Review of the 2006 International Property Maintenance Code

Community Development Department staff has been actively reviewing the 2000 International Property Maintenance Code, 2006 International Property Maintenance Code and the City Ordinance #4170

The City of Lebanon, by and through its City Council, has adopted the 2000 International Property Maintenance Code January 27, 2003 City Ordinance #4170

The summery below will outline 2000 International Property Maintenance Code, 2006 International Property Maintenance Code and the City Ordinance #4170.

CHAPTER 1: ADMINISTRATION

Section 101: General

101.1 Title: Insert City of Lebanon
101.2 Scope: Deleted by city ordinance #4170. See section 101.2 (a & b) of city ordinance #4170
101.3 Intent: Same as 2000
101.4 Severability: Same as 2000

Section 102: Applicability

102.1 General: Same as 2000
102.2 Maintenance: 2006 more restrictive than 2000 need to adopt.
Addresses Owner or Agent from removing doors, windows or utilities from structure to remove occupant.
102.3 Application of other codes: 2006 deleted International Plumbing Code.
102.4 Existing remedies: Same as 2000
102.5 Workmanship: Same as 2000
102.6 Historic buildings: 2006 deleted [by the state or local jurisdiction]
102.7 Referenced codes and standards: Same as 2000
102.8 Requirements not covered by code: Same as 2000

Section 103: Department of Property Maintenance Inspection

103.1 General: Deleted by city ordinance #4170. See section 103.1 of city ordinance #4170
103.2 Appointment: Same as 2000
103.3 Deputies: Same as 2000
103.4 Liabilities: In the 2006 IPMC this section has been deleted by the IPMC
103.5 Fees: Same as 2000 In the 2006 IPMC this section is 103.5

Section 104: Duties and Powers of the Code Official

104.1 General: Same as 2000
104.2 Rule-making Authority: Same as 2000
104.3 Inspections: Same as 2000
104.4 Right of entry: Deleted by city ordinance #4170. See section 104.4 (a & b) of city ordinance #4170
104.5 Identification: Same as 2000
104.6 Notices and orders: Same as 2000
104.7 Department records: Same as 2000

Section 105: Approval

105.1 Modifications: Same as 2000

105.2 Alternative materials, methods and equipment: Same as 2000

105.3 Required testing: Same as 2000

105.3.1 Test methods: Same as 2000

105.3.2 Test reports: Same as 2000

105.4 Material and equipment reuse: Same as 2000

Section 106: Violations

106.1 Unlawful acts: Deleted by city ordinance #4170. See section 106.1 (a, b, c, d, e, f, g,) of city ordinance #4170

106.2 Notice of violation: Same as 2000

106.3 Prosecution of violation: This section has changed in 2006

106.4 Violation penalties: Deleted by city ordinance #4170. See section 106.4 of city ordinance #4170

106.5 Abatement of violation: Same as 2000

Section 107: Notices and Orders

107.1 Notice to person responsible: Deleted by city ordinance #4170. See section 107.1 of city ordinance #4170

107.2 Form: Deleted by city ordinance #4170.

107.3 Method of service: Deleted by city ordinance #4170.

107.4 Penalties: Deleted by city ordinance #4170.

107.5 Transfer of ownership: Same as 2000

Section 108: Unsafe Structure and Equipment, This entire section has been deleted by city ordinance #4170.

General:

108.1.1 Unsafe structures:

108.1.2 Unsafe equipment:

108.1.3 Structure unfit for human occupancy:

108.1.4 Unlawful structure:

108.2 Closing of vacant structures:

108.3 Notice:

108.4 Placarding:

108.4.1 Placard removal:

108.5 Prohibited occupancy:

Section 109: Emergency Measures This entire section has been deleted by city ordinance #4170.

109.1 Imminent danger:

109.2 Temporary safeguards:

109.3 Closing streets:

109.4 Emergency repairs:

109.5 Cost of emergency repairs:

109.6 Hearing:

Section 110: Demolition This entire section has been deleted by city ordinance #4170.

