RULES AND REGULATIONS

ARTICLE VI

HOUSES AND COMMUNITY ENVIRONMENT

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ALLEGHENY COUNTY
HEALTH DEPARTMENT

Rules and Regulations

ARTICLE VI. HOUSES AND COMMUNITY ENVIRONMENT

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ARTICLE VI. HOUSES AND COMMUNITY ENVIRONMENT

ADMINISTRATION:

601. PURPOSES.

The purposes of Article VI are to:

Provide regulations that establish minimum standards governing utilities, facilities and other physical factors essential to make dwellings safe, sanitary and fit for human habitation;

Establish minimum standards governing the condition and maintenance of dwellings and premises affecting or likely to affect residents of Allegheny County;

Establish certain responsibilities and duties of owners, operators and occupants of dwellings, vacant lots or premises, and commercial properties, whether occupied or unoccupied;

Establish permit requirements for the operation of rooming houses;

Authorize preliminary area surveys of dwellings, the inspection of dwellings or other premises and vacation or removal of dwellings unfit for human habitation; and

Provide penalties for violations of this Article.

602. STATEMENT OF POLICY.

The establishment and maintenance of proper housing standards and the rehabilitation of housing to meet these standards are essential to the public health, safety and welfare. Inadequate provisions for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, misuse, dilapidation and disrepair of dwellings and other premises, and the occupancy or existence of dwellings unfit for human habitation endangers the health, safety, and welfare of the community.

603. EFFECTIVE DATE.

The provisions of this Article will become effective October 1, 2024.

604. DEFINITIONS The following terms when used in this Article have the meanings indicated in this section, except where the context indicates a clearly different meaning.

ABATEMENT – The removal, stoppage, treatment, or destruction by any reasonable and legal means of the cause or constitution of a nuisance detrimental to public health.

ARTICLE VIII - Allegheny County Health Department, Rules and Regulations, "Solid Waste and Recycling Management."

ARTICLE XI - Allegheny County Health Department, Rules and Regulations, "Hearings and Appeals."

ARTICLE XV - Allegheny County Health Department, Rules and Regulations, "Plumbing and Building Drainage."

ARTICLE XVI - Allegheny County Health Department, Rules and Regulations, "Environmental Health Civil Penalties."

BASEMENT - A story partly below ground of which one-half (1/2) or more of the clear floor to ceiling height is above the average level of the adjoining ground.

CARBON MONOXIDE DETECTOR - An alarm initiating device that detects the presence of carbon monoxide gas.

CELLAR - A story of which more than one-half (1/2) the clear floor to ceiling height is below the average level of the adjoining ground.

CHEWABLE SURFACE - Any interior or exterior surface painted with lead-based paint that a young child can mouth or chew.

CLASS 1 VIOLATION or EMERGENCY CONDITION - A condition which poses a real and immediate threat to life, health and safety of the occupant and/or the general public, or deems it unfit for human habitation.

CLASS 2 VIOLATION- A major health hazard.

CLASS 3 VIOLATION - A condition which represents a hazard or nuisance that poses a risk to health.

CLASS 4 VIOLATION - Any other condition which constitutes a violation of this Article and which contributes to substandard housing, but is not utilized to determine a property unfit for human habitation.

CLASS U VIOLATION – Any other condition which constitutes a violation of this Article but does not contribute to the habitability of a dwelling or dwelling unit and is not utilized to determine a property to be unfit for human habitation.

COMMUNICATING CORRIDOR - In a dwelling unit, an enclosed passageway connecting a habitable room with another habitable room, toilet room or bathroom; in a rooming house, an enclosed passageway that connects a habitable room with another habitable room in the same rooming unit or with a toilet room or bathroom used by the occupant of the habitable room.

DEMOLITION - The dismantling, razing, destroying or wrecking of any building or structure or any part thereof.

DEPARTMENT - The Allegheny County Health Department.

DETERIORATED PAINT - Interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

DOMESTIC ANIMAL - Any animal or bird, including normally wild birds or animals, maintained and/or confined by any person, including but not limited to dogs, cats, livestock, pigeons or other fowl and rabbits.

DWELLING - Any building or structure, or part thereof, which is occupied, intended or designed to be occupied as the residence or sleeping place of one (1) or more persons, including a mobile home, but excluding a trailer. A dwelling may include one (1) or more dwelling units or rooming units or a combination of both.

DWELLING OR DWELLING UNIT UNFIT FOR HUMAN HABITATION - A dwelling or dwelling unit which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe or vermin infested, that it creates a hazard to the safety or welfare of the occupants or the public; or which lacks illumination, ventilation or sanitary facilities adequate to protect the safety or welfare of the occupants or the public; or which, because of its general condition or location, is unsanitary or otherwise dangerous to the safety or welfare of the occupants or the public.

DWELLING UNIT - A room or group of rooms located within any dwelling and forming a single habitable unit with facilities for living, sleeping, cooking, eating, bathing, toilet use, and personal hygiene.

FALL PREVENTION DEVICE - A mechanism manufactured and designed to safely prevent an operable window from opening to allow a four (4) inch diameter sphere to pass through where the openings are in their largest position and with the intention of preventing small children from falling out of open windows.

FRICTION SURFACE- Interior or exterior surface that is subject to regular abrasion or contact, including, but not limited to, certain window, floor, railing and stair surfaces.

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

GUARD - A building component or a system of building components located at or near the opposite sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE ROOM - A room or enclosed floor space occupied or intended to be occupied for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, public halls, communicating corridors, closets and storage spaces.

HAZARD – Any condition which poses a threat to the health or safety of another person.

HEATING SEASON - The period from October first to May thirty-first of the following year.

IMPACT SURFACE – Any interior or exterior surface that is subject to damage by repeated sudden force such as, but not limited to, certain parts of doors and door frames.

INFESTATION - The presence within, around or near a dwelling or premises used by or open to the public of any insects, rodents, animals, birds or other pests where this presence creates a nuisance, or actual or potential hazards to the occupants or users of the premises.

INTERIM CONTROLS - A set of measures designed to temporarily and safely reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

LEAD ABATEMENT- Any measure or set of measures designed to permanently and safely eliminate lead-based paint hazards.

LEAD-BASED PAINT - Paint or other surface coatings that contain lead in excess of one (1.0) milligram per centimeter squared $(mg/cm)^2$ or five-tenths (0.5) percent by weight or, in the case of paint or other surface coatings, such lower level as may be established by the Department.

LEAD-BASED PAINT HAZARD - Any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorating or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate federal agency.

LET - To lease or grant the use and possession of real property whether or not for compensation.

LIGHT HOUSEKEEPING UNIT - A unit constructed with facilities for living and sleeping, including minor facilities for cooking and eating, which includes a sink with hot and cold running water, an approved cooking device and a cabinet for the storage of food and utensils.

LONG-TERM NURSING CARE FACILITY - A facility licensed by the Commonwealth of Pennsylvania that provides medical services and skilled or intermediate nursing care, or both levels of care, to two (2) or more patients who are unrelated to the nursing home administrator, for a period exceeding 24 hours.

