

Chapter 245

PROPERTY MAINTENANCE

ARTICLE I

Administration and Enforcement

- § 245-1. Declaration of necessity.**
- § 245-2. Title.**
- § 245-3. Purpose.**
- § 245-4. Matters covered.**
- § 245-5. Applicability.**
- § 245-6. Inspections.**
- § 245-7. Access by owner.**
- § 245-8. Notices, certifications and appeals.**
- § 245-9. Service of notices.**
- § 245-10. Appeals.**
- § 245-11. Board of Code Enforcement Appeals.**
- § 245-12. Board organization and powers.**
- § 245-13. Corrective action.**
- § 245-14. Rules and regulations.**
- § 245-15. Administrative liability.**
- § 245-16. Conflict of provisions.**
- § 245-17. Violations and penalties.**

ARTICLE II

Definitions

- § 245-18. Definition of terms.**
- § 245-19. Terms not defined.**
- § 245-20. Applied meanings of words and terms.**

ARTICLE III

Residential Standards

- § 245-21. Basic equipment and facilities; minimum standards required.**

- § 245-22. Water closet and basin.**
- § 245-23. Bathtub or shower.**
- § 245-24. Kitchen facilities.**
- § 245-25. Plumbing standards.**
- § 245-26. Plumbing connections.**
- § 245-27. Cellar plumbing.**
- § 245-28. Waste disposal.**
- § 245-29. Light, ventilation and heating; minimum standards required.**
- § 245-30. Light requirements.**
- § 245-31. Ventilation requirements.**
- § 245-32. Exceptions.**
- § 245-33. Electricity.**
- § 245-34. Heating facilities.**
- § 245-35. Flue connections.**
- § 245-36. Heating facilities to conform to codes.**
- § 245-37. Portable heating appliances prohibited except in single-family residential homes.**
- § 245-38. Safety from fire; minimum standards required.**
- § 245-39. Flammable liquids.**
- § 245-40. Means of egress.**
- § 245-41. Fire protection for multiple dwelling units.**
- § 245-42. Storage areas.**
- § 245-43. Fire exits in multiple dwelling units.**
- § 245-44. Mixed-use buildings.**
- § 245-45. Automatic fire alarm systems.**
- § 245-46. Separation of common wall and floors.**

EAST WASHINGTON CODE

- § 245-47. Primary exitways.
- § 245-48. Space, use and location; minimum standards required.
- § 245-49. Size of habitable area.
- § 245-50. Size of sleeping area.
- § 245-51. Calculation of floor area.
- § 245-52. Occupancy of sleeping room.
- § 245-53. Basement or cellar occupancy.
- § 245-54. Safe and sanitary maintenance; minimum standards required.
- § 245-55. Exterior conditions.
- § 245-56. Interior conditions.
- § 245-57. Windows and doors.
- § 245-58. Stairs, porches, balconies and decks.
- § 245-59. Plumbing and repairs.
- § 245-60. Floors.
- § 245-61. Supplied equipment; chimney.
- § 245-62. Yard; lot.
- § 245-63. Basement or cellar window.
- § 245-64. Accessory structures.
- § 245-65. Fences and walls.
- § 245-66. Sidewalks and driveways.
- § 245-67. Exterior maintenance.
- § 245-68. Rainwater conductors.
- § 245-69. Interior doors.
- § 245-70. Parking lot requirements.
- § 245-71. Mechanical projections.
- § 245-72. Cooking equipment.
- § 245-73. Responsibilities of owners and occupants.
- § 245-74. Waste disposal.
- § 245-75. Extermination of insects, rodents and pests.
- § 245-76. Occupant's responsibility for plumbing.
- § 245-77. Heating.

- § 245-78. Enforcement and responsibility.
- § 245-79. Discontinuance of required services, facilities, equipment or utilities.

ARTICLE IV Vacant Buildings

- § 245-80. Definitions.
- § 245-81. Basic equipment facilities.
- § 245-82. Electricity.
- § 245-83. Safety from fire.
- § 245-84. Safe and sanitary maintenance.
- § 245-85. Cooking equipment.
- § 245-86. Responsibilities of owners.
- § 245-87. Applicability.

ARTICLE V Nonresidential Standards

- § 245-88. Environmental requirements; minimum standards required.
- § 245-89. Sanitation.
- § 245-90. Noxious weeds.
- § 245-91. Insect and rodent harborage.
- § 245-92. Accessory structures.
- § 245-93. Grading and drainage.
- § 245-94. Parking lots and driveways.
- § 245-95. Space, sanitation and occupancy requirements.
- § 245-96. Sanitary facilities.
- § 245-97. Water and sewer system.
- § 245-98. Heating facilities.
- § 245-99. Rubbish and storage facilities.
- § 245-100. Equipment installation and maintenance.
- § 245-101. Facilities clean and sanitary.

§ 245-102. Plumbing.**§ 245-104. Labor and industry certificate required.****§ 245-103. Electrical facilities.**

[HISTORY: Adopted by the Borough Council of the Borough of East Washington 4-19-1993 by Ord. No. 440. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Code Enforcement Appeals — See Ch. 16.

Zoning Hearing Board — See Ch. 89.

Brush, grass and weeds — See Ch. 123.

Construction codes — See Ch. 150.

Dwelling unit occupancy — See Ch. 166.

Solid waste — See Ch. 279.

Outdoor storage — See Ch. 284.

Private swimming pools — See Ch. 301.

Zoning — See Ch. 340.

ARTICLE I**Administration and Enforcement****§ 245-1. Declaration of necessity.**

It is hereby determined and declared as a matter of legislative finding that the inadequate provisions for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, dilapidation and disrepair of buildings, structures, dwellings and premises, and the use and occupancy or existence of buildings, structures and dwellings unfit for use, occupancy or human habitation in the Borough of East Washington endanger the health, safety, morals and welfare of the community, and that transfers and leases of substandard buildings, structures and premises to transferees and lessees who are unaware of, or unconcerned with, such conditions often create unwarranted delays in correcting such conditions dangerous to the health, safety, needs and welfare of the community, and that the establishment and maintenance of proper residential and nonresidential standards and procedures for requiring the inspection, rehabilitation, repair, abatement of nuisances or compulsory demolition of buildings, structures and housing are essential to the public health, safety and welfare.

§ 245-2. Title.

This chapter of the Code of the Borough of East Washington shall be known as the "Property Rehabilitation and Maintenance Code" and is referred to as "this chapter." The minimum standards as set forth herein shall apply to all buildings, structures and properties within the Borough.

§ 245-3. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare in buildings and on the premises, as hereinafter provided, by:

- A. Establishing minimum standards for basic equipment and facilities for light, ventilation, space, heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; and for cooking equipment in all structures.

- B. Fixing the responsibilities of owners, operators and occupants of all structures.
- C. Providing for administration, enforcement and penalties.

§ 245-4. Matters covered.

The provisions of this chapter shall apply to all structures and premises which are now or may become in the future substandard with respect to: structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, overcrowding or other conditions which may be deemed to constitute a menace to the safety, health or welfare of their occupants, except as provided herein. The existence of such conditions, factors or characteristics adversely affects public safety, health and welfare and leads to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards.

§ 245-5. Applicability.

