

MEMORANDUM



DATE: March 14, 2008
TO: Mike Geisel, Director of Public Works
FROM: Susan Mueller, Principal Engineer *S. Mueller*
RE: Adopting the 2000 International Property Maintenance Code

We have recently become aware of a significant gap in our property maintenance code coverage. Our existing ordinances lack important features such as compatible administrative language, emergency measures for unsafe structures, insect/rodent extermination responsibility, sale of property under a violation notice, and most importantly interior maintenance provisions. Recent examples of interior issues have included; a tenant concerned about repeated floor drain back-ups, another tenant was dealing with a recurring rodent problem, and a third involved a "problem property" with severe hoarding activity.

As part of a property inspection agreement with St. Louis County, the City of Chesterfield adopted the International 2003 editions of the Residential Code, Building Code, Existing Building Code, and Mechanical Code. The 2000 edition of the International Property Maintenance Code is also in use at St. Louis County however, Chesterfield uses its own property maintenance ordinances. Ordinance #1932 Exterior Maintenance, #313 Vehicles, #385 Nuisances, #541 and #1781 Waste Collection and #2228 Exterior Lighting are used for most property maintenance issues in Chesterfield.

With this recommendation, Chesterfield adopts the 2000 International Property Maintenance code and continues exterior code enforcement with our own staff, but also gains access to St. Louis County Property Maintenance services at our request for complaint based interior concerns and "Problem Property" issues.

We hereby request that the Planning and Public Works Committee review and recommend approval to the full City Council the following;

- 1) An Ordinance adopting the St. Louis County Property Maintenance Code for inspections performed by St. Louis County at the specific direction of the City of Chesterfield. This ordinance includes authority to amend the Scope of Services for inspections performed by St. Louis County.
- 2) An Ordinance adopting the St. Louis County Property Maintenance Code for inspections performed by the City of Chesterfield, repealing Chesterfield Ordinance #1932, and retaining use of the remaining Chesterfield Ordinances. (Requires a decision on 102.9 Registering Allegations – anonymous complaints)

attachments

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING THE PROPERTY MAINTENANCE CODE OF THE COUNTY OF SAINT LOUIS, MISSOURI, AS AMENDED, AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF CHESTERFIELD FOR INSPECTIONS PERFORMED BY THE CITY OF CHESTERFIELD, MISSOURI

WHEREAS, the City of Chesterfield, Missouri is desirous of amending minimum standards for Property Maintenance to protect the health, safety and welfare of the citizens of the City of Chesterfield, Missouri.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

Section 1: The Property Maintenance Code of the County of Saint Louis, Missouri as amended through date of last amendatory ordinances (County Ordinance 22,316 – Adopted May 18, 2005) is hereby adopted as the Property Maintenance Code of the City of Chesterfield for inspections performed by the City of Chesterfield, Missouri, with changes as prescribed in Section 2 of this ordinance.

Section 2: The following subchapter, section, or clause of the International Property Maintenance Code, Year 2000 Edition that corresponds to the following listed provisions is hereby deleted where so noted, or amended to read as set forth below.

Subchapter A. Short Title and Scope, Section 1110.20 Scope:

The provisions of this ordinance shall apply to all premises and structures in the City of Chesterfield, Missouri. In any case where a provision of any ordinance, zoning, building, fire, safety, or health code of Chesterfield, Missouri existing on the effective date of this ordinance or hereafter established is found to be in conflict with the provisions contained herein, the provision that establishes the more restrictive standard shall prevail.

Subchapter B. Adoption and amendment of the International Property Maintenance Code, Year 2000 Edition:

1110.030 Property Maintenance Code Adopted.

A certain document, copies of which are on file in the Offices of the City of Chesterfield, Department of Planning and Public Works, said copies being designated as the ICC International Property Maintenance Code, year 2000 edition, as published by the International Code Council, Inc., shall be and is hereby adopted as the Property Maintenance Code of the City of Chesterfield, Missouri for inspections performed by the City of Chesterfield, Missouri, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes prescribed in this chapter.

1110.040 Jurisdictional Titles.

Throughout the Code, whenever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear it shall be deemed to mean "City of Chesterfield, Missouri". Likewise whenever the term "Department of Building Inspection" appears it shall be deemed to mean "Department of Planning and Public Works" and whenever the term "Code" or "code" appears it shall mean the ICC International Property Maintenance Code, year 2000 edition, as amended and adopted herein.