MANUFACTURED HOME - A transportable single family dwelling intended for permanent occupancy and constructed as a single unit, designed for repeated towing, or as two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MULTIPLE DWELLING – A building containing two (2) or more dwelling units.

NUISANCE - Those conditions or activities identified by the Department which create an environment actually or potentially attractive to a pest, or create an actual or potential hazard, or which have an adverse impact on the property or premises of another person.

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

OFFENSIVE MATERIAL - Any solid, liquid, or gaseous substance which is perishable, noxious, combustible, or flammable, and creates a hazard.

OPERATOR - Any person or entity 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 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.

This does not include any courts of the Commonwealth of Pennsylvania or of the United States Government, nor does it include sheriffs, constables, prothonotaries or clerks of the courts.

PERSON - A natural person, corporation, partnership or association.

PEST MANAGEMENT - The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible material that may serve as their food or water sources; or by other approved pest elimination methods that will not be injurious to human health.

PESTS - Animals, birds or insects which by their existence or population density in a given area

create a nuisance or transmit disease.

POTABLE WATER - Water with bacteriological and chemical quality conforming to the requirements of public health service drinking water standards or the regulations of the public health authority having jurisdiction.

PREMISES - A lot, plot, parcel of land, easement or public way, including any structure thereon.

PUBLIC SERVICE ROOMING HOUSE - Any rooming house as defined in this Article operated by any school, hospital, government, or any benevolent, educational, philanthropic, humane, patriotic, religious, scientific or eleemosynary organization which offers its services or facilities for free or at a nominal rate to the public in order to act in relief of the public burdens or for the advancement of the public good. This definition does not include any association whose benefits and benevolence are restricted to its members or to a particular person or donor, rather than to the public at large.

PUBLIC WAY – Any street, alley or other parcel of land open to the outside air leading to a public street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than 10 feet.

RECONSTRUCTION - Any construction, renovation or alteration of an existing rooming house that causes a change in the number, size, window area, ventilation, ceiling height or required electrical service to a rooming unit or bathroom. Reconstruction also refers to any change in the required number of bathroom fixtures, removal or change in any required means of egress from or access to the rooming house or rooming units. Reconstruction does not include repairs to a rooming house or rooming unit for maintenance or replacement of existing fixtures or equipment.

REFUSE - All perishable and imperishable solids, except body wastes, including garbage, ashes, and dead animals. Includes combustible waste such as paper, cardboard, plastic containers, vehicle tires, yard clippings, wood and similar materials and noncombustible wastes including tin cans, glass crockery and similar materials.

RESPONSIBLE PARTY - Including but not limited to the owners, owner of record, equitable owner, operator, executor, trustee, tenant, occupant or user, any of whose action or inaction has led to or contributed to a nuisance or actual or potential hazards.

ROOMING HOUSE - Any dwelling or part of any dwelling that contains one (1) or more rooming units, which space the operator has let to four (4) or more persons who are not related by blood, marriage or adoption, including boarding homes, whether or not operated for profit. A dwelling occupied by a group of not more than three (3) persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit and sharing common facilities as considered appropriate for a family related by blood, marriage or adoption is not considered a rooming house under this definition.

ROOMING UNIT - A room or group of rooms located within any dwelling and forming a single habitable unit with facilities for living and sleeping, but not for cooking.

SMOKE DETECTOR - An alarm initiating device that detects the visible or invisible particles of combustion.

SPACE HEATER - A self-contained heating device of either the convection or radiant types which are intended primarily to heat only one (1) room, two (2) adjoining rooms, or some other limited space.

TOILET - A water closet or a flush commode.

605. ENFORCEMENT AUTHORITY AND INTERPRETATIONS.

A. The Department shall administer and enforce the provisions of this Article and any other rule or regulation of the Department.

B. Any city, borough, or township in Allegheny County may enforce the provisions of this Article and the standards adopted by the Department so far as such enforcement does not interfere with enforcement and administration by the Department.

C. When any dwelling contains both dwelling units and rooming units, the dwelling units shall comply with the applicable requirements of this Article for dwelling units and the rooming units shall comply with the applicable requirements of this Article for rooming units. When one (1) or more rooming units in a dwelling which contains both dwelling units and rooming units are let to four (4) or more persons who are not related by blood, marriage, or adoption, the part of the dwelling so used shall also comply with the applicable requirements of this Article for rooming houses.

D. When any building is occupied in part as a dwelling and in part for industrial or commercial purposes, that part of the building occupied as a dwelling shall comply with the applicable requirements of this Article.

E. A manufactured home shall comply with all provisions of this Article, except when this Article is more stringent than the provisions of the United States Department of Housing and Urban Development's (HUD) Office of Manufactured Housing Programs (OMHP), and the manufactured home complies with those standards. In that case, the Department may waive those provisions of this Article which would require a manufactured home to meet a more stringent standard than that required by the OMHP.

F. Compliance with this Article does not eliminate responsibility to comply with any other state, county or municipal law, code or regulation. If any law, code or regulation is more stringent than Article VI, the more stringent shall take precedence.

606. ENTRY AND INSPECTION OF DWELLINGS AND PREMISES.

A. Subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania, and in order to carry out the purposes and provisions of this Article, the Department, upon showing proper identification, may enter and inspect any dwelling or premises at all reasonable times and in the event of an exigent public health emergency. The owner, operator or occupant of any dwelling or premises shall give the Department free access for the purpose of such inspection. The operator of a rooming house shall maintain a means of access to all areas of the premises for the purpose of an inspection by the Department. When a premises is occupied and the occupants refuse entry, the Department is authorized to gain entry upon showing a proper inspection warrant or by any remedy provided by law. In such cases where a premises is found to be unoccupied, except for emergencies, the Department shall make a reasonable attempt to locate the owner or operator of the premises and request entry.

B. The occupant of a dwelling unit, rooming unit or light housekeeping unit shall provide the owner or their authorized agent entry to the dwelling unit, rooming unit or light housekeeping unit at all reasonable times for the purpose of complying with any provision of this Article or with any other regulation of the Department.

607. PENALTY NOTICE.

A. When the Department determines that a penalty is appropriate in response to a cited

violation of any provision of this Article or any other Department regulation, the Department shall give notice as follows to the party(ies) responsible for compliance under the regulation.

B. The notice shall:

1. Be in writing;
2. Include a statement of the violation;
3. Specify a reasonable time for the performance of any act it requires; and
4. Inform the party(ies) responsible for compliance of their right to an appeal.

C. The notice shall be served:

1. By handing a copy to the responsible party(ies) personally, or by handing a copy to an adult person at the residence, or place of business, of the responsible party(ies) or an employee of the responsible party(ies); or
2. By sending a copy to the last known address of the responsible party by regular mail; or
3. By posting a copy in a conspicuous place in or about the dwelling or premises; or
4. By delivering a copy in any other manner as prescribed by local law.

