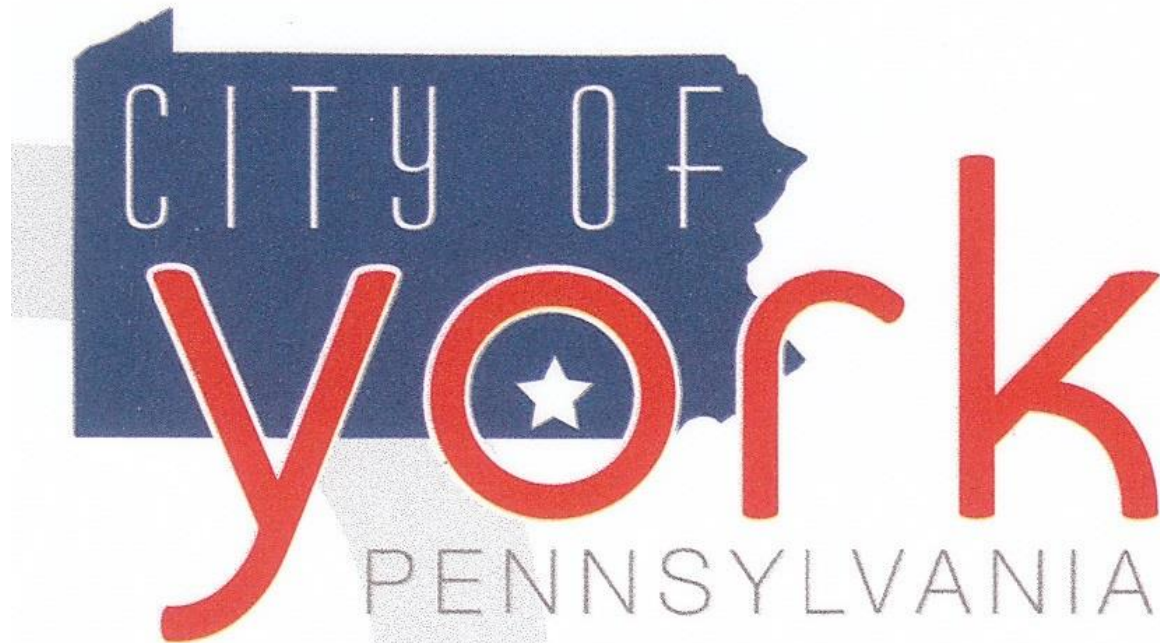


Property Maintenance Code



**City of York,
Pennsylvania**

UPDATED APRIL 2014



Property Maintenance Code of the City of York, Pennsylvania

**As adopted by the Council of the City of York, Pennsylvania
Session 2000**

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CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of York, Pennsylvania, hereinafter referred as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning code.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workman like manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

103.4 Restriction of employees. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section 111, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; or shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

103.5 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.6 Fees. A fee for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the fee schedule as is set forth from time to time by resolution of the Council of the City of York, Pennsylvania.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

104.8 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

104.9 Enforcement powers. The code official and the building code official or their designees shall have the authority to enforce provisions of this code. When acting within the scope of their employment hereinunder, they shall have the powers of a police officer of the City, provided however, that under no circumstances shall they have the power to arrest.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official

shall have authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

105.3.2 Testing agency. All tests shall be performed by an approved agency.

105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

SECTION 106 VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. If the notice of violation is not complied with, the code official is authorized to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, shall be guilty of a summary offense, punishable by a fine of not less than \$100.00 nor more than \$1,000.00 for the first two continual and uncorrected violations and not exceeding \$5,000.00 for the third and any subsequent continual and uncorrected violations and the cost of prosecution, and in default of the payment thereof, shall be imprisoned for not more than 90 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.6 City's abatement of violation. In the event that the violation is not abated as ordered and within the time specified and no request for a hearing has been timely filed, the City shall have the authority, within the discretion of the code official or his designees, to abate the property violation. All costs for any such abatement, including any reasonable administrative fees, shall be the

responsibility of the person who had been notified of the violation pursuant to Section 107. In the alternative, the costs for the abatement of the violation may be assessed against the property.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3. Notices for condemnation procedures shall also comply with Section 108.3.

