

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**CHAPTER 400 HOUSING AND INSTITUTIONS**

**Section 401**

**HOUSING AND ROOMING HOUSES**

<b><u>Section</u></b>	<b><u>Subject</u></b>
<b>401.1.</b>	<b>PURPOSE</b>
<b>401.2.</b>	<b>STATEMENT OF POLICY</b>
<b>401.3.</b>	<b>DEFINITIONS</b>
<b>401.4.</b>	<b>MIXED USE</b>
<b>401.5.</b>	<b>INSPECTION OF AND ACCESS TO DWELLINGS</b>
<b>401.6.</b>	<b>NOTICE OF VIOLATIONS, HEARING, EMERGENCIES, AVAILABILITY OF RECORDS</b>
<b>401.7.</b>	<b>NON-COMPLIANCE WITH ORDERS</b>
<b>401.8.</b>	<b>DWELLINGS UNFIT FOR HUMAN HABITATION</b>
<b>401.9.</b>	<b>MINIMUM STANDARDS FOR ROOMING HOUSES</b>
<b>401.10.</b>	<b>BASIC EQUIPMENT AND FACILITIES</b>
<b>401.11.</b>	<b>LIGHT, VENTILATION, AND HEATING</b>
<b>401.12.</b>	<b>SAFETY FROM FIRE</b>
<b>401.13.</b>	<b>SPACE, USE AND LOCATION</b>
<b>401.14.</b>	<b>SAFE AND SANITARY MAINTENANCE</b>
<b>401.15.</b>	<b>RESPONSIBILITY OF OWNER AND OCCUPANTS</b>
<b>401.16.</b>	<b>DISCONTINUANCE OF REQUIRED SERVICES</b>

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**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**401.1. PURPOSE.**

This section provides Rules and Regulations which:

- a. Establish minimum standards governing utilities, facilities, and other physical objects and conditions essential to make dwellings safe, sanitary, and fit for human habitation.
- b. Establish minimum standards governing the condition and maintenance of dwellings, dwelling units, rooming houses, and rooming units.
- c. Fix certain responsibilities and duties on owners, operators, and occupants of dwellings, dwelling units, rooming houses, and rooming units.
- d. Require permits for the operation of rooming houses.
- e. Authorize preliminary area surveys of dwellings.
- f. Authorize the inspection of dwellings, and the condemnation of or removal of dwellings unfit for human habitation.
- g. Provide penalties for non-compliance with the standards and requirements set forth herein.

**401.2. STATEMENT OF POLICY**

It is hereby declared that inadequate provisions for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, dilapidation and disrepair of dwellings and premises, and the occupancy or existence of dwellings unfit for human habitation in Delaware County endanger the health, safety, morals, welfare, and reasonable comfort of the citizens of Delaware County, and that the establishment and maintenance of proper housing standards and the rehabilitation of housing are essential to the public health and welfare.

**401.3. DEFINITIONS**

The following words and terms, when used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

**ACCESSORY STRUCTURE** - A building, the use of which is customarily incidental to that of the dwelling unit, and which is on the same lot as the main building.

**APPROVED SEWER SYSTEM** - A community sewerage system approved by the Pennsylvania Department of Environmental Resources, or an individual sewage disposal system approved by the Department in accordance with Chapter 500. §504. of these Rules and Regulations.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**BASEMENT** - A portion of any building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

**CELLAR** - A portion of a building located partly or wholly underground and having half of more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**CENTRAL HEATING** - A heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms, and water closet compartments from a source outside of these rooms.

**COMMUNICATING CORRIDOR** - An enclosed passageway in a dwelling unit connecting a habitable room with another habitable room, water closet compartment, or bathroom, or an enclosed passageway in a rooming house connecting a habitable room with another habitable room in the same rooming unit or with a water closet compartment or bathroom used by the occupant of the habitable room.

**DWELLING** - Any building or structure, or part thereof, occupied, or intended or designed to be occupied as the home, residence, shelter, or sleeping place of one or more persons.

**DWELLING UNFIT FOR HUMAN HABITATION** - Any dwelling which, by reason of serious deficiencies in drainage, plumbing, water supply, light, heat, ventilation, floor area, and rodent or pest control facilities, or by reason of dilapidation, disrepair, or other similar conditions, or because of the need for major repairs to the roofs, walls, ceilings, floors, stairs, or other parts of the dwelling, is in the judgement of the Director, unsanitary or unsafe and constitutes a serious hazard to the health of the occupants of the dwelling, or to the public.

**DWELLING UNIT** - A room or group of rooms located within any dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.

**EGRESS** - See "Exit", below.

**EMERGENCY** - Any situation requiring immediate action to protect the health or welfare of any occupant of a dwelling.

**EXIT** - A way of departure from the interior of a building or structure to the exterior at street or grade level, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes, and all other facilities necessary for egress or escape.

**EXTERIOR PROPERTY AREAS** - Any open space on the premises, and vacant open space on adjacent premises.

**EXTERMINATION** - The control and elimination of insects, rodents, or other pests by: eliminating their harborage places; removing or making inaccessible materials that may serve as their food; poisoning, spraying, fumigating, or trapping; or any other recognized and legal pest elimination methods approved by the Director.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**GARBAGE** - All putrescible wastes (except sewage and body waste); included in this term are animal and vegetable offal.

**HABITABLE ROOM** - A room or enclosed floor space used or intended to be used for living, sleeping, shelter, cooking, or eating purposes; excluded from this term are bathrooms, water closet compartments, laundries, pantries, foyers, public halls, communicating corridors, stairways, closets, and storage spaces.

**LET FOR OCCUPANCY or LET** - To permit possession or occupancy of a dwelling, dwelling unit, rooming house, or rooming unit by a person who shall be the legal owner of record thereof, or his agent, 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.

**MULTIPLE DWELLING** - Any dwelling containing more than two (2) dwelling units.

**OCCUPANT** - Any person (including an owner or operator) who lives, sleeps, cooks, or eats in a dwelling unit, or who lives and sleeps in a rooming unit.

**OPERATOR** - Any person, whether or not he is the owner, who has charge, care or control of any dwelling unit, rooming house, or rooming unit.

**OWNER** - A person who, alone or jointly or severally with others:

a. Has legal or equitable title to a dwelling, dwelling unit, rooming house, or rooming unit, either with or without possession of said dwelling, dwelling unit, rooming house, or rooming unit;

or

b. Has charge, care or control of a dwelling, dwelling unit, rooming house, or rooming unit, either as agent of the owner or as administrator, trustee, or guardian of the estate of the owner.

**PLUMBING OR PLUMBING FIXTURES** - All of the following supplied facilities and equipment: gas pipes; gas-burning equipment; water heating facilities; 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 supplies and fixtures, together with all connections to water, sewer, or gas lines.

**PREMISES** - A lot, plot, or parcel of land, including the buildings and structures thereon.

**PUBLIC NUISANCE** –

a. The physical condition or use of any premises regarded as a public nuisance at common law; or

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

b. Any physical condition, use or occupancy of any premises or its appurtenances which is considered an attractive nuisance to children, including (but not limited to) abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

c. Any premises which has unsanitary sewerage or plumbing facilities; or

d. Any premises which is designated as unsafe for human habitation under this Section: or

e. Any premises which is manifestly capable of being a fire hazard, or which is so manifestly unsafe or unsecure as to endanger persons or property; or

f. Any premises from which the plumbing, heating, and/or other facilities required by this Section have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or for which the required precautions against trespassers have not been provided.

**REFUSE** - All non-putrescible wastes, generally regarded and classified as rubbish, trash, junk, and similar designations.

**ROOMING HOUSE** - Any dwelling, or part thereof, containing one or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband, wife, son, daughter, parent, grandparent, sister, or brother of the owner or operator, whether or not it is operated for profit, including boarding houses for infants, children, and the aged.

**SEWAGE** - Any substance which contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any biological, chemical, radioactive, or other noxious or deleterious substance which is harmful or inimical: to the public health; to animal or aquatic life; or to the use of water for domestic water supply or for recreation. Sewage shall include kitchen and laundry waste.

**ROOMING UNIT** - A room or group of rooms located within any dwelling and forming a single habitable unit with facilities for living and sleeping, but not for cooking or eating purposes.

**SUPPLIED** - Installed, furnished, or provided by or under the control of the owner or operator, at his expense.

**TEMPORARY HOUSING** - 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 (30) consecutive days.

**401.4. MIXED USE**

401.4.1. Whenever any dwelling contains both dwelling units and rooming units, the dwelling units shall comply with the applicable requirements of this Section for dwelling units, and the rooming units shall comply with the applicable requirements of this Section for rooming houses.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

401.4.2. Whenever one or more rooming units in a dwelling containing both dwelling units and rooming units are let to three (3) or more persons who are not husband, wife, son, daughter, parent, grandparent, sister, or brother of the operator, the part of the dwelling so used shall also comply with the applicable requirements of this Section for rooming houses.

401.4.3. Whenever any building or structure is occupied in part as a dwelling and in part for industrial or commercial purposes, that part of the building or structure occupied as a dwelling shall comply with the applicable requirements of this Section.

**401.5. INSPECTION OF AND ACCESS TO DWELLINGS**

401.5.1. Under the authority of Section 12 (c) of the "Local Health Administration Law" (16 P.S. §12012(c)), and subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania, the Director is authorized and directed to enter and inspect any dwelling for the purpose of determining compliance with the provisions of this Section.

401.5.1.1. For this purpose, the Director is authorized, upon showing proper identification of office, to enter and inspect any dwelling, dwelling unit, rooming house, rooming unit, or any part thereof, at all reasonable times, and in an emergency at any time.

401.5.1.2. The owner, operator, or occupant of any dwelling, dwelling unit, rooming house, or rooming unit shall give the Director free access for the purpose of inspecting any such dwelling.

401.5.1.3. If permission to enter any premises or any part thereof for the purpose of inspection is denied, or an area is locked or otherwise not freely accessible and permission to enter cannot be obtained, the Director shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

401.5.1.4. For the purpose of this §401.5. a "reasonable or probable cause to gain access and inspect" shall include, without being limited to, the following:

- a. That the inspection of the said area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated enforcement program, of the Rules and Regulations, in that portion of Delaware County; or
- b. That the Director has knowledge or information that a violation of this Section may exist; or
- c. That said entry is for the purpose of reinspecting a previous notice of violations.

401.5.2. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times and after reasonable notice has been given, for the purpose of conducting inspections to determine whether violations of this Section may exist, or for the purpose of making such repairs

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

or alterations as are necessary to effect compliance with the provisions of this Section or with any lawful Rule or Regulation adopted or any lawful order issued pursuant to the provisions of this Section.

**401.6. NOTICE OF VIOLATIONS, HEARING, EMERGENCIES, AVAILABILITY OF RECORDS**

401.6.1. NOTICE. Whenever the Director determines that there has been a violation of any provision of this Section so as to cause a nuisance detrimental to the public health he shall give notice, of the alleged violations, in the manner provided herein, to the person responsible for compliance under this Section. The notice, in accordance with Section 12(d) of the "Local Health Administration Law" (16 P.S. §12012(d)), shall:

- a. Be in writing;
- b. Include a brief description of the real estate, sufficient for identification;
- c. Specify the violation which exists, with reference to the applicable provisions of this Section, together with a brief statement of the remedial action required;
- d. Provide a reasonable time, not to exceed thirty (30) days, for the correction of any violation alleged.

401.6.2. SERVICE. A notice of violation shall be served upon the owner, operator, occupant, or any other party in interest, as the case may require. Service of the notice of violation shall be made in the following manner:

- a. By handing the notice to the person to be served; or
- b. By handing the notice to the persons designated for receipt of service of original process under the Rules of Civil Procedure promulgated by the Supreme Court of Pennsylvania; or
- c. By mailing the notice to the last known address of the person to be served by registered mail, postage prepaid, accompanied with a request for a return receipt; or, if service cannot be accomplished in this manner,
- d. By posting the notice of violation, in a conspicuous place, on the premises described in the notice.

**401.6.3. EMERGENCY ORDERS: ACTION BY DIRECTOR WITHOUT PRIOR NOTICE.**

401.6.3.1. Under the authority of Section 12(d) of the "Local Health Administration Law" (16 P.S. §12012(d)), the Director, whenever he determines that an emergency exists which necessitates immediate action to protect the public health, shall, without prior notice, issue a written order

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

reciting the existence of the emergency and requiring whatever action he deems advisable to meet the emergency.

401.6.3.2. Notwithstanding the provisions of §401.6.1., 2., and 3., of this Section, above, this order shall be effective upon service and shall be complied with immediately.

401.6.4. **AVAILABILITY OF RECORDS.** Every notice of violation, and every record of proceedings occurring subsequent to the notice of violation until the final disposition of the matter, shall be public and available for inspection; however, the Director may prescribe reasonable regulations regarding the time and manner of inspection.

**401.7. NON-COMPLIANCE WITH ORDERS**

In the event of the failure to comply with an order issued pursuant to any provision of this Section, the Director may take any action which is authorized by Section 12(d) of the "Local Health Administration Law" (16 P.S. §12012(d)).

**401.8. DWELLINGS UNFIT FOR HUMAN HABITATION**

401.8.1. **NOTICES AND HEARINGS.**

401.8.1.1. Whenever the Director determines that a dwelling is unfit for human habitation, he shall give notice to the owner to repair or alter the dwelling. The notice, in accordance with Section 12(d) of the "Local Health Administration Law" (16 P.S. §12012(d)), shall:

- a. Be in writing;
- b. Include a brief description of the real estate, sufficient for identification;
- c. Include a statement of the reasons why the notice is being issued;
- d. Indicate the repairs or alterations necessary to render the dwelling fit for human habitation;
- e. Specify a reasonable time for performance; and
- f. Inform the owner of his right to a hearing.

401.8.1.2. Service of the notice shall be made in accordance with §401.6.2., above.

401.8.1.3. Any person aggrieved by the notice shall have the right to a hearing, in accordance with Chapter 100. §100.8., of these Rules and Regulations.

401.8.2. **ORDER TO VACATE.**



**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

401.8.2.1. If the owner fails to comply with the order to repair or alter the dwelling, the Director, under the authority of Section 12(d) of the "Local Health Administration Law" (16 P.S. §12012(d)), may issue a further written order requiring all occupants to vacate the dwelling within thirty (30) days from the date the order is served.