D. This Section shall not apply to Sections 610, 616 through 619, 645 and 660 of this Article.

608. PENALTIES.

A. Summary Offenses -- Any person who violates any of the provisions of this Article or any Rule or Regulation of the Department, or who interferes with the Department or any other agent of the Department in the discharge of his official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense is committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than $30 dollars nor more than $300 dollars and, in default thereof, to undergo imprisonment of not less than 10 days nor more than 30 days.

B. Misdemeanors -- Any person who violates any of the provisions of this Article or any Rule or Regulation of the Department, or who interferes with the Department or any other agent of the Department in the discharge of their official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than $500 dollars nor more than $1,000 or to undergo imprisonment not exceeding one (1) year or both.

C. Separate Offenses -- For the purpose of this Section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this Article shall constitute a separate offense.

D. Civil Penalties -- Pursuant to the provisions of Article XVI "Environmental Health Civil Penalties", any person who violates any of the provisions of this Article may be assessed a civil penalty whether or not the violation is willful.

E. Other Remedies Provided by Law – In addition to the penalties provided in this Section, the Department may institute any appropriate action or proceeding at law or in equity to prevent or restrain a violation of this Article and in furtherance of the Department's mission to protect public health.

609. APPEALS.

Any person or party(ies) aggrieved by any action of the Department or by any order, notice, decision, or determination issued by the Department may file an appeal in accordance with Article XI.

610. EMERGENCY ORDERS.

When the Department determines that an emergency exists which necessitates immediate action to protect the public health, safety or welfare, the Department may, without prior notice, issue an order identifying the existence of the emergency and requiring whatever action the Department deems advisable to meet the emergency, including direct abatement as defined in Section 667. An emergency order shall be effective when it is executed, notwithstanding the provisions of Sections 607 and 609, and shall be complied with immediately. Verbal orders issued under this Section shall be put into writing soon as is reasonably possible and served or communicated as required by Section 607.

611. NONCOMPLIANCE WITH ORDERS.

In the event of the failure to comply with an order issued pursuant to any section of this Article, the Department may institute appropriate actions or proceedings at law or in equity to restrain, correct or abate the violation of the order, or the Department may cause the order to be carried out at the expense of the County. The County may recover the amount of the expense by an action provided by law or, where appropriate, in a manner provided by law for the collection of municipal claims.

ROOMING HOUSE PERMITTING REQUIREMENTS:

612. REQUIREMENTS FOR ROOMING HOUSE PERMITS.

A. No person or entity may operate a rooming house without a valid rooming house permit issued by the Department.

B. Application for a rooming house permit shall be made by the operator to the Department. The application shall include:

1. The name, address and telephone number of the local operator, and the name, address and telephone number of the owner if the operator is not the owner;

2. The location of the rooming house including the street and number of each entrance;

3. The proposed number of rooming units for occupancy and the proposed number of persons who may be accommodated in accordance with the provisions of this Article; and

4. Any other information as the Department may require.

C. A permit shall be issued by the Department to the operator upon reasonable proof:

1. That the rooming house complies with the applicable provisions of this Article; and

2. That there has been compliance with the provisions of applicable Allegheny County Health Department Rules and Regulations.

D. In the event a permit is denied, the Department shall give prompt written notice to the applicant and inform them of their right to an appeal.

E. Each person or entity who applies for a permit shall be required to pay fees applicable to the operation being applied for as set forth in the Housing Plan Review Fee Schedule.

F. All permit, plan review, and inspection fees shall be set forth in a schedule as determined by the Department upon consultation with the Board of Health.

G. The permit or facsimile shall be posted in a conspicuous place near the main entrance of the rooming house.

H. The operator shall promptly notify the Department of any transfer of the premises to a new owner or operator.

I. All public service rooming houses shall be fee exempt. Any rooming house seeking exemption pursuant to this Section shall make written application to the Department and shall provide proof of their qualification for exemption.

J. All rooming houses which are hereafter constructed or reconstructed shall conform to the requirements of this Article. Properly prepared plans for all rooming houses which are hereafter constructed or reconstructed shall be submitted to the Department for approval.

K. All rooming houses which are hereafter constructed or reconstructed shall have a potable water supply which meets at a minimum the standards promulgated under the Pennsylvania Safe Drinking Water Act of 1984, as amended, and the regulations adopted thereunder, and comply with required monitoring.

613. FAILURE OF OPERATOR TO OBTAIN A ROOMING HOUSE PERMIT.

Any person or entity that operates a rooming house without a valid permit issued by the Department, or who continues to operate a rooming house after the Department has revoked a permit, or who violates any other provision of Section 612 is subject to prosecution in accordance with Section 608, without the notice and appeal provided by Sections 607 and 609.

614. SUSPENSION AND REVOCATION OF ROOMING HOUSE PERMITS.

A. When the Department determines that conditions or practices exist in the operation of a rooming house which is in violation of this Article, the Department shall give notice to the operator under the procedure provided by Section 607.

B. If the Department determines that an emergency exists which necessitates immediate action to protect the public health, safety or welfare, the Department may suspend the rooming house permit upon notice to the operator until the suspension is lifted by compliance with the notice or order of the Department, or until the permit is revoked by failure to comply with the order of the Department.

C. When a rooming house permit has been suspended or revoked, the operator shall immediately cease operation of the rooming house and no person may occupy any rooming unit within it.

615. REVIEW OF PLANS AND FEES FOR ROOMING HOUSES.

A. No rooming house shall be constructed or reconstructed, or no existing structure shall be converted to a rooming house, except in accordance with plans and specifications approved by the Department.

B. When a rooming house is to be constructed or reconstructed, or when an existing structure is being converted to a rooming house, plans and specifications shall be submitted to the Department prior to such construction, reconstruction or conversion. These plans and specifications shall include:

1. Floor plan(s) and elevations drawn to scale;

2. Window schedules showing dimensions;

3. Payment of the appropriate fee(s) established by the Department; and

4. Any other information as the Department may require.

C. When a plan is disapproved or determined to be incomplete, the Department shall notify the applicant and inform them in writing of the deficiency or reason for disapproval.

D. Incomplete plans may be resubmitted for review with no additional fees. Disapproved plans may be resubmitted for review once without incurring additional fees.

E. When plans are required as described in this section, an inspection by the Department shall be conducted prior to occupancy of any rooming unit. The applicant shall provide at least 10 days notice to the Department prior to the scheduling of such inspection.

F. No refunds of fees will be made for plans which are incomplete or disapproved.

VACATION, DEMOLITION, EMERGENCY VACATION OF A DWELLING:

616. VACATION OF A DWELLING.

If an owner fails to comply with an order to repair or alter a dwelling unfit for human habitation, or where emergency conditions exist, the Department may issue a further written order requiring all occupants to vacate the dwelling. Service of the order shall be made in accordance with Section 620. Upon issuance of an order to vacate, the Department may placard the dwelling to order vacation. The tenant or owner of the dwelling shall be liable for failure to vacate the dwelling as required by this Section.

