

**Chapter 4**  
**Part 3**  
**New Construction Minimum Room Area and Utility Requirements**

**§301. Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy of structures and premises.

**§302. Definitions.**

For the purpose of this Chapter, certain terms, phrases and words are defined as follows:

A. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural singular.

B. General Terms. The words "shall", "will" or "must" are always mandatory; the words "should" or "may" are permissive. The words "used for" includes "designed for," "arranged for," "intended for," "maintained for" or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "incorporated association" or other similar entities.

C. Terms, Phrases and Words Not Defined. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

D. Specific Terms. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

**APPROVED.** Approved by the code official.

**ADDITION.** An extension or increase in floor area or height of a building or structure.

**ALTERATION.** Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

**APPROVED AGENCY.** An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the code official.

**ATTIC.** The unfinished space between the ceiling joists of the top story and the roof rafters.

**BASEMENT.** That portion of a building that is partly or completely below grade (see “Story above grade”).

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes.

**BUILDING.** Building shall mean any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

**BUILDING, EXISTING.** Existing building is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

**CODE OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code.

**CEILING HEIGHT.** The clear vertical distance from the finished floor to the finished ceiling.

**CLOSET.** A small room or chamber used for storage.

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

**DWELLING.** Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

**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.

**HABITABLE SPACE.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**HOT WATER.** Water at a temperature greater than or equal to 120°F (49°C).

**JURISDICTION.** The governmental unit that has adopted this code under due legislative authority.

**KITCHEN.** Kitchen shall mean an area used, or designated to be used, for the preparation of food.

**LIVING SPACE.** Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

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

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

**OWNER.** Any person, agent, firm or corporation having a legal or equitable interest in the property.

**PERMIT.** An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity.

**PERSON.** An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

**PLUMBING FIXTURE.** A receptor or device that requires both a water-supply connection and a discharge to the drainage system, such as water closets, lavatories, bathtubs and sinks.

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

**SANITARY SEWER.** A sewer that carries sewage and excludes storm, surface and groundwater.

**SINGLE STATION SMOKE ALARM.** An assembly incorporating the detector, control equipment and alarm sounding device in one unit that is operated from a power supply either in the unit or obtained at the point of installation.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**§303. Requirements.** All newly constructed residential structures shall adhere to the requirements of this section, in accordance with the International Residential Code for one and two-family dwellings and is subject to the modifications, amendments or additional requirements of such codes.

**§303.1 Permit Application and Approval.** Upon the submittal of a permit application for new home construction or habitable additions to existing homes, the plan submittal shall include detailed floor plans indicating adherence to the requirements as set forth in this section.

**§303.2 Habitable Space.** For the purpose of this section habitable space shall be defined as: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**§303.3 Minimum Area.** Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet of gross floor area.

**§303.4 Other Rooms.** Other habitable rooms shall have a floor area of not less than 70 square feet.

**Exception:** Every kitchen shall have not less than 50 square feet of gross floor area.

**§303.5 Height Effect on Room Area.** Portions of a room with a sloping ceiling measuring less than 5 feet or furred ceiling measuring less than 7 feet from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

**§303.6 Minimum Ceiling Height.** Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet. The required height shall be measured from the finish floor to the lowest projection from the ceiling.

**Exceptions:**

1. Beams and girders spaced not less than 4 feet on center may project not more than 6 inches below the required ceiling height.
2. Ceilings in basements without habitable spaces may project to within 6 feet, 8 inches of the finished floor; and beams, girders, ducts or other obstructions may project to within 6 feet, 4 inches of the finished floor.

3. Not more than 50 percent of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet in height with no portion of the required floor area less than 5 feet in height.

**§303.7 Toilet Facilities.** Every dwelling unit shall be provided with a water closet, lavatory and a bath tub or shower.

**§303.8 Kitchen.** Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

**§303.9 Sewage Disposal.** All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

**§303.10 Water Supply to Fixtures.** All plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs and washing machine outlets shall be provided with hot and cold water.

**§304 Smoke Alarms.** All newly constructed residential structures shall have installed smoke alarms in accordance with the International Residential Code (as noted) and the National Fire Protection Association's National Fire Alarm code (NFPA72) and is subject to the modifications, amendments or additional requirements of such codes.

**§305 Certificate of Use and Occupancy.** The Zoning Officer shall inspect any structure, building or improvement and verify its compliance with this section prior to the issuance of a use and occupancy certificate.

**§ 306 Penalty.** Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.