

Regular Workshop – November 12, 2012
Agenda Item 6

Agenda Item: Proposed Ordinance 2012-26, Creating Chapter 104, Property Maintenance Code, Amending Chapter 96, Health and Sanitation Code, and Amending Chapter 150, Buildings

Presenter: Town Manager and Staff

Summary: At the September 22, 2011 Regular Workshop Meeting the Town Commission directed staff to obtain input from the community and present recommendations to the Town Commission on property maintenance at a future workshop.

Staff held a Property Maintenance Code Community Input Meeting on January 24, 2012. As a result of that meeting and other research, staff is recommending that the Town adopt portions of the International Property Maintenance Code creating a new Chapter 104, Property Maintenance Code, which allows staff to better enforce both our current requirements and provides for higher standards to enforce a minimum aesthetic condition for structures and properties.

Attachments: 11-2-12 Memo, Planner to Town Commission;
1-24-12 Minutes of Property Maintenance Community Meeting;
2012 International Property Maintenance Code;
Proposed Ordinance 2012-26;
PowerPoint Presentation.

Recommended Action: Pending discussion, provide direction to Manager.

MEMORANDUM

DATE: November 2, 2012

TO: Town Commission

THROUGH: Robin H. Meyer, AICP, Director
Planning, Zoning and Building Department

FROM: Steve Schield, AICP, ASLA, CFM, Town Planner
Planning, Zoning and Building Department

SUBJECT: Ordinance 2012-26,
Minimum Property Maintenance Code

At the Town Commission's September 22, 2011 Regular Workshop Meeting, staff presented the concept of amending the Town Code of Ordinances to address property maintenance on the island. As a result of the discussion, the Commission directed staff to obtain input from the community and agreed to hold a workshop to further discuss the matter.

Some residents feel that over the past few years, due to financial reasons, absentee owners, and other factors, the general aesthetic condition of some structures and the properties on Longboat Key have deteriorated, to an unacceptable level. However, the Town has not adopted property maintenance standards beyond issues such as high weeds and grass and conditions that may pose a threat to health and safety. Consequently, town staff is unable to cite these types of issues as code violations.

Many communities, both in Florida and nationally, have adopted the International Code Council's (ICC) *International Property Maintenance Code (IPMC)*, either in whole or in part, or have adopted similar code provisions that are effective in maintaining the desired aesthetic condition. Some examples of what the IPMC and other codes address are:

- Maintenance of swimming pools so that they are kept in clean and sanitary condition
- Eliminates peeling, flaking and chipping paint
- Maintenance of doors, window and window frames, porches, decks and fences
- Unmaintained parking lots (e.g. potholes, etc.)
- Torn screening (both window screens and lanai screening)
- Maintenance of accessory structures (seawalls, docks, fences, walls)
- Outdoor storage

If this increased level of property maintenance is desired it is important that the adopted regulations are clear and enforceable. Part of this effort will be to be able to clearly determine what is a violation of the Code and what conditions do not rise to that level. Enforceability is determined both by the actual Code itself and by the staffing available to educate and proactively enforce the regulations. Staff recommends that if the Town

wishes to improve its ability to elevate its property maintenance standards, then amendments to the Town Code would have to be adopted to that end.

Below please find a condensed list of complaints brought to the attention of the Code Enforcement Officer, to which Code violations could not be issued because they are not addressed in the code. Most of them would be covered by the adoption of the IPMC.

Observations made by Code Enforcement Officers include, but are not limited to:

- Maintenance of swimming pools so that they are kept in clean and sanitary condition
- Eliminates peeling, flaking and chipping paint
- Maintenance of doors, window and window frames, porches, decks and fences
- Unmaintained parking lots (e.g. potholes, etc.)
- Torn screening (window screens, lanai screening, pool enclosures)
- Unmaintained landscaping (non-high weeds and grass)
 - Trimming of overgrown hedges
 - Removal/trimming of dead vegetation
 - Brown/dead grass
 - Fallen fruit from trees
- Items stored on the exterior of structures and within view of public streets
- Rusted handrails (that are not a life/safety issue)
- Rotting garage doors
- Broken windows
- Cracks in stucco
- Dilapidated mailboxes
- Fences in disrepair

Staff held a community meeting on the matter on January 24, 2012 (notice and minutes attached). Advertisements for the meeting were placed in the local papers and included in all Town utility bills. Invitations were also sent to all property managers; landscape maintenance companies; and condominium and neighborhood associations. A presentation was made by staff about the IPMC (attached) and about other property complaints (parking, vegetation, etc.) The meeting was attended by approximately forty people representing a cross section of the community. Participants supported the higher maintenance standards required by the IPMC, as well as restrictions regarding trailer and boat parking. However additional maintenance requirements regarding vegetation/landscaping was not supported.

The planning staff has worked with the building staff and the Town Attorney to draft Ordinance 2012-26. Proposed Ordinance 2012-26 incorporates sections of the IPMC into a new Chapter 104 called the "Property Maintenance Code." The proposed Ordinance also amends Chapter 150, *Buildings*, to incorporate sections from the IPMC and relocates sections from Chapter 96 that deal with overgrowth of vegetation and mosquito breeding sites in the new Chapter 104. These higher standards will allow staff to better enforce both our current requirements and to allow staff to enforce a minimum aesthetic condition for structures and for properties. Ordinance 2012-26 will work to

improve the community and to protect our property values. **Staff recommends approval of Ordinance 2012-26.**

Staff also requests direction from the Town Commission in regards to the parking of boats and storage trailers on residential properties. The participants at the community meeting supported the restriction of the parking of open or enclosed storage trailers similar to the limitation placed on travel trailers (limited to five days in a 30-day period). It was also suggested that the number of boats parked on a residential lot should be restricted. If so directed, staff would prepare separate ordinances for these possible changes to the code.

Attachments: Ordinance 2012-26
 Notice for Property Maintenance Code Community Meeting
 Minutes for January 24, 2012 Community Meeting
 2012 International Property Maintenance Code

Xc: Robin D. Meyer, AICP, Director-Planning, Building & Zoning Department
 Wayne Thorne, Building Official
 David Persson, Town Attorney



TOWN OF
LONGBOAT KEY

Incorporated November 14, 1955

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Longboat Key, FL 34228
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FAX (941) 316-1656
www.longboatkey.org

January 10, 2012

RE: Property Maintenance Code Community Input Meeting, January 24, 2012

Dear Sirs/Madam:

The Town of Longboat Key would like to extend an invitation for a meeting on January 24, 2012 at 9:00 a.m., in the Town Hall commission chambers, 501 Bay Isles Road, Longboat Key, Florida, to discuss landscaping and property maintenance issues on the island. The Town desires to encourage well-maintained neighborhoods, communities, and commercial areas for the beautification of the island and protection of property values.

Presentations and discussions will address the possible adoption of all, or part of, the International Property Maintenance Code and other regulations (parking, outdoor storage, landscape maintenance, etc.) that would strengthen current regulations & enforcement.

Please plan on attending this meeting in order to provide your input and voice your concerns. This information will be compiled by staff and presented to the Town Commission. Questions may be directed to me at (941) 316-1966.

Sincerely,

Steve Schield, ASLA, AICP
Town Planner

Building/Reading File

TOWN OF LONGBOAT KEY

PROPERTY MAINTENANCE COMMUNITY MEETING

JANUARY 24, 2012

The Property Maintenance Code Community meeting began at 9:00 AM on Tuesday, January 24, 2012.