Every portion of a building or premises used or intended to be used shall comply with the provisions of this chapter, irrespective of when such buildings were constructed, altered or repaired, except as hereinafter provided:

- A. Application of building code. Any alterations to buildings or changes of use therein, which may be caused directly or indirectly by the enforcement of this chapter, shall be done in accordance with applicable standards of good workmanship. To determine whether or not something is accomplished in accordance with good workmanship, the BOCA Basic Building Code should be consulted.¹
- B. Application of zoning law. Nothing in this chapter shall permit the establishment or conversion of existing uses except where permitted by the Zoning Ordinance of the Borough of East Washington (Chapter 340). Nor shall the enactment of this chapter be deemed to have in anyway repealed or affected the Zoning Ordinance of the Borough of East Washington (Chapter 340).
- C. Existing buildings. This chapter establishes minimum requirements for the initial and continued occupancy of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this section.
- D. Existing remedies. Nothing in this chapter shall be deemed to abolish or impair existing remedies of the Borough of East Washington or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.

1. Editor's Note: See now Ch. 150, Art. I, Uniform Construction Codes.

§ 245-6. Inspections.

- A. The Code Enforcement Officer shall make or cause to be made inspections to determine the conditions of structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this chapter. The Code Enforcement Officer, after reasonable notice, is authorized to enter any structure or premises at any reasonable time for the purpose of performing his duties under this chapter. The owner, occupant or operator of every structure or premises, or the person in charge thereof, shall give the Code Enforcement Officer free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.
- B. If any owner, occupant or other person in charge of a structure subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this chapter is sought, the Code Enforcement Officer shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable cause to conduct an inspection. For the purposes of this section, a reasonable or probable cause to gain access and inspect shall include, without being limited to, any one or more of the following:
- (1) That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in the Borough.
 - (2) That the Code Enforcement Officer after investigation has knowledge, information or a reasonable belief that a violation of this chapter or other codes and ordinances of the Borough exist.
 - (3) That such entry is for the purpose of reinspecting the site of a previous inspection which found notice of violations.
 - (4) That the Code Enforcement Officer has received a complaint concerning a violation on or within the premises.
 - (5) That such entry is necessary to determine if the building, structure, premises, dwelling or dwelling units meet code standards.

§ 245-7. Access by owner.

Every occupant of a dwelling unit, building, structure or premises shall give the owner thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, building, structure or premises at all reasonable times for the purpose of conducting inspections to determine whether or not violations of this chapter may exist, or for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

§ 245-8. Notices, certifications and appeals.

Whenever the Code Enforcement Officer determines that there exists a violation of any provision of this chapter, he/she shall issue a notice which shall:

- A. Be in writing.
- B. Include a brief description of the real estate sufficient for identification.
- C. Specify the violation which exists with reference to the applicable code or ordinance provisions together with a brief statement of the remedial action required.
- D. Provide a reasonable time, not to exceed 30 days, for letting of a contract for the correction of any violation alleged.
- E. Include a statement regarding the right of appeal.
- F. Include a statement that it is the right of every tenant and resident to report any presumed violations of this chapter to the Code Enforcement Officer and that a landlord cannot evict a tenant or tenants in retaliation for reporting alleged code violations.

§ 245-9. Service of notices.

- A. A notice of violation shall be served upon the owner or occupant in the following manner:
 - (1) By handing it to the person to be served.
 - (2) By handing the notice, at the residence of the person to be served, to an adult member of the family with which he/she resides; but if no adult member of the family is found, then to an adult person in charge of such residence.
 - (3) By handing the notice at any office or usual place of business of the person to be served to his agent or to the person for the time being in charge thereof.
 - (4) By mailing the notice to the last known address of the person to be served by certified mail, unrestricted delivery, return receipt requested.
- B. If any person to whom the notice of violation is addressed cannot be served in the above manner, the Code Enforcement Officer shall briefly note the appropriate facts and shall make service upon the person by posting the notice of violation in a conspicuous place on the premises described in the notice.
- C. For the purposes of this section, a person "cannot be served" when the person has no residence or office or usual place of business within the Borough and the mailed notice of violation is returned undelivered; or when the notice of violation cannot be served under Subsection A(1), (2) or (3) hereof after two trips on two separate days to the residence or office or usual place of business of the person to be served and if the mailed notice of violation is returned undelivered.
- D. Service upon any executive officer of a corporation shall be a sufficient, but not exclusive, method of service upon the corporation. Service upon any partner of a

- partnership shall be a sufficient, but not exclusive, method of service upon the partnership.
- E. In addition to service of the notice as prescribed above, the Code Enforcement Officer may post a notice of violation on the premises or part thereof alleged to be in violation.
 - F. If, upon any inspection or reinspection, the Code Enforcement Officer determines that the premises are in compliance with the provisions of this chapter, he/she shall note this determination in the file together with the date of such inspection. If, upon reinspection after a notice of violation, the Code Enforcement Officer determines that the violations have been corrected satisfactorily and that the premises are in compliance, he/she shall, without charge, issue a written certificate of compliance to each person served the notice of violation.
 - G. Any person, as owner, operator or agent, selling, transferring, conveying, letting or leasing any dwelling, building, structure or premises which to his or her knowledge has been cited as not in compliance with the minimum standards of this chapter shall first give to the prospective purchaser, transferee, grantee, lessee or its agent appropriate notice of such violation.
 - H. Regardless of whether or not the required notification, as provided herein, has been given, any notice of violation or order for correction of violation shall nevertheless remain in full force against the premises, and any new owner, occupant or operator shall be bound thereby.
 - I. Any owner's agent, lessee, mortgagee or mortgagor of any dwelling, building or structure may request the Code Enforcement Officer to make an inspection of the premises. If the Code Enforcement Officer in his discretion deems an inspection is warranted, such inspection shall be made upon receipt of an inspection fee in the amount which shall be fixed from time to time by the Council of the Borough of East Washington.
 - J. The Code Enforcement Officer shall issue a letter or certificate of compliance, notice of violation or refusal of inspection within 15 days of a request for an inspection.

§ 245-10. Appeals.

Any party in interest affected by a notice of violation or order may appeal to the Board of Code Enforcement Appeals.

§ 245-11. Board of Code Enforcement Appeals.

The Board of Code Enforcement Appeals shall hear all appeals as required by the standards of this chapter.

§ 245-12. Board organization and powers.

- A. Any party in interest affected by a notice of violation or order may appeal to the Board of Code Enforcement Appeals for a review of the action of the Code Enforcement

Officer in accordance with the procedures prescribed by the Board; provided, however, that such person file such appeal with the Board and deliver a copy of such appeal to the Code Enforcement Officer within 30 days after service of notice of violation or order. Except as provided herein, compliance with the notice of violation shall not be required during the time an appeal is pending before the Board of Code Enforcement Appeals or the Court of Common Pleas of Washington County.