617. DEMOLITION OF A DWELLING.

The Department may make periodic inspections of any dwelling ordered to be vacated in accordance with Section 616, or any other vacant dwelling. When an inspection of a dwelling reveals that the dwelling is a public nuisance or a serious hazard to the health, safety or welfare of the public, the Department may issue an order requiring the owner, within a reasonable time specified in the order, to remove or demolish the dwelling. This removal or demolition shall be performed in compliance with all applicable regulations and standards set forth by the Department to include Articles XXI and XV. Service of the order shall be made in accordance with Section 620. Any person aggrieved by the order may file an appeal in accordance with Article XI.

618. EMERGENCY HOUSING DWELLING.

A. When the Department determines that an emergency exists which, for the protection of the public health, safety or welfare, necessitates the vacation of a dwelling the Department may without prior notice issue an order identifying the existence of the emergency and requiring whatever action the Department deems advisable to meet the emergency, which may include requiring the owner or operator, at the owner or operator's expense, to temporarily rehouse the tenant while the cited emergency condition exists. The order shall be effective

upon service and shall be complied with as specified in the order. If the owner fails to comply with the order, the Department may issue a further order requiring all occupants to vacate the dwelling. Service of any order required by this Section shall be made in accordance with Section 620.

B. If the Department determines that it is necessary to carry out an Order requiring rehousing of tenants, it shall be at the discretion of the County Manager to designate which County Agency shall effectuate the provisions of the Order.

C. When any County Agency effectuates an Emergency Order under Section 618, the Department shall, upon the correction of the emergency condition, issue to the owner or operator a statement of the costs of rehousing which may include the effectuating County Agency's actual cost of rehousing tenants plus an administrative fee owed to the Department, not to exceed 10% of that cost.

619. CHANGES IN RULES AND REGULATIONS FOR ALTERATION, DEMOLITION, VACATION AND EMERGENCY VACATION OF A DWELLING.

The Department may enforce any order issued under Sections 616 through 620 on alteration of a dwelling, for the vacation of a dwelling, for the demolition of a dwelling, or for the emergency vacation of a dwelling in accordance with Section 611 regarding noncompliance with orders.

620. SERVICE AND POSTING OF NOTICES AND ORDERS FOR ALTERATION, DEMOLITION, VACATION AND EMERGENCY VACATION OF A DWELLING.

A. Every notice or order required by Sections 616 through 619 shall be served in the following manner:

1. By handing a copy to the responsible party(ies) personally, or by handing a copy to an adult person at the residence of the responsible party(ies) or an employee of the responsible party(ies); or

2. By sending a copy to the last known address of the owner by regular mail; or

3. By presenting a copy to the agent of the owner, to the operator, or to an adult occupant of the dwelling; or

4. By delivering a copy in any other manner as prescribed by local law.

B. In addition, a copy of the notice or order shall be posted in a conspicuous place on the dwelling.

GENERAL STRUCTURE AND PREMISES:

621. RESPONSIBILITY FOR COMPLIANCE.

The responsibility for compliance with the applicable requirements of Sections 622 through 625 shall be upon the owner or operator.

622. PRINCIPAL COMPONENTS.

Every exterior wall, roof and foundation shall be weathertight and watertight. Every floor, wall and ceiling shall be sound and tight. All components of the structure shall be kept in good repair and in safe condition.

623. STAIRS AND WALKING SURFACES.

A. Every inside and outside stairway, every porch and every other appurtenance to the structure shall be so constructed as to be safe for use, shall be kept in sound condition and good repair.

B. Every interior and exterior stairway having four (4) or more risers shall have at least one (1) well-secured handrail, which extends the full length of the stairway. Handrails shall not be less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the floor of the landing.

C. Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is 30 inches above the floor or grade below must have guards. Required guards shall not be less than 30 inches in height over the floor of the walking surface. Required guards shall not have openings that allow passage of a sphere four (4) inches in diameter from the walking surface to the required guard height.

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

624. OPENINGS.

A. Every window, exterior door and basement hatchway shall be weathertight and watertight and shall be kept in sound working condition and good repair.

B. All entrance doors into a dwelling unit or rooming unit shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys or special knowledge or effort, and that is maintained in good condition and shall secure the door tightly. The deadbolt shall have a minimum throw of one (1) inch and be installed in accordance with the manufacturer's instructions. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

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

D. All exterior windows that are capable of being opened and all other potential means of egress shall be equipped with hardware for latching.

E. If the vertical distance from the top of the sill of an exterior window opening to the finished grade or other surface below is greater than 72 inches, and the vertical distance from the top of the sill to the floor of the room is less than 24 inches, the window shall have a fall prevention device installed in good working condition and in compliance with manufacturer instructions to prevent a small child from falling out of an open window. The fall prevention device for a window that provides access to a fire escape or is otherwise designated for emergency egress shall be designed for safe emergency egress without the need for a key, tool, or special knowledge.

625. EGRESS.

Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading into the public way.

626. GRADING AND DRAINAGE

Premises shall be graded and maintained to prevent the erosion of the soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

627. ACCESSORY STRUCTURES

Every owner of a premises and every operator of a rooming house shall maintain the dwelling and premises, including all fences, enclosures and appurtenances, in sound condition and good repair.

UTILITIES AND FIXTURES:

628. RESPONSIBILITY FOR COMPLIANCE.

Except as provided in Section 631, the responsibility for compliance with the applicable requirements of Sections 629 through 637 shall be upon the owner or operator.

629. ELECTRICITY SUPPLY.

Every dwelling unit and every rooming house within 300 feet of power lines shall be supplied with electricity. Dwelling units shall be served by at least a three-wire, 120/240 volt, single phase electrical service having a minimum rating of 60 amperes.

630. ELECTRIC FIXTURES AND OUTLETS.

A. Every outlet and fixture shall be properly installed, maintained in good and safe working condition and connected to the source of electric energy in a safe manner. Every habitable room in a dwelling supplied with electric service shall contain at least two (2) separate baseboard or wall type electric convenience outlets or one (1) such convenience outlet and one supplied ceiling or wall type electric light fixtures or any other fixtures or devices as will provide equivalent electric service. All other rooms and every communicating corridor, public hall and stairway shall contain at least one ceiling or wall type electric light fixture or any other fixture or device as will provide equivalent electric service.

B. Every room containing a toilet, lavatory sink, bathtub, or shower stall shall contain not less than one duplex outlet. Every duplex electric convenience outlet in a room containing a toilet, lavatory sink, bathtub, or shower stall shall be protected by a ground fault circuit interrupter.

C. Every room, including basements and cellars, containing a sink where an electrical convenience outlet is installed within six (6) feet of the outside edge of the sink and is readily accessible to occupants shall be protected by a ground fault circuit interrupter.

D. Exterior convenience electrical outlets that are readily accessible to occupants shall be protected by a ground fault circuit interrupter.