Staff Present: Steve Schield, Planner; Heidi Micale, Code Enforcement Officer; Amanda Nemoytin, Code Enforcement Officer

Also Present: Ben Bailey, city of Fort Myers Deputy Building Official

Following the staff presentation, the following were noted:

- There was a concern related to requirements in the code addressing deteriorated seawalls and caps.
- There was a concern raised regarding the property between 6600 and 6800 Gulf of Mexico Drive and that it was in terrible shape; Public Works had informed the resident there was nothing they could do to address it, but the resident noted there was nothing but dead wood on the lot.
- It was noted that the Town right-of-ways (ROW) were sand and tire marks. The ROW area was owned by the state and Gulf of Mexico Drive was a state road. There was a question related to who was responsible to maintain. Mr. Schield noted there was an agreement with the state that the Town would mow. It was noted by a resident that the areas from the south up to General Harris Street were in beautiful shape, but from that point to the north end was not being maintained.
- There was a concern voiced related to boat trailers parked in the yard.
- A resident noted he had wanted to place pavers around his mailbox, but was told he could not do that. Mr. Schield responded it was a state issue, as the area was located within a state ROW, and any changes to the ROW would have to go through the state.
- There was a question of whether there was a regulation in the code to address unsafe structures; what was the difference between what was in the code now and the IPMC. Mr. Bailey responded there was a section in the IPMC dealing with unsafe structures; the Town Code was vaguely written, but the IPMC provided more specifics as to what could be cited. Officer Micale noted several years ago, while reviewing the code, it was found that certain sections of the Town Code had language missing; at this time the building official had to prepare

a detailed report for the Town Commission, who would hold public meetings, unless staff was able to contact the owner and get the situation resolved. It was asked if that process would have to be followed if the Town adopted the IPMC. Officer Micale replied no.

- There was a question that if the code were adopted where the fine line would be between maintenance and repair that would trigger into a full permitting process which would take time; they want to encourage maintenance, and not discourage. Officer Micale noted that regular maintenance would preserve the structure. Mr. Schield noted it would prevent them from having to obtain permits; there was not a need to obtain a permit for maintenance.
- Concerning bank foreclosures, if no liens were imposed on the property, how effective would the IPMC be in addressing maintenance issues on those properties. Mr. Bailey explained that the banks have been more receptive in taking ownership of the property; they would not maintain inside, but will maintain the outside of the structure and property.
- A statement was made that there was a fine line between 'big brother' and the owner maintaining the house, and a question as to how it would be enforced. Mr. Bailey responded that he did not believe it would be taken to that extreme; however, if there was peeling paint on the fascia or the doors, then it would be addressed. There were continued questions related to enforcement. Mr. Schield responded that a lot of it would be based on neighborhood complaints. There was no plan to conduct regular routine searches through the community, but it would be in the code; however, it would require additional staff. Most of it would be "self preservation," and Code Enforcement staff would make subjective calls on how to address the issue. Mr. Bailey noted that one of the things included in the IPMC was that it ensured that an issue was handled correctly.
- It was asked if the IPMC was adopted would the Town delete all the codes in existence. Mr. Schield responded the code would not be included in the overall Town Code, but would be included as a reference, similar to how the Florida Building Code was only cited as a reference in the Town Code. Mr. Bailey explained if there were certain issues that were not addressed in the existing code, then staff would refer to the IPMC. It was asked what rules were included in the Longboat Key Code of Ordinances and what rules were in the IPMC. Mr. Bailey mentioned that some might be included in the Town Code, but there was not concern with duplication of codes, but typically they would apply the stricter.
- There was a comment that presumably the Town was unable to get the owners to correct the problems, because the Town Code did not address the issues. It was asked if staff was stating that if the new code was adopted in total, then the problems would be addressed through the IPMC. Mr. Bailey responded there were a number of items that the Town Code did not cover; however, the IPMC would address.

- It was understood that the process was begun by a homeowner living next door to a home not being properly maintained, and the homeowner asked the property owner to address, because they were trying to sell their home. The Town had no recourse to assist that property owner, and they understood all the IPMC code would do was to give the Town a tool to try to maintain the beautification of the community. Mr. Bailey noted it was another tool to assist Code Enforcement in addressing issues.
- It was suggested, since people were concerned with government intrusion, that the process of explaining the possible adoption of this code should emphasize it was for maintenance and what items were addressed by the Town Code. However, staff should note that there were certain items where the Town Code was insufficient to address them, and that the IPMC was an option that could be utilized by the Town versus creating a new code.
- There was a request for a link on the Town's website so people could read the IPMC, and other codes, prior to making a determination.
- There was a question as to why the height of hedges was removed from the code. Mr. Schield explained the Planning and Zoning (P&Z) Board and Town Commission recommended its removal. There was a request for the rules to be changed. He discussed the regulations in the Town Code, and mentioned that staff could, if the residents wished to reinstate the height restriction for hedges, forward their suggestion to the Town Commission. There was a request to ask staff to inform the Town Commission that they should revisit the issue of hedge heights.
- There was a concern raised by Randy Clair regarding mold and parking of vehicles in yards on the grass area, and not in the driveway. Mr. Schield noted that the Police Department enforced parking in the road easement. It was suggested that the code include a notation there be no parking in the front yard, which was not adjacent to a driveway or parking area. Staff commented that the IPMC would address mold issues on roofs and walls; it was addressed under the exterior section. Mr. Clair commented the concern was that Code Enforcement would have problems without objective standards, and he understood under the new provisions the owner had a right to petition to the Code Enforcement Board whether there was a violation.
- Someone discussed the entrance to Juan Anasco from Gulf of Mexico Drive and the lack of visibility. It was also noted that the vegetation installed by the state of Florida added to the problem. Mr. Schield discussed the 'visibility triangle' noting that vegetation could not be more than 30 inches in height in that triangle, and it was regularly enforced.
- There was concern when implementing the codes of who was going to make the determination of 'pretty'. Officer Nemoytin mentioned that it was a community standard that would need to be decided.

- There was a question of whether there were regulations addressing an owner who begins construction or remodeling of a home and then stops construction; would it be regulated by the current Town Code or through the IPMC. Mr. Bailey responded that it was addressed through the building permit process and that substantial work had to be completed within six months or the permit would expire. He noted the applicant would be notified they had an expired permit, and they would have to pay any fees or fines involved, but if not, they would be brought before the Code Enforcement Board.
- There was consensus to allow grass parking for single family homes.
- Concerning boat parking and whether there should be any regulations limiting parked boats in front yards, there was a consensus to limit; however, there was not a consensus to not allow any boats parked in a front yard.
- There was consensus to have some regulations addressing storage trailers and regulating them similar to travel trailers.
- Concerning PODs, if there was an active building permit, then the owner could request a temporary permit for storage, which would possibly address that issue and allow the owner to keep the unit on site.
- There was a question of how many cars could be parked on a property. Mr. Schield responded that as long as they had an approved driveway, or parking, there was no limitation on the number of cars that could be parked. There were regulations on how much parking or paved surface a property could have, but they were only allowed 50 percent maximum coverage for parking.
- There was discussion of commercial trucks parked in a residential area with staff noting there was a limitation on the size of the truck; there were residents who had work vehicles they bring home; and a commercial vehicle was defined as weighing over 15,000 lbs. There was a suggestion that it not be allowed to be parked overnight.
- Someone mentioned from a visual standpoint they would not like to see large multicolor structures used for mailboxes.
- It was asked if there were regulations on the growth of mangroves into canals and whether the regulation could be improved upon for the Town, or were they required to abide by the state regulations. Mr. Schield replied they had to comply with the state regulations. He commented in the past the Town had enforced some trimming of mangroves in individual canals in order to keep the ROW clear.
- There was a question related to the section dealing with the Fire Safety Code (Chapter 7, section 701.2, Fire Safety Requirements) and the language that stated people could not occupy a residence if it was not in compliance with the Fire Safety Code. Mr. Bailey pointed out those were items addressing rental

property, or when there was a program established for people to register their rental properties for inspections. He would not recommend being proactive in entering people's homes and dictating those requirements; however, if there were life safety issues, then they could go to that extent. He reiterated he would not recommend entering homes unless there was a program in place for entering and inspecting rental properties. There might be issues entering onto personal property as there needed to be reasonable cause.