401.8.2.2. Service of this order shall be made in accordance with §401.8.5., below.

401.8.2.3. Upon issuance of an order to vacate, the Director shall placard the dwelling as unfit for human habitation. Only the Director shall be able to remove said placard.

401.8.2.4. A dwelling vacated in accordance with the order shall not be occupied by any person until written approval is secured from the Director after the conditions which render the dwelling unfit have been corrected and the Director has removed the placard from the dwelling.

401.8.2.5. The owner of the dwelling shall be liable for failure of the occupants to vacate the dwelling as required by this §401.8.2.

401.8.3. **DEMOLITION.**

401.8.3.1. The Director shall make periodic inspections of any dwelling vacated as unfit for human habitation or any other vacant dwelling.

401.8.3.2. Whenever an inspection of the dwelling discloses that the dwelling, by reason of its being a rat harborage or for any other health reason, has become a public nuisance or a serious hazard to the health of the public, the Director, under the authority of 16 P.S. §12012(d), shall issue a written notice requiring the owner, within a reasonable time specified in the notice, to remove or demolish the dwelling.

401.8.3.3. Service of the notice shall be made in accordance with §401.8.5., below.

401.8.3.4. Any person aggrieved by the notice shall have the right to a hearing, in accordance with Chapter 100. §100.6., of these Rules and Regulations.

401.8.4. **EMERGENCY ORDER TO VACATE.**

401.8.4.1. Whenever the Director determines that an emergency exists, which, for the protection of the public health, necessitates the vacation of a dwelling unfit for human habitation unless there is an immediate repair or alteration of the dwelling, he shall, under the authority of 16 P.S. §12012 (d.), without prior notice, issue a written order reciting the existence of the emergency and requiring whatever action he deems advisable to meet the emergency.

401.8.4.2. This order shall be effective upon service and shall be complied with immediately.

401.8.4.3. If the owner fails to comply with the order, the Director shall issue a further written order requiring all occupants to vacate the dwelling immediately and shall also placard the dwelling as unfit for human habitation.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

401.8.4.4. Service of any order required by this §401.8.4., shall be made in accordance with §401.8.5., below.

401.8.4.5. A dwelling vacated in accordance with the order shall not be occupied by any person until written approval is secured from the Director and the Director has removed the placard from the dwelling.

**401.8.5. SERVICE AND POSTING OF NOTICES AND ORDERS.**

401.8.5.1. Every notice or order required by §401.8.5.2., .3, .4, shall be served in the following manner:

- a. By handing the notice to the person;
- b. By handing the notice to the persons designated for receipt of service of original process under the Rules of Civil Procedure promulgated by the Supreme Court of Pennsylvania; or, if service cannot be accomplished in this manner;
- c. By mailing the notice to the last known address of the owner by registered mail, postage prepaid, accompanied with a request for a return receipt; or, if service cannot be accomplished in this manner;
- d. By presenting the notice to the agent of the owner, to the operator, or to an occupant of the dwelling.

401.8.5.2. In addition to the service required by §401.8.5.1., a copy of every notice or order shall be posted in a conspicuous place on the dwelling.

**401.9. MINIMUM STANDARDS FOR ROOMING HOUSES**

401.9.1. GENERAL REQUIREMENT. No owner, operator, or other person shall occupy or let to another person any rooming house or rooming unit which does not comply with the following minimum standards for rooming houses.

401.9.2. COMPLIANCE WITH THE STANDARDS OF OTHER SUBSECTIONS. Every rooming house and every rooming unit shall be in compliance with the minimum standards set forth by the following subsections of this §401:

- a. §401.10. (basic equipment and facilities);
- b. §401.11. (light, ventilation, and heating);
- c. §401.12. (safety from fire);
- d. §401.13. (space, use, and location);

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

- e. §401.14. (safe and sanitary maintenance);
- f. The provisions of §401.15. which deals with the responsibilities of an owner or operator of a rooming house.
- g. §401.15. (discontinuance of required services).

**401.9.3. BATHROOM FACILITIES.**

401.9.3.1. Every rooming house shall be equipped with at least one (1) flush water closet, one (1) lavatory basin, and one (1) bathtub or shower for each six persons or fraction thereof within the rooming house, including members of the family of the owner or operator if they share the use of these facilities.

401.9.3.2. In a rooming house in which rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) of the required number of water closets.

401.9.3.3. All such facilities shall be properly connected to approved water and sewerage systems.

**401.9.4. BEDDING AND TOWELS.**

401.9.4.1. Where bedding, bed linen, or towels are supplied in a rooming house, the owner or operator shall maintain the bedding in a clean and sanitary manner.

401.9.4.2. The owner or operator shall also furnish clean bed linen and towels at least once each week, and prior to the letting of any room to a new occupant.

**401.10. BASIC EQUIPMENT AND FACILITIES.**

401.10.1. **RESPONSIBILITY FOR COMPLIANCE.** No owner, operator, or other person shall occupy or let to another person any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards for basic equipment and facilities. No dwelling, dwelling unit, rooming house, or rooming unit, or any premises containing such areas shall fail to comply with the following minimum standards for basic equipment and facilities.

**401.10.2. BATHROOM FACILITIES.**

401.10.2.1. Every dwelling, other than a rooming house, in existence prior to the effective date of this Section or to be constructed in the future shall be provided with at least one flush water closet, one lavatory basin, and one bathtub or shower within the dwelling.

401.10.2.2. Every rooming house shall meet the requirements for bathroom facilities that are promulgated in §401.9.3., above.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

401.10.2.3. None of the facilities described in this §401.10.2., shall be located in a basement or cellar, except by written approval of the Director. If the approval of the facilities is denied, a hearing may be requested in accordance with Chapter 100. §100.8., of these Rules and Regulations.

401.10.3. **KITCHEN SINKS.** Every dwelling unit shall contain an installed kitchen sink which:

- a. shall be located in the kitchen;
- b. is approved by the Department;
- c. provides at all times an adequate amount of heated and unheated running water under pressure; and
- d. is connected to a sewer system approved by the Department.

401.10.4. **WATER SUPPLY.** Every dwelling unit and rooming house shall be supplied with piped running water under pressure to provide an adequate, safe, and sanitary water supply to every fixture connected with the water supply and drainage system.

401.10.5. **WATER HEATING FACILITIES.**

401.10.5.1. Every dwelling shall have water heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the water supply system required in §401.10.4., above, and capable of heating water to a temperature of not less than one-hundred twenty degrees Fahrenheit (120° F.) which will permit an adequate amount of hot water to be drawn at every required kitchen sink, lavatory basin, bathtub, or shower.

401.10.5.2. The water heating facilities shall be capable of meeting the requirements of this §401.10.5. even when the heating facilities required under §401.11.5. below, are not in operation.

401.10.6. **GARBAGE AND REFUSE.**

401.10.6.1. **FACILITIES REQUIRED.** Every dwelling unit shall be supplied by the occupant with adequate garbage and refuse storage facilities, except that in the case of multiple dwellings, and rooming houses the owner or operator shall be responsible for supplying such facilities. Garbage and refuse storage facilities shall be made of metal or equivalent material, shall be watertight and provided with tight covers which shall be kept securely closed at all times. The type and location of garbage and refuse storage and disposal facilities shall be subject to approval by the Director.

401.10.6.2. **RESPONSIBILITY FOR PROPER STORAGE AND DISPOSAL.** The occupant of every dwelling unit or rooming unit shall be responsible for the storage of garbage and refuse in a clean and sanitary manner in accordance with the provisions of this §401.10.6. Except where

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

otherwise provided in this §401.10.6., the occupant of every dwelling unit where an incinerator is used shall be responsible for the clean and sanitary disposal of any residue remaining after incineration. Where an incinerator is used in a multiple dwelling for more than one dwelling unit or in a rooming house, the owner or operator shall be responsible for the clean and sanitary disposal of any residue remaining after incineration.

401.10.6. **INCINERATOR.** Incinerator shall comply with applicable Federal, State and/or Local Air Pollution Standards.

401.10.7. **INSTALLATION AND MAINTENANCE.**

401.10.7.1. Every gas pipe, water pipe, garbage disposal unit, waste pipe, water closet, flush urinal, sink, installed dishwasher, lavatory basin, bathtub, shower, installed clothes washing machine, catch basin, drain, vent, gas burning fixture, any device connected with the water supply and drainage system, or any other similar fixture, together with all connections to water, sewer, or gas lines shall be cleanable and shall be: installed and maintained in good, sanitary working condition; free from defects, leaks, and obstruction; in adherence to common plumbing practices; and in accordance with the laws of the Commonwealth of Pennsylvania and these Rules and Regulations.

401.10.7.2. Every kitchen sink, lavatory basin, water closet, flush urinal, bathtub, or shower shall be connected to the water supply system and to a sewer system which is subject to the approval of the Department and/or the Pennsylvania Department of Environmental Resources.

**401.11. LIGHT, VENTILATION, AND HEATING**

401.11.1. **RESPONSIBILITY FOR COMPLIANCE.** No owner, operator, or other person shall occupy or let to another person any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards for light, ventilation, and heating; and no dwelling, dwelling unit, rooming house, or rooming unit, or any premises containing such areas, shall fail to comply with the following minimum standards for light, ventilation, and heating.

401.11.2. **LIGHTING.**

401.11.2.1. Every habitable room, bathroom, water closet compartment, or laundry, shall have at least one window or skylight facing outdoors, provided that if connected to an area or room used seasonally (i.e., a porch), then adequate daylight must be possible through this interconnection.

401.11.2.2. The minimum total window or skylight area measured between stops for every habitable room shall be at least ten per cent (10%) of the floor area of such rooms.

401.11.2.3. The minimum total window or skylight area measured between stops for every bathroom, water closet compartment, or laundry shall be at least eight per cent (8%) of the floor area of such rooms.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

401.11.2.4. If light obstruction structures are located less than three (3) feet 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 total required window area.

401.11.2.5. All windows and skylights shall be enclosed with glass or other approved materials.

401.11.3. VENTILATION.

401.11.3.1. Every habitable room, bathroom, water closet, compartment, and laundry room shall have at least one (1) window or skylight facing directly to the outdoors, equipped with suitable hardware, so that if connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection.

401.11.3.2. The total openable area of the window or skylight area in every habitable room, bathroom, water closet compartment, and laundry room shall be equal to at least forty-five per cent (45%) of the minimum window area size or minimum skylight-type window size, as required in §401.11.2., above, except where there is supplied some other device (i.e., gravity duct or mechanical ventilation) supplying adequate ventilation as required by these Rules and Regulations.

401.11.4. ELECTRIC FIXTURES AND OUTLETS. Every dwelling shall be supplied with electricity. Within each dwelling:

401.11.4.1. Every habitable room shall contain at least two (2) separate duplex wall-type electric convenience outlets, and one (1) supplied ceiling-type electric light fixture or one (1) switch controlled outlet. Additional outlets shall be required to power electrical appliances serviced by temporary wiring.

401.11.4.2. Every water closet compartment, bathroom, laundry room, laundry area, and furnace room shall contain one (1) ceiling-or wall-type electric light fixture; and each bathroom, laundry room, or laundry area shall contain, in addition, one (1) convenience outlet.

401.11.4.3. Every outlet and fixture shall be installed in an approved manner on circuits properly equipped with "S" type fuses or circuit breakers and maintained in good and safe working condition.

401.11.4.4. No obvious shock hazard shall exist.

401.11.4.5. No temporary wiring shall be used, except extension cords which run directly from portable electrical equipment to convenience outlets, and which do not lie underneath floor covering materials or extend through doorways, transoms, or other similar apertures through structural elements. Extension cords shall not exceed twelve (12) feet in length.

401.11.4.6. Every public hallway and stairway in every multiple dwelling and rooming house shall be adequately lighted at all times by natural and/or electric light, so as to provide, in all parts thereof, at least five (5) foot candles of light at the tread or floor level.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

401.11.4.7. Every public hallway and stairway in a structure containing two (2) or more units shall be adequately lighted at all times by natural or electric light, so as to provide, in all parts thereof, at least five (5) foot candles of light at the tread or floor level, except, however, that if conveniently located light switches are supplied to turn on lights when required, full-time lighting shall not be required.

401.11.5. **HEATING.**

401.11.5.1. From September 1 to June 1 every dwelling shall have heating facilities which are properly installed, maintained in safe and good working condition, and capable of safely and adequately heating all habitable room, rooms containing a water closet, bathtub, or shower, and communicating corridors within dwelling units and rooming houses, to a temperature of at least seventy degrees Fahrenheit (70° F.) (21.1°C.) at a distance of three (3) feet above floor level.

401.11.5.2. From September 1 to June 1, in every dwelling unit and every rooming unit, when the control of supplied heat is the responsibility of a person other than the occupant, a temperature of at least seventy degrees Fahrenheit (70°F. (21.1°C.)) shall be maintained in all habitable rooms, bathrooms, and water closet compartments, measured at a distance of thirty-six inches (36") above the floor level in a location where the sensing device is not exposed to a condition of abnormal heat gain or loss.

401.11.5.3. Responsibility for compliance with this §401.11.5. shall be upon the person who occupies as owner-occupant or lets to another for occupancy any dwelling, dwelling unit, or rooming unit; where the occupant of a dwelling or dwelling unit agrees to furnish the required heating devices, the person who lets to another for occupancy shall provide sufficient flue connections, and fuel connections, and fuel storage facilities at convenient points so as to permit the proper installation of such heating devices.

401.11.5.4. The Director may prohibit the use of any heating device which constitutes a danger to health or safety.

**401.12. SAFETY FROM FIRE.**

401.12.1. **RESPONSIBILITY FOR COMPLIANCE.** No owner, operator, or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for safety from fire; also, no dwelling rooming house, dwelling unit, or rooming unit, or any premises containing such areas, shall fail to comply with the following minimum standards for safety from fire.

401.12.2. **FLAMMABLE LIQUIDS.** No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing, or storing flammable liquids in any quantity which endangers the lives of the occupants.

401.12.3. Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level and shall be so located so as to be accessible

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

without going through another dwelling unit or rooming unit. Exit doors shall swing in the line of egress.

