Housing Ordinance

of the

BOROUGH of WEST CHESTER

Enacted March 26, 1958

BOROUGH OF WEST CHESTER, PA.
ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY ESTABLISHING MINIMUM STANDARDS, GOVERNING BASIC EQUIPMENT AND FACILITIES, PHYSICAL CONDITION, MAINTENANCE AND OCCUPANCY OF DWELLINGS; FIXING RESPONSIBILITIES AND DUTIES OF OWNERS AND OCCUPANTS OF DWELLINGS, ROOMING HOUSES AND MULTI-FAMILY DWELLINGS, IN THE BOROUGH OF WEST CHESTER; PROVIDING FOR THE INSPECTION OF DWELLINGS, AND THE CONDEMATION OF DWELLINGS UNFIT FOR HUMAN HABITATION, AND FIXING PENALTIES FOR VIOLATIONS.

The Council of the Borough of West Chester hereby ordains:

SECTION 1. Declaration of Policy.

1.1 The purpose of this ordinance is to protect the public health, safety and welfare by enacting a housing ordinance which:

(1) Establishes minimum standards for basic equipment and facilities; for light, ventilation and heating; for safe and sanitary maintenance; for cooking equipment of all dwellings, dwelling units, rooming houses and rooming units, now in existence or hereafter constructed;

(2) Determines the responsibilities of owners, operators and occupants of dwellings;

(3) Provides, as an incident to the primary regulation, for licensing of the operation of rooming houses and multi-family dwellings;

(4) Authorizes the inspection of dwellings, the rehabilitation of dwellings, and the vacancy or removal of dwellings unfit for human habitation, and

(5) Provides for administration, enforcement and penalties.

SECTION 2. Definitions.

Unless otherwise expressly stated, the following definitions shall have the meanings indicated in this section:

2.1 Borough shall mean the Borough of West Chester, Chester County, Pennsylvania.

2.2 Council shall mean the duly elected members of the Council of the Borough of West Chester, Chester County, Pennsylvania.

2.3 Housing Official shall mean the officer or other designated authority charged with the administration and enforcement of this ordinance, or his duly authorized representative.

2.4 Basement means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

2.5 Cellar means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

2.6 Dwelling means a building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

2.7 Dwelling Unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

2.8 Habitable Room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

2.9 Multiple Dwelling means any dwelling containing more than two dwelling units.

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

2.11 Infestation means the presence, within or around a dwelling, of any insects, rodents, or other
pests.

2.12 Occupant means any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

2.13 Operator means any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

2.14 Owner means any person who, alone or jointly or severally with others, shall have legal title to any structure, with or without accompanying actual possession thereof; or shall operate, have charge, care, or control of any structure under an article of agreement, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the person having legal title. Any person representing the owner as heretofore defined, as agent, shall be bound to comply with the provisions of this ordinance, to the same extent as if he were the owner, except that no agent of such owner shall be held personally responsible for the failure of the owner to make expenditures to comply with the terms of this ordinance with which he is required to comply with the terms of this ordinance, provided the agent has notified the owner of the provisions of this ordinance with which he is required to comply; and has not been authorized by the owner to make the expenditures required.

2.15 Person means an individual, firm, corporation, association or partnership.

2.16 Plumbing means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, gas or oil lines.

2.17 Rooming House means any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother, or those standing in such relationships, of the owner or operator.

2.18 Rooming Unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

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

2.20 Structures means buildings of all kinds, including partial and incomplete buildings and foundations whether being built or demolished, trailers of all kinds, and all mobile habitable units with or without wheels.

2.21 Supplied means installed, furnished or provided by the owner or operator at his expense.

2.22 Temporary Housing shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.

2.23 Meaning of certain words: Whenever the words “structure”, “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, “premises” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof”.

2.24 Words used in the singular number include the plural, words in the plural number include the singular, the word “building” includes the word “structure”.


3.1 The office of Housing Official
is hereby established. The Council of the Borough shall appoint a housing officer who shall be responsible for the administration and enforcement of the housing ordinance. In addition to the housing officer, the Council of the Borough may appoint such other employees as may be necessary for the adequate administration and enforcement of the ordinance.

3.2 Council shall fix the salary of the housing official or housing officer. All appointments made after the adoption of this ordinance shall be until the first Monday of January, 1959. The successor shall be appointed by Council to serve for two years, which is hereby fixed as the term of office of the housing official or housing officer.

3.3 During temporary absence or disability of the housing official, the appointing authority shall designate an acting housing official.