1110.100 Amendments to Chapter 1 – ICC International Property Maintenance Code, 2000 Edition Chapter 1 – Administration:

101.1 Title. These regulations shall be known as The Property Maintenance Code of Chesterfield, Missouri, hereinafter referred to as "this code".

102.3 Application of other codes.

The Building, Plumbing, Mechanical, and Electrical codes adopted and referenced by St. Louis County in this code and listed in Chapter 8 of the Property Maintenance Code shall be considered part of the requirements of this code to the prescribed extent of each such reference within this code. Those provisions of Chapter 8 of the International Property Maintenance Code that are not set out in this section are not adopted in this code.

102.9 Registering Allegations.

Any person desiring to register an allegation regarding any structure or land which may be in violation of this ordinance shall be required to state his or her name and address which shall be placed on record with the City as a condition precedent to the filing of an allegation. No anonymous allegations shall be accepted or recorded by the City. ALL allegations must state specifically the violation or violations being reported.

103.2 Appointment.

The Planning and Development Services Director is appointed to exercise the powers prescribed by this ordinance and to delegate and assign such administrative, inspection, and/or enforcement duties of the Property Maintenance Code of Chesterfield, Missouri to other officers, agencies, and/or employees as the Director deems necessary to carry out the intent and purpose of this ordinance.

106.4 Violation Penalties.

Any person convicted of a violation of any provisions of this code shall be fined or imprisoned in accordance with Chesterfield Ordinance #2423 and subsequent amending ordinances establishing a general penalty for ordinance violations. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense. No notice is required to prosecute and convict a person for any violation or violations of this code. In addition to or as an alternative to the penalties hereinabove authorized and established, other actions shall be ordered as deemed necessary:

- a. To correct, or remove the violation or restrain persons from any further execution;
- b. To correct or remove the construction, installation, maintenance, repair, or alteration of a structure;
- c. To prevent the occupancy or use of any premises or structure that is not in compliance with the provisions of this code.

1110.200 Amendments to Chapter 2 – ICC International Property Maintenance Code, 2000 Edition
Chapter 2 Definitions:

SECTION 202 GENERAL DEFINITIONS

CODE OFFICIAL. The Planning and Development Services Director and any person(s) or agents(s) employed or designated by the Director hereinabove to enforce this code.

1110.300 Amendments to Chapter 3 – ICC International Property Maintenance Code, 2000 Edition
Chapter 3 General Requirements

SECTION 302 EXTERIOR PROPERTY AREAS

302.4 Weeds.

Weeds and/or vegetation shall be regulated in accordance with the City of Chesterfield Ordinance #385 and subsequent amending ordinances.

302.8 Motor vehicles.

Vehicles and vehicle parts shall be regulated in accordance with the City of Chesterfield Ordinance #313 and subsequent amending ordinances.

Subchapter C. Establishment and Disestablishment of Property Conservation Districts - is hereby deleted.

Subchapter D. Occupancy, Re-Occupancy and Pre-occupancy Permits in Property Conservation Districts - is hereby deleted.

Subchapter E. Miscellaneous Regulations - is hereby deleted.

Section 3: Ordinance No. 1932 of the City of Chesterfield, Missouri establishing minimum standards for the exterior maintenance of residential and non-residential property - is hereby repealed in its entirety.

Section 4: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2008

MAYOR

ATTEST:

CITY CLERK

First Reading held on: _____

AN ORDINANCE FOR MINIMUM STANDARDS FOR THE EXTERIOR MAINTENANCE OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTY, SURROUNDING PROPERTY AND APPURTENANCES WITHIN THE CITY OF CHESTERFIELD, MISSOURI.