Section 701.1 Exceptions to notice requirements. Violations of subsections 302.4, 302.3.2, 302.3.3 and 302.3.3.1 of the Property Maintenance Code shall be exempted from the notice requirements of this sections and said violations shall be subject to immediate non-traffic summary citation.

107.2 Form. Such notice prescribed in Section 107.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violation or violations and why the notice is being issued;
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and
5. Inform the property owner of the right to appeal.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance

order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure secured in accordance with Section 108.2.1 so as to not be an attractive nuisance. Upon failure of the owner to secure the premises in accordance with the requirements of Section 108.2.1 within the time specified in the order, the owner shall be subject to the penalty section of this code. Additionally, the code official may cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

108.2.1 Procedure for closing of vacant structures. When the code official has ordered a structure closed pursuant to this section said structure shall be closed so that all windows and doors are boarded as described herein to prevent entry by unauthorized persons. All openings shall be full covered with ¾-inch thick wood structural panels cut to fit the door or window opening neatly. Each structural panel shall be secured by fastening ⅜-inch diameter carriage bolts through the wood panel to horizontal interior placed 2-inch by 4-inch solid sawn lumber cut 2-inches wider than the opening and placed 6 inches from the top and bottom of window openings and placed at 24 inch intervals in door openings. After alignment and pre-drilling, all bolts shall be secured between the outer wood panel and the inner 2-inch by 4-inch solid sawn framing material with appropriate washers and nuts. The last opening to be closed shall be a second story window secured from the outside and marked appropriately.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.5 Prohibited occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Removal of placard. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure of collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code

official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.”

- a) In addition, when, in the opinion of the code official, there is a building or structure that poses an imminent danger as defined herein, the code official may, without prior notice or hearing, order that such action be taken, including, but not limited to: repair, replacement or destruction of any defective, illegal or unapproved equipment, as may be reasonably necessary to meet the emergency, and demolition, partial demolition or removal of any structure that is in imminent danger of failure, collapse, or which has already failed or collapsed either in whole or in part, or which is otherwise endangering the health, safety and welfare of the public or other property.
- b) It shall be unlawful for any person to enter such structure except for the purposes of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- c) The requirements in this section shall supersede or take precedence over the requirements established in any other City ordinance regarding demolition of a building to ensure the health, safety and welfare of the public or other property.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official may order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and may cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for the public safety, the code official may temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purpose of this section, the code official may employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction is hereby authorized to institute appropriate action against the owner of the premises where the unsafe structure or equipment is or was located for the recovery of such costs. The costs of the emergency work may also be assessed against the property.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any person affected by emergency measures taken by the City pursuant to Section 109 or any person ordered to take action pursuant to this section shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, they shall be subject to the penalties provided for in Section 106.4 herein. Additionally, the code official shall in cooperation with the City Solicitor take any and all legal action to cause the owner to comply with said order. After all legal means have been exhausted the code official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

111.1 Means of appeal. Any person shall have the right to appeal a decision by the code official to the Construction Board of Adjustment and Appeals as is otherwise provided for by the ordinances of the City of York, Pennsylvania.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the building, fire prevention, zoning, plumbing or mechanical codes, ASME A 17.1 and NFPA 70, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “rooming house,” “rooming unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping.

BUILDING CODE OFFICIAL. The individual or designee who is charged with the enforcement and administration of the Building Code of the City of York.

CODE OFFICIAL. “Code Official” shall mean the Chief of the Department of Fire/Rescue Services or designee.

CONDEMN. To adjudge unfit for occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

IMMINENT HAZARD. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building; or having possession of a space within a building.

OENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

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

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land including any structures thereon.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. “Rubbish” shall mean combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, branches, yard waste, metal cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. “Sleeping Unit” shall mean room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and space that are also a part of a dwelling unit are not sleeping units.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged, and without marring adjacent work.

YARD. An open space on the same lot with a structure.

YARD WASTE. “Yard Waste” shall mean grass clippings, leaves, twigs, branches, and other garden refuse.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 305 and 306. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

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

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which said occupant occupied or controls in a clean and sanitary condition.

302.1.1 Animal carcasses. The occupant shall keep that part of the exterior property which such occupant occupies or controls free of any putrid, unsound, or unwholesome bones, meats, hides, skins of the whole or any part of a dead animal, fish or fowl.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, maintained in a clean and sanitary condition, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 303.10 and 702.9.

302.3.1 Sidewalk displays. Outside displays on City sidewalks are permitted in Central Business Districts (CBD), General Commercial (GC) Districts, Neighborhood Commercial (CN) Districts and Commercial Waterfront (CW) Districts. The following shall apply:

- a. **Permitted displays** shall be: 1) associated with and be an accessory use to a retail establishment; 2) limited in length to 50% of the establishment's frontage on the sidewalk; and 3) shall not extend more than three (3) feet from the building line. In any case, a four (4) foot pedestrian area shall be maintained from the curb to the display area. If the minimum four (4) foot pedestrian area cannot be met, then a sidewalk display shall not be permitted at that location.
- b. **Prohibited displays.** Auto parts and supplies, tires, building materials and supplies, machinery parts, hardware, household appliances, mattresses, janitorial supplies and equipment and upholstered furniture are not permitted to be displayed on City sidewalks.
- c. **Hazards.** Any display which poses a health, safety or environmental hazard is prohibited.
- d. **Display removal.** The display shall be removed from the sidewalk during the hours the establishment is closed.

302.3.2 Duty to clear snow and ice; Responsibility. The owner of every property fronting upon or alongside any street or highway in the City is hereby required to remove or cause to be removed from all sidewalks in front of or abutting such property, within twelve hours after snow has ceased to fall, a sufficient amount of snow and ice to leave a cleared pathway at least thirty-six inches in width for the entire length of that portion of the sidewalk in front of and abutting such property. The pathway shall run parallel to the curb or building line of such sidewalk except where a sidewalk is less than thirty-six inches in width, sufficient snow and ice shall be removed with such time to leave a cleared pathway to permit one pedestrian at a time to pass thereover.

302.3.3 Deposit of removed snow. No person shall throw, cast or deposit the snow required to be removed by Section 302.3.1 in the roadbed of the street or highway adjoining such property, but is required to deposit the same upon the sidewalk along and immediately inside the curb thereof.

302.3.3.1 Deposit of other snow. No person shall deposit snow cleared/removed from parking lots, private property or that snow removed along streets or highways to create parking spaces into the roadbed of the street or highway adjoining such parking lot, private property or parking space. Snow cleared/removed from parking lots or private property shall be piled on such parking lot or private property or shall be hauled away. Snow cleared/removed from parking spaces shall be deposited in accordance with Section 302.3.3 of this code. For the purposes of this section, the owner of any parking lot or private property shall be responsible for the actions of any person or persons employed or contracted with to clear/remove snow.

302.3.4 Removal by City in event of delinquency. In any case where the owner, occupant or tenant fails, neglects or refuses to comply with any of the provisions of this article within the time limit prescribed therein, the City authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents. And to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be. Such action may be in addition to any fine or penalty imposed under the provisions of this article.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.7.1 Gates. Gates which are required to be self-closing and self-latching in accordance with the building code shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

302.7.2 Fences

- **Height limitations.** Maximum fence height limitations are regulated as follows:
 - A. Residential districts – 6 feet
 - B. Commercial and Industrial districts – 8 feet
 - C. All other districts – 10 feet
- **Hazardous attachments.** No fence in a residential district may be constructed of or topped by barbed wire or similar hazardous attachments. Fences in commercial or industrial districts may be topped with no more than three strands of barbed wire or with wrought iron spikes. Barbed wire may be used in any other district only if the Zoning Hearing Board grants a special exception.