- There was consensus that open storage areas should be screened from the road. Concerning exterior storage, it was noted this item dealt with the issue of aesthetics. There was consensus there should be some type of screening.
- Related to the issue of dead grass, it was suggested that item not be addressed at this time, but it should possibly be addressed at some point in the next couple of years.
- Someone voiced concern with the accumulation of fallen fruit and rodents on a lot. It was noted that the health department would address the issue if there was a complaint. Officer Micale mentioned that staff had not received any complaints related to this issue. There was a suggestion that staff contact the health department to determine if they address the issue of rodents.
- There was an overall consensus that something needed to be done, and some standards needed to be established that were not in existence at this time

Mr. Schield provided an overview of the process explaining that a memorandum would be sent to the Town Commission noting the issues discussed at this meeting, including the items where there was a consensus and other items that were debatable. During the workshop, staff would ask the Town Commission to decide whether they wished to move forward and adopt the IPMC or a variation of that code. Once the Town Commission provided direction, staff would draft ordinances for review. He noted that formal adoption would probably not take place until the fall.

Someone asked if the IPMC was not adopted would nothing be adopted. Mr. Schield commented not necessarily as the Town could decide on an alternative code. There was concern raised that the adoption of this code would be an "intrusion" on how they wished to live.

The meeting was adjourned at 11:11 am.

The informal notes developed for the Property Maintenance Code Community Meeting are not verbatim minutes and are only intended to capture the general discussion that took place at the meeting. These will not be formally adopted, but can be used for future reference.

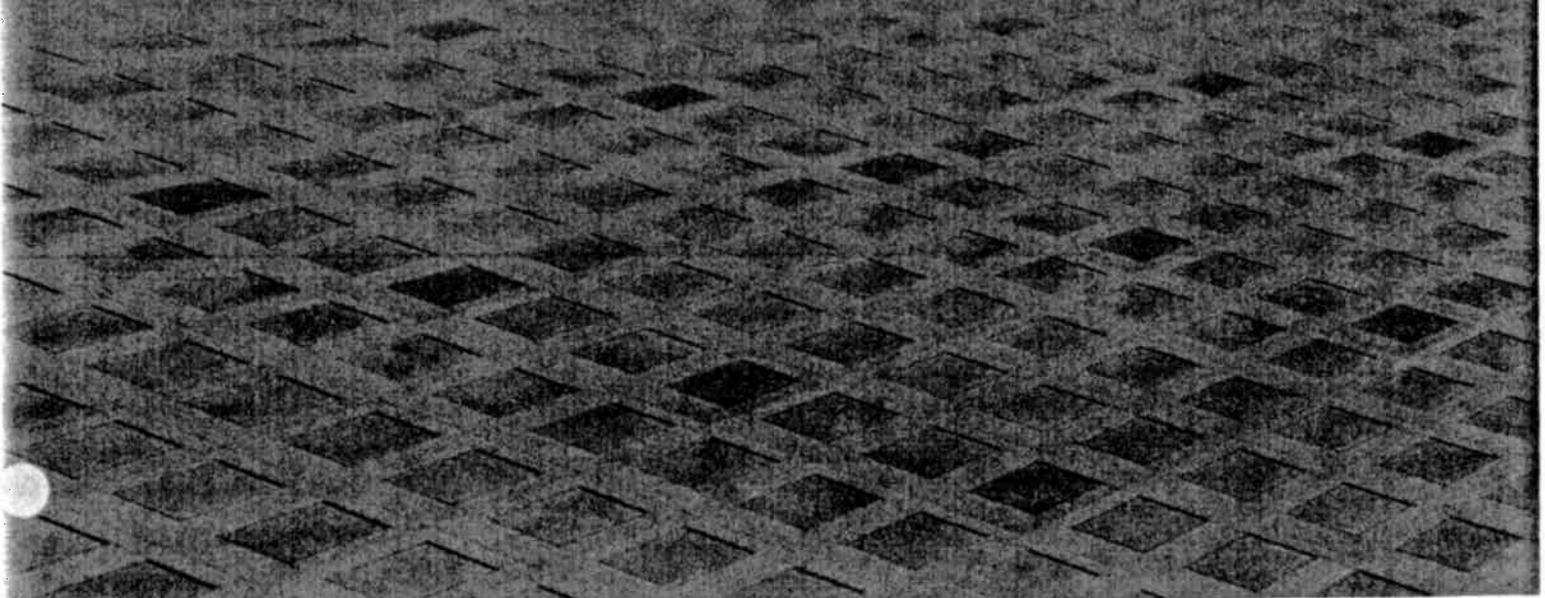


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2012 International Property Maintenance Code®

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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*[®], in this 2012 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2012 edition is fully compatible with all of the *International Codes*[®] (I-Codes[®]) published by the International Code Council (ICC)[®], including the *International Building Code*[®], *International Energy Conservation Code*[®], *International Existing Building Code*[®], *International Fire Code*[®], *International Fuel Gas Code*[®], *International Green Construction Code*[™] (to be available March 2012), *International Mechanical Code*[®], *ICC Performance Code*[®], *International Plumbing Code*[®], *International Private Sewage Disposal Code*[®], *International Residential Code*[®], *International Swimming Pool and Spa Code*[™] (to be available March 2012), *International Wildland-Urban Interface Code*[®] and *International Zoning Code*[®].

The *International Property Maintenance Code* provisions provide 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 first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: 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. This 2012 edition presents the code as originally issued, with changes reflected through the previous 2006 editions and further changes developed through the ICC Code Development Process through 2010. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

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 established in 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 ordinance. The sample adoption ordinance on page xiii 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 enforcing 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 the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC does 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.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the International Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Code Development Hearings.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

- [A] = Administrative Code Development Committee;
- [F] = International Fire Code Development Committee;
- [P] = International Plumbing Code Development Committee; and
- [B] = International Building Code Development Committee (IBC—Fire Safety, General, Means of Egress or Structural);

Note that, for the development of the 2015 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years. The groupings are as follows:

Group A Codes (Heard in 2012, Code Change Proposals Deadline: January 3, 2012)	Group B Codes (Heard in 2013, Code Change Proposals Deadline: January 3, 2013)
International Building Code	Administrative Provisions (Chapter 1 all codes except IRC and ICC PC, administrative updates to currently referenced standards, and designated definitions)
International Fuel Gas Code	International Energy Conservation Code
International Mechanical Code	International Existing Building Code
International Plumbing Code	International Fire Code
International Private Sewage Disposal Code	International Green Construction Code
	ICC Performance Code
	International Property Maintenance Code
	International Residential Code
	International Swimming Pool and Spa Code
	International Wildland-Urban Interface Code
	International Zoning Code

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees will meet in different years, it is possible that some proposals for this code will be heard by a committee in a different year than the year in which the primary committee for this code meets.

For instance, Section 502.1 is designated as the responsibility of the International Plumbing Code Development Committee, along with most of the provisions in Chapter 5. This committee will meet in 2012 to consider all code change proposals to the *International Plumbing Code* and any portions of other codes that it is responsible for, including Section 502.1 and most of the provisions of Chapter 5 (designated with [P] in front of those sections.) Therefore, any proposals to Section 502.1 in Chapter 5 will be needed to be submitted by January 3, 2012, for consideration in 2012 by the International Plumbing Code Committee.

Note that every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, and that committee is part of the Group B portion of the hearings. This committee will hold its code development hearing in 2013 to consider all code change proposals for Chapter 1 of this code and proposals for Chapter 1 of all I-Codes except the *International Residential Code* and *ICC Performance Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2013.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the code development committee responsibilities, please visit the ICC web site at www.iccsafe.org/scoping.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the previous edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

EFFECTIVE USE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2009 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code*:

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that "equal protection under the law" has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term's definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 General Requirements. Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter’s provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water-heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumb-waiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building’s occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

LEGISLATION

The *International Codes* are designed and promulgated to be adopted by reference by legislative action. Jurisdictions wishing to adopt the 2012 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

SAMPLE LEGISLATION FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE NO. _____

A[N] [ORDINANCE/STATUTE/REGULATION] of the [JURISDICTION] adopting the 2012 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing [ORDINANCE/STATUTE/REGULATION] No. _____ of the [JURISDICTION] and all other ordinances or parts of laws in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 112.4. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

Section 302.4. Insert: [HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

Section 3. That [ORDINANCE/STATUTE/REGULATION] No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired

or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

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CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1 — SCOPE AND APPLICATION

SECTION 101 GENERAL

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

[A] **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.

[A] **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.

[A] **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

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

[A] **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. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. 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 other-

wise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] **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 Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

[A] **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.