WHEREAS, the zoning laws of the City of Chesterfield provide some control as to the use of property by zoning districts; and

WHEREAS, that there exists within the City of Chesterfield certain structures and land, which exhibit certain defects increasing the hazards of fire, accidents, and other calamities; have the potential for lack of ventilation; light and sanitary facility issues; or due to such other conditions which render the structures or lands dangerous or potentially injurious to the health, safety and general welfare of the occupants of those structures and lands or other residents of the City; or which have a blighting influence on the properties in the area. Such conditions may include but are not limited to defects, which increase the hazards of fire, accident, or other calamity; dilapidation; disrepair; structural defects; uncleanness; inadequate ingress and egress; dead or dying tree limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the City; walls; siding or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks and automobiles or parts thereof; vermin infestation; inadequate drainage or any violation of health, fire, building or zoning ordinances, or any other laws, regulations and ordinances relating to the use of land and the occupancy of the buildings and structural appurtenants; and

WHEREAS, the City of Chesterfield further finds that any of the foregoing conditions render such structures or lands unsafe, unsanitary or dangerous, or detrimental to the health, safety, or otherwise inimical to the welfare of the residents of the City, and it is hereby deemed necessary to require or cause the repair, closing, demolition or removal of such structures or lands in the manner herein provided.

WHEREAS, further legislation is necessary to supplement the zoning ordinances to protect against significant interference with the general health and safety of the public from unsound structures and the like, on residential and non-residential property.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Purpose of Ordinance.

To protect, provide for and promote the public safety, health, comfort, morals, and general welfare of the residents of the City of Chesterfield, Missouri, by establishing minimum requirements for safe and sanitary exterior maintenance of the structure/buildings, and accessory structures. These general objectives include, among others, the following specific purposes:

- a) To protect the character and stability of all residential and non-residential properties within the City.
- b) To provide minimum standards for the exterior maintenance of the residential and non-residential property within the City.
- c) To prevent the creation of any blighting conditions by preventing the deterioration of any residential and non-residential property and thereby preserving the value of land and buildings throughout the City.
- d) To provide the means for the administration and enforcement of this ordinance to ensure that the above purposes are accomplished.

Section 2. Acceptability of Article.

Every residential and non-residential building/structure within the City, whatever the nature of its use, whether vacant or occupied, whether existing or hereafter constructed, shall be maintained in accordance with the applicable requirements of this ordinance. In any case where a provision of any zoning, building, fire, safety, or health code of the municipality existing on the effective date of this article or hereafter established is found to be in conflict with the provisions contained herein, the provision that establishes the more restrictive standard shall prevail.

Section 3. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

- a. **Accessory Structure:** A detached subordinate structure located on the same lot as the main structure. Where a part of the wall of an accessory structure is part of a main structure or where an accessory is attached by a roof, such accessory structure shall be considered as part of the main structure. The use of said structure is customarily incidental to the main structure.
- b. **Approved:** Approved as applied to a material, device or method of construction shall mean approved by the building code adopted by the City, or approved by other authority designed by law to give approval in the matter in question.
- c. **Basement:** A floored and wall substructure of a building at least 50% below the average finished grade of the building.
- d. **Cellar:** A portion of a separate structure not part of a dwelling building located partly or wholly underground and having one-half (1/2) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- e. **Condominium:** Property as described in Chapter 448 of the Missouri Revised Statutes, 1969, and all amendments thereto. (See Definition of Owner.)

- f. **Deterioration:** The condition or appearance of a building, or part thereof, characterized by evidence of physical decay, neglect or lack of maintenance.
- g. **Dwelling:** Any building, or portion thereof, which is designed or used or intended to be used as a living or sleeping facility for human occupants.
- h. **Dwelling Unit:** A self-sufficient living area for one family having its own permanently installed cooking and sanitary facilities.
- i. **Fixtures:** An element or feature present on the exterior ~~or interior~~ premise of a building including such objects as flagpoles, light fixtures, and other semi-permanently fixed structures.
- j. **Multifamily:** - A building or portion thereof designed for or occupied exclusively by three (3) or more families living independently of each other in individual dwelling units.
- k. **Occupant:** The person, firm, partnership, corporation or other entity that has possession of any part of the space within the building.
- l. **Operator:** Any person, firm, partnership, corporation, or other entity who alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of any dwelling unit within the City. When the owner is represented by an employee, agent, trustee, guardian of the estate or person of the title holder, such person shall be bound to comply with the provisions of this article to the same extent as the owner. In all cases of condominiums, the Board of Managers shall be responsible for complying with all provisions of this article, if within the common elements, as defined by the specific declaration and by-laws.
- m. **Owner:** Any person, firm, partnership, corporation, or other entity who alone, jointly or severally with others shall be the titled owner or, shall be in actual possession of, or have charge, care or control of any building, or part of a building within the City or the right to take charge, care or control of any building or part of a building within the City. When the owner is represented by an employee, agent, trustee, guardian of the estate or person of the title holder, such person shall be bound to comply with the provisions of this ordinance, including the common elements, as defined by the specific declaration and by-laws of the particular property or building.
- n. **Person:** A corporation, firm, partnership, association, organization and any other group acting as a unit, as well as any individual. It shall also include any executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "Person" is used in any section of this article, prescribing a penalty or fine, as to partnerships or associations, the word shall include the individual partners or individual members thereof, and as to