401.12.4. In buildings containing two or more units, every hallway, stairway, corridor, exit, fire escape door, and other means of egress shall be kept clear at all times. No transoms shall be permitted between rooms. Fire protection in hallways, stairways, corridors, and other interior means of egress shall be of three-quarter (3/4) hour fire resistive construction. Doors opening onto public halls shall be three-quarter (3/4) hour rated or shall be one and three-quarter inch (1 3/4") flush wood doors with a solid lumber core. Fire separation between dwelling and rooming units shall be of one (1) hour fire resistive construction. Each of these means of egress shall lead directly to grade.

401.12.5. In buildings containing two or more units, windows leading to fire escapes shall have openings large enough to provide safe and adequate means of egress, with sills not over thirty-six inches (36") above inside floor level. The height of a window sill above a fire escape balcony platform or landing shall not exceed eight inches (8"). Windows shall be maintained in fully operable condition at all times.

401.12.6. Storage rooms and storage lockers or closets shall not be used for the storage of junk, rubbish, waste or inflammable materials.

401.12.7. There shall be at least two (2) means of egress available for all multi-unit houses or rooming houses exceeding two (2) stories above the basement, one of which shall be an interior enclosed stairway, and every two (2) story multi-unit house having more than six (6) apartments or having more than twenty-five hundred square feet (2500 sq. ft.) in area floor, shall have at least two (2) separate exits.

401.12.7.1. Exterior stairs shall be constructed entirely of metal or other noncombustible materials, attached to noncombustible material, with pipe handrails, or equivalent materials, on both sides of stairway and platforms.

401.12.7.2. The fire escape shall be designed to support a live load of one-hundred (100) pounds per square foot.

401.12.7.3. Doorways leading to existing fire escapes shall be of one and three-quarter inch (1 3/4") thick solid core wood doors or the equivalent thereof. Any glass in the door shall be wired glass.

401.12.8. Where only one (1) means of exit from a dwelling unit or rooming unit above the first floor is required in structures containing more than one (1) story, it shall be an interior enclosed stairway.

**401.13. SPACE, USE AND LOCATION.**

401.13.1. **RESPONSIBILITY FOR COMPLIANCE.** No owner, operator, or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit, or rooming unit



**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

which does not comply with the following minimum standards for space, use, and location; also, no dwelling, rooming house, dwelling unit, or rooming unit, or any premises containing such areas, shall fail to comply with the following minimum standards for space, use, and location.

401.13.2. **TOTAL FLOOR AREA.** Every dwelling unit shall have at least one-hundred fifty (150) square feet of floor area for the first occupant, at least one-hundred (100) square feet of additional habitable floor area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.

401.13.3. **SLEEPING ROOM AREA.**

401.13.3.1. Every room occupied for sleeping purposes in dwelling units shall contain at least seventy (70) square feet of floor area for the first occupant and at least twenty (20) additional square feet of floor area for each additional occupant.

401.13.3.2. Every room in a rooming house occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room in a rooming house occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve years of age.

401.13.4. **OCCUPANCY OF BASEMENTS AND CELLARS.** No basement or cellar shall be used as a habitable room or dwelling unit unless:

- a. The floors and walls are substantially watertight;
- b. The total window area, total openable area, and ceiling height are in accordance with this Section; and
- c. The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

401.13.5. Basement or cellar occupancy shall be permitted in single-family dwellings without meeting the requirements of §401.13.4.

**401.14. SAFE AND SANITARY MAINTENANCE.**

401.14.1. **RESPONSIBILITY FOR COMPLIANCE.** No owner, operator, or other person shall occupy or let to another person any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for safe and sanitary maintenance; also, no dwelling, rooming house, dwelling unit, or rooming unit, or any premises containing such areas, shall fail to comply with the following minimum standards for safe and sanitary maintenance.

401.14.2. **FOUNDATIONS AND EXTERIORS.** Every foundation, exterior wall, and exterior roof shall be: substantially weathertight, watertight, and rodent proof; kept in sound

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

condition and good repair; and safe to use and capable of supporting the load which normal use may cause to be placed thereon.

**401.14.3. FLOORS, INTERIOR WALLS, AND CEILINGS.**

401.14.3.1. Every floor, interior wall, and ceiling shall be: substantially rodent proof; kept in sound condition and good repair; and safe to use and capable of supporting the load which normal use may cause to be placed thereon.

401.14.3.2. Every interior wall and ceiling in a dwelling shall be maintained so as to be free of holes or cracks, and loose plaster or other materials, the collapse of which may cause bodily injury to a person.

401.14.3.3. The surface of every interior wall and ceiling shall be finished with paint, wallpaper, or equivalent material, so as to be reasonably smooth, clean, tight, and easily cleaned.

**401.14.4. WINDOWS AND DOORS.**

401.14.4.1. Every window, exterior door, and basement or cellar door and hatchway shall be substantially weathertight, watertight, and rodent proof and shall be kept in sound condition and good repair.

401.14.4.2. All entrance doors into a dwelling unit or rooming unit shall be maintained in sound condition and good repair.

**401.14.5. STAIRS, PORCHES, AND APPURTENANCES.**

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

401.14.5.2. Structurally sound handrails shall be provided on any steps containing five (5) risers or more.

401.14.5.3. Porches and/or balconies located more than three feet (3') higher than the adjacent area shall have structurally sound protective handrails thirty-six inches (36") high, and if unenclosed, balusters spaced no less than six inches (6") apart shall be provided.

401.14.6. **PLUMBING FIXTURES.** Every plumbing fixture shall be: properly installed and maintained in a sanitary working condition; and free from defects, leaks and obstructions.

401.14.7. **FLOORS.** The floor of every kitchen, bathroom, or toilet room shall be reasonably impervious to water and easily kept in a clean and sanitary condition.

401.14.8. **BASEMENT OR CELLAR WINDOWS.** Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement or cellar which might

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

provide an entry for rodents, shall be supplied with a screen or other device which will effectively prevent the entrance of any said rodents.

401.14.9.      **RODENT CONTROL.** Every dwelling, rooming house, dwelling unit, and rooming unit shall comply with applicable provisions of Chapter 600. §603. (relating to control of rodents).

401.14.10.     **FENCES.** All fences shall be maintained in a structurally sound and safe condition.

401.14.11.     **SIDEWALKS, DRIVEWAYS, AND CURBS.** All sidewalks, driveways, off-street parking areas, and curbs shall be:     maintained in a safe and hazard-free condition and in a manner which will permit proper drainage.

**401.15.           RESPONSIBILITY OF OWNER AND OCCUPANTS**

Where in this Section, the obligation for observances is not otherwise clearly designated, the respective responsibilities of the owner, operator, and occupants are as follows:

401.15.1.      Every occupant of a dwelling, dwelling unit, or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit, and yard which he occupies and controls.

401.15.2.      Every owner or operator of a two-unit dwelling, multi- unit dwelling, or rooming house shall maintain in a clean and sanitary condition the shared, public, owner, and operator controlled areas of the dwelling and yard.

401.15.3.      **DISPOSAL OF REFUSE AND GARBAGE.**

401.15.3.1.    Every occupant of a dwelling or dwelling unit shall dispose of all refuse and garbage by placing it in containers which are watertight, rodent proof and equipped with tight-fitting covers. Every occupant shall provide such facilities for his own unit and shall maintain them.

401.15.3.2.    The owner or operator of a multi-unit dwelling shall furnish common storage of disposal facilities and shall maintain them. Every owner or operator of a rooming house shall dispose of all refuse and garbage in furnished common storage. Containers as described in §401.15.3.1. above, are the minimum acceptable standard for common storage.

401.15.4.      **EXTERMINATION OF INSECTS AND RODENTS.**

401.15.4.1.    Every occupant of a dwelling containing a single-dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests. In a two-unit dwelling or a multi-unit dwelling, the occupant shall, unless a lease indicates otherwise, be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation in a two-unit dwelling or a multi-unit dwelling is caused by failure of the owner or operator to maintain the entire dwelling in a rodent proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

401.15.4.2. Every owner or operator shall be responsible for extermination of any insects, rodents, or other pests whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public area of any two-unit dwelling or any multi-unit dwelling.

401.15.4.3. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests in the rooming house or on the premises.

401.15.5. **PLUMBING, KITCHEN, BATHROOM, AND OTHER FIXTURES.** Every occupant of a dwelling unit or a rooming unit shall, unless a lease indicates otherwise, keep all plumbing, kitchen, bathroom, and other fixtures in the unit in a clean and sanitary condition, and shall exercise proper and reasonable care in their use and maintenance.

**401.16. DISCONTINUANCE OF REQUIRED SERVICES**

No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required to be supplied under this Section, to be removed, shut off, or discontinued in any occupied dwelling or dwelling unit let or occupied by him, except for such reasonable and temporary interruption as may be necessary while actual repairs, replacement, or alterations are in the process of being made, or during temporary emergencies.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**CHAPTER 400 HOUSING AND INSTITUTIONS**

**SECTION 402**

**CONTROL OF SANITATION IN ORGANIZED  
CAMPS AND CAMPGROUNDS**

<u>Section</u>	<u>Subject</u>
402.1.	GENERAL PROVISIONS.
402.1.1.	PURPOSE
402.1.2.	DEFINITIONS.
402.1.3.	SUBMISSION OF PLANS TO DEPARTMENT
402.1.4.	FOOD SERVICE
402.1.5.	WATER SUPPLY
402.1.6.	PLUMBING
402.1.7.	SEWAGE DISPOSAL
402.1.8.	BATHING PLACES
402.1.9.	VECTOR CONTROL
402.2.	PERMITS.
402.3.	TOILET FACILITIES.
402.4.	SANITARY STATIONS.
402.5.	GARBAGE AND REFUSE.

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402.1. GENERAL PROVISIONS.

402.1.1. **PURPOSE.** The purpose of this Section is to provide for the protection of the public health and welfare by establishing regulations regarding the use and maintenance of organized camps and campgrounds, in the manner provided herein.

402.1.2. **DEFINITIONS.**

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**CAMPGROUND** - Any portion of land used for the purpose of providing a space or spaces for trailers or tents for camping purposes, regardless of whether a fee has been charged for leasing, renting, or occupancy of such space.

**GARBAGE** - All putrescible wastes (except sewage and body waste); including but not limited to animal and vegetable offal.

**ORGANIZED CAMP** - A combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youths, and adults, with social, recreational, and educational objectives, and operated and used for five (5) or more consecutive days during one or more seasons of the year.

**PERSON** - Any individual, firm, partnership, company, corporation, trustee, association, county, authority, the Commonwealth, or any public or private entity.

**PLUMBING** - Gas pipes and gas burning equipment, water heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, lavatories, bathtubs, shower baths, catch basins, drains, vents, and other similar supply fixtures, together with all connections to water, sewer, and gas lines.

**REFUSE** - All non-putrescible wastes generally regarded and classified as rubbish, trash, junk, and similar designations.

**SANITARY STATION** - A facility used for disposing of sewage from trailer holding tanks.

**SEWAGE** - Any substance that contains any of the waste products or excrements or other discharge from the bodies of human beings or animals, and any noxious or deleterious substance being harmful or inimical to: the public health; animal or aquatic life; or the use of water for domestic water supply or for recreation.

**SEWERAGE SYSTEM** - Any community or individual system, publicly or privately owned, for the collection and disposal of sewage and industrial wastes of a liquid nature, including various devices for the treatment of such sewage or industrial wastes.

**TENT** - A portable lodging unit usually made of skins, canvas, plastic, or strong cloth, which is stretched and usually sustained by poles, and which is dependent upon separate toilet and lavatory facilities.

**TRAILER** - A vehicular, portable structure, which is built on, or designed to be built on, a chassis or wheels, or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation, and vacation.

**TRAILER OR TENT SPACE** - A parcel of land in an organized camp or campground for the placement of a single trailer or tent, and the exclusive use of its occupants.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

WATER SUPPLY - A source or sources of water, as well as any and all water treatment, storage, transmission, and distribution facilities.

**402.1.3. SUBMISSION OF PLANS TO DEPARTMENT.**

402.1.3.1. Before work is begun in the construction, remodeling or alteration of an organized camp or campground, or in the conversion of an existing establishment or facility to an organized camp or campground, two (2) sets of properly prepared plans and specifications shall be submitted to and approved by the Department.

402.1.3.2. The plans and specifications shall include, where applicable, data relating to the grounds, buildings, equipment, sewage disposal, water supply (including plumbing), refuse disposal, and such other information as may be required by the Department.

**402.1.4. FOOD SERVICE.** Where food service is provided in an organized camp or campground, the food service facilities and operations shall comply with the relevant provisions of Chapter 300 (relating to food), of these Rules and Regulations.

**402.1.5. WATER SUPPLY.**

402.1.5.1. All water used in the operation of an organized camp or campground shall be provided from a supply approved by the Department. Approval of a water supply shall be based upon satisfactory compliance with the Department's standards for water supplies, as they are promulgated in Chapter 500. §501. of these Rules and Regulations.

402.1.5.2. The water supply shall be a minimum of 50 gallons/person/day and shall meet the Department's bacteriological and chemical water standards, as found in Chapter 500. §501.

402.1.5.3. An unapproved water supply shall be made inaccessible to the public in a manner deemed satisfactory to the Department.

**402.1.6. PLUMBING.**

402.1.6.1. Plumbing shall be so sized, installed, and maintained as: to carry adequate quantities of water to required locations throughout the organized camp or campground; and, to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage disposal system.

402.1.6.2. Plumbing shall serve to prevent contamination of the water supply and shall not create an insanitary condition or nuisance.

**402.1.7. SEWAGE DISPOSAL.**

402.1.7.1. All sewage disposal systems serving an organized camp or campground shall be approved by the Department.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

402.1.7.2. Approval shall be based upon satisfactory compliance with the provisions of: Chapter 500. §503. of these Rules and Regulations; and, the "Clean Streams Act of 1937", as amended (35 P.S. §691.1 et seq.).

**402.1.8. BATHING PLACES.** The construction, modification, maintenance, and operation of any bathing place in an organized camp or campground shall be subject to the provisions of: Chapter 600. §602. of these Rules and Regulations; and, the "Public Bathing Law" (35 P.S. §672 et seq.).

**402.1.9. VECTOR CONTROL.** Adequate measures for the control of arthropods and rodents which the Department deems a public health hazard shall be taken in a manner satisfactory to the Department, in accordance with Chapter 600. §603. of these Rules and Regulations.

