

CHAPTER 85

PROPERTY MAINTENANCE CODE

ARTICLE I  
Administration

- § 85.1. General
- § 85.2. Validity
- § 85.3. Maintenance
- § 85.4. Approval
- § 85.5. Duties and Powers of the Enforcement Official
- § 85.6. Violations
- § 85.7. Notices and Orders
- § 85.8. Unsafe Structures and Equipment
- § 85.9. Emergency Measures
- § 85.10. Demolition
- § 85.11. Means of Appeal

ARTICLE II  
Definitions

- § 85.12. General
- § 85.13. General Definitions

**ARTICLE III  
General Requirements**

- § 85.14. General
- § 85.15. Definitions
- § 85.16. Exterior Property Areas
- § 85.17. Exterior Structure
- § 85.18. Interior Structure
- § 85.19. Rubbish and Garbage
- § 85.20. Extermination

**ARTICLE IV  
Light, Ventilation and Occupancy Limitations**

- § 85.21. General
- § 85.22. Definitions
- § 85.23. Light
- § 85.24. Ventilation
- § 85.25. Occupancy Limitations

**ARTICLE V  
Plumbing Facilities and Fixture Requirements**

- § 85.26. General

ARTICLE VI  
Mechanical and Electrical Requirements

- § 85.27. General
- § 85.28. Heating Facilities
- § 85.29. Mechanical Equipment
- § 85.30. Electrical Facilities
- § 85.31. Elevators, Escalators and Dumbwaiters

ARTICLE VII  
Fire Safety Requirements

- § 85.32. General
- § 85.33. Means of Egress
- § 85.34. Accumulations and Storage
- § 85.35. Fireresistance Ratings
- § 85.36. Fire Protection Systems
- § 85.37. Elevator Recall
- § 85.38. Mechanical Equipment Control

[HISTORY: Adopted by the Board of Supervisors of the Township of Findlay 11-4-98 as Ord. No. 272A.]

GENERAL REFERENCES

Definitions and rules of interpretation - See Ch. 3

**ARTICLE I**  
**Administration**

**§ 85.1. General**

85.1.1. Title

These regulations shall be known as the Property Maintenance Code of The Township of Findlay hereinafter referred to as "this code."

85.1.2. Scope

This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

85.1.3. Intent

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

85.1.4. Referenced standards

The standards referenced in this code and listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5th Edition, 1996, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the most restrictive provisions shall apply.

85.1.5. Existing remedies

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or

agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

#### 85.1.6. Workmanship

All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner.

#### 85.1.7. Application of the codes

Any repairs, additions or alterations to a structure shall be done in accordance with the applicable procedures and provisions of Chapter 49, titled "Building Construction" of the Township Code.

#### 85.1.8. More restrictive provisions to apply

When provisions of this code conflict with the Allegheny County Health Department regulations or any other applicable codes, the more stringent code shall apply.

#### 85.1.9 Applicability

The provisions set forth in this chapter shall apply throughout the entire Township.

### **§ 85.2. Validity**

#### 85.2.1. Validity

If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

#### 85.2.2. Saving Clause

This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

**§ 85.3. Maintenance**

## 85.3.1. Required

All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

**§ 85.4. Approval**

## 85.4.1. Approved materials and equipment

All materials, equipment and devices approved by the enforcement official shall be constructed and installed in accordance with such approval.

## 85.4.2. Modifications

Where there are practical difficulties involved in carrying out provisions of this code, the enforcement official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

## 85.4.2.1. Records

The application for modification and the final decision of the enforcement official shall be in writing and shall be officially recorded in the permanent records of the department.

## 85.4.3. Material and equipment reuse

Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

## 85.4.4. Alternative materials and equipment

The provisions of this code are not intended to prevent the installation of any material or method of construction not

specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the enforcement official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

#### 85.4.5. Research and investigations

Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the enforcement official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

### **§ 85.5. Duties and powers of the enforcement official**

#### 85.5.1 General

The enforcement official shall enforce all of the provisions of this code.

#### 85.5.2. Notices and orders

The enforcement official shall issue all necessary notices or orders to ensure compliance with the code.