corporations, shall include the individual officers, agents or members thereof who are responsible for any violation of such section.

- o. **Premises:** A lot, plot or parcel of land or any part thereof, including the buildings or structures thereon.
- p. **Repair:** To restore to a good and sound condition, state of operation, appearance or serviceability and free from defect or decay. All repairs to be made with materials similar to the undamaged area and designed to last approximately as long as would replacement by new materials.
- q. **Replacement:** To remove an existing item or portion of an item that cannot be restored, or in lieu of the repair of an item, to a good and sound state of operation, appearance or serviceability so as to be free from decay or defect and to construct or install any item with an item of improved quality or of similar quality as the existing item when new. Replacement will ordinarily take place when the item is not repairable.
- r. **Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting, the generality of the foregoing: pergolas, radio towers, memorials and ornamental structures. The word "structure" includes the word "building" in addition to the foregoing.
- s. **Yard:** An open space on the same lot with a structure.

Section 4. Enforcement Officer.

The Director of Planning is hereby designated to exercise the powers prescribed by this ordinance. In addition to the authority which may be specifically provided in this ordinance, the Director may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance. The Director of Planning may appoint and fix the duties of such officers, agents and employees as the Director deems necessary to carry out the purposes of this ordinance and may delegate any of the aforementioned functions or powers to another officer, agent and/or employees.

Section 5. Minimum Exterior Standards.

- a) **General.** The exterior of a building, including any exterior lighting mounted on the building, shall be maintained in a structurally sound and sanitary condition.
- b) **Foundations.** Every foundation shall be reasonably weather-tight and in good repair. The foundation elements shall adequately support the building at all points. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads.

- c) **Roofs.** The roof shall be sufficiently weather-tight, without loose shingles, missing or unsecured roofing materials.
- d) **Stairs, Porches, Railings and Decks.** No porch, stairway, railing or deck shall have rotting, loose or deteriorating supports. All stairs, porches, handrails and decks shall be maintained in such a manner as to be capable of supporting the load for which it was intended.
- e) **Windows, Doors, Screens and Garage Doors.** Every window, screen, and door shall fit reasonably tight within its frame and shall be in good repair, operable, capable of being easily opened and held in position by hardware. They shall be substantially tight without cracks, breaks or holes.
- f) **Hardware and Fixtures.** All exterior hardware and fixtures, including decorative fixtures, shall be well anchored and without loose or unsecured elements that pose a safety hazard.
- g) **Driveways and Sidewalks.** Driveways and sidewalks shall be maintained in such a manner as to remain reasonably free of holes, cracks and other signs of deterioration, wide or uneven ridges that may impede the safety of pedestrians.
- h) **Fences and Retaining Walls.** Fences and retaining walls shall be anchored firmly and be intact without loose or missing pieces, holes, or breaks in materials that would cause a failure of the fence or retaining wall to support the uses for which it is intended.
- i) **Accessory Buildings, Structures or Appurtenances.** All accessory buildings or structures, including, but not limited to, tie walls, retaining walls, antennae, towers, etc, shall be subject to all requirements of this article.
- j) **Structural Members.** All supporting structural members of a structure shall be kept in a structurally sound condition, free of deterioration and maintained in such manner as to be capable of safely bearing the dead and live loads imposed upon them.
- k) **Exterior Walls.** Every exterior structural or architectural wall shall be free of holes, breaks, loose or rotting boards or timber, or any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained in a weatherproofed condition and shall be properly surface coated to prevent deterioration. Where an existing painted wall surface has areas of chipping, peeling, scaling or missing paint equal to or greater than 25 percent of the painted area, then such surface shall be repainted, or stripped of all paint and given a water-resistant coating if necessary.