**402.1.10. WAIVER OF REQUIREMENTS.** The Department may waive compliance with one or more provisions of this Chapter for specific events as long as the lives and health of the public or the persons on the premises will not be adversely affected thereby.

**402.2. PERMITS.**

402.2.1. GENERAL REQUIREMENTS.

402.2.1.1. No person shall operate at any place within the jurisdiction of the Department, and no person shall permit to be operated on his premises within the jurisdiction of the Department, any organized camp or campground, unless the operator or owner possesses a valid permit from the Department.

402.2.1.2. Such permit shall be in addition to the registration requirements of organized camps that are found in 35 P.S. §3001 et seq.

402.2.2. APPLICATION.

402.2.2.1. Application for a permit shall be made to the Department on forms provided by the Department.

402.2.2.2. Each application for a permit shall state: the name and address of the applicant; the name and address of the owner or manager of such organized camp or campground; and, the location of the said organized camp or campground; in addition to any other information required by the Department.

402.2.3. ISSUANCE.

402.2.3.1. The Department will issue a permit for the operation of an organized camp or campground if it is satisfied that the provisions of this Section have been met.

402.2.3.2. No permit shall be refused unless the applicant has been afforded an opportunity for a hearing, in accordance with Chapter 100. §100.8. of these Rules and Regulations.



**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

402.2.3.3. The permit shall be valid for one (1) calendar year from date of issuance unless revoked or suspended by the Department.

402.2.3.4. A separate permit shall be issued for each organized camp or campground and shall not be transferable or assignable.

402.2.3.5. The fee for each said permit shall be that which is provided for in Chapter 700. §701. of these Rules and Regulations.

402.2.4. **REVOCAION AND SUSPENSION.** A permit may be revoked or suspended at any time if the Department finds that the organized camp or campground is maintained, operated, or occupied in violation of any provision of this Section.

**402.3. TOILET FACILITIES.**

402.3.1. **GENERAL REQUIREMENT.** All organized camps and campgrounds shall provide toilet facilities on the premises for the public, which are separate for each sex.

402.3.2. **DESIGN.** All toilet facilities, including rooms and fixtures, shall be of a sanitary design and readily cleanable.

402.3.3. **MAINTENANCE.** All toilet facilities shall be kept in a clean condition and in good repair.

402.3.4. **TOILET ROOM.** Each toilet room shall meet the following requirements:

- a. Doors shall be self-closing;
- b. Adequate ventilation to the outside shall be provided;
- c. Toilet tissue shall be provided;
- d. Easily cleanable receptacles shall be provided for waste materials; and
- e. Waste receptacles shall be covered.

402.3.5. **ORGANIZED CAMPS.**

402.3.5.1. Toilet facilities in organized camps shall be provided in the ratios indicated in the following table:

Number of Persons	Number of Toilet Seats		Number of Lavatories		Number of Urinals
	Male	Female	Male	Female	Male
1-20	1	2	1	2	1

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

Each additional 20 persons	+1	+1	+1	+1	+1
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402.3.5.2. Urinals specifically designed for females may be provided in lieu of toilet seats but shall not consist of more than one-third (1/3) of the required number of toilet seats.

402.3.5.3. Organized camps which do not provide overnight lodging and serve a minimum of one meal per day shall not be subject to the requirements in 402.3.5.1. but shall provide toilet and lavatory facilities as deemed adequate by the Department.

**402.3.6. CAMPGROUNDS.**

402.3.6.1. Toilet facilities in campgrounds shall be in addition to the requirements for sanitary stations as indicated in §402.4., below, and shall be provided in the ratios indicated in the following table:

Number of Tent or Trailer Spaces	Number of Toilet Seats		Number of Lavatories		Number of Urinals
	Male	Female	Male	Female	Male
1-15	1	1	1	1	1
16-30	1	2	1	2	1
31-45	2	2	3	3	1
46-60	2	3	3	3	1
61-80	3	4	4	4	2
81-100	3	4	4	4	2
Each additional 1-100 spaces	+1	+1	+1	+1	+1

402.3.6.2. Urinals specifically designed for females may also be provided in lieu of toilet seats, but for not more than one-third (1/3) of the required number of toilet seats.

**402.3.7. SOAP AND TOWELS.**

402.3.7.1. At all lavatories in new and existing organized camps and campgrounds where campers do not provide their own soap and individual towels, soap and single-service towels shall be provided.

402.3.7.2. The use of a common towel shall be prohibited.

**402.4. SANITARY STATIONS.**

402.4.1. GENERAL REQUIREMENT. All new organized camp or campground operations which provide parking spaces for trailers shall provide sanitary stations, in order that the removal

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

and disposal of sewage from trailer holding tanks shall be accomplished in a sanitary manner. All such sanitary stations shall be maintained in such a manner as to prevent overflows.

402.4.2.       **RATIO.** Each newly organized camp or campground shall provide a sanitary station in the ratio of one (1) for every one hundred (100) trailer spaces or fractional part thereof.

402.4.3.       **CONSTRUCTION.** Each sanitary station shall consist of at least the following:

402.4.3.1.     A four-inch (4 inch) sewer pipe which shall be connected to an approved sewage disposal system, surrounded at the inlet end by a concrete apron sloped to the drain;

402.4.3.2.     A suitable fly-tight cover, which shall be provided to the four-inch (4 inch) sewer pipe; and

402.4.3.3.     A water outlet, with the necessary appurtenances and connected to a water supply system to permit a washdown of the immediately adjacent areas after each use.

402.4.4.       **PUBLIC WARNING.** Each water outlet used for washdown purposes at sanitary stations shall conspicuously display at all times a sign stating: "Notice! This Water For Flushing and Cleaning Purposes Only".

**402.5.        GARBAGE AND REFUSE.**

402.5.1.       **COLLECTION.** The collection of all garbage and refuse shall be conducted in a sanitary manner and as often as necessary in order to prevent a nuisance.

402.5.2.       **STORAGE.**

402.5.2.1.     All garbage and refuse containing food wastes shall, prior to disposal, be kept in leakproof, nonabsorbent, rust and corrosion resistant containers of adequate number, which shall be kept covered with tight fitting lids, when filled, stored, or not in continuous use; however, any other manner of garbage and refuse storage may be used if approved by the Department.

402.5.2.2.     All other refuse shall be stored in containers, rooms, or areas of sufficient number and size, in a manner so as to prevent arthropod or rodent problems and other nuisances.

402.5.3.       **DISPOSAL.** When disposal of garbage or refuse is accomplished within or upon the premises of the organized camp or campground, the disposal facilities shall be operated and maintained so as not to create a nuisance or a health hazard; also, this disposal should comply with the relevant provisions of Chapter 500. of these Rules and Regulations.

402.5.4.       **CLEANING OF AREA.** Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after each emptying or removal of garbage and refuse.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**CHAPTER 400 HOUSING AND INSTITUTIONS**

**SECTION 403**

**MOBILE HOME PARKS**

<b><u>Section</u></b>	<b><u>Subject</u></b>
<b>403.1.</b>	<b>PURPOSE</b>
<b>403.2.</b>	<b>SCOPE</b>
<b>403.3.</b>	<b>DEFINITIONS</b>
<b>403.4.</b>	<b>SUBMISSION OF PLANS TO DEPARTMENT</b>
<b>403.5.</b>	<b>LICENSE TO OPERATE</b>
<b>403.6.</b>	<b>WATER SUPPLY</b>
<b>403.7.</b>	<b>PLUMBING</b>
<b>403.8.</b>	<b>SEWAGE DISPOSAL</b>
<b>403.9.</b>	<b>BATHING PLACES</b>
<b>403.10.</b>	<b>VECTOR CONTROL</b>
<b>403.11.</b>	<b>ABANDONED MOBILE HOMES</b>
<b>403.12.</b>	<b>LOCATION</b>
<b>403.13.</b>	<b>FIRE AND ELECTRICITY</b>
<b>403.14.</b>	<b>GARBAGE, REFUSE AND SOLID WASTE</b>
<b>403.15.</b>	<b>PROPERTY AND GROUNDS</b>
<b>403.16.</b>	<b>TOILET FACILITIES</b>

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**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**403.1. PURPOSE.** The purpose of this Section is to provide for the protection and promotion of the public health by establishing regulations regarding the licensing, construction, remodeling, alteration, operation, maintenance, and environmental sanitation of mobile home parks, in the manner provided herein.

**403.2. SCOPE.** The provisions of this Chapter 400 §403 shall apply to all mobile home parks under the jurisdiction of the Delaware County Health Department. The inspections of these mobile home parks will be based on this Chapter 400. §403 and any other applicable chapter of the Rules and Regulations of the Delaware County Health Department.

**403.3. DEFINITIONS.** The following words and terms, when used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

DEPARTMENT - The Delaware County Health Department.

DEPENDENT MOBILE HOME - A mobile home which is not equipped with a toilet and bathtub or shower.

EMERGENCY - Any situation requiring immediate action to protect the health, environment, or safety of any occupant of a mobile home park, or the public.

GARBAGE - All putrescible wastes (except sewage and body wastes) including animal and vegetable offal.

INDEPENDENT MOBILE HOME - A mobile home equipped with toilet and bathtub or shower.

MOBILE HOME - Any structure intended for, or capable of, human habitation, with or without wheels, and capable of being driven, propelled, transported, or towed from place to place. The term, however, shall not include transport trucks or vans equipped with sleeping space for a driver(s).

MOBILE HOME PARK - Any site, lot, field, or tract of land, privately or publicly owned or operated, upon which two (2) or more spaces are located, whether operated for or without compensation. Jurisdiction of the Delaware County Health Department shall be retained and shall be in full force and effect in the event that said space(s) as herein defined, is situated on any site(s), lot(s), field(s), and/or tract(s) of land contiguous with and/or adjacent to another site(s), etc., containing one or more spaces.

PLUMBING - Gas pipes and gas burning equipment, water heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, lavatories, bathtubs, shower fixtures, together with all connections to water, sewer, and gas lines.

PUBLIC WATER SYSTEM - A system which provides water to the public for human consumption which has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least 60 days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

with the system. The term includes collection or pretreatment storage facilities not under such control which are used in connection with the system. The term also includes a system, which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

**REFUSE** - All non-putrescible wastes generally regarded and classified as rubbish, trash, junk, debris, and similar designations.

**REGULATED ESTABLISHMENT** - Any facility, whether commercial or institutional, which requires a license to operate issued by the Delaware County Health Department or any facility that requires inspection by the Delaware County Health Department (DCHD), Food and Drug Administration (FDA), United States Department of Agriculture (USDA, or Pennsylvania Department of Agriculture (PDA).

**SEMI-PUBLIC WATER SUPPLY** - A water system including wells, pumps and piping equipment which supplies water to one or several facilities such as industrial or commercial establishments, parks, camps, hotels, motels, schools, institutions, eating and drinking establishments, or a water supply which serves two (2) or more dwelling units, and is not a public water system as defined by the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1 et seq.).

**SERVICE BUILDING** - A building housing toilet facilities for men and women, with a slop closet and laundry facilities, and with separate bath or shower accommodations.

**SEWAGE** - A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation. The term includes any substance which constitutes pollution under the Clean Streams Law.

**SEWAGE FACILITIES** - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

**SOLID WASTE** - Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, waste- water treatment plant or air pollution control facility.

**SOURCE** - Any well, spring, cistern, infiltration gallery, stream, reservoir, pond, or lake from which, by any means, water is taken either intermittently or continuously for use in a mobile home park.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

SPACE - A plot of ground upon which one mobile home is or will be located.

TOILET FACILITIES - Water closets, privies, urinals, chemical toilets, and the rooms provided for installation of these units.

WASH BASIN - A basin or bowl used for the purpose of obtaining personal cleanliness.

WATER CLOSET - Sanitary facilities for defecation equipped with a hopper or tray and a device for flushing the bowl by water, located within the compartment.

VECTOR - Any organism, including but not limited to rats, bats, mice, cockroaches, fleas, flies, mites, mosquitoes, and ticks, which is capable of transmitting a pathogen to man, or capable of causing food to become unclean, unwholesome, spoiled, adulterated, or unsafe for human consumption.

WATER SUPPLY - A source or sources of water, and any or all water collection, treatment, storage and distribution facilities used in connection with a public or semi-public water system.

WATERS OF THIS COMMONWEALTH - Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

**403.4. SUBMISSION OF PLANS TO DEPARTMENT**

403.4.1. Before work is begun in the construction, remodeling, or alteration of any mobile home park, or in the conversion of an existing establishment or facility to a mobile home park, the Act 537 Sewage Facilities Planning process must be completed.

403.4.2. Before work is begun in the construction, remodeling, or alteration of a mobile home park or in the conversion of an existing establishment or facility to a mobile home park, one (1) sets of properly prepared plans and specifications shall be submitted to and given written approval by the Department. Within forty-five (45) days after submission of complete plans, the Department will either approve or disapprove the plans.

403.4.3. The plans and specifications shall include, where applicable, data related to the following:

- a. Surrounding Grounds
- b. Buildings
- c. Equipment
- d. Sewage Disposal system components

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

- e. Water Supply (including plumbing layout)
- f. Garbage, Refuse and Solid Waste Storage and Disposal
- g. Such other information as may be required by the Department.
- h. Sewage facilities and water supply or water supply well systems on adjacent properties that are within 100' of the property line, or a note on the plan clearly stating that no such facilities exist within 100' of the property line.

**403.5. LICENSE TO OPERATE.**

403.5.1. GENERAL REQUIREMENT. Mobile Home Parks are Regulated Establishments. No person shall establish, maintain, conduct, or operate a mobile home park at any place within the jurisdiction of the Department, and no person shall permit to be operated on his premises (within the jurisdiction of the Department) any mobile home park, unless the owner or operator of said mobile home park possesses a valid License to Operate such facility.

403.5.2. APPLICATION.

403.5.2.1. Application for a License to Operate shall be made annually to the Department on forms provided by the Department.

403.5.2.2. Renewal License applications must be submitted to this Department with the appropriate fee thirty (30) days prior to the expiration date of the existing license.

403.5.2.3. The application and accompanying fee shall be based on the total number of spaces approved within the park, not only those which are occupied at the time the application is made.

403.5.3. ISSUANCE. The License to Operate will be issued annually on the basis of satisfactory compliance with the provisions of the Rules and Regulations of the Delaware County Health Department, and shall be:

- a. nontransferable; and
- b. subject to suspension or revocation upon finding the mobile home park not in compliance with the Rules and Regulations of the Delaware County Health Department.