- **Electrification.** No fence in a residential district may be electrified in any way.
- **Yard provisions.** Yard provisions shall not apply to hedges, fences or walls six or less feet in height above the natural grade in residential areas and fences eight or less feet in commercial and industrial districts.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative, unlicensed, currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. No off-street parking of any motor vehicle shall be allowed on an unimproved yard.

Exceptions:

- (1) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- (2) One inoperative, unlicensed, currently unregistered or uninspected motor vehicle may be stored in a fully enclosed exterior structure which is maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety or welfare.
- (3) One inoperative, unlicensed, currently unregistered or uninspected motor vehicle may be stored under a carport which is maintained in good repair, structurally sound, and sanitary so long as the vehicle is completely covered with a vehicle cover specifically manufactured for this purpose.
- (4) Emergency vehicles are exempt from this provision.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.9.1 Signs. The following signs and/or placement of signs shall be considered defacement of property and prohibited whether a permit is required or not:

Signs on trees, utility poles. Signs attached or painted to any tree, shrub, rock or other natural object, telegraph, electric light or other utility pole on any street in the City are prohibited without the owner or City's consent.

Signs within street lines, signs on public property. Signs except those of a duly constituted governmental body, including traffic signs and similar regulating notice, shall not be allowed within street lines or on public property.

Sign placement responsibility. Any individual, organization, or company placing signs on inappropriate or prohibited areas is in violation of this subsection.

302.10 Refrigerators and freezers. All refrigerators and freezers which are no longer in active service shall have the doors removed or otherwise be secured to prevent access by any individual to the interior.

302.11 Junkyards. Except as provided for in other regulations, no premises or properties shall be used or maintained as junk yards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors or machinery of any kind, or for any of the parts thereof or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons.

302.12 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.

302.12.1 Private swimming pools. A private swimming pool may be erected in a rear or side yard, in any district in which it is permitted, provided it complies with the following conditions:

- i. **Location.** Pools in excess of a design depth of three (3) feet and erected on a lot of any width shall be located at least five (5) feet from the rear and side property line and ten (10) feet from the principal building, with the following exceptions:
 - (1) Pools that have a design depth from eighteen (18) inches to and including three (3) feet in depth and erected on a lot eighteen (18) feet wide or greater shall be located ten (10) feet from the principal building and at least three (3) feet from the rear and side property lines.
 - (2) Pools that have a design depth from eighteen (18) inches to and including three (3) feet in depth and erected on a lot less than eighteen (18) feet wide shall be located at ten (10) feet from the principle building and at least one (1) foot from the other side property line, provided that a six (6) foot high solid masonry or solid wooden fence be erected along at the property line on the side of the pool with the one (1) foot setback. The remainder of the pool area shall be enclosed in accordance with subsection 302.12.1(iv) hereof.
- ii. **Nuisance or hazard.** It shall be suitably designed and locate so as not to become a nuisance or hazard to adjoining property owners or the public. Outdoor lights, if used, shall be shielded and not reflected toward adjacent residential properties;
- iii. **Drainage.** Provision shall be made for drainage of the pool and back-wash water disposal. The use of open fields, lawns or dry wells shall be permitted for this purpose provided they meet the requirements of the Pennsylvania Department of

Environmental Protection. Water shall not be emptied onto public roads or adjoining land belonging to others;

- iv. **Enclosure.** The entire pool area shall be enclosed with a chain link, solid masonry, or solid wooden fence, or picket fence having spacing no greater than four (4) inches, at least four (4) feet in height including a gate with a self-locking and closing device to permit the pool to be locked and secured when not in use. The locking device shall be located at least four (4) feet above ground level;
- v. **Additional.** All other aspects of swimming pool installation, security and maintenance shall be in accordance with the PA Uniform Construction Code, as adopted by the City in the Codified Ordinances.

