to existing fire escapes shall be of one and three-quarter inch (1 3/4") thick solid core wood doors or the equivalent thereof. Any glass in the door shall be wired glass.

401.12.8. Where only one (1) means of exit from a dwelling unit or rooming unit above the first floor is required in structures containing more than one (1) story, it shall be an interior enclosed stairway.

401.13. SPACE, USE AND LOCATION.

401.13.1. RESPONSIBILITY FOR COMPLIANCE. No owner, operator, or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for space, use, and location; also, no dwelling, rooming house, dwelling unit, or rooming unit, or any premises containing such areas, shall fail to comply with the following minimum standards for space, use, and location.

401.13.2. TOTAL FLOOR AREA. Every dwelling unit shall have at least one-hundred fifty (150) square feet of floor area for the first occupant, at least one-hundred (100) square feet of additional habitable floor area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.

401.13.3. SLEEPING ROOM AREA.

401.13.3.1. Every room occupied for sleeping purposes in dwelling units shall contain at least seventy (70) square feet of floor area for the first occupant and at least twenty (20) additional square feet of floor area for each additional occupant.

401.13.3.2. Every room in a rooming house occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room in a rooming house occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor

area for each occupant twelve (12) years of age and over, and at least thirty- five (35) square feet of floor area for each occupant under twelve years of age.

401.13.4. OCCUPANCY OF BASEMENTS AND CELLARS. No basement or cellar shall be used as a habitable room or dwelling unit unless:

401.13.4.1. The floors and walls are substantially watertight;

401.13.4.2. The total window area, total openable area, and ceiling height are in accordance with this Section; and

401.13.4.3. The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

401.13.5. Basement or cellar occupancy shall be permitted in single-family dwellings without meeting the requirements of §401.13.4.

401.14. SAFE AND SANITARY MAINTENANCE.

401.14.1. RESPONSIBILITY FOR COMPLIANCE. No owner, operator, or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for safe and sanitary maintenance; also, no dwelling, rooming house, dwelling unit, or rooming unit, or any premises containing such areas, shall fail to comply with the following minimum standards for safe and sanitary maintenance.

401.14.2. FOUNDATIONS AND EXTERIORS. Every foundation, exterior wall, and exterior roof shall be: substantially weathertight, watertight, and rodent proof; kept in sound condition and good repair; and safe to use and capable of supporting the load which normal use may cause to be placed thereon.

401.14.3. FLOORS, INTERIOR WALLS, AND CEILINGS.

401.14.3.1. Every floor, interior wall, and ceiling shall be: substantially rodent proof; kept in sound condition and good repair; and safe to use and capable of supporting the load which normal use may cause to be placed thereon.

401.14.3.2. Every interior wall and ceiling in a dwelling shall be maintained so as to be free of holes or cracks, and loose plaster or other materials, the collapse of which may cause bodily injury to a person.

401.14.3.3. The surface of every interior wall and ceiling shall be finished with paint, wallpaper, or

equivalent material, so as to be reasonably smooth, clean, tight, and easily cleaned.

401.14.4. WINDOWS AND DOORS.

401.14.4.1. Every window, exterior door, and basement or cellar door and hatchway shall be substantially weathertight, watertight, and rodent proof and shall be kept in sound condition and good repair.

401.14.4.2. All entrance doors into a dwelling unit or rooming unit shall be maintained in sound condition and good repair.

401.14.5. STAIRS, PORCHES, AND APPURTENANCES.

401.14.5.1. Every inside and outside stair, porch, and any appurtenance thereto shall be: safe to use; capable of supporting the load that normal use may cause to be placed thereon; and kept in sound condition and good repair.

401.14.5.2. Structurally sound handrails shall be provided on any steps containing five (5) risers or more.

401.14.5.3. Porches and/or balconies located more than three feet (3') higher than the adjacent area shall have structurally sound protective handrails thirty-six inches (36") high, and if unenclosed, balusters spaced no less than six inches (6") apart shall be provided.

401.14.6. PLUMBING FIXTURES. Every plumbing fixture shall be: properly installed and maintained in a sanitary working condition; and free from defects, leaks and obstructions.

401.14.7. FLOORS. The floor of every kitchen, bathroom, or toilet room shall be reasonably impervious to water and easily kept in a clean and sanitary condition.

401.14.8. BASEMENT OR CELLAR WINDOWS. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement or cellar which might provide an entry for rodents, shall be supplied with a screen or other device which will effectively prevent the entrance of any said rodents.

401.14.9. RODENT CONTROL. Every dwelling, rooming house, dwelling unit, and rooming unit shall comply with applicable provisions of Chapter 600. §603. (relating to control of rodents).

401.14.10. FENCES. All fences shall be maintained in a structurally sound and safe condition.

401.14.11. SIDEWALKS, DRIVEWAYS, AND CURBS. All sidewalks, driveways, off-street parking areas, and curbs shall be: maintained in a safe and hazard-free condition and in a manner

which will permit proper drainage.

401.15. RESPONSIBILITY OF OWNER AND OCCUPANTS. Where in this Section, the obligation for observances is not otherwise clearly designated, the respective responsibilities of the owner, operator, and occupants are as follows:

401.15.1. Every occupant of a dwelling, dwelling unit, or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit, and yard which he occupies and controls.

401.15.2. Every owner or operator of a two-unit dwelling, multi-unit dwelling, or rooming house shall maintain in a clean and sanitary condition the shared, public, owner, and operator controlled areas of the dwelling and yard.

401.15.3. DISPOSAL OF REFUSE AND GARBAGE.

401.15.3.1. Every occupant of a dwelling or dwelling unit shall dispose of all refuse and garbage by placing it in containers which are watertight, rodent proof and equipped with tight-fitting covers. Every occupant shall provide such facilities for his own unit and shall maintain them.

401.15.3.2. The owner or operator of a multi-unit dwelling shall furnish common storage of disposal facilities and shall maintain them. Every owner or operator of a rooming house shall dispose of all refuse and garbage in furnished common storage. Containers as described in §401.15.3.1. above, are the minimum acceptable standard for common storage.

401.15.4. EXTERMINATION OF INSECTS AND RODENTS.

401.15.4.1. Every occupant of a dwelling containing a single-dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests. In a two-unit dwelling or a multi-unit dwelling, the occupant shall, unless a lease indicates otherwise, be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation in a two-unit dwelling or a multi-unit dwelling is caused by failure of the owner or operator to maintain the entire dwelling in a rodent proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

401.15.4.2. Every owner or operator shall be responsible for extermination of any insects, rodents, or other pests whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public area of any two-unit dwelling or any multi-unit dwelling.

401.15.4.3. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests in the rooming house or on the premises.

401.15.5. PLUMBING, KITCHEN, BATHROOM, AND OTHER FIXTURES. Every occupant of a dwelling unit or a rooming unit shall, unless a lease indicates otherwise, keep all plumbing, kitchen, bathroom, and other fixtures in the unit in a clean and sanitary condition, and shall exercise proper and reasonable care in their use and maintenance.

401.16. DISCONTINUANCE OF REQUIRED SERVICES. No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required to be supplied under this Section, to be removed, shut off, or discontinued in any occupied dwelling or dwelling unit let or occupied by him, except for such reasonable and temporary interruption as may be necessary while actual repairs, replacement, or alterations are in the process of being made, or during temporary emergencies.

CERTIFICATION

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER ss

I, John P. Maher, M.D., Secretary of the Chester County Board of Health, hereby do certify the within to be a true and correct copy. In witness whereof I have hereunto set my hand this day of , .

John P. Maher, M.D., M.P.H.

SEAL