

Philadelphia, Pennsylvania
Property Maintenance Code

I. Overview

The City of Philadelphia’s Property Maintenance Code (PMC) is Subcode PM of Title 4 (the City’s Building Construction and Occupancy Code). Under Subcode PM, Chapter 3 covers General Property and Structural Maintenance, and Chapter 4 covers Residential Occupancies.

Section II, below, summarizes the PMC’s healthy housing provisions. Section III provides relevant excerpts from the PMC. The entire PMC is available at www.amlegal.com/library/pa/philadelphia.shtml.

II. Summary

Chapter 3 – General Property and Structural Maintenance

In brief, Chapter 3 requires that property owners maintain structures and exterior property “in such repair and in such safe and sanitary condition that no physical damage shall be caused to any adjoining premises.” Also, every occupant of a dwelling unit must “keep all supplied facilities . . . in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.” PM § 301.2.

Exterior Property – In short, the PMC requires the following:

- All exterior property and premises (including porches, patios and decks) must “be maintained in a clean, safe and sanitary condition” and free from accumulated rubbish or garbage; unused or unauthorized building materials or equipment; and non-functional personal property.
- Rodents must “be promptly exterminated by approved processes which will not be injurious to human health” – and after extermination, “proper precautions” must be taken to prevent reinfestation.
- Premises and exterior property must be maintained free from weeds or plant growth in excess of 10 inches -- and premises must be maintained to prevent the accumulation of stagnant water.

PM § 302.

Interior Property – In brief, the PMC requires the following:

- The interior of every structure must be free from accumulated rubbish or garbage.
- Every occupant of a structure must dispose of rubbish and garbage “in a clean and sanitary manner by placing such material in approved containers,” both within the occupant’s premises and in common areas for multiple tenants.
- The owner of every residential premises must supply approved containers for rubbish, and remove and/or collect same.
- All structures must be maintained free of infestation by insects, rodents, vermin or other pests.

- Structures must be promptly exterminated of infestation “by processes that will not be injurious to human health” – and after extermination, “proper measures” must be taken to prevent reinfestation.

PM § 303.

Exterior Structure – The PMC requires that:

- The exterior of a structure “be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.”
- Foundation walls be “kept in such condition so as to prevent the entry of rodents.”
- Exterior walls be free from holes, and maintained weatherproof and properly coated to prevent deterioration.

PM § 304.

Interior Structure – The PMC requires that:

- Every occupant keep his/her part of the structure “in a clean and sanitary condition.”
- Every owner of a structure with more than one tenant maintain shared or public areas “in a clean and sanitary condition.”
- Walls, floors and ceilings “be maintained substantially rodentproof.”
- Interior surfaces, including windows and doors, be maintained in good, clean and sanitary condition.
- Peeling paint, cracked or loose plaster, and decayed wood be corrected.

PM § 305.

Also, “lead paint” (as defined in the Philadelphia Health Code) generally is not permitted on interior surfaces of any dwelling occupied by children when the Department of Public Health determines that its presence creates a health hazard. Failure by the owner to remove the hazard shall authorize the department to declare the premises “Unfit” or “Unsafe.” PM § 305.6.

Chapter 4 – Residential Occupancies

In short, Chapter 4 of the PMC:

- Sets minimum standards for light; ventilation; space; plumbing; and mechanical and electrical facilities in residential occupancies.
- Requires that the owner of a structure provide and maintain the foregoing elements in accordance with Chapter 4.
- Prohibits any person from occupying (as owner-occupant or otherwise) any premises which does not comply with the Chapter.

PM § 401.

Light and Ventilation -- The PMC:

- Requires that every habitable space except kitchens have at least one approved window or skylight to the outdoors – and sets size requirements for windows.
- Establishes standards for natural and artificial light in rooms, hallways and stairways.
- Requires ventilation in each habitable space (except kitchen) by at least one openable window, skylight, or mechanical ventilation.