302.13 Furniture. Other than furniture contained within a structure, use or storage of furniture which is not designed or constructed for exterior use is prohibited in exterior property areas.

SECTION 303 EXTERIOR STRUCTURE

303.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

303.3 Street numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way. All numbers shall be in Arabic numerals at least 3 inches (76mm) high and ½-inch (13mm) stroke.

303.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

303.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

303.6 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

303.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or

interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

303.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair and with proper anchorage and in a safe condition.

303.9 Overhang extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.10 Stair and walking surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 702.9.

303.11 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

303.12 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.13 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.14 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.14.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

303.14.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

303.15 Insect screens. During the period from May 1 to September 30, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

303.16 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

303.17 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

303.18 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

SECTION 304 INTERIOR STRUCTURE

304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

304.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

304.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

304.4 Stairs and railings. All interior stairs and railings shall be maintained in sound condition and good repair.

304.5 Stairs and walking surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 702.9.

304.6 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.7 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 305 RUBBISH AND GARBAGE

305.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

305.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

305.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

305.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

305.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

305.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with closefitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 306 EXTERMINATION

306.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures or premises in or on which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

306.2 Owner. The owner of any structure or premises shall be responsible for extermination within the structure or on the premises prior to leasing the structure or premises.

306.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination.

Exception: The owner shall be responsible for extermination for the first ninety (90) days of tenancy.

306.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple mixed use occupancy, a rooming house or a non-residential structure shall be responsible for extermination in any unoccupied units, the public or shared areas of the structure and exterior property. If an infestation involves more than one unit of the structure or involves one unit and the public and/or shared areas, the owner shall be responsible for extermination of the entire structure and/or premises. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant(s) shall be responsible for extermination.

Exception: The owner shall be responsible for extermination for the first ninety (90) days of tenancy.

306.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the premises.

Exception: Where the infestation is caused by defects in the structure or premises, the owner shall be responsible for extermination.

306.6 Vacant structures. The owner of a vacant structure or premises is responsible for the extermination within the structure and the exterior property areas.

306.7 Extermination. Extermination required by this section or resulting from orders issued under this section shall be performed by a licensed pest control company or any person licensed to perform such extermination. A receipt from a licensed pest control company or person shall be required as proof of extermination. When extermination is performed by a licensed person in the employ of the owner a written statement from such employee stating the extermination measures taken shall be required as proof of extermination.

306.8 Failure to exterminate. Failure of the responsible party to have a property exterminated as required by this section or as a result of orders issued under this section shall render the structure unfit for human occupancy as provided for in Section 108.1.3 and said structure shall be condemned in accordance with Section 108.1 and shall be ordered vacated. Occupancy shall not again be permitted until extermination has been performed in accordance with this section. This requirement shall be in addition to the penalties provided for in Section 106.4.

CHAPTER 4
LIGHT, VENTILATION
AND
OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914mm) from the window and extend to a level above that of the ceiling or the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m²) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144mm). Every exterior means of egress stairway, other than in one- and two-family dwellings, shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landing and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on the total floor area being ventilated

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gasses, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreational purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall have at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exceptions:

1. Units that contain fewer than two bedrooms.
2. Existing residential occupancies as defined in the current edition of the International Code Council Building Code as adopted by the Uniform Construction Code as adopted by the Commonwealth of Pennsylvania and the City of York, Pennsylvania.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Exception: Existing residential occupancies as defined in the current edition of the International Code Council Building Code as adopted by the Uniform Construction Code as adopted by the Commonwealth of Pennsylvania and the City of York, Pennsylvania.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 OCCUPANTS	3-5 OCCUPANTS	6 OR MORE OCCUPANTS
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Kitchen ^b	50	50	60
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m²

^a See Section 404.5.2 for combined living room/dining room spaces.