- l) **Decorative Features.** All cornices, moldings, belt courses, corbels, trim, wall facings and similar decorative features, shall be maintained in good repair with proper anchorage and in safe condition.
- m) **Canopies, Marquees, Awnings and Overhangs.** All canopies, marquees, awnings and any overhead extension shall be maintained in good repair and be properly anchored, shall be protected from the elements and against decay and rust by the periodic application of weather-coating materials such as paint or other protective treatment.
- n) **Chimneys.** All chimneys, smokestacks, cooling towers and similar appurtenances shall be maintained in a structurally safe and sound condition and in good repair.
- o) **Basement Hatchways.** Every basement or cellar hatchway shall be constructed and maintained in a safe and effective condition to prevent the entrance into the building of rodents, rain or surface drainage.
- p) **Gutters and Downspouts.** Rain gutters and downspouts, or other means of water diversion that are provided to collect/conduct and discharge all water from the roof and shall be anchored securely so as to discharge the water from the roof in the direction and manner intended.

Section 6. Registering Allegations. Any person desiring to register an allegation regarding any structure or land which may be in violation of this ordinance shall be required to state his or her name and address which shall be placed on record with the City as a condition precedent to the filing of an allegation. No anonymous allegations shall be accepted or recorded by the City. ALL allegations must state specifically the violation or violations being reported.

Section 7. Right of Entry.

- a) Any authorized officer or agent of the City, pursuant to this chapter, shall be allowed onto any land within the City limits to investigate violations of this ordinance, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession and said officer shall obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
- b) Any authorized officer or agent of the City pursuant to this ordinance shall be allowed to enter onto any land within the City limits to abate violations of this ordinance.
- c) It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this ordinance whether investigating or abating violations.

- d) Any person who interferes with an officer or agent of the City pursuant to this ordinance shall be punished as provided in section 11 of this ordinance.

Section 8. Notice to Abate.

- a) Whenever it comes to the attention of the City, or the City becomes aware of the existence of a violation, the City shall investigate the violation. If the City's representative discovers a basis for determining that one or more sections of this ordinance have been violated, they shall issue a Notice of violation. Said Notice shall be left with any adult person occupying or in possession of such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person, or if no one is present in the property or refuses to accept the notice, by posting the warning notice on the front, or side or rear entrance to the residence or building.
- b) The notice provided in subsection (a) shall contain:
- (1) The address or legal description of the property;
 - (2) The ordinance number of the ordinance being violated;
 - (3) The nature of the violation, and the date by which such violation shall be removed or abated;
 - (4) A notice of the penalty for failure to remove or abate the violation, stating that if the violation reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.
 - (5) The date that a hearing will be held before the Director of Planning or a designated agent at a place and time fixed not less than 10 days or more than 30 days after the service or mailing of said notice.
 - (6) Such notice shall also state that the owner, mortgagee, and the parties in interest shall be given the right to file an answer to the allegations and to appear in person, or otherwise with or without legal counsel, and give testimony at the place and time fixed in the notice. Said notice shall also state that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the hearing officer.
- c) During said hearing, the hearing officer shall have the power and authority to administer oaths and affirmations, examine witnesses, and receive evidence. The rules of evidence utilized by courts in Missouri shall not be controlling in hearings before the public officer.
- d) If the violation occurs on property where a residence or building is unoccupied, the warning notice may be posted as provided for in subsection (a). If the violation occurs on unimproved property, the warning notice may be posted upon a tree or other object upon the property.
- e) In addition, a notice in writing containing the same information as provided on the warning notice provided in subsection (b) shall be sent to the last known address of

owner of record as identified by the St. Louis County tax records or any other person having control of the property and any mortgage of record, by ordinary mail, postage prepaid.

Section 9. Orders of Hearing Officer.

Within thirty (30) days of any hearing held pursuant to Section 8 the hearing officer shall issue a written order containing findings of fact and stating the officer's determination. Such order shall be directed to the owner and served in a manner prescribed in Section 8 upon the owner and all other persons entitled to notice according to the provisions of Section 8(a). If the hearing officer determines that a violation has occurred, the order shall require the repair, alteration or improvement to be made and shall specify a time for the repair, alteration or improvement to be completed so as to correct the violation.