3.4 The housing official to be eligible to appointment shall be properly qualified by experience and training in matters pertaining to housing, sanitation, safety and rehabilitation.

SECTION 4. Inspection of Dwellings, Dwelling Units, Rooming Units, Structures and Premises.

4.1 The housing officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, structures, and premises located within the Borough of West Chester in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the housing officer or any other officer or employee acting under the authority of this ordinance, subject to the limitations of the Constitution and laws of the United States and of the Commonwealth of Pennsylvania, upon showing proper identification of office may enter, examine and survey, at all reasonable times, and in an emergency at any time, all dwellings, dwelling units, structures and premises. Prior to the date of the initial inspection, a notice of intent to inspect shall be sent to the owner or occupant at least fifteen days before the inspection date. This notice shall be sent by certified mail. The owner or occupant, or the person in charge thereof, shall give the housing officer free access to such dwelling, dwelling unit, rooming unit, or structure and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant or operator shall give the owner thereof, or his agent or employee, access to any part of such building or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance, or with any lawful rule or regulation adopted, or any lawful order issued pursuant to the provisions of this ordinance.

4.2 The housing officer may make a preliminary survey in any area of the Borough to determine the general condition of the structures of that area, the extent of dilapidation of structures, and the unsafe and insanitary conditions which may exist.

4.3 Delegation of Power or Duty by the housing officer. The housing officer may delegate to any other properly qualified person approved by the Borough Council any power or duty vested in him by this ordinance, except that the housing officer may not delegate his power or duty to issue regulations pursuant to Section 4.3.

4.4 Report of the Housing Officer. The housing officer shall at the end of each calendar year, submit a written report to the Burgess and to Borough Council of the housing activities of his office, and the procedures used in the administration and enforcement of this ordinance, the number of housing violations found and corrected, and any other material which will indicate the progress made in housing sanitation, safety and rehabilitation. The report shall also contain a summary of the recommendations made by the housing officer,
and the action taken by him pursuant to these recommendations.

4.5 Administration: Rules and Regulations.

The housing officer may issue rules and regulations setting forth such standards, conditions and other specifications as he deems advisable for the proper interpretation and enforcement of the provisions of this ordinance. No rules and regulations so issued shall be effective until approved by the Borough Council. The rules and regulations may include, but shall not be limited to, matters respecting:

a. Required facilities, utilities and fixtures, illumination, ventilation, heating, structural condition, good repair and sanitary maintenance of dwellings;

b. The sanitary condition and maintenance of premises;

c. The occupancy of dwellings;

d. The elimination and prevention of infestation in dwellings;

e. The conditions under which a permit for the operation of a rooming house or multiple dwelling may be granted; and

f. The records to be kept by rooming house and multiple dwelling operators.

4.6 The rules and regulations shall not be in conflict with the provisions of this ordinance, or with any other ordinance of the Borough.

4.7 The rules and regulations shall have the same force and effect as the provisions of this ordinance, and the penalty for their violation shall be the same as the penalty for the violation of the provisions of this ordinance.

4.8 The housing officer shall, thirty (30) days prior to the submission of any rules and regulations to the Borough Council for approval, give notice of his intention to so issue the rules and regulations in one newspaper of general circulation in the Borough, and shall file a copy of the proposed rules and regulations, readily accessible to the public, in the office of the Borough Secretary.

4.8 A copy of all rules and regulations issued by the housing officer shall be kept on file in the office of the Borough Secretary and in his own office.

SECTION 5. Prohibitions.

5.1 If any order issued and served in accordance with this ordinance is not complied with within the time specified therein, the structure with respect to which the order has been issued is hereby declared to be a public nuisance, and it shall be unlawful for any person, firm or corporation that has knowledge of the issuance of the said order to occupy as a human habitation, or in any manner use the said structure, or any part thereof.

5.2 No person, firm or corporation shall, without the written consent of the housing officer, remove, or permit the removal of any complaint, notice or order posted in accordance with the provisions of this ordinance.

5.3 When the housing officer finds that a structure is unfit for human habitation, or is dangerous within the meaning of this ordinance, and has notified the owner or his agent to such effect, and the time limit set by the housing officer for the correction of the defects, or of the repair, alteration or improvement, or of the vacation, closing or removal of same has expired, no person shall receive rentals, offer for rent, or occupy same as a human habitation or for any other purpose.

SECTION 6. Enforcement: Service of Notices and Orders:

Hearings:

6.1 Whenever the housing officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall (a) be put in writing; (b) include a statement of the reasons why it is being issued; (c) allow a reasonable time for the performance of any act it requires; and
(d) be served upon the owner or his agent or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if the same cannot be served by certified mail, a copy of the notice shall be published once a week for two successive weeks in a local newspaper. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.