^b See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.4.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements.

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5
PLUMBING FACILITIES
AND
FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall be separate facilities or public customer facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved

private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the plumbing code.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to a public sewer system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Cesspools. No person shall construct or place or cause to be placed on any premise or property any cesspool, privy, vault, dumb, or pit of like purpose, no allow or cause any plumbing fixtures to be connected to such.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the plumbing code.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 inclusive to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be indicated in Appendix D of the plumbing code.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 inclusive to maintain a temperature of not less than 68° F (20° C) during the period the spaces are occupied.

Exceptions:

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

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

**SECTION 603
MECHANICAL EQUIPMENT**

603.1 Mechanical equipment. All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Cooking and heating equipment. All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

603.2.1 Cooking equipment. Cooking appliances shall not be used to provide space heating to meet the minimum requirements of Section 602.3.

603.3 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.4 Clearances. All required clearances to combustible materials shall be maintained.

603.5 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.6 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.7 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling unit shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of all obstructions and shall be capable of providing the required function.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

702.2 Exit capacity. The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code.

702.3 Number of exits. In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet (186 m²) shall be provided with not less than two independent exits.

Exception: A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code is provided in addition to the single exit.
4. Where permitted by the building code.

5. Use groups R-2, R-3 and R-4 which, are existing on the effective date of this ordinance and are equipped with properly installed and maintained single or multiple station smoke detectors.

702.4 Arrangement. Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

702.5 Exit signs. All means of egress shall be indicated with approved “Exit” signs where required by the building code. All “Exit” signs shall be maintained visible and all illuminated “Exit” signs shall be illuminated at all times that the building is occupied.

702.6 Corridor enclosure. All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

Exceptions:

1. Corridors in occupancies, other than high-hazard occupancies, which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in health care occupancies where smoke barriers are provided in accordance with the fire prevention code, are not required to be self-closing.
3. Corridors in educational occupancies where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the building code.

702.7 Dead-end travel distance. All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

Exception: Dead ends that are in compliance with the building code.

702.8 Aisles. Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in assembly, educational and health care occupancies shall be maintained in accordance with the requirements of the building code. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, table or other objects.

702.9 Stairways, handrails and guards. Every exterior and interior flight of means of egress stairs serving any building or portion thereof and having more than four risers shall have a handrail on at least one side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or, grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surface. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

Exception: Guards are not required at any location where guards are exempted by the building code.

702.10 Stairway identification. A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of exit discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the building code.

Exception: The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the building code.

702.11 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section 702.11.1

702.11.1 Locks permitted. Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safely in case of fire or other emergency.
2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface molded flush bolts are prohibited.
3. Where the door hardware conforms to that permitted by the building code.

702.12 Emergency escape. Every sleeping room located below the third story in residential and group home occupancies shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exception: Buildings equipped throughout with an automatic fire suppression system.

702.12.1 Security. Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

SECTION 703 ACCUMULATIONS AND STORAGE

703.1 Accumulations. Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

703.2 Hazardous material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

SECTION 704 FIRE RESTSTANCE RATINGS

704.1 General. The fire resistance rating of floors, walls, ceilings, and other elements and components required by the building code shall be maintained.

704.2 Maintenance. All required fire doors, and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

SECTION 705 FIRE PROTECTION SYSTEMS

705.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the fire prevention code.

705.2 Fire suppression system. Fire suppression systems shall be maintained in proper operating condition at all times.

705.3 Standpipe systems. Standpipe systems shall be maintained in proper operating condition at all times. Hose connections shall be unobstructed.

705.4 Fire extinguishers. All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

705.5 Smoke detectors. A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in residential and group home occupancies, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in one- and two-family dwellings and multifamily dwellings. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

705.5.1 Installation. All detectors shall be installed in accordance with the building code and the manufacturer's instructions. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

705.5.2 Power source. The power source for smoke detectors shall be either AC primary power source or a monitored battery primary power source.