- B. The Board of Code Enforcement Appeals shall have the following powers, in addition to those powers set forth elsewhere within the Code of the Borough of East Washington:²
- (1) To adopt and administer the rules of procedure regarding its organization, officers, times and places of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.
 - (2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Code Enforcement Officer in the enforcement of the provisions of this chapter or any other Borough ordinance that has a relationship to the establishment and maintenance of proper standards, including, but not limited to, fire prevention, health or safety.
 - (3) To modify any notice of violation or order and to authorize a variance from the terms of this chapter when, because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of this chapter.
 - (4) To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of an actual undertaking to correct the violation together with a bona fide intent to comply within a reasonable time.
 - (5) In exercising the above powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 45 days after the appeal hearing. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice requires and, to that end, shall have all the powers of the Code Enforcement Officer; provided, however, that the Board of Code Enforcement Appeals, in its determination, shall be bound by this chapter and shall not ignore the clear provisions and intent of this chapter.
- C. When the Code Enforcement Officer finds that there exists any violation of this chapter which creates an emergency requiring immediate correction to protect the health or safety of any occupant of a dwelling or of the public, he/she may issue a notice of violation stating the facts which constitute the emergency and requiring necessary action to be taken immediately. Any person to whom such notice is directed shall comply immediately, even though an appeal is taken to the Board of Code Enforcement Appeals or the Court of Common Pleas. Any person aggrieved by such notice of violation may

2. Editor's Note: See Ch. 16, Code Enforcement Appeals, Board of.

appeal to the Board, as provided in this chapter, and the Board shall give priority to such appeal.

- D. Any person, including the Code Enforcement Officer, aggrieved by any decision of the Board may appeal to the Court of Common Pleas of Washington County. Such appeal shall be made by a duly verified petition which shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal or improper. Such petition shall be presented to the Court of Common Pleas within 30 days after the filing of the decision of the Board of Code Enforcement Appeals with the Borough Secretary.
- E. If no appeal is pending within five days after the expiration of the time for compliance as stated on the notice of violation or any decision by the Board of Code Enforcement Appeals or the Court of Common Pleas, the Code Enforcement Officer shall reinspect to determine compliance. If the violation has not been corrected, the Code Enforcement Officer shall institute prosecution for the violation; provided, however, the Code Enforcement Officer may extend the time of compliance specified in any notice or order where there exist reasonable conditions which prevent early compliance and if immediate compliance would work a hardship, provided further that there is clear evidence of an actual undertaking to comply with the order within a reasonable time period together with a bona fide intent to comply.
- F. Every notice of violation, and all records of all proceedings occurring subsequent to the notice of violation until the final disposition of the matter outlined in the notice of violation, shall be public and available for inspection; provided, however, that the Code Enforcement Officer may prescribe reasonable regulations regarding the time and manner of inspection.

§ 245-13. Corrective action.

- A. When, upon reinspection after the expiration of the time for compliance, the Code Enforcement Officer finds that the violation has not been corrected, he/she is authorized to cause such dwelling, dwelling unit, building, structure or other part of the premises to be repaired, altered, demolished, improved, vacated or closed. Notices and orders issued pursuant to this section shall be served in the same manner as notices of violation.
- B. Whenever, upon initial inspection or reinspection, the Code Enforcement Officer finds that any dwelling, dwelling unit, building, structure or premises constitutes a serious hazard to the health or safety of the occupants or to the public because it is dilapidated, unsafe, unsanitary, unhealthful, vermin infested or lacking in facilities required by this chapter, he/she shall designate such dwelling, dwelling unit, building, structure or premises as unfit for human habitation or use and shall cause to be posted on the main entrance area of the dwelling, dwelling unit, building, structure or premises so closed a placard with the following words: "This premises is unsafe for use or human habitation; the use and occupancy of this premises for human habitation is prohibited and unlawful."
- C. If the premises so designated are occupied, the Code Enforcement Officer shall order such premises vacated and shall prescribe a reasonable time for compliance. A vacant premises which has been designated as unsafe for human habitation and which has been placarded as such shall not be used again for human habitation or use until written

approval is secured from the Code Enforcement Officer and the placard is removed by the Code Enforcement Officer. The Code Enforcement Officer shall rescind the designation as unsafe for human habitation or use and shall remove the placard when he/she finds that the defect or condition has been removed or eliminated and that the dwelling or dwelling unit is a fit place or unit for human habitation. No person shall remove or deface the placard from any premises which has been designated as unsafe for human habitation.

- D. Whenever the Code Enforcement Officer finds that any premises constitutes a public nuisance, he/she shall serve notice thereof on the owner. Such notice shall indicate the manner in which, and the time by which, the Code Enforcement Officer or the Borough intends to demolish, repair, alter or improve the premises. Unless an emergency exists, the Code Enforcement Officer or the Borough shall not undertake corrective action within the first 30 days from the time such notice is served. A notice that the Borough intends to undertake corrective action shall be served in the same manner as a notice of violation; provided, however, that such notice shall also be posted in a conspicuous place upon the premises. If, at the expiration of the specified time period, the required corrective action has not been completed, the Code Enforcement Officer may undertake such corrective action to abate the declared public nuisance without further notice. Nothing contained herein shall be construed to limit the power of the Code Enforcement Officer or of the Borough of East Washington to take immediate corrective action to abate a hazardous condition without serving notice thereof where there exists any violation of this chapter which creates an emergency requiring immediate correction to protect the health or safety of any occupant of a dwelling, building or structure, or of the public. To the extent practicable, monies expended for corrective action shall be paid from the revolving fund established pursuant to Chapter 66 of the Code of the Borough.
- E. Where the Code Enforcement Officer or the Borough takes corrective action to abate a public nuisance, the cost thereof, including any labor or materials supplied by the Borough, shall be charged to the owner and shall constitute a municipal lien against the real property upon which such cost was incurred. The Solicitor shall file such lien and shall make every effort to collect such amounts within six months of the recording date. If the corrective action involves the removal or demolition of any structure, the Code Enforcement Officer may sell the materials thereof by public sale, and any amounts realized shall be credited against the cost of the corrective action, and any balance remaining shall be deposited with the Borough Treasurer in the name of the owner of record. In the event of dispute regarding the proper distribution of such balance, such account shall be disbursed to the persons found to be entitled thereto by final order or decree of the Court of Common Pleas of Washington County, and any Borough expenses incurred for legal fees or court costs shall be charged against such balance.
- F. Any party in interest affected by any notice or order issued pursuant to this section may, within 30 days of the service thereof, appeal in accordance with the procedures outlined herein. Except in the case of emergency, corrective action shall be stayed during the time an appeal is pending before the Board of Code Enforcement Appeals or the Court of Common Pleas of Washington County.

§ 245-14. Rules and regulations.

The Code Enforcement Officer is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and administration of this chapter. Such rules and regulations shall not be in conflict with the provisions of this chapter, nor with any other ordinance of the Borough, nor with any law of the Commonwealth of Pennsylvania; nor shall they have the effect of waiving any provisions of this chapter or any other ordinance. Such rules and regulations shall not take effect until approved by resolution of the Council of the Borough of East Washington.

§ 245-15. Administrative liability.

No officer, agent or employee of the Borough shall be personally liable for any damages or injuries that may accrue to persons or property as a result of any act required, authorized or permitted in the discharge of duties under this chapter. Any suit brought against any such officer, agent or employee as a result of any act required, authorized or permitted in the discharge of duties under this chapter shall be defended by the Borough of East Washington until the final determination of the proceedings therein.

§ 245-16. Conflict of provisions.

