

CITIES OF THE SECOND CLASS; TENEMENT-HOUSES

Act of Mar. 30, 1903, P.L. 110, No. 87

Cl. 11

A SUPPLEMENT

To an act, entitled "An act regulating the construction, maintenance, alteration and inspection of buildings and party walls in cities of the second class," approved the seventh day of June, Anno Domini one thousand eight hundred and ninety-five; regulating the construction, alteration and ventilation of tenement-houses, and providing for the safety of the inhabitants thereof; and providing penalties for the violation of the same.

Section 1. Be it enacted, &c., That no tenement-house shall hereafter be erected, altered or constructed in any city of the second class, unless such erection, alteration or construction shall be in conformity with the provisions of this act.

Section 2. Certain words used in this act shall be defined, for the purposes thereof, as follows:

"Tenement-house" is any house or building, or portion thereof, which is intended or designed to be occupied or leased for occupation, or actually occupied, as a home or residence for three or more families, living in separate apartments, and doing their cooking upon the premises.

"Apartment" is a room or suite of two or more rooms, occupied or leased for occupation, or intended or designed to be occupied, as a family domicile.

Section 3. In any city of the second class which has enacted, or may hereafter enact, a zoning ordinance, the provisions of the said ordinance affecting the required yards or courts for tenement-houses shall be the only effective provisions for such open spaces. In any city of the second class in which the open spaces about a tenement-house are not regulated by a zoning ordinance, the following provisions for tenement-houses shall apply.

Every tenement-house hereafter erected, altered or occupied shall have an open space, at the rear or the side or sides, equal in area to at least twenty per centum of the entire area of the lot upon which said tenement-house is erected, which open space shall be unobstructed by any over-hanging structure, except cornices or fire escapes; unless, such tenement-house is erected upon a corner of two streets neither of which is less than twenty feet in width, in which case said tenement-house shall have an open space attached to it, at the rear or at the side next the adjoining lot, equal in area to at least ten per centum of the entire area of the lot upon which said tenement-house is erected, which open space shall be unobstructed by any overhanging structure, except cornices and fire escapes; and any such tenement-house which shall be erected upon a lot bounded on three sides by streets not less than twenty feet in width, may be erected to cover the entire area of said lot, provided that every window opening from the living rooms in said tenement-house, shall open upon one of said streets. Any open space at

the side or rear of such tenement-house shall be at least eight feet in width throughout its entire length. No court or open space between tenement-houses, or between wings of a tenement-house, shall be less than ten feet in width. If such tenement-house shall be built upon a lot which is bounded upon two opposite sides by streets, at least one end of every such open space shall abut upon one of such streets. Every court or shaft erected for the purpose of furnishing light or air to any such tenement-house shall open on one side into a street or into the yard or other open space, except such shafts as may be necessary for the ventilation of water-closets or bathrooms.

(3 amended Jul. 31, 1941, P.L.601, No.251)

Section 4. Every room, in any such tenement-house, shall have at least one window, opening upon a street, or upon the open space provided for in the third section of this act. In any city of the second class in which a zoning ordinance has not been enacted, any window opening into a yard or court shall be at least eight feet distant from the wall or party line opposite to it. Any hall in a tenement-house shall have a window or windows, opening either upon a street, or upon the open space provided for in the third section of this act, and shall have no room or other obstruction at the end, unless sufficient light and ventilation is otherwise provided for said hall, in a manner approved by the superintendent of the bureau of building inspection. Whenever, in the judgment of the superintendent of the bureau of building inspection, it shall be possible to construct such tenement-house without corridors connecting the entrance of several tenements or suites of rooms, the superintendent of the bureau of building inspection may require that such tenement-house be so constructed that it shall contain no such corridors.

(4 amended Jul. 31, 1941, P.L.601, No.251)

Section 5. Every habitable room, in every such tenement-house, shall be of such dimensions as to contain at least seven hundred cubic feet of air. Every habitable room, in every such tenement house, shall be in every part not less than eight feet in height, from floor to ceiling: Provided, That an attic-room need be eight feet in but one-half its area; and every window shall have an opening of not less than one-tenth of the floor area of the room, but the bureau of building inspection may permit windows of less size, if more than one window is provided for a room, so that, however, the total window space for any one room shall not be less than one-tenth the floor area of the room.

Section 6. Every tenement-house basement-room, hereafter constructed, for living purposes, and every basement-room in already existing buildings, which shall be converted into a living room, shall have the ceiling at least eight feet six inches in every part from the floor, and shall be at least one-half its height above the level of the street or ground outside of or adjoining the same; where the grade of the street or ground adjacent to a tenement-house varies, the mean, or average, grade shall be taken to conform to the provisions of this act. Such room shall have a window or windows, opening upon the street or upon a yard or court. The total area of the

windows in such room shall be at least one-eighth of the floor area of the room, and one-half of the sash shall be made to open the full width, and the top of each window shall be within six inches of the ceiling. There shall be appurtenant to every such room or apartment a water-closet, conforming in design, materials and construction to the building and health regulations of cities of the second class.