403.5.4. FEES. The fee for which said License to Operate shall be that which is provided for in Chapter 700, §701. of these Rules and Regulations.

403.5.5. REFUSAL. The Department may refuse to issue a License if a mobile home park does not meet the requirements of this §403, or any of the Rules and Regulations of the Department. The Department shall state in writing to the applicant the reason for such refusal.

403.5.6. REVOCATION AND SUSPENSION.



**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

403.5.6.1. A License to Operate may be revoked or suspended at any time if the Department finds that the mobile home park is established, maintained, conducted, operated, or occupied in violation of any provision of this Section. The mobile home park shall be required to close and/or cease operation if a situation is present which is inimical to the health of the occupants.

403.5.6.2. Any person operating a mobile home park whose License to Operate has been suspended or revoked, or who has received notice from the Department that his License to Operate will be suspended or revoked, shall have the right to a hearing, in accordance with Chapter 100. §100.8, of these Rules and Regulations.

403.5.7. **EMERGENCY.** When an emergency situation exists that poses an immediate threat to the health and safety of the residents of a Mobile Home Park or the public, the Department may require the park owner to take immediate actions to minimize or eliminate the threat.

**403.6. WATER SUPPLY.**

403.6.1. All water used in the operation of a mobile home park shall be provided from a water supply approved by the Department. If a well is used as the water supply, such approval shall be based upon satisfactory compliance with the Department's standards for water supplies, as they are promulgated in Chapter 500. §501 of these Rules and Regulations.

403.6.2. Water used in the operation of a mobile home park shall be adequate in quantity and shall meet the Department's bacteriological, chemical, and physical water standards, as found in Chapter 500. §501.

403.6.2.1. Well Water sampling for Mobile Home Parks shall comply with 605.3.3., relating to Water Quality Monitoring Requirements and 605.3.4., relating to Water Quality Requirements.

403.6.2.2. All water samples shall be analyzed by a Pennsylvania Department of Environmental Protection(PA. DEP) approved laboratory.

403.6.3. Any unapproved water supply, such as an agricultural well, shall be made inaccessible to the public.

403.6.4. Mobile Home Parks meeting the definition of "Public Water System" as listed in the Pennsylvania Safe Drinking Water Act (35 P.S. §721.1 et seq.), and as defined in this chapter, must comply with all of the applicable provisions of that Act.

**403.7. PLUMBING**

403.7.1. Plumbing shall be so sized, installed, and maintained as: to carry adequate quantities of water to required locations throughout the mobile home park; and, to properly convey sewage and liquid wastes from each mobile home to the sewerage or sewage disposal system. Determination of the adequacy of quantities of water carried, and determination of the proper conveyance of sewage and liquid waste shall be based on the PA DEP Sewage Facilities

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

Regulations, and the Regulations, provisions, conditions and terms of the most current edition of "The International Plumbing Code", as published by the International Code Council (ICC) at the time of construction.

403.7.2. Plumbing shall serve to prevent contamination of the water supply and shall not create an unsanitary condition or nuisance.

**403.8. SEWAGE DISPOSAL**

403.8.1. All sewage facilities serving a mobile home park shall be approved by the Department. No person may install or construct an individual or community on-lot sewage system, or install, construct, occupy or use a mobile home or a building to be served by that system without first obtaining a permit from this Department.

403.8.2. Approval shall be based upon satisfactory compliance with any and all provisions of: Chapter 500. §502 and §503 of these Rules and Regulations; and, "The Clean Streams Law" (35 P.S. §691.1 et seq.) and Act 537 known as "The PA Sewage Facilities Act" as amended (35 P.S. §759, et seq.).

403.8.3. No individual or community sewage disposal system, individual or community sewerage system, privy, cesspool, or other receptacle for sewage shall be constructed, maintained or used which directly or indirectly drains or discharges over or upon the surface of the ground or into the Waters of this Commonwealth.

**403.9. BATHING PLACES**

403.9.1. The construction, modification, maintenance and operation of any bathing place in a mobile home park shall be subject to the provisions of: Chapter 600. §602 of these Rules and Regulations; and, the "Public Bathing Law" (35 P.S. §672, et. seq.).

**403.10. VECTOR CONTROL**

403.10.1. Adequate measures for the control of vectors which the Department deems a public health hazard shall be taken in a manner satisfactory to the Department, in accordance with Chapter 500. §502 and Chapter 600. §603 of these Rules and Regulations.

403.10.2. Unmounted automobile tires shall be stored in a manner that will prevent them from holding water.

**403.11. ABANDONED MOBILE HOMES**

403.11.1. Any abandoned or unoccupied mobile home shall be removed unless it is parked on a space provided with appropriate utility services.

403.11.2. Any and all abandoned, demolished, destroyed and/or dismantled mobile homes or parts thereof shall be removed from the mobile home park.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**403.12. LOCATION**

403.12.1. The site for any proposed mobile home park shall be well-drained and the site shall not be adjacent to swamps, marshes, or breeding places for vectors.

403.12.2. At any mobile home park site, good natural drainage will be required, and the drainage shall not endanger the water supply. Where ditching is done, it shall not create accident hazards.

403.12.3. Fuel Storage and Use

a. Liquefied petroleum gas shall not be used at individual mobile homes unless containers are properly connected by copper or other suitable metallic tubing.

b. Bottled gas (for cooking or eating purposes) shall not be used at individual mobile home sites unless it is properly connected by continuous (non-sectional) copper or other suitable metallic tubing.

c. No fuel combustion unit shall be used in any mobile home unless it is vented to the outside of the mobile home.

d. No cylinder containing liquefied petroleum gas, bottled gas, or fuel oil shall be located in or under a mobile home, nor within five (5) feet of a door thereof.

**403.13. FIRE AND ELECTRICITY**

a. Electricity - an electrical outlet supply at least one-hundred ten (110) volts shall be supplied for each mobile home space. The installation shall comply with State and/or local laws or codes. No electric line shall be permitted to lie on the ground. All mobile homes shall be grounded in accordance with local and State Regulations.

b. Electrical Safety Inspections - The electrical installations at all mobile home parks, and any additions or modifications to such installations, prior to being placed in service, and every five (5) years thereafter shall be inspected and approved by a reputable electrical inspection agency. One copy of the approval certificate shall be posted on the premises and a duplicate copy shall be forwarded to the Department.

c. Fire Extinguishers - Fire extinguishers of a type approved by the Fire Underwriter Laboratories (a B-C classification type), bearing the Underwriter's label, shall be required at each mobile home unit within a mobile home park. Such extinguishers shall be recharged in accordance with the manufacturer's recommendations.

**403.14. GARBAGE, REFUSE AND SOLID WASTE**

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

403.14.1.     **COLLECTION.** The collection of all garbage, refuse and solid waste shall be conducted in a sanitary manner and as often as necessary to prevent a nuisance and/or a health hazard.

403.14.2.     **STORAGE.**

403.14.2.1.    All garbage and refuse containing food wastes shall, prior to disposal, be kept in leak-proof, non-absorbent, rust and corrosion-resistant containers of adequate number, which shall be kept covered with tight-fitting lids. However, any other manner of garbage and refuse storage may be used if approved by the Department.

403.14.2.2.    All other refuse and solid waste shall be stored, in a manner so as to prevent vector harborage, infestations or other nuisances.

403.14.3.     **DISPOSAL.** All garbage, refuse and solid waste shall be properly disposed in a permitted disposal site.

403.14.4.     **CLEANING OF AREA.** Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after emptying or removal of garbage and refuse.

**403.15.       PROPERTY AND GROUNDS.**

403.15.1.     The property and grounds of a mobile home park shall be maintained in a clean, clutter-free and sanitary condition.

403.15.2.     Only furniture intended for outdoor use, such as patio or garden furniture, shall be outdoors, on decks, or porches. No interior furniture shall be placed outdoors except for the purpose of pickup and disposal. This includes refrigerators and other appliances.

403.15.3.     **Roads and Parking Areas**

a.     All roads and parking areas at mobile home parks shall be paved or treated to control dust.

b.     Parking areas shall be provided to accommodate at least one motor vehicle for each mobile home space.

403.15.4.     **Space Limitations**

a.     There shall be a space of not less than fifteen (15) feet between each mobile home, building, and structure, which space limitation must be in compliance with local building codes.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

- b. There shall be a space of not less than ten (10) feet between a mobile home and a street, road, or highway, which space limitation must be in compliance with local building codes.
- c. An unoccupied mobile home shall not be allowed to remain in a mobile home park unless it is parked on a space provided with appropriate utility services.

**403.16. TOILET FACILITIES**

**403.16.1. Service Building**

Each mobile home park which has space for one or more dependent mobile homes shall provide a service building with adequate toilet facilities.

**403.16.2. Waiver of Service Building Requirement**

The service building requirement may be waived when, in the opinion of the Department, suitable toilet, lavatory, shower, or bathtub facilities are available within a reasonable distance to the residents of the mobile home park.

**403.16.3. Service Building Facilities**

Service buildings shall contain toilet facilities, including rooms and fixtures for each sex. Such facilities shall be kept in a clean condition and in good repair.

**403.16.4. Toilet Room Requirements**

Each toilet room shall meet the following requirements:

- a. Doors shall be self-closing;
- b. Adequate ventilation to the outside shall be provided;
- c. Toilet tissue shall be provided;
- d. Easily cleanable receptacles shall be provided for waste materials; and
- e. Waste receptacles shall be kept covered.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**403.16.5. Ratio of Urinals and Toilets**

Urinals and toilets in service buildings shall be provided in the ration indicated in the following table:

URINALS	TOILETS		
MOBILE HOME SPACES	MEN	MEN	WOMEN
1 to 30	1	2	3
31 to 60	2	4	6
60 to 100	2	6	8
101 to 160	4	9	13

**403.16.6. Ratio of Lavatory Sinks**

Lavatory sinks in service buildings shall be provided in the ratio indicated in the following table:

MOBILE HOME SPACES	MEN	WOMEN
1 to 30	3	3
31 to 60	6	6
61 to 100	8	8
101 to 160	11	11

**403.16.7. Ratio of Showers and Tubs**

Showers and tubs in service building shall be provided in the ratio indicated ion the following table:

MOBILE HOME SPACES	MEN	WOMEN
1 to 30	2	2
31 to 60	4	4
61 to 100	6	6
101 to 160	9	9

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**CHAPTER 400 HOUSING AND INSTITUTIONS**

**SECTION 404**

**SANITATION OF INSTITUTIONS**

<b><u>Section</u></b>	<b><u>Subject</u></b>
<b>404.1.</b>	<b>GENERAL PROVISIONS</b>
<b>404.1.1.</b>	<b>PURPOSE</b>
<b>404.1.2.</b>	<b>DEFINITIONS</b>
<b>402.1.3.</b>	<b>SUBMISSION OF PLANS TO DEPARTMENT</b>
<b>404.2.</b>	<b>GENERAL STANDARDS</b>
<b>404.3.</b>	<b>OUTBREAKS OF GASTROINTESTINAL DISEASE IN THE FACILITY</b>
<b>404.4.</b>	<b>PUBLIC NOTIFICATION</b>

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**404.1. GENERAL PROVISIONS.**

**404.1.1. PURPOSE.**

404.1.1.1. The purpose of this Section is to provide for the protection and promotion of the public health and welfare by establishing regulations regarding the operation, maintenance, and sanitation of institutions, in the manner provided herein.

404.1.1.2. The provisions of this Section shall apply to all those areas under the jurisdiction of the Delaware County Health Department and shall apply to all existing institutions and those hereafter constructed, reconstructed, altered or remodeled.

404.1.1.3. The provisions of this Section shall not excuse failure to comply with the rules and regulations of any governmental agency having the authority to regulate institutions.

**404.1.2. DEFINITIONS.** The following words and terms, when used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

**GARBAGE** - All putrescible wastes (except sewage and body waste) including but not limited to animal and vegetable offal.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**INSTITUTION** - A facility or establishment which is operated or maintained for the purpose of providing care, treatment, or custody of two (2) or more persons not related to the proprietor or his/her agent, and which includes (without being limited to): convalescent homes; nursing homes; short and long term rehabilitation facilities; homes for the aged; assisted living facilities; county institutions; maternity homes; facilities providing care for dependent, neglected, or delinquent children; detention homes; day care centers for children and/or adults; hospitals; schools for emotionally disturbed and retarded children; boarding homes for infants and children and any other type of residential facility for which residents or their families are charged a fee.

**REFUSE** - All non-putrescible wastes, generally regarded and classified as rubbish, trash, junk, and similar designations.

**SEWAGE** - Any substance which contains any of the waste products, excrements, or other discharge from the bodies of human beings or animals and any noxious or deleterious substance which is harmful or inimical to: the public health; animal or aquatic life; or the use of water for domestic water supply or for recreation.

**SEWERAGE SYSTEM** - Any community or individual system, publicly or privately owned, for the collection and disposal of sewage and industrial wastes of a liquid nature, including various devices for the treatment of such sewage or industrial wastes.

**SOLID WASTES** - All refuse (including garbage), and all putrescible material originating from the preparation, cooking, and consumption of food, market produce, and institutional wastes.

**SOURCE** - Any well, spring, cistern, infiltration gallery, stream, reservoir, pond, or lake from which, by any means, water is taken either intermittently or continuously for use by the public.

**WATER SUPPLY** - A source or sources of water, and any or all water treatment, storage, transmission, and distribution facilities.

**WATERS OF THE COMMONWEALTH** - Any and all rivers, streams, creeks, rivulets, lakes, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

**404.1.3. SUBMISSION OF PLANS TO DEPARTMENT.**

404.1.3.1. Before work is begun in the construction, remodeling, or alteration of an institution, or in the conversion of an existing establishment or facility to an institution, two (2) sets of properly prepared plans and specifications shall be submitted to and approved by the Department.

404.1.3.2. The plans and specifications shall include, where applicable, data relating to the grounds, buildings, equipment, sewage disposal, water supply, refuse disposal, and such other information as may be required by the Department.

**404.2. GENERAL STANDARDS.**



**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

404.2.1.       **WATER SUPPLY.**

404.2.1.1.     All institutions not connected to a public water supply shall be provided with an adequate supply of safe, potable water as required by Chapter 500. §501. of these Rules and Regulations.