110.1 General:

110.2 Notices and orders:

110.3 Failure to comply:

110.4 Salvage materials:

Section 111: Means of Appeals This entire section has been deleted by city ordinance #4170. See section 111 of city ordinance #4170

111.1 Application for appeal:

111.2 Membership of board:

- **111.2.1 Alternate members:**
- **111.2.2 Chairman:**
- **111.2.3 Disqualification of a member:**
- **111.2.4 Secretary:**
- **111.2.5 Compensation of a member:**

111.3 Notice of meeting:

111.4 Open hearing:

- **111.4.1 Procedure:**

111.5 Postponed hearing:

111.6 Board decision:

- **111.6.1 Records and copies:**
- **111.6.2 Administration:**

111.7 Court review:

111.8 Stays of enforcement:

CHAPTER 2: DEFINITIONS

Section 201: General

201.1 Scope: Same as 2000

201.2 Interchangeability: Same as 2000

201.3 Terms Defined in Other Codes: Same as 2000

201.4 Terms Not Defined: Same as 2000

201.5 Parts: Same as 2000

Section 202: General Definitions Same as 2000

CHAPTER 3: GENERAL REQUIREMENTS

Section 301: General

301.1 Scope: Same as 2000

301.2 Responsibility: Same as 2000 (Minor change in 2006)

301.3 Vacant structures and land: Same as 2000

Section 302: Exterior Property Areas

302.1 Sanitation: Same as 2000

302.2 Grading and drainage: Same as 2000

302.3 Sidewalks and driveways: Same as 2000

302.4 Weeds: Need to change to match up with city code 13-22

All premises and exterior property shall be maintained free from weeds or plant growth in excess of (~~jurisdiction to insert height in inches~~). (Per City Code Section 13–22, maximum height is 12") 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

302.5 Rodent harborage: Same as 2000

302.6 Exhaust vents: Same as 2000

302.7 Accessory structures: Same as 2000 The 2006 IPMC has delete section 302.7.1 Gates & 302.7.2 Swimming Pools. It has moved these items to section 303 Swimming Pools.

302.8 Motor vehicles: Same as 2000

302.9 Defacement of property: Same as 2000

Section 303: Swimming Pools, Spas and Hot Tubs This section has been added to the 2006 IPMC

303.1 Swimming pools:

303.2 Enclosures:

Section 304: Exterior Structure, This was section 303 in the 2000 IPMC. It is now Section 303 in the 2006 code

304.1 General: Same as 2000

304.2 Protective treatment: Same as 2000

304.3 Premises identification: Same as 2000

304.4 Structural members: Same as 2000

304.5 Foundation walls: Same as 2000

304.6 Exterior walls: Same as 2000

304.7 Roofs and drainage: Same as 2000

304.8 Decorative features: Same as 2000

304.9 Overhang extensions: Same as 2000

304.10 Stairways, decks, porches and balconies: Same as 2000

304.11 Chimney and towers: Same as 2000

304.12 Handrails and guards: Same as 2000

304.13 Window, skylight and door frames: Same as 2000

- **304.13.1 Glazing:** Same as 2000
- **304.13.2 Openable windows:** Same as 2000

304.14 Insect screens: Changed by city ordinance #4170. See section 303.14 of city ordinance #4170

304.15 Doors: Same as 2000

304.16 Basement hatchways: Same as 2000

304.17 Guards for basement windows: Same as 2000

304.18 Building security: This section has been added to the 2006 IPMC

304.18.1 Doors: This section has been added to the 2006 IPMC

304.18.2 Windows: This section has been added to the 2006 IPMC

304.18.3 Basement hatchways: This section has been changed the 2006 IPMC

Section 305: Interior Structure

305.1 General: Same as 2000

305.2 Structural members: Same as 2000

305.3 Interior surfaces: Same as 2000

305.4 Stairs and walking surfaces: Same as 2000

305.5 Handrails and guards: Same as 2000

305.6 Interior doors: Same as 2000

Section 306: Handrails and Guardrails This section has been added to the 2006 IPMC