[A] **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 instructions.

[A] **102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated 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.

[A] **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 and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

[A] **102.7.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] **102.7.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] **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*.

[A] **102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identi-

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fied by number, shall be construed to refer to such chapter, section or provision of this code.

[A] **102.10 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

[A] **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*.

[A] **103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] **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(s). Such employees shall have powers as delegated by the *code official*.

[A] **103.4 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, 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 or by reason of an act or omission 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.

[A] **103.5 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

[A] **104.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] **104.2 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.

[A] **104.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] **104.4 Identification.** The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

[A] **104.5 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] **104.6 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 for the period required for retention of public records.

SECTION 105 APPROVAL

[A] **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 upon application of the *owner* or *owner's* representative, 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.

[A] **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.

[A] 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.

[A] 105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved agency*.

[A] 105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] 105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. 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* by the *code official*.

[A] 105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] 105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106 VIOLATIONS

[A] 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.

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

[A] 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.

[A] 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 vio-

lation continues after due notice has been served shall be deemed a separate offense.

[A] 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

[A] 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.

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

[A] 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.

[A] 107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] 107.6 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

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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

[A] 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.

[A] 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.

[A] 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.

[A] 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.

[A] 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.

[A] 108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction

as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel con-

nections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 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.

[A] 108.2.1 Authority to disconnect service utilities.

The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 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.

[A] 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.

[A] 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.

[A] 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 code.

[A] 108.6 Abatement methods. The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] 108.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109 EMERGENCY MEASURES

[A] 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.

[A] 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.

[A] 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.

[A] **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.

[A] **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.

[A] **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

[A] **110.1 General.** The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or 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 board up and hold for future repair 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, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

[A] **110.2 Notices and orders.** All notices and orders shall comply with Section 107.

[A] **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.

[A] **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

[A] **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.

[A] **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.

[A] **111.2.1 Alternate members.** The chief appointing authority shall appoint a minimum of two 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.

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

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

[A] **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.

[A] **111.2.5 Compensation of members.** Compensation of members shall be determined by law.

[A] **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.

[A] **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 a minimum of two-thirds of the board membership.

[A] **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.

[A] **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.

[A] **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.

[A] **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*.

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

[A] **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.

[A] **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.

SECTION 112 STOP WORK ORDER

[A] **112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] **112.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] **112.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] **112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

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 Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated 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," "housekeeping 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

ANCHORED. Secured in a manner that provides positive connection.

[A] 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 in either a dwelling or *sleeping unit*.

[A] 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*.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] 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.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

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

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

[B] 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.

[B] 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*.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

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.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

[A] LABELED. Equipment, materials or products to which have 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 whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

DEFINITIONS

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.

NEGLECT. The lack of proper maintenance for a building or *structure*.

[A] 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*.

[A] 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.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

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.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for liv-

ing, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

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.

[A] 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.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

[M] 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.

[Z] 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*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping 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 [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 viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

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 pest elimination, 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 abutting 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.

302.8 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 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming 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 a minimum of 54 inches (1372 mm) above the bottom of the gate,

GENERAL REQUIREMENTS

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 mm) 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.

SECTION 304 EXTERIOR STRUCTURE

304.1 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.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

304.2 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] 304.3 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) in height with a minimum stroke width of 0.5 inch (12.7 mm).

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

304.5 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.

304.6 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*.

304.7 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.

304.8 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.

304.9 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.

304.10 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.

304.11 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.

304.12 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.

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

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

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

304.14 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 minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

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

304.17 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.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

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 minimum lock throw of 1 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 *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound

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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, housekeeping units, 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*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

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

305.3 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.

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

305.5 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.

305.6 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.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached, dislodged* or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached, dislodged* or failing connections.

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 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) in height or more than 42 inches (1067 mm) in height 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) in height

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 308 RUBBISH AND GARBAGE

308.1 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.

308.2 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.

308.2.1 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*.

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

308.3 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.

308.3.1 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.

308.3.2 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 309 PEST ELIMINATION

309.1 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 pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a

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rooming house or a nonresidential structure shall be responsible for pest elimination 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* and *owner* shall be responsible for pest elimination.

309.5 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 pest elimination.

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 a minimum of 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 a minimum of 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 the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

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 outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping 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 be a minimum of 7 feet (2134 mm) in any

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plan dimension. Kitchens shall have a minimum clear passageway of 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 minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 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 minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) 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 minimum clear ceiling height of 7 feet (2134 mm) over a minimum of 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 minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain a minimum of 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain a minimum of 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}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

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 one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a minimum clear floor area of 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 minimum clear working space of 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

[P] 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.

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

[P] 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*.

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

[P] 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*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503 TOILET ROOMS

[P] 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.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located a maximum of one story above or below the employees' 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 combined employee and public 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.

[P] 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.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

[P] 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.

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

[P] 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

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 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 minimum temperature of 110°F (43°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

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

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

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

[P] 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 68°F (20°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, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

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

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] to maintain a minimum temperature of 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.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 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.

MECHANICAL AND ELECTRICAL REQUIREMENTS

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 NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 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.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

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. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the

building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

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

[F] 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*.

[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*.

[F] 702.4 Emergency escape 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 703 FIRE-RESISTANCE RATINGS

[F] 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.

[F] 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.

SECTION 704 FIRE PROTECTION SYSTEMS

[F] 704.1 General. 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*.

[F] 704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

[F] 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 uninhabitable attics. In dwellings or *dwelling units* with split levels 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*.

[F] 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.

[F] 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

FIRE SAFETY REQUIREMENTS

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 exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

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/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F 1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—12	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC—12	International Existing Building Code®	305.1.1, 306.1.1
IFC—12	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC—12	International Fuel Gas Code®	102.3
IMC—12	International Mechanical Code®	102.3, 201.3
IPC—12	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IRC—12	International Residential Code®	201.3
IZC—12	International Zoning Code®	102.3, 201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
25—11	Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.1.1
70—11	National Electrical Code	102.4, 201.3, 604.2

APPENDIX A

BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101 GENERAL

A101.1 General. All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102 MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $\frac{1}{2}$ -inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $\frac{3}{8}$ -inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103 INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured

with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

A104 REFERENCED STANDARDS

IBC—12 International Building Code A102.1, A102.2, A102.3

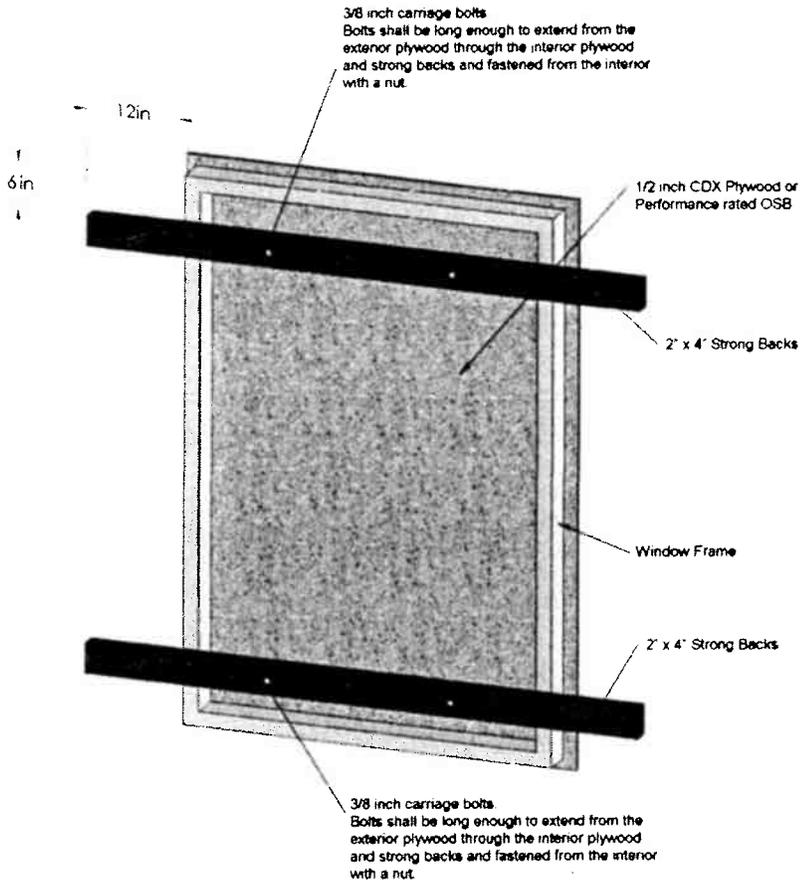


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW

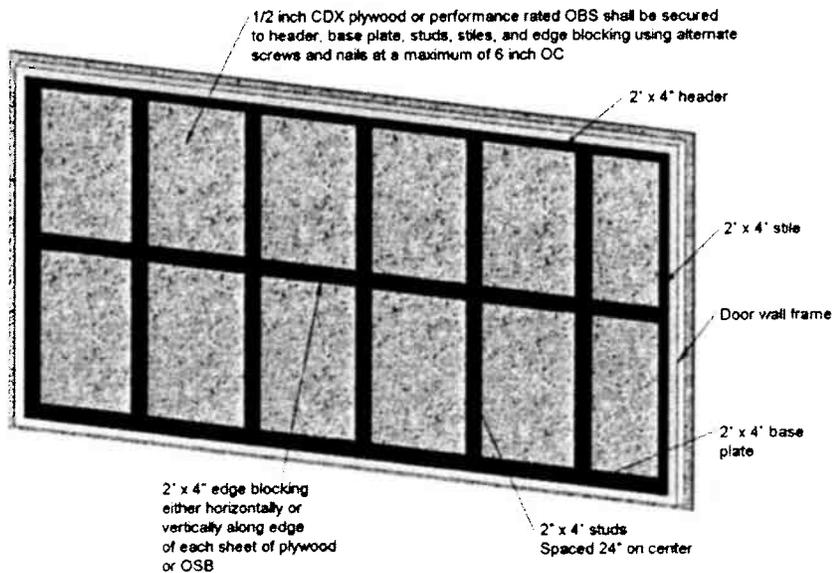


FIGURE A103.1(2)
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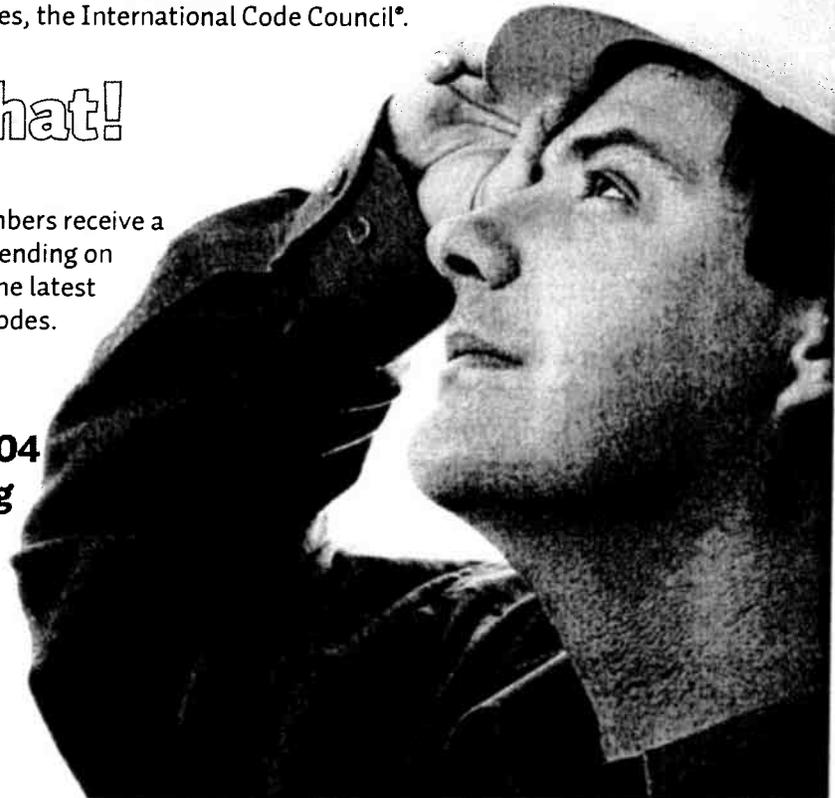
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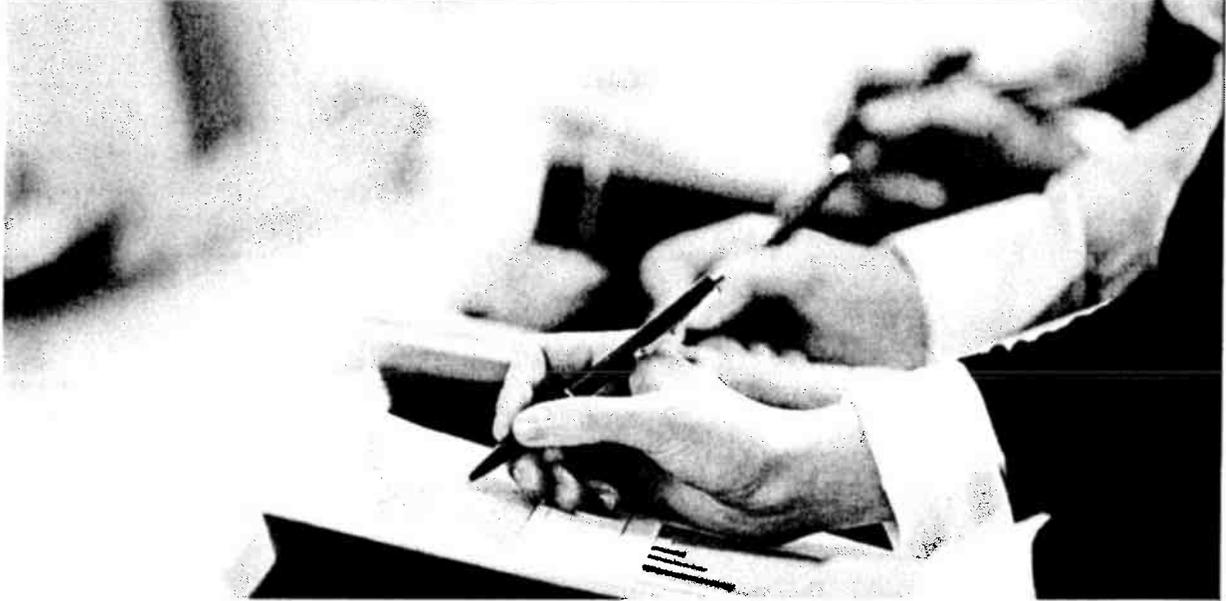
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ORDINANCE 2012-26

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA, BY ADDING CHAPTER 104, PROPERTY MAINTENANCE STANDARDS, ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; AUTHORIZING THE TOWN'S CODE ENFORCEMENT BOARD TO REVIEW VIOLATIONS; AMENDING CHAPTER 96, HEALTH AND SANITATION, MAINTENANCE OF PREMISES, TO RELOCATE SECTIONS 96.01 RESPONSIBILITY OF PROPERTY OWNERS, 96.02 FAILURE TO MAINTAIN DEEMED PUBLIC NUISANCE; NOTICE TO ABATE, 96.03 CORRECTION OF VIOLATIONS BY TOWN, 96.04 MOSQUITO BREEDING SITES; AMENDING OVERGROWTH OF VEGETATION, SECTIONS 96.10 POLICY, 96.11 ACCUMULATION OF BRUSH PROHIBITED, 96.12 DUTY TO KEEP PREMISES CLEARED, 96.13 FAILURE TO CLEAR DEEMED PUBLIC NUISANCE; NOTICE TO ABATE, 96.14 ABATEMENT BY TOWN; COST, OF CHAPTER 96 TO CHAPTER 104; AMENDING CHAPTER 150, BUILDINGS, SECTION 150.21 TO PROVIDE STANDARDS FOR DETERMINING UNSAFE OR DANGEROUS STRUCTURES AND EQUIPMENT, PROVIDING FOR EMERGENCY MEASURES; AMENDING CHAPTER 150, BUILDINGS, SECTION 150.22 PROCEDURE FOR BUILDINGS WHICH ARE NUISANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key Code of Ordinances establishes minimum housing standards for the Town as articulated by the 1994 "Standard Housing Code" (as amended), published by "Southern Building Code Congress International" ("SBCCI"); and