Section 10. Failure to Comply with Order.

Once a notice has been given as required by Section 8 on a lot or tract of land in or on which a violation has been created or maintained, and after abatement thereof, the same violation recurs in or on the same lot or tract of land by the same person or persons responsible therefore, within one year of the abatement no further Notice as set forth in Section 8 need be given. Thereafter, such responsible person or persons may be summoned into municipal court to answer to the charges against him/her. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the violation, as set out in Sections 8 and 9.

Section 11.

Upon neglect or failure to act upon the order of the hearing officer, the City shall issue a summons as follows:

- a) **Summons, service of.** If a notice is given as provided in Section 6-8, and if after the time for removal or abatement has lapsed, the property is re-inspected and the inspecting officer finds and determines that the violation has not been removed or abated, the inspecting officer shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed to the same individuals as set forth in Section 8 and delivered in the same manner as set forth in Section 8 and specifying the section of the ordinance which is being violated and setting forth in general the nature of the violation. The summons shall contain a date on which the case will be on the municipal court docket for hearing. The City Prosecuting Attorney or Assistant City Prosecuting Attorney will review and approve the Summons and then shall sign the original copy of all such summons, and the original thereof shall be forwarded to the clerk of the municipal court for inclusion on the court's docket for the date shown on the summons.
- b) **Abatement by City: costs assessed to person responsible.** If the condition violating this ordinance is not corrected, after the occupant, owner or person in

charge of property for which a warning notice has been given to remove or abate a violation, fails to remove or abate the violation in the time specified in the notice, whether residential or non-residential, then the City may remove the same and thereby abate the violation, and, if necessary, may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the costs of the person or persons responsible for creating or maintaining the violation, or by any persons as defined in Section 3.

- c) **Payment of costs: special tax bill or judgment.** All costs and expenses incurred by the City in removing or abating any violation on any residential or non-residential property may be assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the violation, may be made a part of the judgment by the municipal judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a violation on residential or non-residential property.
- d) **Warning notice, first offense.** In all cases where the violation on residential or non-residential property is the first offense of the specified ordinance violation for the persons charged therewith, the notice provisions of Section 8 shall be observed.
- e) **Warning notice, subsequent offenses.** In all cases where the violation on residential or non-residential property is a repeat or continued offense on such property, the notice provisions of Section 8 need not be observed.

Section 12. This ordinance shall apply to any violations cited after the date of this ordinance.

Section 13. Construction.

Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any other provisions of the Chesterfield Municipal Code, where such provisions are applicable, and the powers conferred by this ordinance shall be in addition and supplemental to the powers conferred by any other law. In addition, nothing in this Ordinance shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement of nuisances by other authorized proceedings of the City.

Section 14. Invalidity.

If any word, phrase, sentence, or section of this ordinance, or the application thereof to any person or circumstances, is held invalid, the invalidity shall be deemed not to affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 15. Savings Clause.

Neither the adoption of this ordinance nor the repeal or amendment of any ordinance or part or portion thereof shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

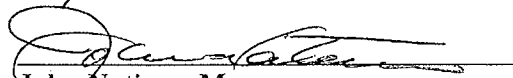
Section 16.

- a) Any person, persons, firm, association, partnership, corporation or other entity violating any provision of the Ordinance or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of the Ordinance may be prosecuted as provided by law for the violation of ordinances of the City of Chesterfield and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500) for any one offense. Each day a violation continues after the expiration of the warning period to abate the violation shall constitute a separate offense.
- b) In addition to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this Ordinance.

Section 17.

This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 5th day of May, 2003.


John Nations, Mayor

ATTEST:


Marty DeMay, City Clerk

International Property Maintenance Code[®]



INTERNATIONAL
CODE COUNCIL[®]

2000



PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code* is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2000 edition is fully compatible with all of the *International Codes*, including the *International Building Code*, *International Fire Code*, *International Residential Code*, *International Mechanical Code*, *International Plumbing Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, *International Zoning Code*, *International Private Sewage Disposal Code*, and the *ICC Electrical Code*.