306.1 General:

Section 307: Rubbish and Garbage

307.1 Accumulation of rubbish or garbage: Same as 2000

307.2 Disposal of rubbish: Same as 2000

307.2.1 Rubbish storage facilities: Same as 2000

307.2.2 Refrigerators: This section has been added to the 2006 IPMC

307.3 Disposal of garbage: Same as 2000

307.3.1 Garbage facilities: Same as 2000 (Review this section)

307.2.2 Containers: Same as 2000

Section 308: Extermination

308.1 Infestation: Same as 2000

308.2 Owner: Same as 2000

308.3 Single occupant: Same as 2000

308.4 Multiple occupancy: Same as 2000

308.5 Occupant: Same as 2000

CHAPTER 4: LIGHT, VENTILATION AND OCCUPANCY LIMITS

Section 401: General

401.1 Scope: Same as 2000

401.2 Responsibility: Same as 2000

401.3 Alternative devices: Same as 2000

Section 402: Light

402.1 Habitable spaces: Same as 2000

402.2 Common halls and stairways: Same as 2000

402.3 Other spaces: Same as 2000

Section 403: Ventilation

403.1 Habitable spaces: Same as 2000
403.2 Bathrooms and toilet rooms: Same as 2000
403.3 Cooking facilities: Same as 2000
403.4 Process ventilation: Same as 2000
403.5 Clothes dryer exhaust: Same as 2000

Section 404: Occupancy Limits
404.1 Privacy: Same as 2000
404.2 Minimum room widths: Same as 2000
404.3 Minimum ceiling heights: Same as 2000
404.4 Bedroom and living room requirements: This section has been changed in the 2006 IPMC
    404.4.1 Room area: This section has been changed in the 2006 IPMC
    404.4.2 Access from bedrooms: Same as 2000
    404.4.3 Water closet accessibility: Same as 2000
    404.4.4 Prohibited occupancy: Same as 2000
    404.4.5 Other requirements: Same as 2000
404.5 Overcrowding: This section has been changed in the 2006 IPMC
404.6 Efficiency unit: Same as 2000
404.7 Food preparation: Same as 2000

CHAPTER 5: PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Section 501: General
501.1 Scope: Same as 2000
501.2 Responsibility: Same as 2000

Section 502: Required Facilities
502.1 Dwelling units: Same as 2000
502.2 Rooming houses: Same as 2000
502.3 Hotels: Same as 2000
502.4 Employees' facilities: Same as 2000
    502.4.1 Drinking facilities: Same as 2000

Section 503: Toilet Rooms
503.1 Privacy: Same as 2000
503.2 Location: Same as 2000
503.3 Location of employee toilet facilities: Same as 2000
503.4 Floor surface: This section has been changed in the 2006 IPMC

Section 504: Plumbing Systems and Fixtures
504.1 General: Same as 2000
504.2 Fixture clearances: Same as 2000
504.3 Plumbing system hazards: Same as 2000

Section 505: Water System

505.1 General: Same as 2000
505.2 Contamination: Same as 2000
505.3 Supply: Same as 2000

505.4 Water heating facilities: This section has been changed in the 2006 IPMC
Section 506: Sanitary Drainage System
506.1 General: Same as 2000
506.2 Maintenance: Same as 2000

Section 507: Storm drainage
507.1 General: Same as 2000

CHAPTER 6: MECHANICAL AND ELECTRICAL

Section 601: General
601.1 Scope: Same as 2000
601.2 Responsibility: Same as 2000

Section 602: Heating Facilities
602.1 Facilities required: Same as 2000
602.2 Residential occupancies: This section has been changed in the 2006 IPMC
602.3 Heat supply: Deleted by city ordinance #4170. See section 602.3 of city ordinance #4170
602.4 Occupiable work spaces: Deleted by city ordinance #4170. See section 602.4 of city ordinance #4170
602.5 Room temperature measurement: This section has been added to the 2006 IPMC

Section 603: Mechanical Equipment
603.1 Mechanical appliances: Same as 2000
603.2 Removal of combustion products: Same as 2000
603.3 Clearances: Same as 2000
603.4 Safety controls: Same as 2000
603.5 Combustion air: Same as 2000
603.6 Energy conservation devices: Same as 2000