705.5.3 Tampering. Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

705.4 Tests and maintenance. All single and multiple-station smoke alarms shall be tested in accordance with the BOCA National Fire Prevention Code as is otherwise adopted by the City of York, Pennsylvania.

705.6 Fire alarm systems. Fire alarm systems shall be in proper operating condition at all times.

CHAPTER 8 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the title, and the section or sections of this document that reference the standard. All referenced standards shall be the most current edition as adopted by the Uniform Construction Code of the Commonwealth of Pennsylvania and the City of York, Pennsylvania. The application of the referenced standards shall be as specified in Section 102.8.

ASME

American Society of Mechanical Engineers
345 East 47th Street
New York, NY 10017-2392

Standard Reference Number	Title	Referenced in code section number
A17.1-93	Safety Code for Elevators and Escalators – with A17.1a-94 Addendum	201.3

CODES

Standard Reference Number	Title	Referenced in code section number
Building Code	ICC International Building Code	102.3, 201.3, 302.7.1, 401.3, 702.2, 702.3, 702.5, 702.6, 702.7, 702.8, 702.9, 702.10, 702.11.1, 703.2, 704.1, 705.5.1
Fire Prevention Code	ICC International Fire Code	201.3, 702.6, 703.2, 705.1
Mechanical Code	ICC International Mechanical Code	102.3, 201.3
Plumbing Code	ICC International Plumbing Code	102.3, 201.3, 505.1, 602.2, 602.3
Zoning Code	ICC International Zoning Code	102.3, 201.3

NFPA

National Fire Protection Association
Batterymarch Park
Quincy, MA 02269

Standard Reference Number	Title	Referenced in code section number
NFPA 70	National Electrical Code	102.3, 201.3, 604.2

APPENDIX
CONSTRUCTION BOARD OF ADJUSTMENTS AND
APPEALS

109.1 There is hereby established a board to be known as the Construction Board of Adjustment and Appeals, hereinafter referred to as “the Board,” which shall consist of five members and two alternates to be appointed by the Mayor with the advice and consent of Council. In addition to the appointed members, the code officials or designees of the Department of Economic Development and the Department of Fire/Rescue Services shall both serve as ex-officio members of the Board, but shall have no vote on any matter before the Board.

190.2 Initial appointments to the Board shall be made as follow: two members shall be appointed for terms of one year; two members shall be appointed for terms of two years; and one member shall be appointed for a term of three years. Subsequent appointments or reappointments shall be made for terms of three years. Alternate members shall serve one year terms. A vacancy shall be filled for an expired term in the manner in which the original appointment was made. Continued absence of any member from the required meetings of the Board shall, at the discretion of the Mayor and with the advice and consent of the Council, render any such member to immediate removal from office.

190.3 Members of the Board shall be chosen from individuals with knowledge and experience in the technical codes, such as design professionals, contractors, or building industry representatives. One alternate member shall be from the building industry at large and one alternate member shall be from the general public. No Board member shall act in any case in which they have a personal or financial interest.

190.4 A simple majority of the Board shall constitute a quorum. The affirmative vote of the majority present, but not less than three affirmative votes shall be required to vary any provisions of the various technical codes. Not less than four affirmative votes shall be required to modify a decision of the code officials or designees of the Department of Economic Development and/or Department of Fire/Rescue Services. In the event that regular members are unable to attend a meeting of the Board, the alternate members shall vote. Alternate members shall have the right to participate in all other aspects of a Board meeting.

190.5 The city clerk or designee shall act as the secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of any member and the failure of any member to vote.