- Requires adequate ventilation for bathrooms, toilet rooms, and laundry rooms.
- Requires that clothes dryers have separate venting systems and be vented per manufacturer's instructions.

PM §§ 402, 403.

Plumbing and Heat -- The PMC requires that:

- Every bathroom and toilet room floor surface be constructed and maintained so as to be “substantially impervious to water” and permit the floor “to be easily kept in a clean and sanitary condition.”
- Hot water equipment must be capable of heating water to 110 degrees F – but not set above 125 degrees F.
- Every dwelling have permanent heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms and bathrooms – and, generally, that heat be supplied continuously from October 1 to April 30.

PM §§ 405, 406.

III. Excerpts of Relevant Law¹

CHAPTER 1 - ADMINISTRATION

SECTION PM-101.0 GENERAL

PM-101.1 Title: These provisions shall be known as the Philadelphia Property Maintenance Code, and shall be cited as such and will be referred to herein as "this code".

PM-101.2 Scope: This code is promulgated to protect the public health, safety and welfare in existing structures and on existing premises by establishing minimum requirements for:

1. Safe and sanitary maintenance of structures, premises and equipment;
2. Equipment and facilities for space, light, ventilation, heating, sanitation and protection from the elements;
3. Safety to life, safety from fire and other hazards.

The code establishes responsibilities of owners, operators, agents and occupants and provides for licensing of certain properties

PM-101.3 Intent: This code shall be construed to secure its expressed intent, which is to insure public health, safety and welfare to the extent they are affected by the continued occupancy and maintenance of existing structures and premises. Existing structures and premises which are not in compliance with this code shall be altered or repaired to provide the minimum health, safety and welfare as required herein.

CHAPTER 2 - DEFINITIONS

SECTION PM-202.0 GENERAL DEFINITIONS

Approved: Approved by the code official or other authority having jurisdiction.

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

Bathroom: A room containing plumbing fixtures including a bathtub or shower.

Blighting influence: A vacant building that lacks windows with frames and glazing and/or lacks one or more doors in entryways of the building if:

1. the building is located on a block face where 80% or more buildings on the block face are occupied; or

¹ Source: <http://www.amlegal.com/library/pa/philadelphia.shtml>. Footnotes omitted.

2. the Department has provided 20 days notice to the owner of the property that the Commissioner of Licenses and Inspections has determined, in consultation with other City officials as appropriate, that the lack of windows and/or entry doors has a significant adverse influence on the community based on the following factors:

- a. deterioration and/or safety of the property;
- b. safety of the surrounding community;
- c. the value of intact, occupied properties in the surrounding vicinity of the property;
- d. marketability of the property; and
- e. community morale.

Building: Any structure occupied or intended for supporting or sheltering any occupancy.

Code official: The Commissioner of the Department, or his or her duly authorized representative charged with the administration and enforcement of this code.

Condominiums: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, as defined in the Uniform Condominium Act; 68 Pa. C.S.A. §§ 3101 et seq., or real property as defined by the Unit Property Act, Act of July 3, 1963, P.L. 196, 68 P.S. 700.101 et seq., whichever is applicable.

Condominium Council: A "unit owners' association" as defined by the Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101 et seq. or a board of natural individuals as required and defined by the Unit Property Act, Act of July 3, 1963, P.L. 196, 68 P.S. § 700.101 et seq., whichever is applicable.

Department: The Department of Licenses and Inspections or a duly authorized representative.

Dwellings:

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, including such units contained within residential condominiums.

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.

Multiple-family dwelling: A building containing more than two dwelling units.

One-family dwelling: A building containing one dwelling unit with not more than five lodgers or boarders in addition to the primary family.

Rooming house: A building containing rooming units arranged or occupied for lodging, with or without meals, and not occupied as a one-family dwelling or a two-family dwelling.

Rooming unit: Any room or group of rooms which together form a single habitable unit occupied or intended to be occupied by an individual or family 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 in addition to each primary family.