E. Every hallway, communicating corridor, and stairway in every dwelling shall have not less than a 60-watt standard incandescent light bulb or equivalent for each 200 square feet which shall be provided at all times or shall have conveniently located light switches that can be turned on when needed. The Department may require the adequate lighting at all times of any public hall or stairway leading to one (1) or more dwelling units or rooming units in any building or structure occupied in part as a dwelling and in part for industrial or commercial purposes.

631. HEATING.

A. Every dwelling occupied during the heating season shall have heating facilities which are properly installed, maintained in a safe and good working condition, and capable of safely and adequately heating all habitable rooms, rooms containing a toilet, bathtub or shower, communicating corridors within dwelling units, and community corridors within rooming houses from rooming units to rooms containing a toilet, bathtub or shower.

B. A temperature of at least 68 degrees Fahrenheit shall be provided in all dwelling units regardless of thermostat location when the outside temperature is 10 degrees Fahrenheit or above during the heating season.

C. At no time shall the temperature in the areas specified in Section 631A be less than 61

degrees Fahrenheit when the outside temperature is below 10 degrees Fahrenheit.

D. Responsibility for compliance with this Section shall be upon the owner or operator of any dwelling, dwelling unit, light housekeeping unit or rooming unit, except where the occupant of a dwelling unit agrees in writing to furnish the required heating devices. If an occupant has agreed to provide heating devices, the owner or operator shall provide sufficient flue connections, fuel connections and fuel storage facilities at convenient points so as to permit the proper installation of such heating devices.

E. The Department may prohibit the use of any heating device which the Department has determined to be a danger to health or safety. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

F. For the purposes of this Section, all temperatures shall be measured at a distance of at least three (3) feet above the floor level and no closer than two (2) feet from an outside wall.

632. WATER SUPPLY.

A. Every dwelling unit and rooming house shall be supplied with piped running potable water provided in accordance with the current International Plumbing Code to every required fixture connected with the water supply and drainage system**.**

B. Every dwelling within 150 feet of a public water supply shall be connected to that public water supply.

633. WATER HEATING FACILITIES.

A. Every dwelling shall have water heating facilities which are properly installed, maintained in safe and good working condition, and properly connected with the water supply system required in Section 632.

B. Hot water shall be provided at a temperature of not less than 110 degrees Fahrenheit measured at the tap in an adequate amount at every required kitchen sink, lavatory basin, bathtub**,** or shower.

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.

634. INSTALLATION AND MAINTENANCE.

A. Every gas pipe, water pipe, waste pipe, drain, vent, gas burning fixture, any required fixture connected with the water supply and drainage system, together with all connections to water, sewer or gas lines, shall be cleanable and shall be installed and maintained in good, sanitary condition, free from defects, leaks and obstructions, and in accordance with the Rules and Regulations of the Department and current International Fuel and Gas Code. Any fixture required by this Article connected to the water supply system and/or sewage system shall comply with the requirements of Article XV. Every kitchen sink, lavatory basin, bathtub, or shower required in Sections 635 through 637 shall be supplied with hot and cold piped running water.

B. Every dwelling or rooming house shall have an approved operating sewage disposal system as required by state and county regulations.

C. Every dwelling unit shall have adequate connections located in the kitchen for the safe and efficient installation and operation of a stove for the preparation and cooking of food.

D. Clothes dryer exhaust systems shall be independent of all other ventilation and exhaust systems and shall be exhausted outside the structure or in accordance with the manufacturer's instructions.

635. KITCHEN SINKS.

Every dwelling unit or rooming house where a common kitchen is provided shall contain an installed kitchen sink in the kitchen. Cabinet units in which kitchen sinks are installed shall be maintained in good repair.

636. TOILETS, LAVATORY BASINS AND BATHTUBS OR SHOWERS IN DWELLING UNITS.

Every dwelling unit shall be provided with at least one (1) toilet, one (1) lavatory basin and one (1) bathtub or shower within the dwelling unit. The lavatory basin required in this section must be in addition to the kitchen sink required in Section 635.

637. TOILETS, LAVATORY BASINS AND BATHTUBS AND SHOWERS IN ROOMING HOUSES AND FOR LIGHT HOUSEKEEPING UNITS.

A. There shall be at least one (1) toilet and one (1) lavatory basin for every ten (10) persons or fraction thereof. There shall be at least one (1) bathtub or shower for each eight (8) persons or fraction thereof. In a rooming house where rooming units are let only to males, flush urinals may be substituted for not more than one-half (1/2) of the required number of toilets. When multiple toilets exist within the same room each toilet shall be enclosed within its own privacy stall.

B. In any dwelling in which toilets, lavatory basins, bathtubs or showers are shared by the occupants of more than one (1) light housekeeping unit or rooming unit, such facilities shall be readily accessible and so located as not to require going through another light housekeeping unit or rooming unit.

C. Rooming houses licensed as nursing homes or personal care boarding homes by the Commonwealth shall comply with the standards set forth by the Commonwealth.

RESPONSIBILITY OF OCCUPANT AND LANDLORD:

638. OCCUPANT RESPONSIBILITY.

A. Every occupant of a dwelling unit shall keep all electric, heating and water supplied fixtures and all other facilities in a clean and sanitary condition and shall exercise reasonable care in their proper use and operation.

B. The occupant shall report unsafe or unhealthy conditions that may require repair to the owner in a timely manner.

C. The occupant shall work with the owner to ensure pest-free conditions in accordance with integrated pest management.

D. The occupant shall keep personal property in such a manner as to allow for clear egress from all rooms in the event of an emergency.

E. The occupant shall not hang or place personal property in such a way as to obstruct, block, or conceal an exit.

F. The occupant shall keep personal property free and clear from the front of any boilers,

furnaces or water heaters by a distance of at least 30 inches. The owner or operator shall keep the area in front of any boilers, furnaces, or water heaters free and clear by at least 30 inches from any property for which they are responsible.

G. No occupant shall permit, deposit, store, or hold any offensive material on or in any dwelling unless such material is so stored, screened, covered, handled or placed so as not to create a hazard. All containers storing such material shall completely confine the material.

639. LANDLORD RESPONSIBILITY.

The responsibility for compliance with the applicable requirements of Sections 640 through 650 shall be upon the owner or operator.

BATHROOMS AND TOILET ROOMS:

640. LOCATION AND ARRANGEMENT.

All toilets, bathtubs and showers shall be located within the dwelling unit in rooms which afford privacy. Bathtubs and showers need not be located in the same room as toilets but every room which contains a toilet shall have readily accessible lavatory facilities. No toilet may be located in a sleeping room.

641. WINDOWS AND VENTILATION.

Every bathroom and toilet room shall comply with the window area and ventilation requirements for habitable rooms contained in Sections 649 and 650 unless a mechanical ventilation duct directly to the outdoors is provided. Air exhausted by a mechanical ventilation system from a bathroom or toilet room must provide a minimum of six (6) air changes per hour, and shall discharge to the outdoors, and shall not be recirculated.