Section 7. Every new tenement-house shall have all walls, below the ground level, and all cellar or lower floors, made damp-proof and water-proof. Such damp-proofing and water-proofing shall run through the walls, and up the same as high as the ground level, and shall be continued throughout the floor; and the said cellar or lowest floor shall be properly constructed, so as to prevent water and dampness from entering.

Section 8. All stairways in such tenement-houses shall lead directly to the ground floor. The location and construction of all stairways shall be determined by the superintendent of the bureau of building inspection, so as to provide for the safety of the occupants of such tenement houses.

Section 9. (9 repealed May 15, 1915, P.L.297, No.180)

Section 10. All stairways shall have a rise of not over eight inches to a step, and not less than nine inches tread, exclusive of the nosing. All stairways and all hallways must not be less than three feet in width, in houses containing less than fifteen rooms; not less than three feet six inches in width, in houses containing not less than fifteen rooms and not more than twenty-five rooms; and not less than four feet in width, in houses containing twenty-five or more rooms.

Section 11. In every such tenement-house, whenever a connection with a public sewer is in any way possible (and of this possibility the bureau of health of said cities shall be the sole judge), there shall be one water closet for every tenement or suite of rooms, which has its own independent hallway, so separated that its rooms do not open into or connect with any other rooms; and in tenement houses so constructed that a tenement may consist of a single room or of two rooms, there shall be at least one water-closet for every three rooms: Provided, That in the case of buildings existing at the date of this act, which shall hereafter be altered or converted into tenement-houses, there shall be one water-closet for every six rooms, but not less than one for each floor. Every water-closet shall be separated from every other water-closet, and shall have an entrance entirely independent of the entrance to every other water-closet. Every such water-closet shall be properly ventilated, in conformity with the regulations and requirements already in force in said cities of the second class. But when necessary (and of this necessity the bureau of health of said cities shall be the sole judge), such water closets may be located in the yard. Wherever located, the said water-closets shall conform in design, materials and construction to the building and health regulations of said cities.

Section 12. In all tenement-houses hereafter erected, wherever a connection with the city water main is in any way possible (and of this possibility the bureau of health shall be the judge), there shall be an independent water supply, and at

least one sink for every tenement or suite of rooms; and in every now existing tenement-house or house that may be hereafter converted into a tenement-house, there shall be on every floor at least one proper sink, with running water, accessible to all the tenants of that floor without passing through any other apartment, if there be no such sink in each apartment; and the space under all sinks, and also under all bath tubs where such exist, shall be left entirely open, with no woodwork enclosing the same.

Section 13. All tenement-houses four or more stories in height, which shall hereafter be erected, altered or constructed, shall be made fire-proof throughout, in conformity with the fire-proof ordinances now in force in said cities.

Section 14. The superintendent of the bureau of building inspection shall require such plans and specifications of any proposed erections, alterations or constructions of tenement-houses, as sufficiently set forth and record the intent of the builder to comply with the requirements of this act, to be filed with him; and no permit for the erection or construction or alteration of any such tenement-house shall be granted, unless the same shall be in conformity with the provisions of this act.

Section 15. Any violations of any of the provisions of this act shall subject the person or persons, so offending, to a fine or penalty of not less than ten dollars nor more than one hundred dollars; and any such violation of the provisions of this act, if continued after the first fine is imposed therefor, shall, for every week of such continuance, be punishable by an additional fine of not less than ten dollars nor more than one hundred dollars. All such fines and penalties shall be recoverable by summary proceedings before the recorder, mayor, or any alderman or police magistrate, in any of said cities; and all suits or actions at law, instituted for the recovery thereof, shall be in the name and for the use of the city within or against which the offense is committed, and upon the recovery thereof all such fines and penalties shall be paid to the city treasury thereof. In default of the payment of any fine or penalty imposed by any such authority, the person or persons so offending may be committed to the jail, workhouse or other penal institution of the county in which the said city is situated, for a period not exceeding thirty days.

Section 16. Whenever any owner or builder shall deem himself aggrieved by any decision of the superintendent of building inspection, made in performance of the powers conferred upon him by this act, such owner or builder shall be entitled to an appeal from such decision, as provided by section five of the act to which this is a supplement.

Section 17. Whenever any of such cities shall have incurred expense in enforcing any of the provisions of this act, imposing duties upon persons or corporations, such cities shall have the right to recover the same, by action of assumpsit, from the owners or occupants of the premises, or other persons or corporations failing or refusing to comply with or execute the same.