

ERIE COUNTY DEPARTMENT OF HEALTH
PUBLIC SCHOOL INSPECTION ORDINANCE

GENERAL PROVISIONS

1.1 Legal Authority

The following rules and regulations are adopted under the provisions of the “Local Health Administration Law”, Act 315, approved August 24, 1951, P.L. 1304, 16 P.S. §12001 *et seq.*

1.2 Provisions

The provisions of these rules and regulations shall apply to all municipalities in Erie County within the jurisdiction of the Department and shall apply equally to all persons. These rules and regulations shall be liberally construed and applied to promote the protection of the public health.

DEFINITIONS

2.1 Definitions

Approved – procedures, construction or products acceptable to the Erie County Department of Health.

Department - the Erie County Department of Health

Garbage – all putrescible wastes, except sewage and body waste

Person - shall include any individual, landowner (which is defined as any person holding title to or having a proprietary or equitable interest in either surface or subsurface rights), landlord, lessor, land occupier (including but not limited to easement owner, tenant, lessee or occupant of a structure or land, whether the landowner or not, any corporation, including public or private corporation for profit or not for profit, association, partnership firm, trust, trustee, estate, executor, executrix, administrator, administratrix or other fiduciaries, department board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized or other legal entity set

forth above. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment the term "Person" shall include all of the above set forth individuals and entities as well as members, officers, and/or employees of any corporation, an association, partnership or firm and the officer, directors of any local agency, municipality, municipal authority and/or political subdivision and the supervisors, councilmen, of any political subdivision public or private corporation for profit or not for profit.

Refuse - means all non-putrescible wastes generally regarded and classified as rubbish, trash, junk and similar materials which have been discarded by the owner or possessor thereof as useless or worthless to them.

School - Buildings, including grounds, where there are training facilities for teaching children, or offering instruction in any branch of knowledge. The term includes public, and charter schools, intended for teaching from kindergarten through grade 12.

Safe Drinking Water Act - the Pennsylvania Safe Drinking Water Act (P.L. 206, No. 43) (35 P.S. §721.1 *et seq.*), and appropriate regulations, 25 Pa. Code, Chapter 109.

Sewage - means any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life or to the use for domestic water or for recreation or which constitutes pollution under The Clean Streams Law (35 P.S. § 691.1-691.1001).

Sewage system - any community or individual system, publicly or privately owned, for the collection, conveyance, treatment, and disposal of sewage and of a liquid nature, including various devices for the treatment of such sewage.

Sewage Regulations - the Pennsylvania Sewage Facilities Act, (P.L., 1535, No. 537) (35 P.S. § 750.1 *et seq.*) and appropriate regulations, 25 PA. Code Chapters 71, 72 and 73.

Vector - any rodent, insect or other animal, which is capable of carrying or harboring a disease infectious to man.

Waters of 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 the Commonwealth.

Water Supply - a source or sources of water including any and all water treatment, storage and distribution facilities.

WATER SUPPLY

3.1 Water Supply

All water supplied to a school shall be adequate in quantity and shall meet bacteriological, chemical, physical and radiological standards as required by the Safe Drinking Water Act and the Department.

SEWAGE DISPOSAL

4.1 Sewage Disposal

On lot sewage systems must be in compliance with the provisions of the Sewage Regulations.

Sewage systems must comply with provisions of the permit issued under the authority of the Clean Streams Law.

Sewage systems must be constructed and maintained to prevent contamination of the waters of the Commonwealth.

VECTORS

5.1 Vector Control

Effective measures intended to control the presence of rodents, flies, mosquitoes, cockroaches, and other insects or vectors on the premises shall be taken in a manner approved by the Department.

TOILET FACILITIES

6.1 Design

Separate toilet facilities for each sex shall be provided on the premises. Toilet fixtures shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing, and toilet rooms shall be vented in a manner acceptable to the Department.

6.2 Maintenance

Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. Toilet tissue shall be provided. Hand soap and single use towels or a satisfactory equivalent shall be provided.

If a school experiences a water outage or a lack of adequate pressure to the building, a means of providing potable water for hand wash must be provided.

Each sink having running water under pressure shall be supplied with hot and cold water.

Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered.

Ventilation must be operational as designed.

PHYSICAL FACILITIES

7.1 Plumbing

Plumbing shall be sized, installed and maintained to carry adequate quantities of water to required locations throughout the school, to prevent contamination of the water supply, to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage disposal system and so as not to create an unsanitary condition or nuisance.

If a school experiences a water outage or a lack of adequate pressure to the building, a means of providing potable water for drinking must be provided.

7.2 Floors

Floors of the school shall be in good repair and shall be of such construction as to be easily cleaned. All floors shall be kept clean.

7.3 Walls and Ceilings

Walls and ceilings of the school shall be in good repair and shall be of such construction as to be easily cleaned. All walls and ceilings shall be kept clean.

7.4 Heating and Ventilation

The school shall be uniformly heated. In those schools where room heaters are used, they shall be located and protected to prevent direct contact by the students. All heating equipment shall be vented in a manner approved by the Department.

If mechanical ventilation is not provided, means shall be provided to insure natural ventilation. If mechanical ventilation is provided it must be operational as designed.

SAFETY

8.1 General

The buildings, grounds, play area equipment and appurtenances shall be constructed and maintained to minimize health and accident hazards. All buildings shall be maintained in a clean, dry condition.

GARBAGE AND REFUSE

9.1 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.

9.2 Storage

All garbage and refuse containing food wastes shall, prior to disposal, be kept in leak-proof, nonabsorbent, rust and corrosion-resistant containers.

All other refuse shall be stored so as to prevent insect and rodent problems and other nuisances.

Exterior garbage and refuse containers must have a tight fitting lid.

Each room shall have at least one container for paper and trash.

9.3 Disposal

All garbage and refuse are to be disposed of in a landfill facility permitted by the Pennsylvania Department of Environmental Protection.

RETAIL FOOD FACILITIES

10.1 Requirements

When a retail food facility is provided at a school the food facility and all attached operations shall comply with the applicable provisions of the Pennsylvania Department of Agriculture Retail Food Facility Safety Act (3 Pa.Con.Stat.Ann. §5701 *et seq.*).

A separate, valid Retail Food Facility License issued by the Department must be obtained for each retail food facility.

PUBLIC SWIMMING AND BATHING PLACES

11.1 Requirements

When a public swimming or bathing place is located at a school it must be in compliance with the provisions of the Pennsylvania Public Bathing Law, the Act of June 23, 1931, P.L. 399 and the Pennsylvania Department of Health Title 28 Chapter 18, Rules and Regulations for Public Swimming and Bathing Places (28 Pa. Code §18.1 *et seq.*).

PENALTIES

12.1 Summary Offenses

Any person who violates any of the provisions of these rules and regulations of the Erie County Department of Health, or who interferes with the Health Director or any other agent of the Erie County Department of Health in the discharge of his official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before a Magisterial District Justice of Erie

County wherein said offense was committed, be sentenced to pay the costs of prosecution and a fine of not less than thirty dollars (\$30) nor more than three hundred dollars (\$300), and in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

12.2 Misdemeanors

Any person who violates any of the provisions of these rules and regulations of the Erie County Department of Health, or who interferes with the Health Director or any other agent of the Erie County Department of Health in the discharge of his official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or to undergo imprisonment not exceeding one (1) year, or both.

12.3 Separate Offenses

For the purpose of this Section, violations on separate days shall be considered separate offenses.

12.4 Injunctions

The Erie County Department of Health may seek to enjoin violations of these rules and regulations or may proceed in any court of law or equity to obtain any additional cumulative remedies to abate any violation under these rules and regulations. Nothing in these rules and regulations shall in anyway alter rights or action or remedies now or hereafter existing in equity, or under the common law or statutory law, criminal or civil.

SEVERABILITY

If any section, sub-section, paragraph, clause, or provision of these rules and regulations shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the rules and regulations as a whole or any part thereof. It is here by declared to be the intention of the Erie County

Department of Health, the Erie County Board of Health, and the Erie County Council that the remainder of the rules and regulations would have been enacted if such invalid section had not been enacted and that it is their intent, intention and desire that the remaining portion of the rules and regulations remain in effect.