642. FLOORS.

Every bathroom, toilet room and shower room floor shall be so constructed and maintained to be a smooth, hard, nonabsorbent surface capable of being kept in a clean and sanitary condition at all times.

FIRE AND PERSONAL SAFETY

643. SMOKE AND CARBON MONOXIDE DETECTORS.

A. Single and multiple-station smoke detectors shall be of an approved type and shall be installed and maintained in full operating condition in accordance with manufacturer's instructions and the provisions of this Article as follows:

1. **Rooming Houses** - Single or multiple-station smoke detectors shall be installed and maintained in the following locations:

1.1. In all sleeping rooms;

1.2. In every room in the path of the means of egress from a sleeping room to the door leading from the rooming unit; and

1.3. In each story within the rooming house, including basements and cellars.

2. **Dwelling Units of Multiple Dwellings** - Single or multiple-station smoke detectors shall be installed and maintained in the following locations:

2.1. At or within 21 feet of the door measured along the path of travel from every sleeping room; and

2.2. In each story within the dwelling unit, including basements and cellars.

3. **Dwelling Units in Dwellings Containing Two (2) or Less Dwelling Units** - Single or multiple-station smoke detectors shall be installed and maintained as follows:

3.1. At or within 21 feet of the door measured along the path of travel from every sleeping room; and

3.2. In each story within the dwelling unit, including basements and cellars.

4. **Exceptions**:

4.1. In rooming units and 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 (1) full story below the upper level.

4.2. In structures equipped throughout with an approved automatic sprinkler system, smoke detectors are not required in sleeping rooms equipped with residential sprinklers.

B. Every owner and operator shall be responsible for providing and maintaining all required smoke detectors in proper operating condition.

C. If a dwelling is equipped with battery operated smoke detectors, the owner or operator shall be responsible for providing proper batteries to smoke detectors which are in rooming units, light housekeeping units and common areas. The occupant of a dwelling unit shall be responsible for providing proper batteries to smoke detectors within their dwelling unit.

D. Single and multiple-station carbon monoxide (CO) detectors shall be of an approved type and shall be installed and maintained in full operating condition in accordance with manufacturer's instructions and the provisions of this Article as follows:

1. Carbon monoxide detectors shall be required in all dwellings where one of the following conditions exists:

1.1 A part of the dwelling is undergoing renovation or construction.

1.2 The premises contains a fuel-fired appliance or operational, fuel-burning fireplace.

1.3 The premises has an attached garage with an opening that communicates with the dwelling.

2. When carbon monoxide detectors are required, they shall be installed within the immediate vicinity of each sleeping area room and on every story of the dwelling, including within a basement or cellar.

3. Every owner and operator shall be responsible for providing and maintaining all required carbon monoxide detectors in proper operating condition.

4. If a dwelling is equipped with battery operated carbon monoxide detectors, the owner or operator shall be responsible for providing proper batteries to carbon monoxide detectors which are in rooming units, light housekeeping units and common areas. The occupant of a dwelling unit shall be responsible for providing proper batteries to carbon monoxide detectors within their dwelling unit.

5. Operational combination carbon monoxide/smoke alarms shall be permitted to be used in lieu of carbon monoxide detectors and smoke alarms.

OCCUPANCY REQUIREMENTS FOR HABITABLE ROOMS:

644. ACCESS TO SLEEPING ROOMS AND ROOMING UNITS.

No dwelling or rooming house shall have such room arrangements where access to a sleeping room or rooming unit can be gained only by going through a bathroom or toilet room. Access and egress for each rooming unit shall be provided without passing through another rooming unit.

645. OCCUPANCY OF BASEMENTS AND CELLARS.

A. No basement or cellar shall be occupied as a dwelling unit or habitable room unless there is compliance with the following requirements.

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

2. Each room shall comply with Sections 649 and 650. Any room intended to be used for sleeping purposes shall have at least one (1) window which can be opened from the inside. Such windows shall have a minimum clear opening of five and seven-tenths (5.7) square feet, at least 24 inches in height and no less than 20 inches in width. The finished sill shall be not more than 48 inches above the floor. If the window, or any part of it, is located below grade, an exterior excavation shall be made from grade level to at least six (6) inches below the sill. The horizontal area of the window well shall not be less than nine (9) square feet with a horizontal projection and width of not less than 36 inches. If the top of the windowsill is 48 inches or more below grade, a stairway to grade shall be provided. A door leading directly to the outside and exiting into the public way may be provided in lieu of the specified window.

3. The ceiling height shall be at least 84 inches. Duct work, pipes, structural components, and any other appurtenances suspended from or affixed to the ceiling must be at least 78 inches above the floor.

646. CEILING HEIGHTS.

The ceiling height of any habitable room, hallway, corridor, laundry area, bathroom, or toilet room shall be at least 84 inches, except that in any habitable room with a sloping ceiling, at least one-third (1/3) of the floor area shall have a ceiling height of at least 84 inches. The floor area of any room where the ceiling height is less than 60 inches shall not be considered part of the floor area in computing the floor areas under Sections 647 and 648.

647. TOTAL FLOOR AREA.

Every dwelling unit shall contain at least 150 square feet of floor area for the first occupant and at least 100 additional square feet of floor area for each additional occupant. Total floor area shall

be calculated by adding the floor areas of all habitable rooms within the dwelling unit. Habitable rooms, other than kitchens, shall be not less than seven (7) feet in any horizontal dimension. Kitchens shall have a minimum clear passageway of three (3) feet between counterfronts and appliances or counterfronts and walls.

648. SLEEPING ROOM AREA.

A. Every room occupied for sleeping purposes in dwelling units shall contain at least 70 square feet of floor area for the first occupant and at least 50 additional square feet of floor area for each additional occupant 12 years of age or over.

B. Every room in a rooming house occupied for sleeping purposes by one (1) occupant shall contain at least 70 square feet of floor area. Every room in a rooming house occupied for sleeping purposes by more than one (1) occupant shall contain at least 50 square feet of floor area for the first occupant and at least 50 square feet of floor area for each additional occupant 12 years of age or over.

649. NATURAL ILLUMINATION.

Every habitable room shall have at least one (1) window facing directly to the outdoors. The minimum total window area measured between stops for every habitable room shall be eight (8) percent of the floor area. A skylight-type window is considered a window.

650. VENTILATION.

A. Every habitable room shall have at least one (1) window which can be opened easily, or any other device as will adequately ventilate the room. If a window is the only means of ventilation, the total openable window area in every habitable room shall be at least 45 percent of the minimum glazed area as required in Section 649. Any window opening onto a glass enclosed porch shall not be included in determining the openable window area.