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, rodents, vermin, 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 method.

Family: An individual or two or more persons related by blood, marriage or adoption; or a group of three or less unrelated persons, living together as a single housekeeping unit.

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

Habitable space: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, vestibules, foyers, stairways, laundries, basement recreation rooms, storage or utility spaces, and similar areas are not considered habitable spaces.

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

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

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

Operator: Any person who has charge, care, management, or control of a structure or premises which is offered for occupancy. No person who owns a dwelling unit in a condominium shall by virtue of that ownership, and/or by virtue of rights and obligations or the exercise thereof in regard to the Condominium Council, be considered an

operator of that condominium within the meaning of this code. However, in the case of a condominium, the Condominium Council shall be considered the owner/operator of the condominium and the common elements thereof. The developer or instrument established prior to the establishment of the Condominium Council shall be considered the owner/operator of the condominium until such time as the Condominium Council shall take possession.

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 Commonwealth of Pennsylvania or City and County of Philadelphia 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. No person who owns a dwelling unit in a condominium shall by virtue of that ownership and/or by virtue of his rights and obligations, or the exercise thereof in the Condominium Council shall be considered an owner of the Condominium within the meaning of this Section. However, in the case of a condominium, the Condominium Council shall be considered the owner/operator of the condominium and the common elements thereof. The developer or instrument established prior to the establishment of the Condominium Council shall be considered the owner/operator of the condominium until such time as the Condominium Council shall take possession.

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

Plumbing: The materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, vents, drains and appurtenances together with all connections to water and sewer lines within the scope of the plumbing code.

Plumbing fixture: A receptacle or device which is connected to the water distribution system of the premises; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises, or both.

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

Private Parking Lot:²³² Any outdoor area or space where more than six (6) motor vehicles may be parked, housed or kept without any charge.

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, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and similar materials.

Structure: That which is built or constructed.

Toilet room: A room containing one or more water closets or urinals but not a bathtub or shower.

Unsafe: Includes the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law; or
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 and excavations; or
3. Any premises that has unsanitary sewerage or plumbing facilities; or
4. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsecure so as to endanger life, limb or property; or
5. 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; or
6. Any premises that is unsanitary, or that is littered with rubbish, garbage, raw sewage or contains infestation due to the presence of insects, rodents, vermin or other pests; or
7. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; vacant or abandoned and open to public trespass; damaged by fire to the extent so as not to provide shelter; or otherwise hazardous to anyone on or near the premises; or
8. Any premises certified by the Police Department or the District Attorney's Office as the location of drug sales or use.

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

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

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

CHAPTER 3 - GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

SECTION PM-301.0 GENERAL

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

PM-301.2 Responsibility: The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided. All premises, whether occupied or vacant, shall be maintained in such repair and in such safe and sanitary condition that no physical damage shall be caused to any adjoining premises. Every occupant of a dwelling unit or rooming unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

PM-301.2.1 Historic structures: The owner of every historic structure shall maintain such structure in accordance with Section 14-2007(8)(c) of The Philadelphia Code and regulations pursuant thereto.

SECTION PM-302.0 EXTERIOR PROPERTY AREAS

PM-302.1 General: All exterior property and premises shall be subject to the provisions of Sections PM-302.2 through PM-302.7.

PM-302.2 Sanitation: All exterior property and premises, including porches, patios and decks, shall be maintained in a clean, safe and sanitary condition and free from any accumulation of:

1. rubbish or garbage;
2. building materials or equipment that are not currently being used for work at the property, or are being used in connection with work at the property which requires a building permit, if no such permit has been obtained; or
3. an unreasonable quantity of other personal property, not including currently functional items such as patio furniture, play equipment, lawn and garden equipment or other similar outdoor items.

Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

PM-302.3 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees, shrubs, cultivated flowers and gardens.

PM-302.4 Grading and drainage: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure, including any swimming pool or decorative pond, located thereon.