WHEREAS, in 1998, SBCCI, a statutory member of the "International Code Council" ("ICC"), participated in the development of the first edition of the "International Property Maintenance Code" ("IPMC"); and

WHEREAS, the IPMC prescribes minimum maintenance standards for both residential and commercial structures and buildings; and

WHEREAS, the most current edition of the IPMC was released by the ICC in 2012; and

WHEREAS, it is desirable and beneficial to the citizens and residents of Longboat Key, Florida, for the Town Commission to adopt parts of the IPMC, with certain local amendments, in order to properly secure the health, safety and welfare of

the public by prescribing minimum property maintenance standards for all buildings and structures within the Town's municipal limits; and

WHEREAS, municipal abatement of nuisances and municipal correction of code enforcement violations provide a special and unique benefit accruing to particular property in the Town where such activities take place; and

WHEREAS, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on December __, 2012, and January __. 2013, considered the proposed; and

WHEREAS, the Town has received and considered comments from the public; and after careful consideration of the issues, finds that the proposed adoption of portions of the International Property Maintenance Code are in the best interest of the health, safety, and welfare of the citizens of Longboat Key.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The above WHEREAS clauses are hereby ratified and confirmed as true and correct.

SECTION .2. Chapter 104 of the Code of Ordinances of the Town of Longboat Key is hereby created and titled PROPERTY MAINTENANCE STANDARDS.

SECTION 3. Chapter 104, Property Maintenance Standards shall read as follows:

Chapter 104. Property Maintenance Standards.

104.01 GENERAL PROVISIONS

1) Title. These regulations shall be known as the Property Maintenance Standards of the Town of Longboat Key

2) Scope. The provisions of this chapter 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.

3) Intent. This chapter 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.

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

104.02. APPLICABILITY

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this chapter and the referenced standards, the provisions of this chapter shall apply. Where, in a specific case, different sections of this chapter specify different requirements, the most restrictive shall govern.

B. Maintenance. Equipment, systems, devices and safeguards required by this chapter or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shutoff from or discontinued for any occupied dwelling, except for such temporary interruption as may be necessary while repairs or alterations are in progress. The requirements of this chapter 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.

C. 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 Florida Building Code, Florida Fuel Gas Code, Florida Mechanical Code and NFPA 70. Any conflict between this chapter and Chapter 553, Florida Statutes, as may be amended, the Florida Building Code, and the Florida Fire Prevention / Florida Life Safety Code shall be resolved in favor of Chapter 553, Florida Statutes, the Florida Building Code or the Florida Fire Prevention / Florida Life Safety Code and nothing herein shall be deemed to be an amendment to those provisions of Florida law. Nothing in this chapter shall be construed to cancel, modify or set aside any provision of the Town of Longboat Key Zoning Code.

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

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

F. Historic buildings. The provisions of this chapter shall not be mandatory for existing buildings or structures designated 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.

G. Exception: Where enforcement of this chapter would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

H. Requirements not covered by this chapter. 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 chapter, shall be determined by the Code Official.

I. Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

J. Other laws. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

104.03. MAINTENANCE INSPECTION

A. General. The Department of the Planning, Zoning and Building Department shall be deemed the department in charge of enforcing this chapter.

B. Appointment. The Code Official and such deputies as may be required shall be appointed by the Town Manager.

104.04. DUTIES AND POWERS OF THE CODE OFFICIAL

A. General. The Code Official is hereby authorized and directed to enforce the provisions of this chapter. The Code Official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

B. 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.

C. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this chapter, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such structure or premises is occupied the Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

D. Identification. The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.

E. Notices and orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this chapter.

F. Department records. The Code Official shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

104.05. APPROVAL

A. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this chapter, the Code Official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative 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.

B. Alternative materials, methods and equipment. The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this chapter, 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 chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.

C. Required testing. Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, 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 town.

1. Test methods. Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

2. Test reports. Reports of tests shall be retained by the Code Official for the period required for retention of public records.

D. Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. 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 by the Code Official.

E. Approved materials and equipment. Materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

F. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this chapter, shall consist of valid research reports from approved sources.

104.06. VIOLATIONS

Violations of this chapter shall be enforced through the provisions of chapter 33, sections 33.01 through section 33.18 of this Code.

104.07. STOP WORK ORDER

A. Authority. Whenever the Code Official finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.

B. Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

C. Emergencies. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work.

104.10. DEFINITIONS

A. Scope. Unless otherwise expressly stated, the following terms shall have the meanings shown in this chapter.

B. 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.

C. Terms defined in other codes. Where terms are not defined in this code and are defined in the Florida Building Code, Florida Fire Code, , Florida Plumbing Code, Florida Mechanical Code, NFPA 70 or other chapters of this Code, such terms shall have the meanings ascribed to them as stated in those codes unless in conflict with the clear intent of this chapter.

D. 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.

E. Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this

code, they shall be construed as though they were followed by the words "or any part thereof."

General Definitions

ANCHORED. Secured in a manner that provides positive connection.

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 in either a dwelling or sleeping unit.

BLIGHTING PROBLEM. To cause to deteriorate or something that impairs or destroys.

BRUSH. All vegetation detached from the land resulting from land-clearing operations or other causes.

CLEAN. Free from dirt, contamination or pollution; to rid of dirt, impurities, or extraneous matter or materials.

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.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

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.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, Jugs, snuggers,

hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

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

GARBAGE. Every refuse accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking, and dealing in, or storage of, meats, fish, fowl, fruit, or vegetables, and any other matter of any nature whatsoever which is subject to decay, putrefaction, and the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans, or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

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.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

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.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have 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 whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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.

NEGLECT. The lack of proper maintenance for a building or structure.

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.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborages; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

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

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

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. Refuse accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings, and all other accumulations of a nature other than "garbage" as defined above which are usual to housekeeping and to the operation of stores, offices, and other business places; and materials such as metals, mineral mater, glass, crockery, auto bodies or parts, including automobile tires or tubes, building material rubble resulting from the construction or alteration of structures or parts of structures, and other materials or refuse not usual to housekeeping or the operation of stores and offices.

SAFE. Free from apparent harm or risk; secure from threat of danger, harm, or loss.

SANITARY. Characterized by or readily kept in cleanliness for the protection of health.

SECURE. Free from danger or risk of loss.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRUCTURE. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water.

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.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

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 building or structure.

104.11. GENERAL REQUIREMENTS

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

B. 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 chapter. 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, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

C. 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.

104.12. EXTERIOR PROPERTY AREAS

A. Sanitation and storage of materials. 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. No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe or other used, discarded and worn, unsightly articles or any materials not normally found in a yard area to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five (5) days. Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material, rubbish or similar items. All materials stored in an open carport or area visibly from a public right of way that is utilized for storage of items other than the storage of motorized vehicles, trailers, boats, bicycles or other similar items must be screened from the public view.

B. 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.

C. 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.

D. Weeds and overgrowth.

1. For the purpose of promoting the health, safety and welfare of the people of the town, every owner of a lot or parcel of land lying within 50 feet of any dwelling, house, or place of business, or vacant land which has been previously mowed located in a residential area is required to keep the land cleared of all underbrush and debris; weeds or grass in excess of 12 inches in height from the ground; noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes and vermin of all kinds and character; or noxious material which tends to create a fire hazard and endanger the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition.

2. Every lot or parcel of land in whole or in part which has been denuded, stripped or otherwise had vegetation upon it removed, or fill placed upon such lot or portion thereof, and which causes the lot or portion thereof to be without vegetation resulting in dust or erosion is hereby determined to be detrimental to the health, safety and welfare of the citizens of the town, a public nuisance and is prohibited.