B. Compliance with the requirements of this Section may be achieved by a mechanical ventilation duct directly to the outdoors, provided that the minimum air changes per hour conform to the mechanical ventilation standards applicable in the current International Mechanical Code or comply with the following standards:
   1. Kitchens- three (3) air changes per hour;

   2. Habitable rooms- two (2) air changes per hour.

LEAD HAZARDS:

651. LEAD HAZARDS.

A. When the Department determines that the presence of lead-based paint or a lead-based paint hazard on any premises creates a hazard to any child or other person, the Department may issue an order to the owner or operator to eliminate the hazard within a reasonable period prescribed by the Department.

B. The Department shall determine which lead-based paint hazards fall into which of the below categories for purposes of determining the minimum necessary actions to be taken. Lead-based paint or lead-based paint hazard categories shall, at a minimum, be addressed in the following manner:

   1. Friction surfaces: surfaces with lead dust levels equal to or greater than the dust-lead hazard levels set forth by the EPA shall be abated.

2. Impact surfaces: lead-based paint subject to impact shall either be abated or modified to protect the surface from further impact.

3. Chewable surfaces: any lead-based paint on a chewable surface that shows evidence of chewing shall be abated.

4. Deteriorated lead-based paint or any lead-based paint hazards not meeting categories enumerated above shall be addressed with appropriate interim controls.

C. The owner shall ensure that any lead abatement, treatment, modifications, or interim control methods comply with all applicable federal, state, and local regulations including, but not limited to, the standards set forth by the Pennsylvania Department of Labor and Industry as authorized by 1995 Act 44.

D. No person shall apply or cause to be applied any lead-based paint or lead-based paint hazard on or within a premises containing a dwelling.

E. No part of this section shall preclude an owner from further abating a lead hazard if such lead abatement complies with applicable federal, state, and local regulations as well as the standards set forth by the Pennsylvania Department of Labor and Industry as authorized by 1995 Act 44.

PEST CONTROL:

652. PROTECTION.

A. No person shall occupy as an owner-occupant, or let to another for occupancy, any dwelling, unless every foundation, floor, wall, ceiling, roof, window, exterior door and basement hatchway is free from openings large enough to permit the entry of rodents.

B. No person shall occupy as an owner-occupant, or let to another for occupancy, any dwelling, unless every basement or cellar window, used or intended to be used for ventilation, and every other opening to a basement or cellar which may permit the entry of rodents is supplied with a protective device which will effectively prevent the entry of rodents.

C. When the Department determines that the presence of mosquitoes, flies, or other insects in any area of the County constitutes a danger to public health, the Department may require that all dwellings in the area are in compliance with the following provisions during such times of the year as the Department deems necessary:

1. Every window or other openings to outdoor space used or intended to be used for ventilation shall have screens or any other device that prevents the entry of pests.

2. The owner or operator shall supply and the occupant of a dwelling unit shall hang screens required under the provisions of this Section except where the owner or operator and occupant have agreed otherwise as to who shall supply and hang the screens.

D. No person shall maintain or permit to be maintained any - holding feature, including but not limited to: pools, impoundments, catchment basins, depressions, drainage ditches, ponds, scrap tires, containers, receptacles, or gutters, containing water in such condition that breeding of pests therein may create a hazard or nuisance.

E. No person or municipality shall maintain a premises so as to cause the development of

nuisance pests.

F. No person shall maintain, create or fail to eliminate a food source condition that creates or contributes to a pest problem.

1. Feeding of any birds and/or animals shall be done in such a manner so as not to create a pest nuisance to residents, occupants or users of a premises. When the Department determines that the feeding of birds or animals has created a nuisance, the Department may order the party(ies) feeding to cease such activity.

2. Any food source utilized by a pest shall be eliminated by the owner of the property or other responsible party.

653. MAINTENANCE.

A. No person shall maintain animals so as to create a nuisance by reason of animal waste, bedding, food, pests or odors. Any person who maintains animals shall clean up and properly dispose of all animal waste generated so that such waste does not create a nuisance by reason of odors or pest attraction. The Department may specify a schedule of maintenance.

B. It shall be the responsibility of the owner of any property to promptly remove and properly dispose of any dead animals located on their property.

C. Composting of yard wastes and organic materials shall be conducted so as not to create a pest nuisance, actual or potential hazard, odors or other nuisance. The Department may evaluate a home recycling system and specify methods or materials required for operation to prevent or eliminate a nuisance. The Department may order the suspension of composting and recycling of wastes when the Department determines it contributes to an actual or potential hazard or nuisance.

D. No person shall maintain a building or premises, occupied or not, whereby its deterioration, unsealed openings or other characteristics create a pest attraction, nuisance or hazard.

1. It shall be the responsibility of the owner of a vacant structure to maintain the structure in a condition where all openings are sealed to prevent the entry and attraction of pests and to prevent a nuisance or hazard.

2. It shall be the responsibility of the owner of a vacant premises or lot to maintain the property in a condition to prevent the entry, attraction or breeding of pests and to prevent a nuisance or hazard.

E. Any premises determined by the Department to be a nuisance by reason of unrestricted plant growth shall be maintained so as to restrict such growth to 10 inches or less. In single family dwellings, the occupant shall be responsible for compliance with this section.

654. RESPONSIBILITY FOR GENERAL MEASURES.

A. The occupant of a one-family dwelling shall be responsible for pest elimination on the premises. When the infestation in either a single or multiple unit dwelling is caused by failure of the owner to maintain the dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

B. The owner of a multiple dwelling or rooming house shall be responsible for pest elimination in the public and shared areas of the structure and exterior property. If the infestation is caused by the failure of an occupant to prevent such infestation in the area occupied, the

occupant and owner shall be responsible for pest elimination. If the tenant is found not to have contributed to the infestation, the owner will be responsible.

REFUSE:

655. FACILITIES REQUIRED.

The owner of every occupied premises shall supply covered containers for refuse that are acceptable to the Department. The owner shall be responsible for facilitating collection of refuse. Refuse storage containers shall be made of metal or an equivalent material and be provided with tight covers which shall be kept securely closed at all times. The total capacity of the provided containers shall be sufficient to store the occupant's trash between scheduled collection times. The type and location of refuse storage and disposal facilities shall be subject to approval by the Department and meet the standards set forth in Article VIII.

656. RESPONSIBILITY FOR PROPER STORAGE AND DISPOSAL.

A. The occupant of every dwelling unit or rooming unit shall be responsible for the storage of refuse in a clean and sanitary manner in accordance with the provisions of this Article and in compliance with any other Rules and Regulations of the County or local jurisdiction, including placing such refuse in an approved refuse disposal facility or approved refuse containers. In the case of multiple dwellings and rooming houses, the owner or operator shall be responsible for maintaining the shared refuse storage facilities in a clean and sanitary manner.

B. Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on the premises without first removing the doors.

GENERAL ROOMING HOUSES REPAIR AND MAINTENANCE:

657. ROOMING HOUSES.

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

GENERAL SANITATION:

658. UNIT OCCUPANT RESPONSIBILITY.

Every occupant of a dwelling unit, light housekeeping unit or rooming unit shall keep that part of the dwelling and premises which they occupy and control in a clean and sanitary condition, free from any accumulation of dirt, refuse, debris or other matter.