Exception: Approved water retention areas and reservoirs.

PM-302.4.1 Storm drainage: Drainage of roofs, paved areas, yards, courts, and other open areas on the premises shall not be discharged in a manner that creates a health or safety hazard.

PM-302.4.2 Drainage: Activity on a premises including, but not limited to regrading, terracing, fencing and construction activity shall not result in the concentration of surface water drainage to adjoining property.

Exception: Where terrain slopes toward a natural water course such as a creek, stream or river.

PM-302.5 Site hazard: All walkways, stairs, driveways, paving spaces and similar areas shall be maintained free from hazardous conditions. Stairs shall also comply with the requirements of Sections PM-304.7 and PM-602.3.

SECTION PM-303.0 INTERIOR AREAS

PM-303.1 General: All interior areas shall be subject to the provisions of Sections PM-303.2 through PM-303.5.

PM-303.2 Sanitation: The interior of every structure shall be free from any accumulation of rubbish or garbage.

PM-303.3 Disposal of waste matter: Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such material in approved containers, both within the occupant's area of control and as provided in common for multiple tenants.

PM-303.3.1 Residential occupancies: The owner of every residential premises shall supply approved containers for rubbish and shall be responsible for removal and/or collection of same. The owner shall also provide for removal of garbage by providing one of the following: a food waste grinder in each dwelling unit, an approved covered, leakproof outside garbage container, or an approved incinerator unit available to the occupants of all dwelling units.

Exception: Where facilities are provided in Group R-3 occupancies, the occupants are responsible for the removal and collection of waste matter.

PM-303.3.2 Non-residential occupancies: The owner of every occupied premises shall be responsible for the removal of rubbish where not eligible for City collection. The operator of every establishment which produces

garbage shall provide, and at all times cause to be utilized, approved covered, leakproof containers for the storage of such materials until removed from the premises for disposal.

PM-303.4 Infestation: All structures shall be maintained free of infestation by insects, rodents, vermin or other pests.

PM-303.5 Extermination: Where infestation is found, the structure shall be promptly exterminated by processes that will not be injurious to human health. After extermination, proper measures shall be taken to prevent reinfestation.

PM-303.5.1 Single occupancy: The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for extermination on the premises.

PM-303.5.2 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 properly. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

SECTION PM-304.0 EXTERIOR STRUCTURE

PM-304.1 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. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM-304.2 Foundations: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

PM-304.3 Walls: All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated or pointed where required to prevent deterioration.

PM-304.4 Roofs: 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 water shall not be discharged in a manner that creates a health or safety hazard.

PM-304.5 Appurtenances and architectural features: All cornices, belt courses, corbels, terra cotta trim, wall facings, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar elements shall be maintained in good repair and be properly anchored so as to be kept in a safe and 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.

PM-304.6 Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar construction shall be maintained structurally safe and sound, and in good repair so that it will function safely and effectively. 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.

PM-304.7 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.

PM-304.8 Windows and doors: Every window, door and frame shall be kept in sound condition, good repair, weather tight and free of broken glazing.

PM-304.8.1 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. All building entrance doors and other exterior exit doors on all dwellings, except those dwellings that are exclusively owner-occupied and those building entrance doors guarded by 24-hour security personnel, shall be self-closing and equipped with heavy duty lock sets with auxiliary latch bolts to prevent the latter from being manipulated by means other than a key; provided that exit doors shall be readily openable at all times from the side from which egress is to be made and shall not require a key to operate from that side; further provided that if a latch set has a stop, it will be controlled by a master key only and that outside cylinders of main entrance door locks shall be operated by the tenant's key, which shall not be designed to also open the tenant's dwelling unit entrance door.

PM-304.8.1.1 Single occupancy: Exterior doors which serve only one tenant need only be equipped with a heavy duty dead bolt operable by a key from the outside.