3. Correction of violations by town. Upon a finding by the code enforcement board that the property owner has failed to maintain his property pursuant to subsection 104.12(D)(1) and (2), the code enforcement board may, in addition to imposing a lien as described by law, request the town manager or designee to clear the land, plant the vegetation, or take any other reasonable action to afford a means to eliminate the nuisance as found by the code enforcement board.

4. The town manager or designee may direct the clearing of the land, planting of the vegetation or other reasonable means to eliminate the nuisance and assess a lien on behalf of the town against the land for 125 percent of the costs as described herein. The town manager or designee shall give written notice to the owner of record of the land by certified mail, return receipt requested, at its address as shown on the most recent county tax roll, notifying the owner of the condition and demanding that the condition be abated within seven days from the date of receipt of the notice, or the town will enter the property and correct the abatement at the expense of the property owner as described herein. Alternatively, the town manager or designee may cause the property to be posted with a notice notifying the owner of the condition and demanding that the condition be abated or the town will correct and charge same within seven days of the date of posting.

5. If the property owner objects or disputes the actions required by the town manager's or designee notice sent pursuant to subsection (B) above, the property owner shall file a written objection within seven days from the date of receipt of the notice. The objection shall set forth with specificity the nature of the

objection or dispute. As soon thereafter as practicable, the town commission shall hear and determine the validity of the objection or dispute. The town commission may uphold the actions taken by the town manager or designee, modify the actions to be taken, or dismiss the actions, based upon the evidence presented at the hearing.

6. After corrective action is taken by the town, a copy of the proposed assessment of lien shall be mailed to the property owner of record by certified mail, return receipt requested, together with a notice that the owner shall have not more than 20 days from receipt of the proposed assessment of lien to pay same. If an objection is filed within the 20-day period, the town commission shall hear and determine the validity of the objection.

7. Upon failure to file an objection within 20 days, or failure to pay the amount of the proposed assessment, a notice of lien shall be filed in the office of the clerk of circuit court in which the lot or parcel of land is situated and recorded as other liens are recorded, and in the office of the town clerk. The costs of the lot clearing, cleaning, or removing of debris, and the necessary expenses for preparation of the assessment lien, filing, and recording the lien, together with legal expenses, if any, incident thereto shall be assessed against the land and shall be collected in the manner prescribed by law.

8. The procedure for correction of a violation as described in this section shall not be deemed exclusive. The lien assessed by the town and the actions taken by the town may be concurrent to those taken by the code enforcement board.

E. 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 abutting or adjacent public or private property or that of another tenant.

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

G. 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.

H. 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.

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

104.13. SWIMMING POOLS, SPAS, AND HOT TUBS

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

B. 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 six inches (152 mm) 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.

104.14. EXTERIOR STRUCTURE

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.

A. 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.

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

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

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

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

M. Operable windows. Every window, other than a fixed window, shall be easily operable and capable of being held in position by window hardware.

N. Insect screens. 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 sixteen (16) mesh per one (1) inch (25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. All screens shall be maintained free from open rips, tears, or other defects. Exception: Screens shall not be required where other approved means, such as central air conditioning, air curtains, or insect repellent fans are employed.

O. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping

units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Florida Standard Building Code.

P. Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

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 operable 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 one 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.

2. Windows. Operable windows located in whole or in part within six 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.

Q. Seawalls. Seawalls must be kept in good repair without visible spalding of concrete, ground holes or other major damage.

R. Screen room or cage. Screen rooms or cages must be kept in good repair, with screens maintained free from open rips, tears or other defect.

104.15. INTERIOR STRUCTURE

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, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the areas of the structure and exterior property.

A. 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.

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

C. 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.

D. 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.

104.16. RUBBISH, BRUSH AND GARBAGE PROHIBITED

A. 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.

B. All accumulations of brush, brush piles and containers, within the public right-of-ways or within five feet of the public right-of-ways, shall be removed or otherwise effaced from the public view within 48 hours of the start of accumulation thereof. Upon application, the town manager may extend the time for accumulation upon satisfactory showing that the accumulation will be removed within a reasonable time.

104.17. PEST ELIMINATION

A. 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 pest elimination, proper precautions shall be taken to prevent re-infestation.

B. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

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

D. 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 pest elimination 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 and owner shall be responsible for pest elimination.

E. 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 pest elimination.

104.18 – MOSQUITO BREEDING SITES.

A. It shall be unlawful for any person to create, keep, maintain, or permit a collection of water or debris in which mosquitoes may breed or multiply and the maintenance, creation, keeping, or permitting of the water or debris is hereby declared to be a public nuisance.

B. Water in which live mosquito larvae are found shall be prima facie evidence of a violation of subsection (A) above.

C. Responsibility for the enforcement of the provisions of subsection (A) above, within the boundaries of the town is hereby vested in the Code Official. The Code Official may request the assistance of and act through the mosquito control commission.

D. When any person has been found in violation of subsection (A) above, and the violation continues for a period of five days after the determination of the violation, the Code Official may alleviate and cure the condition causing the violation and the cost

thereof shall become a lien on the property, enforceable in the same manner as tax liens in the town are enforceable.

104.19 – Duty to keep premises cleared.

A. For the purpose of promoting the health, safety and welfare of the people of the town, every owner of a lot or parcel of land adjacent to a public street or road right-of-way, canal, or other navigable waterway, is required to keep the land cleared of all overgrowth of trees and shrubs which interfere with vehicular traffic or boat navigation, create a hazard to vehicular traffic or boat navigation and endanger the lives and property of the citizens of the town, or which tend to create a nuisance or other unsightly condition.

B. Trees (including mangroves) may be trimmed only in accordance with the procedure described in § 98.04. If determined by the town manager or his designee that trimming of mangroves must be in excess of the limits allowed by chapter 98 or removal of mangroves is required, then a permit must be obtained from the appropriate state agencies and the town in accordance with section § 98.06.

104.20 – Failure to clear deemed public nuisance; notice to abate.

A. That portion of every lot or parcel of land adjacent to a street or public road right-of-way, canal, or other navigable waterway, which is located in an overgrowth of trees and shrubs which tend to interfere with vehicular traffic or navigation of boats, or which tend to create a hazard and endanger the lives and property of the citizens of the town, or which tend to create a nuisance or unsightly condition, is hereby established to be a public nuisance.

B. If the town manager or designee shall find any of the conditions described in subsection (A) above, to exist on any land within the incorporated areas of the town, the town manager or designee shall give written notice to the owner of record of the land by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying the owner of the condition and demanding that the condition be abated within seven days from the date of receipt of the letter. Upon the failure of the property owner to comply within the time prescribed, the town manager shall notify the town commission of the existence of the condition.

104.21 – Abatement by town; cost

(A) Upon receipt by the town commission of notification from the town manager of the existence of conditions described in subsection 104.20(A), the commission shall, by resolution, direct the clearing of the trees and shrubs and assess a lien on behalf of the town against the land for the costs herein described. A certified copy of the resolution shall be mailed to the owner of record by certified mail, return receipt requested, together with a notice that the owner shall have not more than 20 days from

receipt of the resolution to file written objections as to the reasonableness of the assessed costs with the town commission.

(B) Thereafter the commission shall hear and determine the validity of the objections. Upon determining the invalidity of all objections, or failure to file objection within 20 days, a notice of lien in a form the commission shall determine shall be filed in the office of the clerk of the circuit court in which the lot or parcel of land is situated and recorded as other liens are recorded, and in the office of the town clerk. The costs of the lot clearing, removing of the trees and shrubs, and the necessary expenses for preparation of the assessment lien, filing and recording the lien, and legal expenses, if any, incident thereto, shall be assessed against the land and shall be collected by the finance director on November 1 next succeeding the date of filing of the lien, and if not collected shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection thereof may be enforced. On the date of filing of the lien as aforesaid, the town commissioners shall also file a copy of the lien with the tax collector of the county in which the lot or parcel is situated.

104.22. FIRE SAFETY REQUIREMENTS

A. Scope. The provisions of the Florida Fire Prevention Code, as adopted by the Florida State Fire Marshal's Office, 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.

B. Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with the Florida Fire Prevention Code. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of the Florida Fire Prevention Code.