Except as provided herein, where a provision of this chapter is found to be in conflict with a provision of any building, fire, safety or health ordinance or code of the Borough of East Washington existing on the effective date of this chapter, the provisions established by this chapter for the promotion and protection of the safety and health of the public shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of this Borough existing on the effective date of this chapter, the provisions of this chapter shall prevail, and such other ordinances, however, shall not be repealed. To the extent there is a conflict between this chapter and the Zoning Ordinance of the Borough of East Washington (Chapter 340), the Zoning Ordinance shall prevail in matters of use, and this chapter shall prevail in matters of health and safety.

§ 245-17. Violations and penalties.

- A. Whoever violates any provision of this chapter shall be fined not more than \$1,000 or imprisoned not more than 90 days, or both. **[Amended 11-7-2005 by Ord. No. 481]**
- B. If, after any conviction for violation of this chapter or any lawful order issued pursuant thereof, such person continues violation, then such person shall be liable for further prosecution, conviction and punishment without any necessity of the Code Enforcement Officer to issue a new notice of violation or order and until such violation has been corrected.
- C. In addition to prosecution of persons violating this chapter, the Code Enforcement Officer or Solicitor or any duly authorized agent of the Borough may seek civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania against any person or property, real or personal, to effect the provisions of this chapter.

- D. Corrections of violations of this chapter are to be made in a workmanlike manner and in conformity with accepted good construction practices so as to achieve reasonable longevity and to preserve compliance with the standards of this chapter.

ARTICLE II Definitions

§ 245-18. Definition of terms.

Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

§ 245-19. Terms not defined.

Where terms are undefined in this chapter, reference may be made to BOCA codes or other standard codes. If such reference is necessary, the definitions established within such standard codes shall be ascribed to this chapter. Where terms are not defined within this chapter or under provisions of standard codes, they shall have the same meaning assigned by other codes of the Borough of East Washington or, in the absence thereof, as ordinarily accepted or such as the context herein may imply.

§ 245-20. Applied meanings of words and terms. [Amended 2-21-1994 by Ord. No. 444]

For the purposes of this chapter, the following definitions shall apply:

ACCESSORY STRUCTURE — A building, the use of which is customarily incidental to that of the dwelling unit or principal building or structure, and which is on the same lot as that occupied by the main building.

APPROVED — In accordance with regulations or decisions established by the Code Enforcement Officer or by generally accepted industry codes or standards.

BASEMENT — A portion of any building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR — A portion of any building having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CENTRAL HEATING — A heating system permanently installed and adjusted to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of those rooms.

CODE ENFORCEMENT OFFICER — The official designated by the Borough to enforce building, zoning or similar laws and this chapter, or his duly authorized assistant or representative.

CODE ENFORCEMENT OFFICER — The employee or agent appointed by the Council of the Borough of East Washington to enforce Borough codes, or his authorized deputy or representative.

CONDEMNATION — Structures which are found to be dangerous or unsafe for human occupancy as herein provided.

DWELLING UNIT — A group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.

EXITWAY — That portion of a means of egress which is separated from the area of the building from which escape is to be made by walls, floors, doors or other means which provide a way of travel with reasonable safety to the exitway discharge or exterior of the building.

EXITWAY ACCESS — That portion of means of egress which leads to an entrance to an exitway.

EXITWAY DISCHARGE — That portion of means of egress between the termination of the exitway at the exterior of the building and grade level.

EXTERIOR PROPERTY AREAS — Any open space on the premises and vacant open space on adjacent premises.

EXTERMINATION — The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or any other recognized and legal pest elimination methods approved by the Code Enforcement Officer.

FAMILY — A collective body of two or more persons doing their own cooking and living together as a separate housekeeping unit in a relationship based upon birth, marriage, adoption or other such like domestic bond.

FIRE PREVENTION CODE — The Fire Prevention Code published by the American Insurance Association.

FLAMMABLE LIQUID — Any liquid having a flash below 140° F. and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F.

FLOOR AREA, GROSS — Floor area within the perimeter of the walls of the building under consideration, with no deduction for hallways, stairs, closets, thickness of walls, columns or other features.

FLOOR AREA, NET — The actual occupied area, not including accessory unoccupied areas or thickness of walls.

GARBAGE — Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM — A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets and storage spaces.

INTENDED TO BE USED — A building, structure, unit or part thereof is "intended to be used" for the purposes of this chapter in accordance with the use indicated in the most recent

City Directory; or in the absence of any such indication, in accordance with the use indicated on the Washington County Property Tax Assessment records; or in the absence of any such indication, in accordance with the most recent records pertaining to the use on file in any department of the Borough; or in the absence of any such records, in accordance with the use determined by the Code Enforcement Officer to be most appropriate for the building, structure, unit or part thereof.

LET FOR OCCUPANCY or LET — To permit possession or occupancy of a dwelling, dwelling unit, building or structure pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

LOT — The meaning ascribed to it within the Zoning Ordinance of the Borough of East Washington.³

LOT LINE — The meaning ascribed to it within the Zoning Ordinance of the Borough of East Washington.

MIXED-USE PROPERTY — A property used or intended to be used for both residential and nonresidential purposes.

MULTIUNIT DWELLING or MULTIPLE DWELLINGS — Any dwelling or part thereof containing two or more dwelling units.

NONRESIDENTIAL PROPERTY — A property used or intended to be used for nonresidential purposes only.

OCCUPANCY — The purpose for which a building, structure or part thereof is used or intended to be used. The term shall also include the building, room or enclosed space that houses such use.

OCCUPANCY CLASSIFICATION — The various use groups as classified in the basic building code.⁴

OCCUPANCY LOAD — The number of individuals normally occupying the building or part thereof or for which the exitway facilities have been designed.

OCCUPANT — Any person including an owner or operator living and sleeping in a dwelling unit.

OPENABLE AREA — That part of a window 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 are let or offered for occupancy.

OWNER — The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or

3. Editor's Note: See Ch. 340, Zoning.

4. Editor's Note: See Ch. 150, Construction Codes.

other person, firm or corporation in control of a building or of premises, or their duly authorized agents.

PARKING LOT — A portion of a property set aside exclusively for the parking of more than one vehicle.

PERSON — An individual, firm, corporation, association, partnership or public entity.

PLUMBING and PLUMBING FIXTURES — Gas pipes and gas-burning equipment, water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and other similar supply fixtures, together with all connections to water, sewer and gas lines.

PREMISES — A lot, plot or parcel of land including the buildings and structures thereon.

PUBLIC NUISANCE —

- A. The physical condition or use of any premises regarded as a public nuisance at common law.
- B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.
- C. Any premises which has unsanitary sewerage or plumbing facilities.
- D. Any premises designated as unsafe for human habitation.
- E. Any premises which is a fire hazard or is manifestly unsafe or insecure so as to endanger persons or property.
- F. Any premises from which the plumbing, heating and/or sewer facilities required by this chapter have been removed, or from which utilities have been permanently disconnected, destroyed, removed or rendered ineffective and the required precautions against trespassers have not been provided.
- G. Any premises which is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds.

RESIDENCE — A building in which living accommodations as a unit are provided.

RESIDENTIAL PROPERTY — A property used or intended to be used for residential purposes only.