#### 85.5.3. Right of entry

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

#### 85.5.4. Access by owner or operator

Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as

are necessary to comply with the provisions of this code.

#### 85.5.5. Identification

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

#### 85.5.6. Coordination of enforcement

Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the enforcement official so charged by the Township. Whenever inspections are necessary by any other department, the enforcement official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

#### 85.5.7. Rule-making authority

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

#### 85.5.8. Organization

The Township shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code.

#### 85.5.9. Restriction of employees

An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section 111.0 shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the

preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Township.

#### 85.5.10. Relief from personal responsibility

The enforcement official or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The enforcement official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

#### 85.5.11. Official records

An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

### **§ 85.6. Violations**

#### 85.6.1. Unlawful acts

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another to occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the enforcement official or to remove or deface a

placard or notice posted under the provisions of this code.

#### 85.6.2. Penalty

Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$100.00 nor more than \$1,000.00 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

#### 85.6.3. Prosecution

In case of any unlawful acts the enforcement official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 85.6.2. Also, the enforcement official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person;

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

### **§ 85.7. Notices and orders**

#### 85.7.1. Notice to owner or to person or persons responsible

Whenever the enforcement official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 85.7.2 and 85.7.3. Notices for condemnation procedures shall also comply with Section 85.8.3.

#### 85.7.2. Form

Such notice prescribed in Section 85.7.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for

- identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
  4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

#### 85.7.3. Method of service

Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

#### 85.7.4. Penalties

Penalties for noncompliance with orders and notices shall be set forth in Section 85.6.2.

#### 85.7.5. Transfer of ownership

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the enforcement official and shall furnish to the enforcement official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**§ 85.8. Unsafe structures and equipment**

## 85.8.1. General

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

## 85.8.1.1. Unsafe structure

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

## 85.8.1.2. Unsafe equipment

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

## 85.8.1.3. Structure unfit for human occupancy

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

## 85.8.1.4. Unlawful structure

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

to law.

#### 85.8.2. Closing of vacant structures

If the structure is vacant and unfit for human habitation and occupancy, and it is not in danger of structural collapse, the enforcement official is authorized to post a placard of condemnation on the premises and order the structure securely closed-up as not to be an attractive nuisance to the public. The structure shall be made closed by a method approved by the Building Inspector, such as but not limited to a wood frame component sized to conform to the opening in the structure and painted in such a manner as to compliment the structure. In the event of the failure of the owner to close-up the premises within the time and/or manner specified in the order, the enforcement official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons, and the cost thereof plus ten percent (10%) shall be charged against the real estate upon which the structure is located and a lien shall be placed upon such real estate. A lien, as well as any other legal instrument, may be utilized to recover said costs, plus any other recovery costs associated with the work, including penalty, interest, carrying cost and legal fees.

#### 85.8.3. Notice

Whenever the enforcement official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 85.7.3. The notice shall be in the form prescribed in Section 85.7.2.

#### 85.8.4. Placarding

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

#### 85.8.5. Prohibited occupancy

Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person

responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

#### 85.8.6. Removal of placard

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

### **§ 85.9. Emergency measures**

#### 85.9.1. Imminent danger

When, in the opinion of the enforcement official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials or operation of defective or dangerous equipment, the enforcement official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The enforcement official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Enforcement Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

#### 85.9.2. Temporary safeguards

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

#### 85.9.3. Closing streets

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

#### 85.9.4. Emergency repairs

For the purposes of this section, the enforcement official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

#### 85.9.5. Costs of emergency repairs

Costs incurred in the performance of emergency work shall be paid from the treasury of the Township on approval of the enforcement official. The legal counsel of the Township shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

#### 85.9.6. Hearing

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

### **§ 85.10. Demolition**

#### 85.10.1. General

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

remove such structure.

#### 85.10.2. Order

All notices and orders shall comply with Section 85.7.