PM-304.8.1.2 Alternate: The required lockset shall be permitted on a vestibule door provided there is no other door to dwelling units from within the vestibule.

PM-304.8.2 Windows: All operable windows to residential buildings or dwellings which are accessible from the street, fire escape or other walking surface, shall be equipped with sash locks designed to be operable from the inside only.

Exception: Windows in dwellings which are exclusively owner-occupied and windows which are guarded by 24-hour security personnel.

PM-304.8.3 Basement openings: Every basement hatchway, door and window shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Where basement hatchways are part of a walking surface, they shall be maintained in a structurally sound condition to support the imposed load.

PM-304.9 Piers and other waterfront structures: *(omitted)*

SECTION PM-305.0 INTERIOR STRUCTURE

PM-305.1 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 more than one tenant shall maintain, in a clean and sanitary condition, the shared or public areas of the structure.

PM-305.2 Building elements: The walls, floors, ceilings, stairs, handrails, guards and supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

PM-305.3 Interior surfaces: Walls, floors and ceilings shall be maintained substantially rodentproof. 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 effective surface conditions shall be corrected.

PM-305.4 Supplied facilities: All interior doors, cabinets or shelves for the storage of eating, drinking and cooking equipment and food and other supplied facilities which are permanently affixed to the structure shall be kept in sound condition and good repair.

PM-305.5 Doors: All doors to dwelling units, except those dwelling units that are exclusively owner-occupied, shall be equipped with a heavy duty dead bolt operable by a key from the outside.

PM-305.6 Lead paint: Lead paint, as defined in Section 6-403(1)(a) of the Philadelphia Health Code shall not be permitted to remain on interior surfaces of any dwelling, rooming house, dwelling unit, rooming unit or structure in Group E occupancy regulated under Section A-703 occupied by children when the Department of Public Health determines that its presence creates a health hazard. Failure by the owner to remove the hazard shall authorize the department to declare the premises "Unfit" or "Unsafe" pursuant to Section PM-307.

SECTION PM-306.0 VACANT PREMISES *(omitted)*

SECTION PM-307.0 UNSAFE AND UNFIT STRUCTURES AND EQUIPMENT

PM-307.1 Unsafe Structures: All structures that are or hereafter shall become unsafe, unsanitary or deficient because of inadequate means of egress facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed unsafe. All unsafe structures shall be taken down and removed or made safe and secure as the code official deems necessary and as provided for in this Section. A vacant building that is not secured against entry shall be deemed unsafe. Likewise, a pier or other waterfront structure shall be deemed "unsafe" pursuant to this Section where the owner has not complied with the most recent deadline for performing an inspection and submitting a structural assessment report to the Department pursuant to Section PM-304.9.

PM-307.1.1 Construction Excavations: *(omitted)*

PM-307.2 Unsafe installations, systems and equipment: *(omitted)*

PM-307.3 Unfit dwellings: A dwelling shall be designated by the code official as "Unfit for Human Habitation" where the dwelling is unsanitary, vermin-infested, lacking in the facilities or equipment required by this code or is otherwise in such a state of disrepair as to be a hazard to the health or safety of the occupants.

PM-307.3.1 Continued occupancy: Where a dwelling is designated as unfit for human habitation but does not present an immediate hazard to safety, evacuation will not be required; however, the owner shall be denied the right to collect rent for the duration of such unfit designation.

PM-307.3.2 New tenancy: Where a dwelling is designated as unfit for human habitation, the owner shall be prohibited from admitting any new tenants to any tenant space within such dwelling for the duration of such unfit designation.

SECTION PM-308.0 IMMINENTLY DANGEROUS STRUCTURES

PM-308.1 Conditions: When, in the opinion of the code official, there is imminent danger of failure or collapse of a structure or any part thereof which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, the code official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith in accordance with the cease operations provisions set forth in the

administrative code. The code official shall cause to be posted at each entrance to such structure a notice stating the imminent danger and prohibiting occupancy. It shall be unlawful for any person to enter such structure except for the purpose of making the required repairs or demolishing the structure.