6.2 Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the housing officer; PROVIDED that such person shall file in the office of the housing officer a written petition requesting such hearing, and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. Upon receipt of such petition the housing officer shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed: PROVIDED that upon application of the petitioner the housing officer may postpone the date of the hearing for a reasonable time beyond such ten day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

6.3 After such hearing the housing officer shall sustain, modify or provisions of this ordinance and of withdraw the notice, depending upon his finding as to whether the the rules and regulations adopted pursuant thereto have been complied with. If the housing officer sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to subsection 6.1 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the housing officer within ten days after such notice is served. After a hearing in the case of any notice suspending any permit required by this ordinance, or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the housing officer, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the housing officer within ten days after such notice is served.

6.4 The proceedings at such hearing, including the findings and decision of the housing officer, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the housing officer. Such record shall also include a copy of every notice or order issued in connection with the matter.

6.5 Whenever the housing officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the housing officer shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this ordinance and of the rules and regu-
lations adopted pursuant thereto have been complied with, the housing officer shall continue such order in effect, or modify it, or revoke it.

SECTION 7. Appeals, Membership of Board of Appeals, and Meetings.

7.1 Any person aggrieved by any decision of the housing officer or acting housing officer arising out of this ordinance, may appeal from this decision to the Board of Appeals hereby established, which shall consist of three residents of the Borough. Such appeal shall be made within ten days of such decision. Such appeal shall be in writing, shall set forth the decision appealed from, and the reasons for the appeal. It shall be verified by affidavit and shall be filed with the Borough Secretary. It shall be the duty of the Borough Secretary to bring the said appeal to the attention of the Board of Appeals, who shall proceed to consider said appeal at a meeting to be fixed therefor at least ten days from the date of filing of such appeal. The person appealing shall have the right to appear and to be heard if he states such desire in his written appeal.

7.2 Any person aggrieved by the decision of the Board of Appeals may within thirty days after filing of such decision in the office of the housing officer and in the office of the Borough Secretary, appeal to the Court of Common Pleas of Chester County.

7.3 Any person appealing from the decision of the housing officer, as aforesaid, shall pay to the Secretary of Borough Council a fee of Twenty-Five ($25.00) Dollars, which shall be paid to the Borough Treasurer. The records of the Board of Appeals shall be the property of the Borough of West Chester, and shall at all times be kept in the custody of the Borough Secretary at the Municipal Building.

7.4 All members of the Board of Appeals shall be appointed by Borough Council. One member shall be designated to serve until January 1, 1959, one until January 1, 1960, and one until January 1, 1961. Their successors shall be appointed on the expiration of their respective terms to serve three years. The members of the Board shall be removable for cause by the appointing authority upon written charges and after public hearing. A vacancy shall be filled for the unexpired term of any member whose term becomes vacant. Each member of the Board shall be properly qualified by experience and training in matters pertaining to housing, sanitation, safety and rehabilitation. The members shall serve without compensation.

7.5 Meetings of the Board of Appeals shall be held as required by this ordinance, and at such other times as the Board may determine, or upon call of the Chairman or at the request of any two members of the Board. All meetings shall be open to the public. The Board shall adopt its own rules of procedure, and shall keep a record of its proceedings showing the vote of each member on each question.

7.6 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of Common Pleas of the County on application on notice to the officer from whom the appeal is taken and due cause shown.

7.7 The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent or by attorney.

7.8 The Board shall have the following powers:—

(a) To hear and decide appeals
where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance, or of any ordinance adopted pursuant thereto.

(b) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.

(c) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, so that the spirit of the ordinance shall be observed and substantial justice done.

7.9 In exercising the above-mentioned powers, such Board may in conformity with the provisions of this section, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Notice of such decision shall forthwith be given to all parties in interest.

7.10 Any person aggrieved by any decision of the Board, or any taxpayer, or any officer of the borough, may within thirty days after such decision of the Board, appeal to the Court of Common Pleas of the County by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, specifying the grounds upon which he relies.

7.11 Upon presentation of such petition in proper form, the Court shall forthwith issue a writ of certiorari directed to the Board of Appeals, commanding it within twenty days after the service thereof, to certify to the Court under the certificate of its Chairman, its entire record in the matter in which the appeal has been taken. The Prothonotary shall serve the Board by registered mail or certified mail, return receipt requested, with a copy of the writ and a copy of the appeal petition. On or before the return day of the writ, the Board shall file the entire record with the writ in the office of the Prothonotary.