Section 604: Electrical Facilities
604.1 Facilities required: Same as 2000
604.2 Service: Same as 2000
604.3 Electrical system hazards: Same as 2000

Section 605: Electrical equipment
605.1 Installation: Same as 2000
605.2 Receptacles: Same as 2000
605.3 Luminaires: Same as 2000

Section 606: Elevators, escalators and dumbwaiter
606.1 General: This section has been changed in the 2006 IPMC

606.2 Elevators: Same as 2000

Section 607: Duct systems
607.1 General: Same as 2000

CHAPTER 7: Fire Safety Requirements

Section 701: General
701.1 Scope: Same as 2000
701.2 Responsibility: Same as 2000

Section 702: Means of egress
702.1 General: This section has been changed in the 2006 IPMC
702.2 Aisles: Same as 2000
702.3 Locked doors: Same as 2000
702.4 Emergency escape openings: This section has been changed in the 2006 IPMC

Section 703: Fire-resistance ratings
703.1 Fire-resistance-rated assemblies: Same as 2000
703.2 Opening protective: Same as 2000

Section 704: Fire protection systems
704.1 General: This section has been changed in the 2006 IPMC
704.2 Smoke alarms: This section has been changed in the 2006 IPMC
704.3 Power source: This section has been changed in the 2006 IPMC
704.4 Interconnection: This section has been changed in the 2006 IPMC

2006 International Property Maintenance Code

CHAPTER 1: ADMINISTRATION

Section 101: General

101.1 Title:

~~***Section 101.1 (page 1, second line). Insert: City of Lebanon, Missouri;***~~

These regulations shall be known as the Property Maintenance Code of ~~***[Name of Jurisdiction]***~~ City of Lebanon, hereinafter referred to as "this code."

Section 102: Applicability

~~***Section 101.2 (page 1). Delete Section 101.2 and insert: Section 101.2 Scope:***~~

~~***(a) This code is to protect the public health, safety and welfare in all existing structures (except those mentioned in subparagraph (b), residential and nonresidential, and on all existing premises, by establishing 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; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.***~~

~~***(b) The DED Minimum Housing Standards are to apply to all existing or future residential dwellings which have or will receive CDBG assistance and are also to apply as minimum housing quality standards for existing residential structures which were constructed by standards which vary significantly from those set forth in this code and/or which have deteriorated to such an extent that it would not be economically feasible for the owner or person or persons responsible to comply with the provisions of the International 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.

102.3 Application of other codes: 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 Fuel Gas Code, International Mechanical Code, [International Plumbing 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.

Section 103: Department of Property Maintenance Inspection

~~***Section 103.1 (Page 1). Delete: 103.1 and insert: Section 103.1.General: The code official, also referred to as the building and zoning administrator, shall enforce all of the provisions of this code.***~~

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.

103.4 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.

Section 104: Duties and Powers of the Code Official

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.]

[The code official also shall have the right to inspect the structure or premises at any time there is a change of occupancy during the period the premises are vacant and the owner or person responsible shall be required to notify the code official or the city utility department each time a vacancy occurs so that an inspection can be made. The code official shall cause the premises to be inspected within three (3) working days of receiving the aforesaid notice.]

~~***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.***~~

Section 104.4 (page 2). Delete: Section 104.4 and insert: Section

104.4. Right of entry:

The code official is authorized to enter the structure or premises at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the code official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or not obtained, the code official shall pursue recourse as provided by law.