CHAPTER 4 - RESIDENTIAL OCCUPANCIES

SECTION PM-401.0 GENERAL

PM-401.1 Scope: The provisions of this Chapter shall govern the minimum conditions and standards for light, ventilation, space, plumbing facilities and fixtures, mechanical facilities and equipment, and electrical facilities and equipment in residential occupancies.

PM-401.2 Responsibility: The owner of the structure shall provide and maintain light, ventilation, space, plumbing facilities and fixtures, mechanical facilities and equipment, and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Chapter.

SECTION PM-402.0 LIGHT

PM-402.1 Habitable spaces: Every habitable space except kitchens shall have at least one window or skylight of approved size facing directly to the outdoors.

PM-402.1.1 Obstructions: 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 and shall not be included as contributing to the required minimum total window area for the room.

PM-402.1.2 Basement habitable spaces: The required window area serving habitable spaces in basements shall have a minimum outside horizontal clear space measured perpendicular to the window, equal to one and one-half times the depth of the window sill below average adjoining grade.

PM-402.1.3 Window area: The minimum total window area of every sleeping room with 100 square feet (9.29 m²) or less of floor area shall be eight percent of the floor area. The minimum total window of every sleeping room with more than 100 square feet (9.29 m²) of floor area shall be eight square feet plus five percent of each square foot of floor area over 100 square feet (9.29 m²). The minimum total window area of every other habitable room for which windows are required shall be seven percent of the floor area.

PM-402.1.4 Adjoining spaces: Where natural light for rooms or spaces without exterior window areas is provided through an adjoining room or enclosed porch, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than twenty-five square feet (2.33 m²). The exterior window area shall be based on the total floor area being served.

PM-402.2 Common halls and stairways: Every common hall, interior stairway and exterior stairway serving residential occupancies shall be provided with artificial light capable of providing a minimum of one footcandle (11 lux) at floors, landings and treads. Continuous operation of the lighting system is required except during those hours when there is sufficient natural light to comply with these requirements.

Exception: Continuous operation is not required for common hall and stairway lighting serving occupancies in Group R-3 which are equipped with light switches located within three feet (914 mm) of the access and entrance doors to such common spaces.

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

SECTION PM-403.0 VENTILATION

PM-403.1 Habitable spaces: Every habitable space except kitchens shall have at least one openable window or skylight. 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 PM-402.1.3 and 402.1.4. A window which is disqualified by Section PM-402.1.1 or PM-402.1.2 shall also be disqualified as openable area.

Exception: Mechanical ventilation which complies with the mechanical code or which provides six air changes per hour to the space and exhausts to the outside shall be accepted in lieu of openable windows.

PM-403.2 Bathrooms and toilet rooms: Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section PM-403.1, except that a window or skylight shall not be required in spaces equipped with a mechanical ventilation system which exhausts air from a toilet room or bathroom

within a dwelling or rooming unit to the exterior without recirculation to any space, including the space from which such air is withdrawn.

PM-403.3 Laundry rooms: Every laundry room shall have a minimum openable area of two square feet (0.19 m²).

Exception: Mechanical ventilation which provides six air changes per hour to the room and exhausts to the outside shall be accepted in lieu of the openable area.

PM-403.4 Clothes dryers: Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

SECTION PM-404.0 SPACE AND USE (*Table omitted.*)

PM-404.1 Arrangement: Dwelling units, rooming units, dormitory units and hotel units shall be arranged to provide privacy and be separate from other adjoining spaces. Units which are constructed, altered or otherwise newly established shall comply with the requirements of Sections PM-404.1.1 and PM-404.1.2.

PM-404.1.1 Sleeping rooms: Sleeping rooms shall be arranged so that a person is not required to pass through one sleeping room to reach another.