SECTION 8. Minimum Standards for Basic Equipment and Facilities.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

8.1 Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the housing officer.

8.2 Every dwelling unit, (except as otherwise permitted under subsection 8.4 of this section) shall contain a room which affords privacy to a person within said room, and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the housing officer.

8.3 Every dwelling unit (except as otherwise permitted under subsection 8.4 of this section) shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the housing officer.

8.4 The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if:

(a) Neither of the two dwelling units contains more than two rooms: PROVIDED that, for the purposes of this subsection, a kitchenette or an efficiency kitchen with not more than 60 square feet of floor area shall not be counted as a room; and that
(h) The habitable area of each of such dwelling units shall equal not more than 250 square feet of floor area; and that
(c) Such water closet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the housing officer.

8.5 Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of subsections 8.1, 8.2, 8.3 and 8.4 of Section 8 of this ordinance shall be properly connected with both hot and cold water lines.

8.6 Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are approved by the housing officer.

8.7 Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, type and location of which are approved by the housing officer.

8.8 Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of subsection 8.5 of Section 8 of this ordinance, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection 9.5 of Section 9 of this ordinance are not in operation.

8.9 Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this State and the Borough.


No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

9.1 Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten per cent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a 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. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

9.2 Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five per cent of the minimum window area size or minimum skylight-type window size, as required in subsection 9.1 of Section 9 of this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the housing officer.

9.3 Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections 9.1 and 9.2 of Section 9, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation
system which is kept in continuous operation and approved by the housing officer.

9.4 Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

9.5 Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees F., at a distance three feet above floor level, under ordinary minimum winter conditions.

9.6 Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

9.7 During that portion of each year when the housing officer deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to out-door space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; PROVIDED that such screens shall not be required during such period in rooms deemed by the housing officer to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of the Borough which are deemed by the housing officer to have so few such insects as to render screens unnecessary.

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

SECTION 10. Minimum Standards for Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

10.1 Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, watertight, and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.

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

10.3 Every inside and outside stair, every porch and every appurtenance thereto, shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

10.4 Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

10.5 Every water closet compart-
ment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water, and so as to permit such floor to be easily kept in a clean and sanitary condition.

10.6 Every supplied facility, piece of equipment, or utility which is required under this ordinance, shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

10.7 No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this ordinance, to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the housing officer.

10.8 No owner shall occupy or let to any other occupancy any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.

SECTION 11. Minimum Space, Use, and Location Requirements.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

11.1 Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

11.2 In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

11.3 No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

11.4 At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

11.5 No cellar space shall be used as a habitable room or dwelling unit.

11.6 No basement space shall be used as a habitable room or dwelling unit unless:

(a) The floor and walls are impervious to leakage of underground and surface runoff water, and are insulated against dampness;

(b) The total of window area in each room is equal to at least the minimum window area sizes as required in subsection 9.1 of Section 9 of this ordinance.

(c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

(d) The total of openable window area in each room is equal to at least the minimum as required under subsection 9.2 of Section 9 of this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the housing officer.

SECTION 12. Responsibilities of Owners and Occupants.

12.1 Every owner of a dwelling containing two or more dwelling
units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

12.2 Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

12.3 Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by subsection 8.6 of section 8 of this ordinance.

12.4 Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities, or garbage storage containers required by subsection 8.7 of Section 8 of this ordinance. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units, and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

12.5 Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm door and windows whenever the same are required under the provisions of this ordinance, or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

12.6 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

Not withstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

12.7 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition, and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

12.8 During that time of the year when it is necessary, as determined by the housing officer, every owner or operator of every two-family dwelling, multiple dwelling and rooming house, shall supply adequate heat to every habitable room therein, except where there are separate heating facilities for each dwelling unit, which facilities are under the sole control of the occupant of such dwelling unit.

SECTION 13. Rooming Houses and Multiple Dwellings.

13.1 No person shall operate a rooming house unless he holds a valid rooming house permit issued by the housing officer in the name of the operator and for the specific dwelling or dwelling unit. No person shall operate a multiple dwelling unless he holds a valid multiple dwelling permit issued by the housing officer in the name of the operator for such multiple dwelling. The operator shall apply to the housing officer for such permit, which shall be issued by the housing officer upon compliance by the operator with the applicable provisions of this ordinance and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house or multiple dwelling at all times. No such permit shall be transferable. Every
person holding such a permit shall give notice in writing to the housing officer within twenty-four hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house or multiple dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house or multiple dwelling. Every rooming house or multiple dwelling permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

13.2 Every person applying for a permit shall supply such information as the housing officer requires, and shall pay an initial license fee of Two ($2.00) Dollars, and thereafter an annual fee of One ($1.00) Dollar for each rooming or dwelling unit in the respective rooming house or multiple dwelling. Every permit shall specify the maximum number of occupants allowed to occupy the rooming house or multiple dwelling.