The *International Property Maintenance Code* provides many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The production of the *International Property Maintenance Code* began in 1996 with the development of a first draft by a development committee consisting of representatives of Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. Those codes were the current editions of the *BOCA National Property Maintenance Code*, the *Uniform Code for Abatement of Dangerous Buildings*, the *Uniform Housing Code*, the *Uniform Code for Building Conservation* (Chapters 4 and 7), the *Standard Housing Code*, the *Standard Unsafe Buildings Abatement Code*, and the *Standard Existing Buildings Code* (maintenance provisions only).

The 2000 edition of the *International Property Maintenance Code* was developed by utilizing the formal ICC Code Development Process for four successive annual code change cycles. During each cycle, public hearings were held to consider proposed changes and final actions were taken at the respective Annual Business Meetings of the three model code organizations, in conjunction with hearings on proposed changes to other *International Codes* and in accordance with ICC Code Development Procedures.

Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample adoption ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcement officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact BOCA, ICBO or SBCCI.

While the development procedure of the *International Property Maintenance Code* assures the highest degree of care, BOCA, ICBO, SBCCI, their members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because BOCA, ICBO and SBCCI do not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

EDITORIAL CHANGES – SECOND PRINTING

Page 4, 108.6: renumbered and renamed and now reads . . . **108.4.1 Placard removal.**

Page 21, ICC: address now reads . . . International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041

CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

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

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code* and the *ICC Electrical Code*. Nothing in this code shall be construed to

cancel, modify or set aside any provision of the *International Zoning Code*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

103.4 Restriction of employees. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section 111, shall not be en-

gaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

103.5 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.6 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

104.8 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the ab-

sence of recognized and accepted test methods, the code official shall approve the testing procedures.

105.3.2 Testing agency. All tests shall be performed by an approved agency.

105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106 VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise un-

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

111.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

111.2.5 Compensation of members. Compensation of members shall be determined by law.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code*, ASME A17.1 or the ICC *Electrical Code*, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

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

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

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

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

CONDEMN. To adjudge unfit for occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their

food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

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

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

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

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

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

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

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

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

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

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

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

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

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

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

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

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abut-

ting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.7.1 Gates. Gates which are required to be self-closing and self-latching in accordance with the *International Building Code* shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

302.7.2 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303 EXTERIOR STRUCTURE

303.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 303.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

303.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

303.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

303.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

303.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

303.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

303.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

303.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

303.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

303.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

303.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

303.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

303.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

SECTION 304 INTERIOR STRUCTURE

304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

304.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

304.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

304.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

304.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

306.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

SECTION 305 RUBBISH AND GARBAGE

305.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

305.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

305.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

305.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

305.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

305.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 306 EXTERMINATION

306.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

306.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

306.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

306.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

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

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) 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 nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of

sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less

than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

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

Exception: Units that contain fewer than two bedrooms.

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

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Kitchen ^b	50	50	60
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three.

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

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum

breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor

near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC *Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

[F] **702.2 Aisles.** The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

[F] **702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

[B] **702.4 Emergency escape openings.** Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the *International Building Code* and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704.

[F] SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704 FIRE PROTECTION SYSTEMS

704.1 Smoke detectors. Existing Group R occupancies not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.

704.2 Installation. Approved single-station smoke alarms shall be installed in existing dwelling units, congregate residences, and hotel and lodging house guestrooms. Installation shall be in accordance with the *International Fire Code*.

704.3 Power source. In Group R occupancies, single-station smoke alarms shall be battery operated or shall receive their primary power from the building wiring provided that such wiring is served from a commercial source. When power is provided by the building wiring, the wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

CHAPTER 8 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1—96	Safety Code for Elevators and Escalators — with A17.1a-97 and A17.1b-98 Addenda	201.3

ICC

Standard reference number	Title	Referenced in code section number
IBC—2000	International Building Code®	102.3, 201.3, 302.7.1, 401.3, 702.3, 702.4
ICC EC—2000	ICC Electrical Code™	102.3, 201.3, 604.2
IFC—2000	International Fire Code®	201.3, 702.2, 703.1, 704.2
IFGC—2000	International Fuel Gas Code®	102.3
IMC—2000	International Mechanical Code®	102.3, 201.3
IPC—2000	International Plumbing Code®	102.3, 201.3, 505.1, 602.2, 602.3
IZC—2000	International Zoning Code™	102.3, 201.3