404.2.1.2.     Every supply outlet or connection to a fixture or appliance shall be protected against backflow.

404.2.1.3.     Hot water outlets delivering water above 110°F. temperature, must have a mixing valve.

404.2.2.       **SEWAGE DISPOSAL.**

404.2.2.1.     Where an institution is not connected to a public sewer system, it shall dispose of its sewage by a method approved by the Department as required by Chapter 500. §503. of these Rules and Regulations.

404.2.2.2.     The sewage disposal facility shall be operated and maintained so as not to create a public health hazard or pollute the waters of the County.

404.2.3.       **INSECT AND RODENT CONTROL.**

404.2.3.1.     Each institution shall be maintained in such a manner, through the use of proper sanitary measures, as to prevent and control the infestation or harborage of insects and rodents and other vermin.

404.2.3.2.     Each institution shall comply with the relevant provisions of Chapter 600. §603. of these Rules and Regulations.

404.2.4.       **SOLID WASTES.**

404.2.4.1.     **STORAGE.** All solid wastes shall be stored in fly- tight, nonabsorbent containers.

404.2.4.2.     **TRANSPORTATION AND DISPOSAL.** All solid wastes shall be transported and disposed of so as not to create a health hazard or nuisance. Solid wastes which contain infectious materials such as dressings, bandages, and other similar materials, shall be kept separate from other solid wastes and shall be stored and disposed of so as not to create a health hazard. Solid waste transportation and disposal shall comply with the relevant provision of Chapter 500. §504. of these Rules and Regulations.

404.2.5.       **BATHING PLACES.** The construction, modification, maintenance, and operation of any bathing place in an institution shall be subject to the provisions of: Chapter 600. §602. of these Rules and Regulations; and, the "Public Bathing Law" (35 P.S. §672 et seq.).

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

404.2.6. LAUNDRY. Laundry shall be handled, transported, stored, and processed in a manner so as to prevent the spread of infectious organisms.

404.2.7. FOOD SERVICE.

404.2.7.1. All food service facilities and operations shall be approved by the Department.

404.2.7.2. Approval of food service facilities and operations shall be based upon satisfactory compliance with the relevant provisions of Chapter 300 (relating to food protection) of the Rules and Regulations.

**404.3. OUTBREAKS OF GASTROINTESTINAL DISEASE IN THE FACILITY**

404.3.1. Incorporation by Reference of Other Applicable County Rules and Regulations: The terms, definitions, reporting and other requirements of Chapter 200, Preventive Medicine, as currently amended, and of Chapter 404. Sanitation of Institutions, as currently amended, are hereby incorporated by reference, as essential components of this Sub-chapter.

404.3.1.2 An institutional outbreak shall be suspected and reported to the Department when 5% of residents on one unit are ill or 2 or more residents and/or staff have sudden onset of unexpected, recurrent nausea, vomiting, and/or diarrhea and stomach cramping with no other apparent cause. This reporting is in addition to that required by the PA Department of Health.

404.3.1.3. When such an outbreak occurs, the following requirements set forth in this subsection 404.3 shall be instituted and remain in effect for the duration of the outbreak.

404.3.2. HANDWASHING.

404.3.2.1. Frequent, vigorous hand washing with soap or hand sanitizer and hot running water under pressure shall be practiced by employees, volunteers, clients and visitors. All employees, volunteers, clients and visitors shall wash their hands:

- Upon arriving at work
- After using the toilet, changing diapers, cleaning up vomitus or diarrhea, handling soiled clothes or linens
- After contact with a symptomatic person
- Immediately before eating meals or snacks
- Before preparing food or serving food to patients/residents
- As dictated by food service and care giving standards, and
- Immediately before exiting the building

404.3.3. DISINFECTION OF ENVIRONMENTAL SURFACES

404.3.3.1. Either chlorine bleach or disinfectants approved by the U.S. Environmental Protection Agency (EPA) for use in controlling Norovirus outbreaks shall be used on environmental surfaces during an outbreak period. The approved disinfectant shall have to have

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

been registered by the EPA with specific claims for activity against Noroviruses or against feline calicivirus (FCV) as a surrogate for Norovirus.

404.3.3.2. Chlorine bleach is to be applied to hard, non-porous, environmental surfaces at a minimum concentration of 1000 ppm (generally a dilution of 1 part household bleach solution to 50 parts water). This concentration has been demonstrated in the laboratory to be effective against surrogate viruses with properties similar to those of Norovirus.

404.3.3.3. All disinfectants shall be used on clean surfaces for maximum performance. In areas with high levels of soiling and resistant surfaces, up to 5000 ppm chlorine bleach may be used.

404.3.3.4. There shall be an increase in the frequency of routine cleaning of wards, bathrooms and toilets. Frequently touched objects, such as doorknobs, faucets, hallway railings, elevator car railings, tabletops, countertops, hand-holds of physical therapy equipment, toilet rails and bath rails, shall be cleaned and disinfected several times per day with an approved disinfectant as described above.

404.3.3.5. Vomitus and feces shall be quickly cleaned using a standard protocol. Flush any vomitus and/or stool in the toilet and disinfect the surrounding area.

404.3.4. Personal Protective Equipment (PPE): Healthcare facility employees shall be supplied with, and shall use, appropriate PPE (gloves/mask/gown/eye protection) when working with disinfectants and when cleaning and sanitizing potentially contaminated surfaces.

404.3.5. **EMPLOYEE HEALTH REPORTING**

404.3.5.1. Upon arriving to work each day, a facility operator shall require all food employees, all caregivers, and all volunteers to report to the person in charge any information about their health and activities as they relate to diseases transmissible through food, or transmissible by contact, droplet or airborne means, to include symptoms associated with an acute gastrointestinal illness, such as any of the following symptoms with an abrupt onset:

- Vomiting and/or nausea
- Diarrhea
- Stomach cramping

All symptomatic food service employees shall remain off work until 72 hours after their illness is resolved. All other symptomatic staff and volunteers shall remain off work until 48 hours after their illness is resolved.

404.3.5.2. Any food items which may have been contaminated by an ill kitchen employee shall be properly disposed of, except when, in the case of a reportable outbreak, at the direction of the Department, such items must temporarily be saved for health inspectors to obtain samples for laboratory testing.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

404.3.6. **SANITIZERS IN FOOD SERVICE:** Only those sanitizers approved for use in food service and registered by the EPA for use on food contact surfaces, shall continue to be used in food service areas during Norovirus or Norovirus-like outbreak periods. Any deviation may result in chemical adulteration of food items.

404.3.7. **NO BARE HAND CONTACT OF READY-TO-EAT FOODS:** Except when washing fruits and vegetables, food employees shall not contact exposed, ready-to-eat foods with their bare hands, but shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.

404.3.8. **CONSUMER SELF-SERVICE OPERATIONS:** During an outbreak period there shall be no consumer self-service operations such as buffets and salad bars.

404.3.9. **LAUNDERING AND CARPET CLEANING**

404.3.9.1. Clothing or linens/bedding which may be contaminated with the virus, especially after an episode of illness, shall be immediately washed with as little handling as possible, and with minimal agitation. Launder such items with hot water and detergent on the maximum cycle length and machine dry.

404.3.9.2. Clean soiled carpets and soft furnishings with hot water and detergent or steam clean. Dry vacuuming is not recommended since the virus may become airborne.

**404.4. PUBLIC NOTIFICATION**

Public notification of the outbreak shall be posted at the facility and shall remain posted throughout the outbreak period, or until permission to remove it is granted by the appropriate public health authority.

404.4.1. Posted notices shall be on durable material and placed so as to assure reaching visitors, residents, employees or newcomers.

404.4.2. Notices shall be posted at entryways, on bulletin boards, outside administrative offices, and at any other appropriate central locations.

404.4.3. The format shall be such that everyone passing by will see and read the most important information first. This shall consist of:

- A title designed to catch their attention,
- information on the population at risk,
- actions which employees, clients, volunteers, and visitors should take,
- a short description of the outbreak situation, and
- where to obtain additional information.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**CHAPTER 400 HOUSING AND INSTITUTIONS**

**SECTION 405**

**CHILDHOOD LEAD POISONING PREVENTION REGULATION**

<u>Section</u>	<u>Subject</u>
405.1.	PURPOSE
405.2.	DEFINITIONS
405.3.	TESTING PROCEDURES: STANDARDS
405.4.	DETERMINATION OF HEALTH HAZARD
405.5.	NOTICE OF HEALTH HAZARD
405.6.	HEALTH EXAMINATION
405.7.	HAZARD REDUCTION OR ABATEMENT
405.8.	PROTECTION OF OCCUPANTS
405.9.	OTHER
405.10.	EXEMPTIONS

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**405.1. PURPOSE.** The purpose of this Chapter is to protect and promote public health through the identification and elimination of lead-based paint hazards.

**405.2. DEFINITIONS.** The following words, terms and phrases when used in this Chapter shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

**ABATEMENT** – a set of measures designed to eliminate or reduce lead based paint hazards.

The term includes but is not limited to the following:

1. The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures and the removal or covering of lead- contaminated soil.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

2. The preparation, cleanup, disposal and post-abatement, clearance-testing activities associated with these measures. iii. Less-than-full abatement whereby the sources of lead contamination are reduced sufficiently to create a “lead-safe” environment rather than a “lead-free” environment.

The term does not include renovation and remodeling or landscaping activities by contractors whose primary intent is not to permanently eliminate or reduce lead-based paint hazards, but is instead to repair, restore or remodel a given structure or dwelling.

The term does not include renovation and remodeling activities conducted by homeowners in their homes.

**CHEWABLE SURFACE** – surfaces, including but not limited to, windowsills, window frames, doorframes, handrails, toys, furniture, food utensils, and other appurtenances offering a biting surface to a child or other persons.

**CHILD-OCCUPIED FACILITY** – a building or portion of a building, constructed prior to 1978, visited regularly by the same child, six (6) years of age or under, on at least two different days within any week (Sunday through Saturday period), provided that each day’s visit lasts at least three (3) hours, and the combined weekly visit lasts at least six (6) hours, which may include, but are not limited to, public and private day care centers, preschools and school classrooms.

**DEPARTMENT** – Delaware County Health Department.

**DWELLING** - a building or structure occupied, designed or intended to be occupied as a place for human habitation or use, or any part thereof, including an accessory building or structure belonging thereto or usually enjoyed therewith and any institutional structure such as an orphanage, school or day care center.

**DWELLING UNIT** – 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, or any part hereof.

**ELEVATED BLOOD LEAD LEVEL**– any case where the serum blood lead level of a person is equal to or greater than the level defined as elevated by the Centers for Disease Control.

**ENCAPSULATION**– the application of a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

**ENCLOSURE** - the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

**EXPOSED SURFACE** – all interior surfaces of a dwelling or dwelling unit and those exterior surfaces of a dwelling or dwelling unit, which are

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

readily accessible to children six (6) years of age or under, or other persons who have demonstrated an evidence of lead poisoning, such as stairs, decks, porches, railings, windows, doors and siding. Any area in the vicinity of a dwelling or dwelling unit subject to contamination from flaking or peeling lead based materials is also considered an exposed surface. **HAZARD REDUCTION** – action or actions to significantly reduce or eliminate exposure to lead in any dwelling, dwelling unit or on any premises, which may include, but not limited to: relocation of occupants, prepping of a painted surface, covering of lead-contaminated soil, clean-up of lead-contaminated dust, and measures to maintain paint.

**LEAD-BASED PAINT**– paint or other surface coatings, that contain lead equal to or greater than 1.0 milligram per square centimeter or 0.5 percent by weight (equivalent units are: 5,000 micrograms per gram, 5,000 milligrams per kilogram, or 5,000 parts per million by weight). Surface coatings include: paint, shellac, varnish, or any other coating, including wallpaper, which covers painted surfaces.

**OCCUPANT** – any person, living, sleeping, cooking, eating in or having actual possession of a dwelling unit or rooming unit.

**OPERATOR**- any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

**OWNER** – a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

**PREMISES** – a lot, plot or parcel of land, including all facilities and improvements thereon.

**RENOVATION AND REMODELING ACTIVITIES** – activities whose primary intent is not to permanently eliminate or reduce lead- based paint hazards, but is instead to repair, restore, or remodel a given structure or dwelling.

**SUBSTRATE** – The material underneath paint. Substrates should be classified into one of six types: brick, concrete, drywall, metal, plaster, or wood.

**SURFACE** – the outermost layer or superficial area of materials, of which a dwelling unit is constructed; excluding paint, plaster or putty of the interior or exterior of a dwelling unit; including but not limited to the outermost layer or superficial area of walls, ceilings, floors, stairs, windows, window sills, window frames, window sashes, doors, door frames, baseboard and woodwork of a dwelling or dwelling unit.

**TEMPORARY OR INTERIM HAZARD REDUCTION**– means repair and housekeeping measures that can be undertaken immediately, safeguarding occupants until permanent abatement or hazard reduction can be completed as set forth and approved by the Department. Interim measures should include the provision of smooth and cleanable surfaces.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

XRF ANALYZER – a machine that utilizes X-Ray Fluorescence (XRF) to test for the presence of lead-based paint.

**405.3. TESTING PROCEDURES: STANDARDS**

a. If there is found the presence of flaking, peeling, chipping or loose paint, plaster or structural material in or around any building used for housing, or regularly for other sustained activities by a person or persons determined to have an elevated blood lead level, specimens of the flaking, peeling, chipping or loose paint, plaster or structural material shall be collected as samples to determine whether or not the materials contain lead. In lieu of taking samples, the surface may be tested with an XRF analyzer and/or other instruments approved by the Department.

b. Owner/operator will bear the cost associated with sampling, including all samples collected and submitted for analysis by the Department.

c. The chemical determination of the lead content in surface materials may be made by the quantitative measurements of samples of those materials. Lead content of any surface material in excess of one-half of one percent (0.5%) by dry weight shall be in violation of this Ordinance.

d. The physical determination of the lead content of surface material may be made by non-destructive measurements using radioisotope XRF Analyzers, or other instruments approved by the Department. Lead content in surface materials in excess of 1.0 milligrams per square centimeter of surface when tested by this method shall be in violation of this Ordinance.

e. Lead content in soil in excess of 400 ug/g must follow with lead reduction measures/abatement. An accredited lab approved by the Department must measure lead soil content. Failure to reduce a lead hazard in soil will be in violation of this Ordinance.