13.3 Any person whose application for a permit to operate a rooming house or multiple dwelling has been denied may request and shall be granted a hearing on the matter before the housing officer under the procedure provided by Section 6 of this ordinance.

13.4 Whenever upon inspection of any rooming house or multiple dwelling the housing officer finds that conditions or practices exist which are in violation of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, the housing officer shall give notice in writing to the operator of such rooming house or multiple dwelling that unless such conditions or practices are corrected within a reasonable period, to be determined by the housing officer, the operator’s rooming house permit or multiple dwelling permit will be suspended. At the end of such period the housing officer shall reinspect such rooming house or multiple dwelling, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter’s permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house or multiple dwelling, and no person shall occupy for sleeping or living purposes any rooming unit or multiple dwelling therein.

13.5 Any person whose permit to operate a rooming house or multiple dwelling has been suspended, or who has received notice from the housing officer that his permit is to be suspended unless existing conditions or practices at his rooming house or multiple dwelling are corrected, may request and shall be granted a hearing on the matter before the housing officer under the procedure provided by Section 6 of this ordinance: PROVIDED that if no petition for such hearing is filed within ten days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.

13.6 At least one flush water closet, lavatory basin, and bath tub or shower, properly connected to a water and sewer system approved by the housing officer and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family whereever they share the use of the said facilities: PROVIDED that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the housing officer.

13.7 Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the same
in a clean and sanitary manner, and shall furnish clean bed linen and towels at least once each week, and prior to the letting of any room or dwelling unit to any occupant.

13.8 Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor space for each occupant thereof.

13.9 Every rooming unit or dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this State and the Borough.

13.10 The operator of every rooming house or multiple dwelling shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house or multiple dwelling, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

13.11 Every provision of this ordinance which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State Board or agency.


The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

14.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation, and shall be so designated and placarded by the housing officer.

(a) One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(b) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(c) One which because of its general condition or location is insanitary, or otherwise dangerous, to the health or safety of the occupants or of the public.

14.2 Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the housing officer, shall be vacated within a reasonable time as ordered by the housing officer.

14.3 No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the housing officer. The housing officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

14.4 No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection 14.3.

14.5 Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the housing officer, under the procedure set forth in Section 6 of this ordinance.

SECTION 15. Penalties.

15.1 Any person, partnership, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this ordinance, or of any rule,
regulation or requirement made pursuant thereto and authorized thereby, shall upon conviction in a summary proceeding before the Burgess or any Justice of the Peace of the Borough of West Chester be sentenced to pay a fine of not less than ten ($10.00) Dollars, nor more than One Hundred ($100.00) Dollars, and costs of prosecution, for each offense, to be collected as other fines and costs are by law collectible, and in default of payment of said fine and costs shall be imprisoned in the Chester County Jail for a period not exceeding thirty (30) days. Violations on separate days shall be considered separate violations.


16.1 The powers conferred upon the housing officer by the provisions of this ordinance shall be in addition and supplemental to the powers conferred upon the housing officer by any other ordinances. Nothing herein shall be construed to impair or limit in any way the power of the Borough of West Chester to define and declare nuisances and to cause their removal or abatement by proper proceedings. The measures and procedures herein provided for do not supersede, and this ordinance does not repeal any other measures or procedures which are provided by ordinance or State law for the elimination, repair or correction of the conditions referred to in Section 1 hereof, and the measures and procedures herein provided for shall be in addition to the same.


17.1 In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of the Borough existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the Borough existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

SECTION 18. Severability.

18.1 The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional, the decision of the Court shall not effect or impair any remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intention of the Borough Council that this ordinance would have been adopted if such illegal, invalid or constitutional section, clause, sentence, part or provision had not been included herein.

SECTION 19. Effective Date.

This ordinance shall become effective thirty days after its approval.

Enacted and ordained this 26th day of March, A. D. 1958.

THOMAS HOOPES, JR.
President of Council

Attest:

JOHN S. GROFF
Secretary

Approved this 26th day of March, A. D. 1958.

CHARLES E. LUCAS, JR.
Burgess.