RUBBISH — Combustible and noncombustible waste materials, except garbage, and 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, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, dust and other similar materials.

STRUCTURE — An assembly of materials forming a construction for occupancy or use, including among others, buildings, stadiums, tents, reviewing stands, platforms, stagings,

observation towers, radio towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelter, fences and display signs.

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

VENTILATION — The process of supplying and removing air by natural or mechanical means to or from any space.

A. **MECHANICAL** — Ventilation by power-driven devices.

B. **NATURAL** — Ventilation by opening to the outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

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

WORKMANLIKE — Such work or repair as is made in a reasonably skillful manner in accordance with generally accepted industry standards.

YARD — Definitions ascribed to it within the East Washington Zoning Ordinance (Chapter 340).

ZONING ORDINANCE — The latest ordinance including the most recent amendments regulating the division of the Borough of East Washington into districts or zones and to regulate therein the locations, bulk and use of buildings and other structures and the use of land (Chapter 340).

ARTICLE III Residential Standards

§ 245-21. Basic equipment and facilities; minimum standards required.

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

§ 245-22. Water closet and basin.

Every dwelling unit shall contain within its walls a room separate from the habitable rooms which affords privacy and which is equipped with a flush water closet and a lavatory basin. The Code Enforcement Officer may accept other configurations where, in his opinion, the health and safety of the occupants are not impaired.

§ 245-23. Bathtub or shower.

Every dwelling unit shall contain within its walls a room separate from the habitable rooms which affords privacy to a person in the room and which is equipped with a bathtub or shower.

§ 245-24. Kitchen facilities.

Every dwelling shall contain within its walls a room separate from the other rooms which contains:

- A. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the appropriate authority.
- B. A kitchen stove providing at least two top burners or plates and an oven or similar device, for cooking food, and a refrigerator or similar device, for the safe storage of perishable food at temperatures less than 50° F. but more than 32° F., under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation, provided that such stove, refrigerator and/or similar device need not be installed when the occupant provides such upon occupancy and that sufficient space and adequate connections for the safe and efficient installation and operation of such stove, refrigerator and/or similar devices are provided.
- C. Kitchen cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and of food that does not, under ordinary summer conditions, require refrigeration for safekeeping, and a counter or table for food preparation. Such cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleaned and that will not impart any toxic or deleterious effect to food.

§ 245-25. Plumbing standards.

- A. Every kitchen sink, lavatory basin and bathtub or shower required for this chapter shall be properly connected with both hot and cold running water. The hot water lines shall be connected to water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at a temperature of not less than 105° F. and not more than 120° F. even when the dwelling heating facilities required by this chapter are not in operation. All gas hot water heaters shall be vented to the outside in an approved manner and provided with appropriate temperature and pressure-relief valves.
- B. Water heaters, with the exception of those having sealed combustion systems, shall not be installed in bathrooms or bedrooms.

§ 245-26. Plumbing connections.

All plumbing fixtures required under this chapter shall be properly connected to an approved water system and to an approved sewerage or sewage disposal system.

§ 245-27. Cellar plumbing.

Plumbing fixtures required under § 245-22 or 245-23 that meet all applicable requirements of this chapter, except that they are located in a cellar, shall be approved.

§ 245-28. Waste disposal.

Every dwelling unit shall have approved garbage and rubbish storage or disposal facilities. Such storage facilities shall be watertight containers with tight-fitting covers. In every multiunit dwelling, such facilities shall be placed in an approved location. All owners and occupants shall comply with the Borough's Recycling and Solid Waste Management Ordinances set forth in Chapter 279 of the Code of the Borough. No uncollected trash or empty trash containers shall be left in any yard or at curbside for more than 24 hours.

§ 245-29. Light, ventilation and heating; minimum standards required.

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

§ 245-30. Light requirements.

Every habitable room, bathroom or water closet compartment shall have at least one window or skylight facing outdoors, provided that if connected to an area or room used seasonally (i.e., porch) then adequate daylight must be possible through such interconnection. The minimum total window or skylight area measured between stops for every habitable room shall be at least 10% of the floor area of such rooms; the minimum total window or skylight area measured between stops for every bathroom or water closet compartment shall be at least 8% of the floor area of such rooms, but if light obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the total required window area. All windows and skylights shall be enclosed with glass or other approved materials.

§ 245-31. Ventilation requirements.

Every habitable room, bathroom and water closet compartment shall have at least one window or skylight facing directly to the outdoors, equipped with suitable hardware, so that if connected to a room or area used seasonally, then adequate ventilation must be possible through such interconnection. The total openable area of the window or skylight area in every habitable room, bathroom and water closet compartment shall be equal to at least 45% of the

minimum window area size or minimum skylight type window size as required in § 245-30 immediately hereinabove, except where there is supplied some other device, gravity duct or mechanical ventilation as may otherwise be appropriate.

§ 245-32. Exceptions.

Every bathroom, kitchen and water closet compartment shall comply with the light and ventilation requirements of §§ 245-30 and 245-31 immediately above, except that no window or skylight shall be required in such rooms if supplied with some other device, gravity duct or mechanical ventilation, supplying adequate ventilation as otherwise may be appropriate.

§ 245-33. Electricity.

Every dwelling shall be supplied with electricity. Within each dwelling:

- A. Every habitable room shall contain at least two separate and remote duplex wall electric convenience outlets and one supplied ceiling or wall electric light fixture or one additional switch-controlled outlet.
- B. Every water closet compartment, bathroom, laundry room, laundry area and furnace room shall contain at least one ceiling or wall electric light fixture, and each bathroom laundry room or laundry area shall contain at least one convenience outlet.
- C. Every outlet and fixture shall be installed in an approved manner on circuits properly equipped with "S" type fuses or circuit breakers and maintained in good and safe working condition. All floor outlets shall be removed.
- D. No obvious shock hazard shall exist.
- E. No temporary wiring shall be used, except extension cords which run directly from portable electrical equipment to convenience outlets and which do not lie underneath floor covering materials or extend through doorways, transoms or other similar apertures through structural elements. Extension cords shall not exceed 12 feet in length.
- F. Every public hallway and stairway in every multiple dwelling shall be adequately lighted at all times by natural and/or electric light so as to provide, in all parts thereof, at least three footcandles of light at the tread or floor level. Every public hallway and stairway in a structure containing two units shall be adequately lighted at all times by natural or electric light so as to provide, in all parts thereof, at least three footcandles of light at the tread or floor level; except, however, that if conveniently located light switches are supplied to turn on lights when required full time lighting shall not be required.
- G. In existing dwellings, electrical wiring and fixtures shall conform to the requirements of the applicable codes of the Borough and to industry standards.

§ 245-34. Heating facilities.

Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its walls to a temperature of at least 68° F. at a location of 36 inches above floor level.

§ 245-35. Flue connections.

All fuel-burning heating facilities shall be of an approved type and shall be permanently attached to approved flues and properly installed. Such facilities may not be installed in a bathroom or bedroom.

§ 245-36. Heating facilities to conform to codes.

In new installations, all central heating, space heating or auxiliary heating facilities shall conform to and be installed in accordance with all proper procedures and industry standards.

§ 245-37. Portable heating appliances prohibited except in single-family residential homes.