190.6 The Board shall have the power to hear appeals from decisions and interpretations of the code officials or designees of the Department of Economic Development and the Department of Fire/Rescue Services and to consider equivalencies to the requirements of the various technical codes as adopted by the City of York, Pennsylvania. For the purposes of this ordinance, the term “technical codes” shall mean the Building Code, Fire Prevention Code, Electrical Code,

Mechanical Code, Plumbing Code, and Property Maintenance Code of the City of York, Pennsylvania, their associated referenced standards and codes, and any rules and regulations promulgated thereunder.

190.7 The owner of a building, structure or service system, or his duly authorized agent, or a person who has been issued an order or directive pursuant to the technical codes may appeal a decision of the code officials or designees of the Department of Economic Development and/or the Department of Fire/Rescue Services to the Board whenever any one or more of the following conditions is claimed to exist:

190.7.1 The code officials or designees of the Department of Economic Development and/or the Department of Fire/Rescue Services have rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

190.7.2 The provisions of the technical codes do not apply in the specific case.

190.7.3 That an equally good or more desirable form of installation, also known as equivalency, can be employed in any specific case.

190.7.4 The true intent and meaning of the technical codes or regulations thereunder have been misconstrued or incorrectly interpreted.

190.8 The Board, when so appealed to and after a hearing, may alter the application or any provision of the technical codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of these or the technical codes or public interest, and also finds the following:

190.8.1 That special conditions and circumstance exist which are peculiar to the building, structure or service system involved which are not generally applicable to other buildings, structures, or service systems.

190.8.2 That the special conditions and/or circumstances do not result from the willful action or inaction of the applicant.

190.8.3 That granting a request will be based upon a decision that the true intent and scope of the codes in question is met, and that alternate materials, methods, or means of construction provide an equivalent level or protection.

190.8.4 That the request granted is the minimum action that will make possible the reasonable use of the building, structure or service system.

190.8.5 That the grant of the request will be in harmony with the general intent and purpose of the technical codes and will not be detrimental to the public health, safety and general welfare.

190.9 In granting a request, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both and such time limits may not be extended. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with

the technical codes. Violation of the conditions and/or safeguards shall be deemed a violation of the technical codes.

190.10 The notice of appeal shall be in writing and filed prior to the expiration of the original compliance period and in no case, longer than thirty (30) calendar days after notice of violation or the decision is rendered by the code officials or designees of the Department of Economic and Community Development and/or the Department of Fire/Rescue Services. The notice of appeal shall be filed in a form acceptable to the Board and shall be accompanied by the appropriate fee as is otherwise set forth by resolution of Council.

190.11 The Board shall establish such rules and regulations for its own procedure not inconsistent with the provisions of this ordinance. The Board shall meet on the call of the chairman, or shall meet within 30 days after notice of an appeal has been received, or at such regularly scheduled periodic meetings as the Board shall annually set. Notice of the annual schedule of meetings or other meetings of the Board shall be published in a newspaper of general circulation one time.

190.12 The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the code officials or designees of the Department of Economic Development and/or the Department of Fire/Rescue Services, the code official or designee shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing with the office of the city clerk and the code officials or designees of the Department of Economic Development and the Department of Fire/Rescue Services and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise delivered to the appellant and a copy shall be kept publicly posted in the office of the code officials or designees of the Department of Economic Development and the Department of Fire/Rescue Services for two weeks after filing. Every decision of the Board shall be final; subject however, to such remedy as any party may have at law.

190.13 The members of the Board may be compensated as otherwise provided for by resolution of the Council.

190.14 Any and all boards heretofore created by the City of York for the hearing of appeals of the technical codes are hereby abolished and replaced with the Construction Board of Adjustment and Appeals.

190.15 Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in and court, or any rights or causes of action accrued or existing, under any act or ordinance hereby repealed. Nor shall any right or remedy of any character be lost, impaired or affected by this article.

109.16 That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of York, Pennsylvania, hereby declares that it would have passed this ordinance, and each section, subsection, clauses, and phrase thereof, irrespective of the fact that any one or more phrases be declared unconstitutional.

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