Section 106: Violations

~~***106.1Unlawful 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.***~~

Section 106.1 (page 3). Delete Section 106.1 and insert: Section 106.1

106.1 Unlawful acts*. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.*

~~***It shall not be considered a violation of this code for residential structures to be erected, constructed, altered, repaired or maintained in conformity with the minimum design and construction criteria of the DED Minimum Housing Quality Standards if CDBG funds were used in the rehabilitation or construction of the structure or if an existing structure was constructed many years ago to standards which vary significantly from those set forth in this code and/or the structure has deteriorated to such an extent that it would not be economically feasible to comply with the provisions of this code. In the event there is conflict of standards either between the standards of this code and the DED Minimum Housing Quality Standards or within the DED Minimum Housing Quality Standards the least restrictive standard shall be applied as to the structures covered by this subparagraph. Any residential structure that fails to meet the standards referred to in this subparagraph as determined by the code official during an inspection of the premises while the premises are vacant shall not be occupied until the residential structure is altered or repaired so as to conform with the minimum requirements set forth above.***~~ *The city will not be required to provide utilities to the subject structure until the said alterations or repairs are completed, except that temporary utility services will be provided by the city for a thirty-day period after inspection to enable the owner or other person or persons having charge or control of the structure or premises to make the alterations, repairs or improvements required by this article so long as the subject structure is unoccupied. The period of temporary service may be extended for a longer period if a good faith effort has been made to complete the necessary alterations, repairs or improvements and more time is required to do so.*

~~***(c) In addition to the provisions of Subsections (a) and (b) and not withstanding any provisions in this article to the contrary, if the code official should during his or her inspection of any residential structure, determine that a violation of the electrical code exists or may exist, the owner/operator shall be required to cause an inspection of the structure to be made by a "National Certified Program Construction Code Inspector" ("NCPCCI") or a Missouri professional engineer to inspect the electrical system and either confirm that the system meets all electrical code requirements or submit to the owner/operator and the code enforcement official, in written form, a list of the repairs, replacements, additions or other code requirements that must be made for compliance with the applicable city codes. This document must be provided to the code enforcement official and the owner/operator. After compliance by the owner/operator, the NCPCCI inspector shall inspect the premises and confirm code compliance in writing to the city before occupancy of the structure shall be permitted. The newly adopted National Electrical Code shall not apply to a residential structure which was in compliance with the electrical code at the time that the structure was constructed or at the time the electrical system was installed as long as the electrical system is found to be in***~~

~~*compliance with the code that· was in effect at the time referred to above. However, if some portion of the system is currently being expanded or replaced, the electrical system must be in compliance with the current National Electrical Code.*~~

It shall be unlawful for any owner or operator to "let" for occupancy or allow, cause or permit the occupancy of any residential or structural unit unless and until:

(1) All utilities, to-wit, water, sewer, and a heat source for heating water and heating the unit, are properly connected and operating;
(2) Any electrical deficiencies referred to in Subsection (c) have been added or corrected as per the requirements of Subsection (c).
(3) The owner/operator has notified the code official that the unit is vacant and has permitted inspection unless waived by the code official;
(4) The unit complies with all other· requirements of this code.

It shall also be unlawful for any owner or operator to allow, cause or permit occupancy or for any person to occupy any residential unit after any or all utility service is disconnected, terminated or otherwise unavailable for any reason. The owner or operator shall not be considered in violation of this subsection if eviction procedures under state law have been initiated and are being diligently pursued to cause the occupant or occupants to be removed from the premises.

It shall also be unlawful for an owner or operator of any residential unit or structure to cause or allow the termination of any or all utility service or services to or for said residential or structural unit to cause or compel the occupant or occupants to abandon the premises for any reason.

The occupancy of a residential or structural unit without utilities properly connected and operating is hereby declared to be a nuisance and a safety and health hazard and any person who violates the provisions of subsections (d), (e) or (f) hereof shall upon conviction of any violation thereof, be punished by a fine not exceeding five hundred dollars ($500.00), or by imprisonment in the county jail for a period not exceeding three (3) months or both such fine and imprisonment; provided that in any case wherein the penalty of an offense as fixed by any statute of the state, the statutory penalty and no other, shall be imposed for the punishment of the offense. Each day any violation of this ordinance shall continue shall constitute, except where otherwise provided, a separate offense. Said violator shall also be subject to injunctive relief pursuant to the provisions of Section 106.3.