PM-404.1.2 Toilet facilities: Sleeping rooms shall be arranged so that each sleeping room has access to a water closet and lavatory without being required to pass through another sleeping room.

PM-404.2 Floor area: Every dwelling unit, rooming unit, dormitory unit and hotel unit shall comply with the minimum floor area requirements of Table PM-404.2. Floor area shall be calculated on the basis of habitable room area, however, closets and halls within the dwelling unit shall be permitted to comprise a maximum of ten percent of the required minimum habitable floor area.

PM-404.2.1 Combined spaces: Combined spaces shall be deemed to comply with the requirements of Table PM-404.2 if the total area if the combined spaces is equal to that required for separate rooms.

PM-404.3 Sleeping prohibited: Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

Exception: This provision, as it pertains to kitchens, shall not apply to single space efficiency apartment units which otherwise comply with this code.

PM-404.4 Minimum dimensions: A habitable room, other than a kitchen, shall not be less than seven feet (2133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counterfronts and appliances or counterfronts and walls.

PM-404.5 Minimum ceiling heights: Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and kitchens shall have a clear ceiling height of not less than seven feet (2134 mm).

Exceptions:

1. Beams or girders spaced not less than four feet (1219 mm) on center and projecting below the ceiling, provided that the minimum clear height is not less than six feet eight inches (2033 mm).
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than six feet eight inches (2033 mm) in height.
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 seven 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 five feet (1524 mm) or more shall be included.
4. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2033 mm) with not less than six feet four inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

PM-404.6 Basements: No basement shall be used for habitable space, except kitchens, unless the floors and walls are substantially watertight and the space complies with this code in all other respects.

SECTION PM-405.0 PLUMBING FACILITIES AND FIXTURES

PM-405.1 Bathrooms and toilet rooms: Bathrooms and toilet rooms shall provide privacy to the occupant of the room and shall not be part of the only access to another space or means of egress.

PM-405.1.1 Dwelling units: Each dwelling unit shall contain a room equipped with a water closet; lavatory and a bathtub or shower. The required bathtub or shower shall be permitted in a separate room from the water closet. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which the water closet is located.

PM-405.1.2 Rooming houses, dormitories and hotels: Where private water closets, lavatories and bathtubs or showers are not provided in rooming houses, dormitories and hotels, a minimum of one water closet, lavatory and

bathtub or shower shall be provided with access from a common hallway for each six occupants or fraction thereof. Such facilities shall not be more than one story removed from the occupants intended to share them.

PM-405.1.3 Every bathroom and toilet room floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

PM-405.2 Kitchens: Every dwelling shall contain a kitchen sink.

PM-405.3 Plumbing fixtures: All plumbing fixtures shall be properly installed with adequate clearances for usage and cleaning and be maintained in a safe, sanitary and functional condition, free from obstructions, leaks and defects.

PM-405.3.1 Water supply: Every sink, lavatory, water closet, bathtub, shower or other plumbing fixture required by this code shall be properly connected to a public or approved private water supply in accordance with the plumbing code.

PM-405.3.2 Hot water: Hot water equipment shall be provided which is capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at each required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F (43 degrees C) without reliance on the space heating facilities required by this code. Water heating equipment shall be set so that the temperature of water drawn from plumbing fixtures shall not exceed 125 degrees F (52 degrees C).

PM-405.3.2.1 Relief valve: Water heaters shall be equipped with a combination temperature and pressure relief valve and relief valve discharge pipe which is properly installed and maintained.

PM-405.3.3 Sanitary drainage: All plumbing fixtures shall be properly connected to a public or approved private sewage disposal system in accordance with the plumbing code.

SECTION PM-406.0 MECHANICAL FACILITIES AND EQUIPMENT

PM-406.1 Maintenance: 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.

PM-406.1.1 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.

PM-406.1.2 Chimney: 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.

PM-406.1.3 Clearances: All required clearances to combustible materials shall be maintained.

PM-406.1.4 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM-406.1.5 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.