#### 85.10.3. Failure to comply

If the owner of a premises fails to comply with a demolition order within the time prescribed, the enforcement official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private person, and the cost plus ten percent (10%) of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

#### 85.10.4. Salvage materials

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

### **§ 85.11. Means of appeal**

#### 85.11.1. Application for appeal

Any person affected by a decision of the enforcement official or a notice or order issued under this code shall have the right to appeal to the Township B.O.C.A. board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

#### 85.11.2. Board decision

The board shall modify or reverse the decision of the enforcement official by a concurring vote of three members.

85.11.2.1. Resolution

The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the enforcement official.

85.11.2.2. Administration

The enforcement official shall take immediate action in accordance with the decision of the board.

85.11.3. Court review

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**ARTICLE II**  
**Definitions**

**§ 85.12. General**

85.12.1. Scope

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

85.12.2. Interchangeability

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

85.12.3. Terms defined in other codes

Where terms are not defined in this code and are defined in the B.O.C.A. or Allegheny County Plumbing Code, such terms shall have the meanings ascribed to them as in those codes.

85.12.4. Terms not defined

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

85.12.5. Parts

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

**§ 85.13. General Definitions**

**Approved:** Approved by the enforcement official

**Basement:** See Section 85.15.

**Bathroom:** See Section 85.26.1.

**Building:** Any structure occupied or intended for supporting

or sheltering any occupancy.

**Building code:** The building code officially adopted by the Township, or other such codes officially designated by the Township for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

**Condemn:** To adjudge unfit for occupancy

**Construction documents:** All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

**Dwellings:** See Section 85.12.5

**Dormitory:** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

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

**Hotel:** Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

**One-family dwelling:** A building containing one dwelling unit with not more than five lodgers or boarders.

**Rooming house:** A building arranged or occupied for lodging, with or without meals, for

compensation and not occupied as a one-family dwelling or a two-family dwelling.

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

*Two-family dwelling:* A building containing two dwelling units with not more than five lodgers or boarders per family.

***Enforcement official:*** The official who is charged with the administration and enforcement of this code, or any duly authorized representative of the Township.

***Exterior property:*** See Section 85.15.

***Extermination:*** See Section 85.15.

***Family:*** An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

***Garbage:*** See Section 85.15.

***Habitable space:*** See Section 85.22.

***Infestation:*** See Section 85.15.

***Inspection certificate:*** An identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

**Label:** An identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency (see Section 1704.0 of the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996, also Mark, Manufacturer's designation and Inspection Certificate.)

**Let for occupancy or let:** See Section 85.15.

**Manufacturer's designation:** An identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also Mark, Label and Inspection certificate).

**Mark:** An identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material (see also Manufacturer's designation, Label, and Inspection certificate).

**Occupancy:** The purpose for which a building or portion thereof is utilized or occupied.

**Occupant:** See Section 85.15.

**Openable area:** See Section 85.22.

**Operator:** See Section 85.15.

**Owner:** See Section 85.15.

**Person:** See Section 85.15.

**Plumbing:** See Section 85.26.

**Plumbing fixture:** See Section 85.26.

**Premises:** See Section 85.15.

**Public nuisance:** See Section 85.15.

**Registered design professional:** An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the Commonwealth of Pennsylvania.

**Structure:** That which is built or constructed or a portion thereof.

**Tenant:** See Section 85.15.1

**Ventilation:** See Section 85.22.

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

**Yard:** See Section 85.15.

**ARTICLE III**  
**General Requirements**

**§ 85.14. General**

85.14.1. Scope

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

85.14.2. Responsibility

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 85.6 and 85.7. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.

85.14.3. Vacant structures and land

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

**§ 85.15. Definitions**

85.15.1 General

The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

**Basement:** That portion of a building which is partly or completely below grade.

**Exterior property:** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**Extermination:** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison

spraying, fumigating, trapping or by any other approved pest elimination methods.

**Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

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

**Occupant:** Any person living or sleeping in a building; or having possession of a space within a building.

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

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

**Person:** An individual, corporation, partnership or any other group acting as a unit.

**Premises:** A lot, plot or parcel of land including any structures thereon.

**Public nuisance:** Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition 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;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided.
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

**Rubbish:** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, three branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

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

**Yard:** An open space on the same lot with a structure.

## § 85.16. Exterior property areas

### 85.16.1. Sanitation

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

### 85.16.2. Grading and drainage

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

**Exception: Water retention areas and reservoirs approved by the Township.**

### 85.16.3. Sidewalks and driveways

All sidewalks, walkways, stairs, driveway, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 85.17.10 and 85.33.9. Sidewalks shall comply with Chapter 99 of the Township Code.

### 85.16.4. Rat harborage

All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

### 85.16.5. Exhaust vents

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

### 85.16.6 Accessory structures

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

#### **§ 85.17. Exterior structure**

##### 85.17.1. General

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

##### 85.17.2. Exterior painting

All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

##### 85.17.3. Structural members

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

##### 85.17.4. Foundation walls

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

##### 85.17.5. Exterior walls

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

##### 85.17.6. Roofs and drainage

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

#### 85.17.7. Decorative features

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

#### 85.17.8. Overhang extensions

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

#### 85.17.9. Stair and walking surfaces

Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 85.33.9.

#### 85.17.10. Stairways, decks, porches and balconies

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

#### 85.17.11. Chimneys and towers

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

#### 85.17.12. Handrails and guards

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

#### 85.17.13. Window and door frames

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

85.17.13.1. Glazing

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

85.17.13.2. Openable windows

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

85.17.14. Insect screens

During the period from May 31 to September 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

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

85.17.15. Doors

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

85.17.16. Basement hatchways

Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

85.17.17. Guards for basement windows

Every basement window that is openable shall be supplied with ratproof shields, storm windows or other approved protection against the entry of rats.

**§ 85.18. Interior structure**

## 85.18.1. General

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

## 85.18.2. Structural members

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

## 85.18.3. Interior surfaces

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

## 85.18.4. Lead-based paint

Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50-percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

## 85.18.5. Stairs and railings

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

## 85.18.6. Stairs and walking surfaces

Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 85.33.9.

#### 85.18.7. Handrails and guards

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

### **§ 85.19. Rubbish and garbage**

#### 85.19.1. Accumulation of rubbish or garbage

All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage and comply with Chapter 67 of the Township Code.

##### 85.19.1.1. Rubbish storage facilities

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

#### 85.19.2. Disposal of garbage

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

### **§ 85.20. Extermination**

#### 85.20.1. Infestation

All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

#### 85.20.2. Owner

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

#### 85.20.3. Single occupant

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

#### 85.20.4. Multiple occupancy

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

#### 85.20.5. Occupant

The occupant of any structure shall be responsible for the continued rat-free condition of the structure, and if the occupant fails to maintain the rat-free condition, the cost of extermination shall be the responsibility of the occupant.

**Exception:** Where rat infestations are caused by defects in the structure, the owner shall be responsible for extermination.

**ARTICLE IV**  
**Light, Ventilation and Occupancy Limitations**

**§ 85.21 General**

85.21.1. Scope

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

85.21.2. Responsibility

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

85.21.3. Alternative devices

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996, shall be permitted.

**§ 85.22. Definitions**

85.22.1. General

The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

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

**Openable area:** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

## § 85.23. Light

### 85.23.1. Habitable spaces

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

### 85.23.2. Common halls and stairways

Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19m<sup>2</sup>) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144mm). Every exterior stairway shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

### 85.23.3. Other spaces

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

## § 85.24. Ventilation

### 85.24.1. Habitable spaces

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 85.23.1.

#### 85.24.2. Bathrooms and toilet rooms

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 85.24.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.

#### 85.24.3. Cooking facilities

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

**Exception: Where specifically approved in writing by the enforcement official.**

#### 85.24.4. Process ventilation

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

#### 85.24.5. Clothes dryer exhaust

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

**§ 85.25. Occupancy limitations**

85.25.1. Privacy

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

85.25.2. Access from sleeping rooms

Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces.

**Exception: Dwelling units that contain fewer than two bedrooms.**

85.25.3. Area for sleeping purposes

Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

85.25.4. Water closet accessibility

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

85.25.5. Overcrowding

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 85.25.5.