106.3 Prosecution of violation:
~~*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.*~~

106.3 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 or civil infraction as determined by

the local municipality, 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. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties:

Section 106.4 Violation penalties: Any person violating any of the provisions of this code shall upon conviction be punished as provided in Section 1-12. Each day that a violation shall continue shall be deemed a separate offense, as provided in Section 1-12.

~~***Section 106.4 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.***~~

~~*Section 107: Notices and Orders*~~

~~***Section 107.1 (page 3). Delete: Section 107.1 and insert: Section 107.1 Notice: Whenever the code official has declared a structure or equipment under the provisions of this section to be a nuisance, notice shall be given as provided in Section 6-82 of the Lebanon Code.***~~

107.1 Notice to person 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 in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

~~***Section 107.2 (page 3). Delete.***~~

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 pro- visions of this code.

5. Inform the property owner of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 106.3.

~~***Section 107.3 (page 3). Delete.***~~

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.

~~***Section 107.4 (page 3). Delete.***~~

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

Section 108: Unsafe Structure and Equipment,

~~***Section 108 (pages 3 and 4). Delete.***~~

108.1General.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 occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. 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

Section 109: Emergency Measures.

~~Section 109 (page 4). Delete.~~

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a build- ing 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 per- formance 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 mea- sures shall comply with such order forthwith. Any affected per- son shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

Section 110: Demolition

~~Section 110 (pages 4 and 5)_ Delete.~~

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 unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

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 con- tract 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 Appeals This entire section has been deleted by city ordinance #4170. See section Section 111 (page 5). Delete. Insert Section 111 Board of Appeals: The provisions of Section 63 of the Code of Laws of the city shall be followed.

CHAPTER 3: GENERAL REQUIREMENTS

Section 302: Exterior Property Areas

~~***302.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). 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.***~~

~~***Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the***~~

Section 303: Swimming Pools, Spas and Hot Tubs

303.1Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mmm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section

304.14 Insect screens: During the period from [DATE] to [DATE], [April 1 to November 1]…

~~***304.18.1 Doors: Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than I inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.***~~

~~***304.18.2 Windows: Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.***~~

~~***304.18.3 Basement hatchways: Basement hatchways that provide access to a dwelling unit, rooming unit or house-keeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.***~~

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. *Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.*
Exception: Guards shall not be required where exempted by the adopted building code.

Section 307: Rubbish and Garbage

307.2.2 Refrigerators: *Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises* ~~***without first removing the doors.***~~

~~***307.3.1 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.***~~

~~***307.3.2 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.***~~

CHAPTER 5: PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Section 503: Toilet Rooms

503.4 ***Floor surface****. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.*

CHAPTER 6: MECHANICAL AND ELECTRICAL

Section 602: Heating Facilities

~~***Section 602.3 (page 17). Delete: Section 602.3 and insert: Section 602.3 Heat supply: Every owner and operator of any building who rents, leases or lets one (1) 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 October 1 to April 1 to maintain a temperature of not less than 65° (18°C) in all habitable rooms, bathrooms, and toilet rooms.***~~

602.3 Heat supply: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~*[DATE] to [DATE]*~~ [October1, to April 1,] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. 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.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

~~***Section 602.4 (page 17). Delete: Section 602.4 and insert: Section 602.4 Occupiable work spaces: Every enclosed occupied work space shall be supplied with sufficient heat at all times.***~~
~~***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.***~~

602.4 Occupiable work spaces: Indoor occupiable work spaces shall be supplied with heat during the period from ~~*[DATE] to [DATE]*~~ [October1, to April 1,] 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.

Section 606: Elevators, escalators and dumbwaiter
606.1 ***General.*** *Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification 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. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.*

CHAPTER 7: Fire Safety Requirements

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. Means of egress shall comply with the International Fire Code.*

702.4 Emergency escapes openings. *Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. 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 code that was in effect at the time of construction 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.

Section 704: Fire protection systems

704.1General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabited- able attics. In dwellings or dwelling units with split lev- els and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

704.3 Power source. [In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such

a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes expos- ing the structure, unless there is an attic, crawl space or basement available which could provide access for inter- connection without the removal of interior finishes.]