PM-406.1.6 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 installed in accordance with the manufacturer's instructions.

PM-406.2 Heating facilities: Every dwelling shall be provided with permanent 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 an outside design temperature of 10 degrees F (-12 degrees C).

PM-406.2.1 Heat supply: Heat shall be supplied continuously at the temperature and in the rooms specified in Section PM-406.2 from October 1 to April 30 inclusive, and in addition thereto during the months of May or September when the outside temperature falls below 60 degrees F (15 degrees C) by every owner or operator of every two-family dwelling, multiple-family dwelling and rooming house except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.

PM-406.2.2 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. In the case of a room without exterior walls, the measurement shall be taken in the approximate center of the room.

PM-406.2.3 Room temperature exception: When the outdoor temperature is below 10 degrees F (-12 degrees C) 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.

PM-406.3 Cooling facilities: At such time as the Department of Public Health declares a heat emergency, the owner or operator of personal care boarding home occupancies in Group I-1 (Supervised Living Facilities) shall, whenever the indoor ambient air temperature exceeds 81 degrees Fahrenheit (27 degrees C), supply mechanical air cooling to every habitable room to maintain a temperature not exceeding 81 degrees Fahrenheit (27 degrees C).

Exception: Where there are separate mechanical air cooling facilities for each dwelling or rooming unit, and such facilities are under the sole control of the occupant of the dwelling or rooming unit.

PM-406.3.1 Equipment: The cooling equipment in the facility shall be capable of maintaining an indoor ambient air temperature which does not exceed 81 degrees Fahrenheit (27 degrees C) based on an outside design temperature of 100 degrees Fahrenheit (38 degrees C).

PM-406.3.2 Room temperature measurement: The required room temperature shall be measured three feet (914 mm) above the floor approximately at the center of the room.

PM-406.4 Cooking equipment: Every dwelling unit shall contain a gas range or electric range for cooking. Such equipment shall be installed and maintained so that it will function safely and properly.

PM-406.4.1 Cooking prohibited: Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

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

SECTION PM-407.0 ELECTRICAL FACILITIES AND EQUIPMENT

PM-407.1 Electrical service: Every occupied dwelling shall be provided with an electrical system in compliance with the requirements of this Section. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires, 120/240 or 120/208 volts, single phase.

PM-407.2 Safe installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner by a qualified Licensed electrical contractor in accordance with Subcode "E". Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

PM-407.3 Receptacles: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets spaced a maximum of 12 feet (3658 mm) apart measured along the perimeter of the room or a minimum of one such receptacle plus a ceiling light fixture. Every laundry area shall contain at least one grounded type receptacle.

PM-407.3.1 Kitchen receptacles: At least one 20 ampere circuit shall be provided to serve the receptacle outlets in the kitchen and dining area.

PM-407.3.2 Special appliances: Individual branch circuits shall be provided as required to comply with the electrical code for any fixed appliances or equipment; rated at more than 1400 watts or the space specifically provided for such items. One additional 20 ampere circuit shall be provided to serve an automatic washing machine, if present on the premises.

PM-407.3.3 Bathroom receptacles. Every bathroom shall contain at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

PM-407.4 Lighting fixtures: Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

PM-407.4.1 Outdoor lighting fixture: Every owner or operator of every multiple-family dwelling shall provide an outside light over each entrance from the street and in a prominent place in each side yard and rear yard sufficient to illuminate and maintain in service 16 square feet (1.49 m²) of ground area to the intensity of 3 foot candles (33 lux). The light shall be turned on automatically at sunset and shall remain on until sunrise the following morning.

SECTION PM-408.0 UTILITIES

PM-408.1 Continuance of utilities: No owner, operator or occupant shall cause any service equipment or utility which is required by this code to be removed, shut off or discontinued for any occupied dwelling, except for temporary interruption necessary while actual repairs or alterations are in process, or during temporary emergencies.

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