Liquid- or gas-type portable heating appliances shall be prohibited except in single-family residential homes. Where these appliances are permitted in single-family residential homes, all flammable or combustible liquid fuel shall be stored in compliance with appropriate industry and commercial standards.

§ 245-38. Safety from fire; minimum standards required.

No owner, operator or other person shall occupy or let to another person any dwelling or dwelling unit which does not comply with the following minimum standards for safety from fire, and no dwelling, dwelling unit or any premises containing such areas shall fail to comply with the following minimum standards for safety from fire.

§ 245-39. Flammable liquids.

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

§ 245-40. Means of egress.

Every dwelling unit shall have safe unobstructed means of egress leading to safe and open space at ground level, which shall be so located so as to be accessible without going through another dwelling unit. Exit doors, where practical, shall swing in the direction of egress.

§ 245-41. Fire protection for multiple dwelling units.

In buildings containing two or more units, every hallway, stairway, corridor, exit, fire escape door and other means of egress shall be kept clear at all times. No transom shall be permitted to open into a means of egress, nor shall they be permitted between units. Fire protection in hallways, stairways, corridors and other interior means of egress shall be of a three-quarters-hour fire-resistive construction. Doors opening onto public halls or areas shall be three-quarters-hour rated or shall be one-and-three-fourths-inch flush wood doors with a solid lumber core. Fire separation between dwelling units shall be one-hour fire-resistive construction. Each of these means of egress shall lead directly to grade. Windows leading to fire escapes shall have openings large enough to provide safe and adequate means of egress with sills not over 36 inches above inside floor level. Height of window sill above fire escape balcony platform or landing should not exceed eight inches. Windows shall be maintained in fully operable condition at all times.

§ 245-42. Storage areas.

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

§ 245-43. Fire exits in multiple dwelling units.

- A. There shall be at least two means of exit available for all multiunit houses exceeding two stories above basement and for every two-story multiunit house having more than four units per floor or exceeding 50 feet of exitway travel distance.
- B. A fire escape may be accepted by the Code Enforcement Officer as a second means of egress. If accepted, however, the fire escape shall serve every unit above the first floor.
- C. A fire escape may be constructed of noncombustible materials or by appropriately treated lumber. It shall be of sound and solid construction and consist of stairs and handrails. It shall be maintained so as to be safe and serviceable. Fire escapes shall be designed to support a live load of 100 pounds per square foot.

§ 245-44. Mixed-use buildings.

- A. Mixed-use buildings containing any nonresidential use and any residential unit(s) shall have an interconnected smoke alarm system installed and maintained serving the nonresidential user(s), all common areas and the basement or cellar. The alarm system shall have an independent power source in order to preserve the integrity of the system in the event that power is terminated or suspended to any part of the building. The residential unit(s) in mixed-use buildings shall be provided with permanently installed single-station smoke detectors wired to that unit's electric service facilities. NOTE: Independent power sources may be the owner's separate electric facilities and/or the nonresidential electric service facilities as permitted by the Code Enforcement Officer.

- B. Mixed-use buildings containing any nonresidential use and any residential units shall have a second means of egress provided above the first floor for all dwelling units or portions thereof.

§ 245-45. Automatic fire alarm systems.

Automatic fire alarm systems shall be used for detection and signaling in the event of fire:

- A. In structures containing one dwelling unit, there shall be provided one smoke detector on every floor containing rooms occupied for sleeping purposes and one in the basement or cellar.
- B. In structures containing more than one dwelling unit, there shall be provided one smoke detector in every dwelling unit and one in the basement or cellar.
- C. Smoke detectors shall be installed and maintained in full operating and serviceable condition.

§ 245-46. Separation of common wall and floors.

- A. All common walls separating residential dwellings shall be fire separation walls having a minimum of one-hour fire-resistance rating. Said walls shall extend from the foundation to the underside of the roof sheathing, and to the inside of the exterior wall sheathing.
- B. All residential dwellings located above or attached by a common wall to a garage or to a unit containing a nonresidential use that handles, dispenses, uses or stores flammable liquids in a quantity that endangers the lives of the occupants of the residential unit shall be separated from the garage or nonresidential use by a fire separation wall, or openings shall be sealed to prevent transfer of fumes, gases or odors to adjacent residential occupancies.

§ 245-47. Primary exitways.

- A. All primary exitways containing eight or more risers shall be either interior enclosed exitways or shall be constructed of noncombustible materials and covered by a roof providing protection from the weather in order to insure safe and easy access at all times.
- B. Exceptions to this requirement will be allowed for primary exits from structures built of combustible materials and approved in accordance with the codes in force at the time of construction.

§ 245-48. Space, use and location; minimum standards required.

- A. No owner, operator or other person shall occupy or let to another person any dwelling or dwelling unit which does not comply with the following minimum standards for space, use, and location and no dwelling, dwelling unit or premises containing such area shall fail to comply with the following minimum standards for space, use and location.

- B. For purposes of this section, a person under one year of age shall not be considered an occupant.

§ 245-49. Size of habitable area.

Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable floor area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.

§ 245-50. Size of sleeping area.

In every dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every dwelling unit room occupied for sleeping purposes by more than one occupant shall contain an additional 45 square feet of floor area for each occupant 12 years of age and over and 35 square feet of floor area for each occupant under 12 years of age.

§ 245-51. Calculation of floor area.

Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may account for not more than 10% of the required floor area. At least 1/2 of the floor area of every habitable room shall have a ceiling height of at least seven feet and the floor area of any part of any room where the ceiling height is less than 4 1/2 feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

§ 245-52. Occupancy of sleeping room.

No sleeping room shall be occupied by more than two adults, except that one child under eight years of age in addition to the two adults may be permitted, and except that rooms occupied by persons of the same sex or by children under five years of age may be occupied by more than two persons where space permits.

§ 245-53. Basement or cellar occupancy.

- A. No basement or cellar shall be used as a habitable room or dwelling unit unless:
- (1) Floors and walls are substantially watertight.
 - (2) The total window area, total openable area and ceiling height are in accordance with this chapter.
 - (3) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or accessways.

- B. Basement or cellar occupancy shall be permitted in single-family dwellings without meeting the requirements in this section.

§ 245-54. Safe and sanitary maintenance; minimum standards required.

No owner, operator or other person shall occupy or let to another person any dwelling or dwelling unit which does not comply with the following minimum standards for safe and sanitary maintenance, and no dwelling, dwelling unit or premises containing such area shall fail to comply with the following minimum standards for safe and sanitary maintenance.

§ 245-55. Exterior conditions.

Every foundation, exterior wall and exterior roof shall be substantially weathertight, watertight and rodentproof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

§ 245-56. Interior conditions.

- A. Every floor, interior wall and ceiling shall be substantially rodentproof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- B. Every cellar floor, basement floor and crawl space shall be maintained in a smooth, dry, hazard-free condition so as to prevent conditions conducive to decay or deterioration of the structure.
- C. Every interior wall and ceiling in a dwelling shall be maintained so as to be free of holes or cracks and loose plaster or other materials the collapse of which might cause injury.
- D. The surface of every interior wall and ceiling shall be finished with paint, paneling, wallpaper or equivalent material so as to be reasonably smooth, clean, tight and easily cleaned.

§ 245-57. Windows and doors.

Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodentproof and shall be kept in sound working condition and good repair. All entrance doors into a dwelling unit shall be maintained in sound condition and good repair and equipped with locks.

§ 245-58. Stairs, porches, balconies and decks.

Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Structurally sound handrails shall be provided on any steps containing five or more risers. Porches and/or balconies located more than three feet higher than the adjacent area shall have structurally sound protective guardrails not less than

36 inches high, and, if unenclosed, balusters or rails spaced no more than six inches apart shall be provided.

§ 245-59. Plumbing and repairs.

Every plumbing fixture shall be properly installed and maintained in sanitary working condition, free from defects, leaks and obstructions. When repairs or replacements are necessary, the fixture or fixtures shall be installed in accordance with industry standards.

§ 245-60. Floors.

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

§ 245-61. Supplied equipment; chimney.

Every supplied facility, piece of equipment or utility which is required under this chapter, and every chimney and smoke pipe shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

§ 245-62. Yard; lot.

Every yard and lot shall be properly graded to obtain thorough drainage and prevent the accumulation of stagnant water and shall be maintained in a sanitary manner and free of weeds, in accordance with the applicable ordinances of the Borough.

§ 245-63. Basement or cellar window.

Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement or cellar which might provide an entry for rodents shall be supplied with a screen or other device which will prevent their entrance.

§ 245-64. Accessory structures.

Accessory structures shall be kept in good repair, free from health, fire and accident hazards and shall be maintained to prevent vermin, insect and rodent harborage.

§ 245-65. Fences and walls.

All fences, stone walls and retaining walls shall be maintained in a structurally sound and safe condition and, where necessary, any materials which are subject to decay shall be protected against such decay or rust by the use of paint or other preservative. Wherever any egress from the structure opens into fenced areas, there shall be a means of egress to any public way adjacent thereto.

§ 245-66. Sidewalks and driveways.

All sidewalks, driveways and curbs shall be constructed of durable and water-resistant material and shall be maintained in a safe and hazard-free condition and in a manner which will permit proper drainage. All sidewalks shall be constructed of concrete or slate.

§ 245-67. Exterior maintenance.

- A. Each exterior wall of a dwelling and accessory structure on the premises and all their structural components subject to decay or corrosion shall be maintained so as to prevent deterioration due to weather and insects and to preserve appearance and longevity.
- B. Without restricting the generality of Subsection A hereof, maintenance includes the application of paint or other preservatives; restoring or repairing of the wall, coping or flashing; waterproofing of joints of the wall itself; installing or repairing of termite shields or using other suitable means.

§ 245-68. Rainwater conductors.

When in the opinion of the Code Enforcement Officer rainwater conductors and downspouts are necessary, they shall be provided and maintained in good condition. Such drainage shall not be directed into the sanitary sewer system.

§ 245-69. Interior doors.

Every interior door shall be maintained in sound condition and good repair.

§ 245-70. Parking lot requirements.

All parking lots which are now or may become substandard by reason of unsafe maintenance or other conditions are deemed to constitute a menace to the safety and welfare of the public. Adequate protection of the public, therefore, requires the establishment and enforcement of the following minimum standards:

- A. Curb cuts. Parking lots shall be arranged to afford ready means of entrance and exit at sidewalk level, and special permits shall be secured for curb cuts from the Code Enforcement Officer.
- B. Protection of adjoining property. At the discretion of the Code Enforcement Officer, a substantial bumper of masonry, steel or heavy timber shall be placed near all interior lot lines to protect structures and property abutting the parking lot. Secured wheel stops may be accepted at the discretion of the inspector.
- C. Surface and drainage. Parking lots shall be a hard surface with a dustless, durable, all-weather pavement or other nonabsorbent material to prevent raising of dust and shall be maintained to prevent drainage onto adjoining property or sidewalk.

§ 245-71. Mechanical projections.

Mechanical equipment projections into the public right-of-way area shall have a minimum clearance above the sidewalk area of seven feet and shall not project more than 14 inches.

§ 245-72. Cooking equipment.

No owner, operator or person shall occupy or let to another person any dwelling or dwelling unit which does not comply with the following minimum standards for cooking equipment, and no dwelling, dwelling unit or premises containing such shall fail to comply with the following minimum standards for cooking equipment. Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

§ 245-73. Responsibilities of owners and occupants.

Where in this chapter the obligation for compliance is not otherwise clearly designated, the respective responsibilities of owner, operator and occupants are as follows:

- A. Every occupant of a dwelling or dwelling unit shall maintain in a clear and sanitary condition that part of the dwelling, dwelling unit and yard which he/she occupies and controls.
- B. Every owner or operator of a two-unit dwelling or multiunit dwelling shall maintain in a clean and sanitary condition the shared public owner- and operator-controlled areas of the dwelling and yard.

§ 245-74. Waste disposal.

Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage and organic waste by placing it in containers which are watertight, rodentproof and are equipped with tight-fitting covers. Every occupant shall provide such facilities for his or her own unit and shall maintain them. The owner or operator of a multidwelling shall furnish common storage and disposal facilities for waste and shall maintain them. Owners and occupants must comply with the recycling and solid waste management ordinances set forth within Chapter 279 of the East Washington Borough Code.

§ 245-75. Extermination of insects, rodents and pests.

- A. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. In a two-dwelling or multidwelling, the occupant shall be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodentproof or substantially insectproof condition, extermination shall be the responsibility of the owner or operator.

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

§ 245-76. Occupant's responsibility for plumbing.

Every occupant of a dwelling unit shall keep all plumbing, kitchen, bathroom and other fixtures in it in a clean sanitary condition and shall exercise proper and reasonable care in their use and maintenance.

§ 245-77. Heating.

From October 1 to May 1, in every dwelling unit when the control of supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68° F. shall be maintained in all habitable rooms, bathrooms and water closet compartments measured at a distance of 36 inches above the floor level in a location where the sensing device is not exposed to a condition of abnormal heat gain or loss.

§ 245-78. Enforcement and responsibility.

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

§ 245-79. Discontinuance of required services, facilities, equipment or utilities.

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required to be supplied under the provisions of this chapter to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs, replacement or alterations are in the process of being made.

ARTICLE IV
Vacant Buildings

§ 245-80. Definitions.

An "unoccupied" or "vacant structure" shall mean any structure or portion thereof not intended for use as a dwelling unit, not being so occupied or not intended to be so occupied within three months.

§ 245-81. Basic equipment facilities.

Every unoccupied or vacant structure must comply with the following minimum standards for basic equipment facilities:

- A. All plumbing fixtures connected to an approved public water system and/or to an approved public sewerage system shall be properly installed and be in sound condition and good repair.
- B. All plumbing fixtures which are connected to an approved public water system and/or to an approved public sewage system which are not properly installed or maintained in sound condition and good repair shall be removed and the service terminated in an appropriate manner.
- C. All plumbing fixtures which are not connected to an approved water system and an approved sewage system shall be removed.

§ 245-82. Electricity.

All unoccupied or vacant structures which are supplied with electricity shall have every existing outlet and fixture properly connected, wiring and service lines installed and maintained in good and safe working condition, or such outlets and fixtures shall be removed and/or the service from the street terminated in a safe and appropriate manner.

§ 245-83. Safety from fire.