**405.4. DETERMINATION OF HEALTH HAZARD**

a. Any lead source shall be considered a health hazard to children six (6) years of age or under, or other persons who have demonstrated an evidence of lead poisoning, IF:

1. Said lead source exists in or about, but not limited to, a dwelling, dwelling unit, school, day care facility, church, or recreational facility, in which children or other persons who have demonstrated an evidence of lead poisoning commonly reside or visit; and

2. Said lead source is a child-occupied facility; AND

3. Said lead source is determined to be on any flaking or peeling surface or exposed surface and/or on any chewable surface and contain more than 0.5 percent lead by weight of non-volatile content, or in excess of 1.0 milligram per square centimeter of surface when tested by a radioisotope x-ray fluorescent analyzer or other instrument approved by the Department.

**405.5. NOTICE OF HEALTH HAZARD**



**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

The Department shall report the findings of a lead source health hazard immediately to all occupants of the affected dwelling unit(s) and to the owner/operator of the building. The Department may cause to have prominently posted on all entrances to the said dwelling unit(s) a notice as follows:

**THIS PROPERTY HAS BEEN IDENTIFIED AS A LEAD HAZARD BY THE  
DEPARTMENT OF HEALTH.**

Such notice shall not be removed without the approval of the Department. A report of the finding shall be given to other persons or agencies as required by law.

**405.6. HEALTH EXAMINATION**

When a lead source health hazard is found in a dwelling, the Department will recommend lead testing for all children six (6) years of age or under; and pregnant women who reside in the said dwelling, as determined by the Department.

**405.7. HAZARD REDUCTION OR ABATEMENT**

a. When the Department determines that any lead source creates a health hazard to children six (6) years of age or under, and pregnant women, or other persons who have demonstrated an evidence of lead poisoning, the Department shall issue a written order to the owner and/or operator to significantly reduce or eliminate the hazard. This order shall be sent by certified mail, return receipt requested to the last known address of the owner/operator. In addition, the Department shall post the order on the dwelling described in the order. The Department shall have the authority to require the family to seek alternate housing.

b. Within thirty (30) days following receipt of the written order, or posting of the property, whichever is earlier, the owner shall submit to the Department a written plan and schedule for either total abatement or effective lead hazard reduction. Said plan and schedule shall specify in detail the means, methods, materials and dates by which correction will be achieved and submitted to the department for approval prior to hazard reduction or abatement. Failure to receive the Department's approval prior to hazard reduction and/or abatement will be a violation of this ordinance.

c. Dry sanding, dry scraping, heat guns, the use of an open flame torch, uncontained abrasive blasting, uncontained water blasting, the use of power grinders, sanders, drills, wire brushes on electric drills and rotostrippers, and/or chemical strippers containing methylene chloride are prohibited techniques for abatement or hazard reduction unless approved by the Department.

d. Promptly upon receipt of the plan and schedule, the Department shall approve or disapprove such plan and schedule. Notice of any disapproval shall be accompanied by specific reason therefore. Upon receipt of such notice, the owner shall, within fourteen (14) days, resubmit the plan and schedule with such revisions as are necessary to remove the objections. Upon disapproval of a second plan by the Department, the owner shall be issued a written notice

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

indicating schedule and method of abatement or effective hazard reduction, which will be required to bring the dwelling into compliance. The owner shall complete abatement of the lead hazard within thirty (30) days after receiving notification from the Department that the schedule has been approved unless the Department extends the time for compliance.

e. The Department shall make a determination of those cases where, due to a lead poisoning emergency, the severity and/or extent of the identified lead hazard, and/or the projected time necessary to carry out total abatement or effective hazard reduction, protective interim hazard reduction is to be provided for occupants forthwith, prior to plan submission and implementing abatement or hazard reduction. In such cases, the department must approve the methods of protective interim hazard reduction and shall inspect the involved premises to assure they are effectively implemented.

f. Final compliance with the Departmental written order shall be contingent upon a determination by the Department that the owner has successfully completed the approved abatement/ hazard reduction plan. This determination will be based on visual inspection by the Department and the result of other clearance testing as may be required by the Department, and, in those instances involving hazard reduction, implementation of an ongoing maintenance program approved by the Department.

g. In the event the dwelling or dwelling unit or premises in which a lead hazard is found is vacated, the Department must be contacted, and a visual inspection must be completed by the Department to ensure that the ongoing maintenance program is adhered to prior to the premises being reoccupied.

h. Clearance sample collection shall be conducted by the Department. Samples collected are to be analyzed by a state certified laboratory with the cost of analysis to be borne by the owner/operator of the involved premises.

i. In those instances where interim hazard reduction or hazard reduction has been required and approved by the Department, the Department shall conduct compliance follow-up inspections as necessary to assure that the involved premises continue to be a safe environment, free from lead hazards.

**405.8. PROTECTION OF OCCUPANTS**

a. No owner or landlord found to be in violation of the Sections of this Chapter may evict, or cause to be evicted, occupants of any dwelling, dwelling unit, apartment or building found to be in violation of such Chapter, where the occupants have children, for the purpose of avoiding corrective maintenance which may have been ordered by the Department, the Court or any other appropriate authority.

b. In the event the dwelling or dwelling unit or premises in which a lead hazard is found is vacated by the occupant who occupied same at the time of the issuance or corrective notice referred to in Section 405.5 "Notice of Health Hazard" such dwelling, dwelling unit or premises shall not be let or occupied by any other person until such corrective notice is complied with.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**405.9            OTHER**

In those instances where environmental investigation by the Department indicates lead sources other than paint, soil, household items, or other premise-specific features are contributing significantly to elevated blood lead levels, the Department shall advise governmental agencies responsible for enforcing applicable State and Federal laws and regulations of such findings.

**405.10          EXEMPTIONS**

The Department may, on a case-by-case basis, approve an alternative procedure for abatement or effective hazard reduction of a lead hazard violation, provided that the owner or operator submits a written description of an alternative procedure to the Department and demonstrates that compliance with procedures specified in Section 405.7, Hazard Reduction are not practical or feasible, or that the proposed alternative procedure provides the equivalent control and level of protection.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**CHAPTER 400 HOUSING AND INSTITUTIONS**

**SECTION 406**

**CHILD DAY CARE CENTERS**

<b><u>Section</u></b>	<b><u>Subject</u></b>
<b>406.1.</b>	<b>PURPOSE</b>
<b>406.2.</b>	<b>APPLICABILITY</b>
<b>406.3.</b>	<b>DEFINITIONS</b>
<b>406.4.</b>	<b>GENERAL PROVISIONS</b>
<b>406.5.</b>	<b>WATER SUPPLY</b>
<b>406.6.</b>	<b>SEWAGE DISPOSAL</b>
<b>406.7.</b>	<b>CONSTRUCTION</b>
<b>406.8.</b>	<b>PLUMBING</b>
<b>406.9.</b>	<b>INSECT AND RODENT CONTROL</b>
<b>406.10.</b>	<b>SOLID WASTES</b>
<b>406.11.</b>	<b>TOXIC MATERIAL</b>
<b>406.12.</b>	<b>PHYSICAL FACILITY</b>
<b>406.13.</b>	<b>HOT WATER PIPES AND OTHER SOURCES OF HEAT</b>
<b>406.14.</b>	<b>HEATING, VENTILATION AND AIR CONDITIONING</b>
<b>406.15.</b>	<b>LIGHTING</b>
<b>406.16.</b>	<b>TOILET AREAS</b>
<b>406.17.</b>	<b>HANDWASHING FACILITIES</b>
<b>406.18.</b>	<b>HANDWASHING PRACTICES</b>
<b>406.19.</b>	<b>MOP SINKS</b>
<b>406.20.</b>	<b>CONDITION OF PLAY EQUIPMENT</b>

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

- 406.21. TOOTHBRUSHES**
  - 406.22. DIAPERING REQUIREMENTS**
  - 406.23. SANITIZERS AND SANITIZATION PROCEDURES**
  - 406.24. REST EQUIPMENT**
  - 406.25. FOOD SERVICE**
  - 406.26. ANIMALS**
  - 406.27. WATER ACTIVITIES**
  - 406.28. LAUNDRY**
  - 406.29. OUTBREAKS OF GASTROINTESTINAL DISEASE IN THE FACILITY**
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**§406. CHILD DAY CARE CENTERS.**

**406.1. PURPOSE.**

406.1.1. The purpose of this section is to provide for the protection and promotion of the public health and welfare by establishing regulations regarding the operation, maintenance, and sanitation of child day care centers, in the manner provided herein.

406.1.2. The provisions of this section shall apply to all those areas under the jurisdiction of the Delaware County Health Department and shall apply to all existing child day care centers and those hereafter constructed, reconstructed, altered or remodeled.

406.1.3. The provisions of this section shall not excuse failure to comply with the rules and regulations of any governmental agency having the authority to regulate child day care centers.

**406.2. APPLICABILITY.**

406.2.1. These regulations shall apply to all facilities determined to be Child Day Care Centers by the Pennsylvania Department of Welfare, as defined in Pennsylvania Chapter 3270.

**406.3. DEFINITIONS.**

CRNP - Certified Registered Nurse Practitioner.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**CHILD DAY CARE CENTER** - The premises in which care is provided at any one time for seven or more children unrelated to the operator.

**COMMUNICABLE DISEASE** - An illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a susceptible host from an infected person, animal, or arthropod, or via an intermediate host, vector, or the inanimate environment.

**DEPARTMENT** - The Delaware County Health Department.

**EASILY CLEANABLE** - A characteristic of a surface that allows effective removal of soil by normal cleaning methods, is dependent on the material, design, construction and installation of the surface, and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants directly to humans as they contact the surface or indirectly to humans by cross-contamination via an intermediate animal or inanimate object that may contact the surface.

**FACILITY PERSON** - A staff person, a substitute staff person, a volunteer, a food service person, a janitorial person or another adult who serves in or is employed by a facility.

**GARBAGE** - All putrescible wastes (except sewage and body waste) including but not limited to animal and vegetable offal.

**NON-ABSORBENT** - Having the characteristics of plastic, vinyl, or stainless steel that prevents water from penetrating the surface.

**POTENTIALLY HAZARDOUS FOOD** - A food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

**REFUSE** - All nonputrescible wastes, generally regarded and classified as rubbish, trash, junk, and similar designations. Refuse for the purpose of this chapter shall include source separated recyclable material, which are materials separated from municipal waste at the point of origin for the purpose of recycling.

**SEWAGE** - A substance which contains any of the waste products, excrements or other discharges from the bodies of human beings or animals, and noxious or deleterious substances being harmful or inimical to the public health; or to animal or aquatic life; or to the use of water for domestic supply or for recreation.

**SEWAGE FACILITIES** - A system of sewage collection, conveyance, treatment and disposal that will prevent the discharge of untreated or inadequately treated sewage or other wastes onto the surface of the ground or into the Waters of the Commonwealth, and otherwise provide for the safe and sanitary treatment and disposal of sewage or other wastes.

**SMOOTH** - An even or level surface with no roughness or projections that render it difficult to clean.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**SOLID WASTES** - A material; whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. Solid waste includes solid, liquid or semisolid or contained gaseous materials.

**SOURCE** - A well, spring, cistern, infiltration gallery, stream, reservoir, pond, or lake from which, by any means, water is taken either intermittently or continuously for use by the public.

**STAFF PERSON** - A person included in the regulatory ratio under the provisions of Title 55 of the Pennsylvania Code, Chapter 3270 who is responsible for child care activities.

**WATER SUPPLY** - A source or sources of water, as well as any and all water treatment, storage, transmission and distribution facilities.

**WATERS OF THE COMMONWEALTH** - Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

**406.4. GENERAL PROVISIONS.**

406.4.1. Certificate of Compliance.

406.4.1.1. A certificate of compliance shall be obtained from the Pennsylvania Department of Public Welfare, under the provisions of Title 55 of the Pennsylvania Code, Chapter 3270, before a child day care center begins operations.

**406.4.2. Certificate of Registration.**

406.4.2.1. A person shall not operate a child day care center without a Certificate of Registration issued by the Department.

406.4.2.2. A certificate of registration shall be issued on the basis of satisfactory compliance with these Rules and Regulations.

406.4.2.3. A certificate of registration shall be issued for a period not to exceed 12 months.

406.4.2.4. Application for an annual Certificate of Registration shall be made to the Department on the application form provided by the Department.

406.4.2.5. Application for annual Certificate of Registration renewal shall be submitted to the Department with the appropriate fee thirty days prior to the expiration date of the existing certificate.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.4.2.6. Certificates of Registration are nontransferable. When the ownership of the child day care center changes or if the child day care center is leased by the owner, it is the responsibility of the new owner or lessee to secure a Certificate of Registration in his/her name.

**406.4.3. SUBMISSION OF PLANS TO DEPARTMENT.**

406.4.3.1. Before work is begun in the construction, remodeling, or alteration of a child day care center, or in the conversion of an existing establishment or facility to a child day care center, properly prepared plans and specifications shall be submitted to and approved by the Department.

406.4.3.2. The plans and specifications shall include, where applicable, data relating to the grounds, buildings, equipment, sewage disposal, water supply, solid waste storage and disposal, and such other information as may be required by the Department.

**406.4.4. INSPECTION**

406.4.4.1. Subject to the limitations of the Constitutions of the United States and the Commonwealth of Pennsylvania, a representative of the Department, upon showing proper identification of office, may enter and inspect any child day care center at all reasonable times, and, in an emergency, at any time.

406.4.4.2. All child day care centers located within the jurisdiction of the Department shall be operated and maintained in compliance with these Rules and Regulations.

406.4.4.3. When it is determined by the Department, after inspection, that any child day care center is not being operated and/or maintained in compliance with these Rules and Regulations, the Department shall have the power to, without prior notice, issue emergency order(s).

406.4.4.4. When emergency order(s) are issued, the owner or other responsible person shall have the right to a hearing pursuant to Chapter 100, §100.8, of these Rules and Regulations.

406.4.4.5. Day care centers in operation prior to the effective date of these regulations, which would require capital expenditures to fully meet all of the design, construction and equipment requirements of these regulations, may be deemed acceptable if in good repair and capable of being maintained in a sanitary condition and pose no hazard to the health of the day care center occupants.