**Table 85.25.5  
MINIMUM AREA REQUIREMENTS**

Space	Minimum area in square feet <sup>b</sup>		
	1-2 occupants	3-5 occupants	6 or more
Living Room <sup>a</sup>	No requirements	120	150
Dining Room <sup>a</sup>	No requirements	80	100
Kitchen	No requirements	50	60
Bedrooms	Shall comply with Section 85.25.3		

**Note a.** See Section 405.6 for combined living room/dining room spaces.

**Note b.** 1 square foot = 0.093 m<sup>2</sup>.

85.25.6. Combined spaces

Combined living room and dining room spaces shall comply with the requirements of Table 85.25.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

85.25.7. Prohibited occupancy

Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

85.25.8. Minimum ceiling heights

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

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524) or more shall be included.

#### 85.25.9. Minimum room widths

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

#### 85.25.10. Food preparation

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

**ARTICLE V**  
**Plumbing Facilities and Fixture Requirements**

**§ 85.26 General**

85.26.1. Scope

The provisions of the Allegheny County Health Department, Article XV, Plumbing Rules and Regulations shall govern the minimum plumbing facilities and plumbing fixtures to be provided.

85.26.2. Responsibility

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with Allegheny County Health Department, Article XV, Plumbing Rules and Regulations.

**ARTICLE VI**  
**Mechanical and Electrical Requirements**

**§ 85.27 General**

85.27.1. Scope

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

85.27.2. Responsibility

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

**§ 85.28 Heating Facilities**

85.28.1. Facilities required

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

85.28.2. Residential buildings

Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F. (20 degrees C.) in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.

85.28.2.1. Heat supply

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 to May 31 to maintain the room temperatures specified in Section 85.28.2 during the

hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F.(16 degrees C.) during other hours.

#### 85.28.2.2. Room temperature exception

When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

#### 85.28.3. Nonresidential structures

Every enclosed occupied work space shall be supplied with sufficient heat during the period from September 1 to May 31 to maintain a temperature of not less than 65 degrees F.(18 degrees C.) during all working hours.

#### **Exceptions:**

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

#### 85.28.4. Room temperature measurement

The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

### **§ 85.29. Mechanical Equipment**

#### 85.29.1. Mechanical equipment

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

#### 85.29.2. Equipment access

Access to outdoor mechanical equipment shall be maintained

under all weather conditions.

#### 85.29.3. Cooking and heating equipment

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

#### 85.29.4. Flue

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

#### 85.29.5. Clearances

All required clearances to combustible materials shall be maintained.

#### 85.29.6. Safety controls

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

#### 85.29.7. Combustion air

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

#### 85.29.8. Energy conservation devices

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

### § 85.30. Electrical Facilities

#### 85.30.1. Facilities required

Every occupied building shall be provided with an electrical

system in compliance with the requirements of this section and Section 85.31.0.

#### 85.30.2. Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996. Every dwelling shall be served by a main service that is not less than 100 amperes, three wires.

#### 85.30.3. Electrical system hazards

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

### **§ 85.31. Electrical Equipment**

#### 85.31.1. Installation

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

#### 85.31.2. Receptacles

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle. Every bathroom shall contain at least one receptacle.

#### 85.31.3. Lighting fixtures

Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

**§ 85.32. Elevators, Escalators and Dumbwaiters**

## 85.32.1. General

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

## 85.32.2. Elevators

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

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

**ARTICLE VII**  
**Fire Safety Requirements**

**§ 85.32. General**

85.32.1. Scope

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

85.32.2. Responsibility

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

**§ 85.33. Means of Egress**

85.33.1. General

A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

85.33.2. Exit capacity

The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.

85.33.3. Number of exits

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

than two independent exits.

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

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996, is provided in addition to the single exit.
4. Where permitted by the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.

#### 85.33.4. Arrangement

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

#### 85.33.5. Exit signs

All means of egress shall be indicated with approved "Exit" signs where required by the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

#### 85.33.6. Corridor enclosure

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

**Exceptions:**

1. Corridors in occupancies in other than Use Group H

which are equipped throughout with an automatic sprinkler system.

2. Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996 are not required to be self-closing.
3. Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.

#### 85.33.7. Dead-end travel distance

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

#### 85.33.8. Aisles

Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in occupancies in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

#### 85.33.9. Stairways, handrails and guards

Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing, balcony,

porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

#### 85.33.10. Information signs

A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.

**Exception:**        **The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.**

#### 85.33.11. Locked doors

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

##### 85.33.11.1. Locks permitted

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

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

3. Where the door hardware conforms to that permitted by the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.

#### 85.33.12. Emergency Escape

Every sleeping room located in the basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

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

##### 85.33.12.1. Security

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

### § 85.34. Accumulations and Storage

#### 85.34.1. Accumulations

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

#### 85.34.2. Hazardous material

Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.

### § 85.35. Fireresistance Ratings

## 85.35.1. General

The fireresistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

## 85.35.2. Maintenance

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

**§ 85.36. Fire Protection Systems**

## 85.36.1. General

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

## 85.36.2. Fire suppression system

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

## 85.36.2.1. Valves

Controls valves shall be in the fully open position.

## 85.36.2.2. Sprinklers

Sprinklers shall be clean and free from corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.

## 85.36.2.3. Piping

Piping shall be properly supported and shall not support any other loads.

## 85.36.3. Standpipe system

Standpipe systems shall be in proper operating condition at all times.

## 85.36.3.1. Valves

Water supply control valves shall be in the fully

open position.

#### 85.36.3.2. Hose connections

Hose connections shall be identified and have ready access thereto.

#### 85.36.3.3. Hose

Where provided, the hose shall be properly packed, dry and free from deterioration.

#### 85.36.4. Fire extinguishers

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

#### 85.36.5. Smoke detectors

A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Groups R-1 and I-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

##### 85.36.5.1. Installation

All detectors shall be installed in accordance with the building code listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

##### 85.36.5.2. Power Source

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

##### 85.36.5.3. Tampering

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

#### 85.36.6. Fire alarm systems

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

##### 85.36.6.1. Control panel

The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

##### 85.36.6.2. Manual fire alarm boxes

All manual fire alarm boxes shall be operational and unobstructed.

##### 85.36.6.3. Automatic fire detectors

All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

#### 85.36.7. Records

A complete written record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises.

### **§ 85.37. Elevator Recall**

#### 85.37.1. Required

All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 8 of the B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996.

### **§ 85.38. Mechanical Equipment Control**

#### 85.38.1. Smoke and heat detection

Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm ( $0.94/m^3/sec$ ) and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8 of the

B.O.C.A. National Property Maintenance Code, 5<sup>th</sup> Edition, 1996. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

### REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 85.1.4.

## ASME

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

Standard Reference Number	Title	Referenced in code Section number
A17.1-93	Safety Code for Elevators and Escalators - with 1994 Addenda (A17.1a)	8.37.1

**CODES\***

Building Officials and Code Administrators International, Inc.  
 4051 West Flossmoor Road  
 Country Club Hills, Illinois 60478-5795

Standard Reference number	Title	Referenced in code Section number
BNBN-96		
	BOCA National Building Code	
	85.1.7, 85.12.3, 85.13, 85.21.2, 85.23.1, 85.33.2, 85.33.3, 85.33.5, 85.33.6, 85.33.8, 85.33.10, 85.33.11.1, 85.34.2, 85.36.5.1	
	BOCA National Fire Prevention Code	
		85.33.6, 85.34.2
	ICC International Mechanical Code	
	85.1.7, 85.2.3, 85.028.2, 85.28.2.2, 85.38.1	
	ICC International Plumbing Code -with 1996 Supplement	
	85.1.7, 85.12.3, 85.26.1	

\* All BOCA and ICC publications are available from BOCA

**NFPA**

National Fire Protection Association  
 Batterymarch Park  
 Quincy, Massachusetts 02269

Standard Reference Number	Title	Referenced in code Section number
70-96	National Electrical Code	
		85.1.7,
85.30.2		