659. OWNER RESPONSIBILITY FOR SHARED OR PUBLIC AREAS.

Every owner of a dwelling containing two (2) or more dwelling units or one (1) dwelling unit and one (1) or more rooming units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises.

GENERAL REQUIREMENTS FOR ALL HOUSING

660. UNIT VACANCY AFTER VIOLATIONS HAVE BEEN CITED.

A. No person shall occupy as owner-occupant or let to another for occupancy any vacant dwelling or dwelling unit, unless it is clean, sanitary, in good maintenance and repair and fit for human habitation. Should a unit for which violations have been identified and orders issued become vacant prior to correction of these violations, the owner shall have the unit inspected and corrections verified by the Department prior to any reoccupancy.

B. After an initial "no charge" inspection to approve a dwelling unit for reoccupancy, the owner of the dwelling unit may be instructed to pay a fee for each additional inspection that is needed to determine compliance as specified in a fee schedule as determined by the Department upon consultation with the Board of Health.

661. FACILITIES AND SERVICES.

Every facility, piece of equipment or utility which is required under this Article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition by the person responsible under this Article.

662. DISCONTINUANCE OF SERVICES.

No owner, operator, tenant or occupant shall cause any service which is required under this Article to be removed, shut off or discontinued in any occupied dwelling except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies.

663. VARIANCE REQUESTS.

Any interested party may request a variance from the provisions of this Article from the Department at any time. All requests must be in writing, state the reasons for the request, and provide evidence that the variance poses no real or potential hazard to the health, safety or welfare of the public or any individual.

UNCONSTITUTIONALITY CLAUSE AND REPEALER:

664. UNCONSTITUTIONALITY CLAUSE. Should any section, paragraph, sentence, clause or phrase of this Article be declared unconstitutional or invalid for any reason, the remainder of the Article shall not be affected thereby.

665. REPEALER

Upon the effective date of this Article the existing Article VI, Houses and Community Environment, effective June 15, 1996, as amended is hereby repealed and superseded by this Article.

666. HOUSING ADVISORY COMMITTEE

There is hereby established a Housing Advisory Committee which may recommend to the Board of Health additions and changes to this Article and advise the Department and Board of Health on public health matters relative to the Allegheny County Health Department Housing and Community Environment Program's operations governed by this section of the code.

A. Membership:
   1. Members shall be appointed by the County Executive and approved by County Council

and shall serve a term of no more than three (3) years or until the next appointment.

2. The Housing Advisory Committee shall consist of an odd number of appointees of at least nine (9) and up to fifteen (15) individuals. Each member may identify an alternate in writing to vote in their stead. The member shall provide the name, address, email address and phone number of the alternate to the Chair of the Advisory Committee.
3. Advisory Committee members shall be willing to serve on the committee in the interest of public health and consist of a balance of representation from a variety of sectors including but not limited to rental housing owners, landlord organizations, non-profit housing providers, rooming house operators, relevant experts from academia, community-based organizations, tenant advocacy organizations and county residents.
4. The Department's representatives shall be nonvoting, ex-officio members of the Committee.
5. The Advisory Committee shall elect from its members a Chair and a Vice Chair of the Committee. The election shall be for one (1) year terms and held at the first meeting after January 1 of each year.

B. Procedures:
   1. The Advisory Committee shall meet at the request of the Chair, or the Department or any three (3) members of the Advisory Committee.
   2. Each year the Advisory Committee shall adopt such procedures and provisions as it deems necessary to conduct its business.
   3. A quorum, which shall consist of no less than a majority of voting members, shall be required to conduct the business of the Advisory Committee, and all votes to conduct business shall be by simple majority of those voting.
   4. The Advisory Committee shall comply with the PA Sunshine Act and all other applicable Local, State, and Federal laws as required.

C. The effective date of the Allegheny County Health Department Housing Advisory Committee shall be January 1, 2025.

667. ABATEMENT

A. When the Department determines that a nuisance detrimental to the public health exists, the Department shall cause, at its discretion, such nuisance to be abated.
   1. Assistance with Abatement: The Department may utilize any Allegheny County Departments or Divisions for abating nuisances; or the Department may bid to a third-party contractor.

B. Unless the Department determines that an emergency necessitating immediate action exists, as referenced in Section 610, the Department shall identify the owner of the property by reference to the county assessment records, and shall serve a written notice on the owner by any of the following methods before proceeding with abatement pursuant to this section:

1.1 Personal service by handing a copy:

(i) at the residence of the owner to an adult member of the family with whom they reside; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the owner to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which they reside; or

(iii) at any office or usual place of business of the owner to their agent or to the person for the time being in charge thereof.

1.2. Leaving a copy of the notice at the place of residence or usual place of business of the owner or the address of the owner shown in the records in the Allegheny County Office of Property Assessments.

1.3 Mailing a copy by the United States Certified Mail, return receipt requested, to the owner at the owner's current address shown in the Allegheny County Office of Property Assessments.

2. If service of the written notice is unable to be perfected by any of the methods under

Subsections B.1.1-1.3, the Department shall publish a copy of the notice in a newspaper of general circulation once a week for two (2) consecutive weeks and shall provide a copy of the notice to the individual in possession of the property on which the Department has determined that the nuisance detrimental to public health exists, or, if there is no individual in possession of the property, the Department shall post a copy of the notice at the structure, location or premises.

3. The Department shall determine from the records in the Allegheny County Office of Property Assessments the owners of the property and serve a written notice on all owners by United States Certified Mail.

4. The Department shall forward a copy of the notice to the municipality where the subject property exists.

C. Contents of notice. The notice to the owner shall state clearly and concisely:

1. The findings and determination of the Department with respect to the existence of a nuisance detrimental to public health. This should include advising the property owner of the reasons for the determination, including any violation(s) that are alleged to have occurred on the property and the date of violation(s), and an order to abate the nuisance within such time as deemed necessary by the Department.
2. Appeal language advising the owner that they may appeal any final agency action whereby the Department has made a determination of nuisance detrimental to public health as referenced to in Section 609 and in accordance with Article XI.
3. The notice shall further state that the nuisance detrimental to public health shall be abated by the Department at the expense of the owner unless it is otherwise abated within a time frame deemed necessary by the Department or within any extension of that period granted by the Department.
4. Whenever a public nuisance is abated by the Department, the statement of the costs of the public nuisance shall include the Department's potential cost of abatement at the time of assessment plus an administrative fee, not to exceed 10%.

D. Salvage of Material

1. If deemed practicable by the Department, the Department may salvage and sell at private or public sale any material derived from an abatement of a nuisance detrimental to public health. The proceeds of such a sale shall be placed in the Allegheny County Environmental Health Fund. The proceeds may be applied against the amount of the Department's costs, fees and penalties relating to the abatement. If the amount of the proceeds exceeds the amount of costs, fees and penalties, any excess shall be paid to the owner.