**406.5. WATER SUPPLY**

406.5.1. All water used in the operation of a day care center shall be provided from a supply approved by the Department. Approval of a water supply shall be based upon satisfactory compliance with the construction standards for individual water supplies that are promulgated in Chapter 500, §501 of these Rules and Regulations, and the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1 et. seq.).



**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.5.2. The water supply shall be adequate in quantity and shall meet the bacteriological and chemical water standards of the Department, as found in Chapter 500, §501 and the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1 et. seq.). Unapproved water supplies shall be made inaccessible to the public in a manner deemed satisfactory to the Department.

406.5.3. All day care centers not connected to a public water supply shall meet the periodic monitoring and testing requirements as stated in Chapter 600, §605 of these Rules and Regulations.

**406.6. SEWAGE DISPOSAL**

406.6.1. All sewage facilities serving a day care center shall be approved by the Department.

406.6.2. Approval of the sewage facilities shall be based upon satisfactory compliance with the standards for individual sewage disposal systems as described in Chapter 500, §503 of these Rules and Regulations, and the Clean Streams Law (35 P.S. §691.1 et seq.).

**406.7. CONSTRUCTION.** Construction, remodeling or alterations of structures during child day care center operations shall be isolated from areas where children are present and done in a manner that will prevent hazardous or unhealthy conditions.

**406.8. PLUMBING**

406.8.1. Plumbing shall be sized, installed, and maintained to: carry adequate quantities of water to required locations throughout the day care center; prevent contamination of the water supply; and properly convey sewage and liquid wastes from the establishment to the sewage facilities.

406.8.2. The plumbing shall be installed and maintained so as not to create an unsanitary condition or nuisance. Any faucet with threads which could allow a hose to be attached must be provided with an approved backflow prevention device.

**406.9. INSECT AND RODENT CONTROL**

406.9.1. Effective measures must be adopted, when necessary, to prevent infestation with insects, rodents, or other vectors, in accordance with the standards established in Chapter 600, §603 of these Rules and Regulations. Pesticide application, when necessary, shall be conducted by a pest control applicator/operator certified by the Pennsylvania Department of Agriculture and in accordance with the pesticide label and all required federal and state laws. The day care center premises shall be kept in such condition as to eliminate the harborage, food and water conditions conducive to insect, rodent or other vector infestations.

406.9.2. All day care centers shall have an Integrated Pest Management Plan in place.

**406.10. SOLID WASTES**

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.10.1. All garbage and refuse containing food waste shall be kept in leak-proof, nonabsorbent, rust and corrosion-resistant containers, which shall be kept covered with tight-fitting lids, when filled or stored or not in continuous use. Other means of garbage and refuse storage may be used if it is approved by the Department and it is in accordance with the provisions of Chapter 500, §504 of these Rules and Regulations.

406.10.2. All other refuse shall be stored in containers, rooms, or areas of sufficient number and size and in a manner so as to prevent insect and/or rodent problems and other nuisances.

406.10.3. Each waste container, room, or area shall be maintained in a sanitary manner and cleaned as often as necessary in order to prevent a nuisance. When disposal of garbage and refuse (such as composting) is accomplished within or upon the premises of the day care center, the disposal facilities shall be operated and maintained so as not to create a nuisance or a health hazard.

406.10.4. In general, all garbage and refuse storage, collection and disposal operations shall comply with the provisions of Chapter 500, §504 of these Rules and Regulations.

**406.11. TOXIC MATERIALS**

406.11.1. Cleaning materials and other toxic materials shall be kept in an area that is locked or made inaccessible to children.

406.11.2. Cleaning materials and other toxic materials shall be stored in an original labeled container or in a container that specifies the content and stored away from food, food preparation areas and child care spaces.

406.11.3. Cleaning materials and other toxic materials shall be used in a way that does not contaminate play surfaces, food, food preparation areas and does not constitute a hazard to the children.

**406.12. PHYSICAL FACILITY**

406.12.1. Conditions at the facility may not pose a threat to the health or safety of the children.

406.12.2. Every exterior wall, roof, foundation, porch and stair shall be structurally sound, weather-tight, and water-tight and shall be finished to control mold, dust and entry of insects or rodents into the child care space.

406.12.3. Every interior floor, stair, wall and ceiling shall be structurally sound and shall be finished to control exposure of the occupants to levels of toxic fumes, dust, mold, ventilation, heating, lighting or noise deemed hazardous.

406.12.4. Floors, walls, ceilings and other surfaces, including the facility's outdoor play space surfaces shall be kept clean, in good repair and free from visible hazards.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.12.5. Wall and floor coverings shall be of such type and quality as will assure safe and sanitary conditions.

406.12.6. Protective receptacle covers shall be placed in electrical outlets accessible to children 5 years of age or younger.

**406.13. HOT WATER PIPES AND OTHER SOURCES OF HEAT**

406.13.1. Hot water pipes and other sources of heat exceeding 110° F that are accessible to children shall be equipped with a protective guard or shall be insulated to prevent direct contact.

406.13.2. Plumbing fixtures shall be provided with a constant supply of hot water within a reasonable period of time. A reasonable time is assumed to be a period not to exceed three minutes.

**406.14. HEATING, VENTILATION AND AIR CONDITIONING**

406.14.1. All heating, air conditioning (where applicable) and ventilation equipment shall be maintained in sound operating condition and good repair.

406.14.2. Heating, air conditioning (where applicable) and ventilation systems shall provide uniform heating, ventilation and/or air conditioning to all child care areas.

406.14.3. Where window and door screens are utilized for ventilation, screens shall be properly secured to prevent falls and maintained in good repair.

406.14.4. The indoor air temperature shall be maintained a minimum of 65°F.

406.14.5. If the indoor temperature exceeds 82°F in a child care space, a means of mechanical air circulation shall be utilized.

**406.15. LIGHTING.** All day care centers and parts thereof, shall maintain adequate luminance levels by artificial or natural light, to provide for proper sanitation and safety in accordance with typical industry practices and guidelines.

**406.16. TOILET AREAS**

406.16.1. In all toilet areas the floors, floor coverings, walls, and wall coverings shall be designed, constructed, and installed so they are smooth, non-absorbent and easily cleanable; floor and wall junctures shall be coved to provide a proper seal.

406.16.2. Toilet fixtures shall be of sanitary design, easily cleanable and in good repair.

406.16.3. Toilet areas shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed, except during cleaning or maintenance. However, doors are not required where toilet rooms are structured with adequate sight barriers to prohibit direct vision to the toilets or urinals from the entranceway. Toilet rooms shall be adequately vented to the outside.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.16.4. A toilet facility shall be supplied with toilet tissue at all times. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered.

406.16.5. Storage in toilet areas shall be limited to toileting and diapering supplies.

406.16.6. Restroom fixtures shall be child-sized, properly adapted adult toilets or training chairs for young toddlers.

**406.17. HANDWASHING FACILITIES**

406.17.1. Handwashing facilities shall be located in or directly adjacent to all toilet rooms and shall be conveniently located to all diaper changing locations.

406.17.2. A handwashing sink shall be equipped to provide hot water between 90°F and 110°F through a mixing valve or combination faucet. Hot water temperatures shall be monitored regularly to ensure compliance with the above.

406.17.3. A constant supply of soap and paper towels individual towels or other approved means of hand drying shall be available at all handwashing sinks.

406.17.4. Self-closing, slow-closing, or metered faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

**406.18. HANDWASHING PRACTICES**

406.18.1. Facility persons and children shall wash their hands at a handwashing sink with tempered water, soap and approved means of hand drying as often as necessary to prevent the spread of disease and/or contamination of surfaces.

406.18.2. In the case of infants, the infant's hands may be washed after each individual diaper change with single-use, pre-moistened towelettes.

406.18.3. The facility person shall ensure that a child's hands are washed with soap and water immediately after diaper changing and toileting.

406.19. **MOP SINKS.** At least one utility sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. Utility sinks and curbed cleaning facilities shall be provided with hot and cold running water under pressure.

**406.20. CONDITION OF PLAY EQUIPMENT**

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.20.1. Toys play equipment and other indoor and outdoor equipment used by the children shall be clean, in good repair and free of rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.

406.20.2. Toys soiled by secretion or excretion shall be washed, rinsed and sanitized before they are reused. A disinfecting solution of ½ teaspoon of 5.25% liquid chlorine bleach to one quart of water is acceptable for this use.

406.20.3. In infant and toddler rooms, mouth-contact surfaces shall be washed, rinsed and sanitized at least daily and more frequently if necessary.

406.20.4. If unsafe areas or conditions are in or near an outdoor play space, fencing or natural barriers are required to restrict children from those unsafe areas or conditions.

**406.21. TOOTHBRUSHES.** If tooth brushing is conducted, each child shall have a labeled toothbrush, which is stored bristles up and in a manner to protect from cross contamination.

**406.22. DIAPERING REQUIREMENTS**

406.22.1. Infants and toddlers shall be diapered at areas designated exclusively for diapering.

406.22.2. Changing tables shall be of sturdy construction and be maintained in good repair and safe condition.

406.22.3. Diapering surfaces shall be smooth, nonabsorbent, and easily cleanable.

406.22.4. Diapering surfaces shall not be used for the storage of equipment or other objects.

406.22.5. Diapering surfaces shall be cleaned with a mild solution of water and detergent and sanitized after each changing. A sanitizing solution of 500 to 800 parts per million of chlorine or equivalent shall be used on diaper changing surfaces after each diaper change and allowed to air dry. A disinfecting solution of 2-3 teaspoons of 5.25% liquid chlorine bleach per quart of water or ¼ cup of 5.25% liquid chlorine bleach per gallon of water is acceptable for this use. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants may alternatively be used (consistent with label directions).

406.22.6. If bleach solutions are used they shall be made fresh daily.

406.22.7. In lieu of cleaning and sanitizing surfaces after each change, an individual single-use changing pad or other single-use surface covering may be used.

406.22.8. All sanitizers shall be used consistent with the manufacturer's label direction.

406.22.9. Disinfectants and sanitizers solutions shall be used from separate and properly labeled, hand pump spray bottles.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.22.10. Facility persons shall wear disposable gloves during the diaper changing process.

406.22.11. Gloves shall be discarded after use with each child.

406.22.12. Instructions providing information to facility persons in proper methods of diaper changing and handwashing shall be posted in each diaper changing area.

**406.23. SANITIZERS AND SANITIZATION PROCEDURES**

406.23.1. Written procedures for preparation and use of sanitization and disinfection solutions shall be on file at the facility.

406.23.2. A test kit or other device that accurately measures the concentration in mg/L or parts per million of sanitizing solution(s) mixed on-site.

**406.24. REST EQUIPMENT**

406.24.1. Individual clean age-appropriate rest equipment shall be provided for preschool toddler and infant children as agreed between the child's parent and the operator. The rest equipment shall be labeled for the use of a specific child and used only by the specified child.

406.24.2. All beds, cribs, cots, and mats shall be in good repair and easily cleanable; stored to protect them from splash, drip and other contamination; cleaned regularly; and sanitized between users.

406.24.3. Linens, blankets, and rest equipment shall be cleaned monthly at a minimum. The operator shall arrange a cleaning schedule with the parent.

406.24.4. Linens shall be stored with the individual mat or cot until laundered or stored individually for each child in a designated area if taken off the mats or cots. Linens used for more than one child shall be laundered between users.

406.24.5. Soiled bedding shall be cleaned before it is reused.

**406.25. FOOD SERVICE**

406.25.1. Facilities to be used for the storing, preparation, and serving of food must meet the requirements of the Chapter 300 of these Rules and Regulations, Pennsylvania Chapter 46 and "Public Eating and Drinking Place" Act (35 P.S. §655.1 et seq.).

406.25.2. A facility shall have an operable, clean refrigerator used to store potentially hazardous foods. The refrigerator shall be capable of maintaining food at 41° F or below. An operating thermometer shall be placed in the refrigerator.

**406.26. ANIMALS**

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.26.1. Any pet or animal present at the facility, indoors or outdoors shall conform to the relevant provisions of Chapter 220, §202 (relating to veterinary public health and zoonotic disease) of these Rules and Regulations.

406.26.2. All contact between pets, animals and children shall be supervised by a facility person. Reptiles and amphibians shall not be made accessible to children.

406.26.3. Non-domesticated animals (such as farm animals) shall not be allowed to roam freely inside or outdoors. Outdoor animal areas shall be enclosed and made inaccessible to the children.

406.26.4. A designated sink shall be provided for bathing of pets and animals as well as cleaning cages.

406.26.5. Pet and animal wastes shall be cleaned up immediately by a facility person in areas accessible to children.

**406.27. WATER ACTIVITIES**

406.27.1. Bathing Places.

406.27.1.1. The construction, modification, maintenance, and operation of any bathing place in a child day care center shall be subject to the provisions of Chapter 600 §602 of these Rules and Regulations; and the "Public Bathing Law" (35 P.S. §672 et seq.).

406.27.1.2. A sanitizing solution shall be added to water in a wading pool that does not have continuous disinfection and recirculation. An acceptable sanitizing solution is 3/4 teaspoon of bleach added to 50 gallons of water.

406.27.1.3. A wading pool that does not have continuous disinfection and recirculation shall be emptied daily.

406.27.1.4. A water play table, or a container used for water play that contains unfiltered water shall be emptied daily.

**406.28. LAUNDRY.** Laundry shall be handled, transported, stored, and processed in a manner so as to prevent the spread of infectious organisms.

**406.29. OUTBREAKS OF GASTROINTESTINAL DISEASE IN THE FACILITY**

406.29.1. The terms, definitions, reporting and other requirements of Chapter 200, Preventive Medicine, as currently amended, and of Chapter 400, §404, Sanitation of Institutions, as currently amended, are hereby incorporated by reference as essential components of this subchapter.

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

406.29.2 An institutional outbreak shall be suspected and reported to the Department when two (2) or more children and/or staff have sudden onset of unexpected, recurrent nausea, vomiting, and/or diarrhea and stomach cramping with no other apparent cause. This reporting is in addition to that required by the Pennsylvania Department of Health.

406.29.3. When such an outbreak occurs, the requirements set forth in Chapter 400, §404, Subsection 404.3 shall be instituted and remain in effect for the duration of the outbreak (cf. 200.5.18.1.15 of these Rules and Regulations).