

**Chapter 11**  
**PART 2**  
**OCCUPANCY LIMITATIONS**

**§201. Scope.** The provisions of this chapter shall apply to all existing residential, conversions of non-residential structures to residential dwellings, all existing premises and shall constitute the minimum requirements and standards for said premises for the occupancy, life safety, safety from fire and other hazards.

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

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

**§204. 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.

**BASEMENT.** That portion of a building which is partly or completely below 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.

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

**CONDEMN.** To adjudge unfit for occupancy.

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

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

**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.

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

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

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

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

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

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

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

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

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

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

## **§205 Occupancy Limitations**

**§205.1 Privacy.** Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from adjoining spaces.

**§205.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

**§205.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

### **Exceptions:**

1. In a one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height

of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

**§205.4 Bedroom requirements.** Every bedroom shall comply with the requirements of Sections §205.4.1 through §205.4.5

**§205.4.1 Area for sleeping purposes.** Every bedroom occupied by one person shall contain 70 square feet of floor area and any bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

**§205.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable space and shall not serve as the only means of egress from other habitable spaces.

**Exception:** Units that contain fewer than two bedrooms.

**§205.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**§205.4.4 Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**§205.4.5 Other requirements.** Bedrooms shall comply with the applicable provisions of this code including but not limited to, room area, ceiling height and room width requirements of this chapter and the smoke alarm requirements of Chapter 7

**§205.5 Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following table 205.5.A.

**TABLE 205.5.A  
MINIMUM AREA REQUIREMENT**

Minimum Area in Square Feet			
Space	1-2 OCCUPANTS	3-5 OCCUPANTS	6 OR MORE OCCUPANTS
Living Room <sup>a,b</sup>	No Requirements	120	150
Dining Room <sup>a,b</sup>	No Requirements	80	100
Kitchen <sup>b</sup>	50	50	60
Bedrooms	Shall Comply With Section 205.4		

a, See Section 205.5.2 for combined living room/dining room spaces.

b, See Section 205.5.1 for limitation on determining the minimum occupancy area for sleeping purposes.

**§205.5.1 Sleeping Area.** The minimum occupancy area required by Table 205.5.A shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 205.4

**§205.5.2 Combined Spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 205.5.A if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**§205.6 Efficiency Unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements.

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the arrears required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

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

**§205.8 Smoke Alarms.** Existing residential occupancies not already provided with single-station smoke alarms shall be provided with approved single station smoke alarms as required by Chapter 7, Part 3 of The Coolbaugh Township Code of Ordinances.

**§205.9 Penalties** 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.