All owners of unoccupied or vacant structures shall comply with all regulations of the Department of Labor and Industry and the following additional standards for safety from fire:

- A. No unoccupied or vacant structure shall contain any space utilized for the storage of flammable liquids.
- B. No room within any vacant or unoccupied structure shall be used for storage of junk, rubbish or waste, furniture and building materials not intended to be used in the structure.
- C. Where a vacant or unoccupied structure has a heating plant, it shall be maintained in a safe condition or the plant shall be removed.
- D. At the discretion of the Code Enforcement Officer, all first floor or easily accessible openings shall be boarded. Openings are to be closed with one-half-inch plywood, equivalent or better. Other openings may be ordered boarded at the discretion of the Code Enforcement Officer.

§ 245-84. Safe and sanitary maintenance.

All unoccupied or vacant structures shall comply with the following minimum standards for safe and sanitary maintenance:

- A. Every foundation, exterior wall and exterior roof shall be weathertight, watertight and rodentproof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- B. Every floor, interior wall and ceiling shall be substantially rodentproof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- C. Every window, exterior door and basement or cellar door and hatchway shall be weathertight, watertight, rodentproof and locked and shall be kept in sound working condition and good repair.
- D. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- E. Every yard shall be properly graded to prevent the accumulation of stagnant water.
- F. There shall be a controlled method of disposing of water from roofs by use of gutters and downspouts, which shall be installed and maintained in sound condition, free of leaks and obstructions.
- G. Every structure's cellar, basement and crawl space shall be maintained reasonably free from dampness.
- H. The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick and excessive peeling paint.

§ 245-85. Cooking equipment.

All owners of unoccupied or vacant structures containing any cooking equipment shall be required to see that such facilities are in safe condition or shall cause them to be removed.

§ 245-86. Responsibilities of owners.

All owners of unoccupied or vacant structures shall be required to comply with the following standards:

- A. Any yard appurtenant to an unoccupied or vacant structure shall be cleared and maintained free of trash, solid debris or other material that causes unhealthy or blighting conditions.
- B. Unoccupied or vacant structures shall not be utilized for storage of any materials, whether solid or liquid.
- C. Any owner of an unoccupied or vacant structure found to be infested with rats, termites, roaches or any other insects or vermin shall undertake an expedient means of extermination of such nuisances. Such extermination shall be carried out by an approved exterminator.

- D. An owner shall lock or remove all doors and/or lids on appliances and furniture used for storage in order to deny entry thereto.

§ 245-87. Applicability.

The standards and requirements of §§ 245-80 through 245-86 hereof shall apply as long as any structure remains vacant or unoccupied. Upon occupancy, the other applicable rules and regulations of the Borough of East Washington shall prevail.

ARTICLE V
Nonresidential Standards

§ 245-88. Environmental requirements; minimum standards required.

- A. The provisions of this article shall govern the minimum conditions of nonresidential property and buildings. Every building or structure occupied by humans, and the premises on which it stands, shall comply with the conditions herein prescribed.
- B. No person shall occupy as owner-occupant or let to another for occupancy any structure, building or premises which does not comply with the following requirements.

§ 245-89. Sanitation.

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

§ 245-90. Noxious weeds.

All exterior property areas shall be kept free from all species of weeds or plant growth which are noxious or detrimental to the public health.

§ 245-91. Insect and rodent harborage.

Every owner or occupant of a building, structure or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises. Whenever infestation exists in the shared or public parts of the premises, extermination shall be the responsibility of the owner.

§ 245-92. Accessory structures.

- A. All accessory structures, fences, garages, outhouses, retaining walls, decorative walls and other minor structures shall be maintained structurally sound and in good condition and repair.
- B. Accessory structures shall be kept free from health, fire and accident hazards and maintained to prevent vermin, insect and rodent harborage.

§ 245-93. Grading and drainage.

All premises shall be graded and maintained to prevent accumulation of stagnant water.

- A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant pools. Roof or surface drainage shall not create a structural, safety or health hazard by reason of construction.
- B. Where in the opinion of the Code Enforcement Officer rainwater conductors and downspouts are necessary, they shall be provided and maintained in good condition. The drainage shall not be directed into the sanitary sewer system.

§ 245-94. Parking lots and driveways.

All parking lots and driveways of nonresidential property shall conform to specifications established for residential properties.

§ 245-95. Space, sanitation and occupancy requirements.

Nonresidential buildings occupied in whole or in part, except unattended buildings where there are no permanent employees, shall comply with the following requirements.

§ 245-96. Sanitary facilities.

The following minimum sanitary facilities shall be supplied and maintained in sanitary safe working condition:

- A. Every building or structure shall contain within its walls a room separate from the occupiable space which affords privacy and which is equipped with a water closet.
- B. Shower or wash facilities shall be supplied as required for the use of the building or structure.

§ 245-97. Water and sewer system.

- A. Every sanitary facility required in the use and occupancy of the building or structure shall be properly connected to the public water and sewer system. All sinks, showers or lavatories shall be supplied with hot and cold running water where required.
- B. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at a temperature of not less than 105° F. nor more than 120° F.

§ 245-98. Heating facilities.

Every building or structure shall have approved heating facilities capable of supplying heat to the occupied space requiring heat. The owner shall be required to insure that heating facilities are properly installed, safely maintained and in good working condition and that such facilities

are capable of safely and adequately heating all occupiable spaces such as washrooms and toilet rooms to a temperature of an average of 68° F. The temperature shall be measured at a level of three feet above the floor level and three feet or more from an exterior wall. Chimneys, flues and vents shall be maintained structurally safe, durable, smoke-tight and capable of withstanding the actions of flue gases.

§ 245-99. Rubbish and storage facilities.

Every building or structure shall be provided with approved containers and covers for storage of rubbish and industrial waste, and the owner, operator or agent in control of the building or structure shall be responsible for the removal of such rubbish or industrial wastes. All owners must comply with the Borough's recycling and solid waste management ordinances set forth within Chapter 279 of the Code of the Borough.

§ 245-100. Equipment installation and maintenance.

No person shall occupy as owner-occupant or let to another for occupancy any nonresidential building or structure which does not comply with the following:

- A. All equipment and machinery shall be properly installed and equipped with protective safeguards where necessary.

§ 245-101. Facilities clean and sanitary.

All buildings and facilities shall be maintained in a clean and sanitary condition by the occupant and/or owner so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

§ 245-102. Plumbing.

In buildings and structures, waterlines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects, and toilet rooms without windows to the outdoors shall be properly vented by gravity duct or mechanical means to the outdoors.

§ 245-103. Electrical facilities.

Where it is found, in the opinion of the Code Enforcement Officer, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, he/she shall require the defects to be corrected to eliminate the hazard. If, upon inspection, an electric wiring system is found defective and unsafe, the Building Official may revoke all certificates and permits in effect. Use of such system shall be discontinued until it has been made to conform to approved rules and industry standards.

§ 245-104. Labor and industry certificate required.

No owner, operator or other person shall occupy or let to another person, partnership or corporation any nonresidential structure which does not comply with standards established by the Department of Labor and Industry of the Commonwealth of Pennsylvania and for which a current certificate of occupancy or similar permit has not been issued by the Department of Labor and Industry.