SECTION 4. Chapter 96, Sections 96.01, 96.02, 96.03, 96.04, 96.10, 96.11, 96.12, 96.13, and 96.14 are eliminated in their entirety as shown below and incorporated into the new Chapter 104 as reflected above.

~~96.01 – Responsibility of property owners.~~

~~For the purpose of promoting the health, safety and welfare of the people of the town, every owner of a lot or parcel of land lying within 50 feet of any dwelling, house, or place of business, or vacant land which has been previously mowed located in a residential area is required to keep the land cleared of all underbrush and debris; weeds or grass in excess of 12 inches in height from the ground; noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes and vermin of all kinds and character; or noxious material which tends to create a fire hazard and endanger the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition.~~

~~96.02 – Failure to maintain deemed public nuisance; notice to abate.~~

~~(A)~~

~~(1) Vacant land within a residential area that has been previously mowed or that portion of every lot or parcel of land lying within 50 feet of any dwelling, house, or place of business on which are located underbrush and debris, or weeds or grass in excess of 12 inches in height from the ground, or noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes and vermin of all kinds and character, or which tends to create a fire hazard and endanger the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition, is hereby determined to be detrimental to the health, safety, and welfare of the citizens of the town and further, is hereby determined to be a public nuisance and is prohibited.~~

~~(2) Every lot or parcel of land in whole or in part which has been denuded, stripped or otherwise had vegetation upon it removed, or fill placed upon such lot or portion thereof, and which causes the lot or portion thereof to be without vegetation resulting in dust or erosion is hereby determined to be detrimental to the health, safety and welfare of the citizens of the town, a public nuisance and is prohibited.~~

~~96.03 – Correction of violations by town.~~

~~(A) Upon a finding by the code enforcement board that the property owner has failed to maintain his property pursuant to sections 96.01 and 96.02, the code enforcement board may, in addition to imposing a lien as described by law, request the town manager to clear the land, plant the vegetation, or take any other reasonable action to afford a means to eliminate the nuisance as found by the code enforcement board.~~

~~(B) The town manager may direct the clearing of the land, planting of the vegetation or other reasonable means to eliminate the nuisance and assess a lien on behalf of the town against the land for 125 percent of the costs as described herein. The town manager shall give written notice to the owner of record of the land by certified mail, return receipt requested, at its address as shown on the most recent county tax roll, notifying the owner of the condition and demanding that the condition be abated within seven days from the date of receipt of the notice, or the town will enter the property and correct the abatement at the expense of the property owner as described herein. Alternatively, the town manager may cause the property to be posted with a notice notifying the owner of the condition and demanding that the condition be abated or the town will correct and charge same within seven days of the date of posting.~~

~~(C) If the property owner objects or disputes the actions required by the town manager's notice sent pursuant to subsection (B) above, the property owner shall file a written objection within seven days from the date of receipt of the notice. The objection shall set forth with specificity the nature of the objection or dispute. As soon thereafter as practicable, the town commission shall hear and determine the validity of the objection or dispute. The town commission may uphold the actions taken by the town manager, modify the actions to be taken, or dismiss the actions, based upon the evidence presented at the hearing.~~

~~(D) After corrective action is taken by the town, a copy of the proposed assessment of lien shall be mailed to the property owner of record by certified mail, return receipt requested, together with a notice that the owner shall have not more than 20 days from receipt of the proposed assessment of lien to pay same. If an objection is filed within the 20-day period, the town commission shall hear and determine the validity of the objection.~~

~~(E) Upon failure to file an objection within 20 days, or failure to pay the amount of the proposed assessment, a notice of lien shall be filed in the office of the clerk of circuit court in which the lot or parcel of land is situated and recorded as other liens are recorded, and in the office of the town clerk. The costs of the lot clearing, cleaning, or removing of debris, and the necessary expenses for preparation of the assessment lien, filing, and recording the lien, together with legal expenses, if any, incident thereto shall be assessed against the land and shall be collected in the manner prescribed by law.~~

~~(F) The procedure for correction of a violation as described in this section shall not be deemed exclusive. The lien assessed by the town and the actions taken by the town may be concurrent to those taken by the code enforcement board.~~

~~96.04 – Mosquito breeding sites.~~

~~(A) It shall be unlawful for any person to create, keep, maintain, or permit a collection of water or debris in which mosquitoes may breed or multiply and the maintenance, creation, keeping, or permitting of the water or debris is hereby declared to be a public nuisance.~~

~~(B) Water in which live mosquito larvae are found shall be prima facie evidence of a violation of subsection (A) above.~~

~~(C) Responsibility for the enforcement of the provisions of subsection (A) above, within the boundaries of the town is hereby vested in the town manager. The town manager may request the assistance of and act through the mosquito control commission.~~

~~(D) When any person has been found guilty of a violation of subsection (A) above, and the violation continues for a period of five days after the conviction, the town manager may alleviate and cure the condition causing the nuisance and~~

~~the cost thereof shall be a lien on the property, enforceable in the same manner as tax liens in the town are enforceable.~~

~~96.10 – Policy.~~

~~The town commissioners find and declare that there is a general need in the town for the measures provided by this subchapter and that this subchapter is enacted in the exercise of the police power for the protection of the health, safety and welfare of the people of the town.~~

~~96.11 – Accumulation of brush prohibited.~~

~~(A) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning:~~

~~*"Brush."* All vegetation detached from the land resulting from land-clearing operations or other causes.~~

~~(B) All accumulations of brush, brush piles and containers, within the public right-of-ways or within five feet of the public right-of-ways, shall be removed or otherwise effaced from the public view within 48 hours of the start of accumulation thereof. Upon application, the town manager may extend the time for accumulation upon satisfactory showing that the accumulation will be removed within a reasonable time.~~

~~96.12 – Duty to keep premises cleared.~~

~~(A) For the purpose of promoting the health, safety and welfare of the people of the town, every owner of a lot or parcel of land adjacent to a public street or road right-of-way, canal, or other navigable waterway, is required to keep the land cleared of all overgrowth of trees and shrubs which interfere with vehicular traffic or boat navigation, create a hazard to vehicular traffic or boat navigation and endanger the lives and property of the citizens of the town, or which tend to create a nuisance or other unsightly condition.~~

~~(B) Trees (including mangroves) may be trimmed only in accordance with the procedure described in § 98.09. If determined by the town manager or his designee that trimming of mangroves must be in excess of the limits allowed by chapter 98 or removal of mangroves is required, then a permit must be obtained from the appropriate state agencies and the town in accordance with subsections 98.09(A)(1), (3), (4).~~

~~96.13 – Failure to clear deemed public nuisance; notice to abate.~~

~~(A) That portion of every lot or parcel of land adjacent to a street or public road right-of-way, canal, or other navigable waterway, which is located in an overgrowth of trees and shrubs which tend to interfere with vehicular traffic or~~

~~navigation of boats, or which tend to create a hazard and endanger the lives and property of the citizens of the town, or which tend to create a nuisance or unsightly condition, is hereby established to be a public nuisance.~~

~~(B) If the town manager or any other town official or agent designated by resolution by the town commission shall find any of the conditions described in subsection (A) above, to exist on any land within the incorporated areas of the town, the town manager shall give written notice to the owner of record of the land by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying the owner of the condition and demanding that the condition be abated within seven days from the date of receipt of the letter. Upon the failure of the property owner to comply within the time prescribed, the town manager shall notify the town commission of the existence of the condition.~~

96.14 – Abatement by town; cost.

~~(A) Upon receipt by the town commission of notification from the town manager of the existence of conditions described in subsection 96.13(A), the commission shall, by resolution, direct the clearing of the trees and shrubs and assess a lien on behalf of the town against the land for the costs herein described. A certified copy of the resolution shall be mailed to the owner of record by certified mail, return receipt requested, together with a notice that the owner shall have not more than 20 days from receipt of the resolution to file written objections as to the reasonableness of the assessed costs with the town commission.~~

~~(B) Thereafter the commission shall hear and determine the validity of the objections. Upon determining the invalidity of all objections, or failure to file objection within 20 days, a notice of lien in a form the commission shall determine shall be filed in the office of the clerk of the circuit court in which the lot or parcel of land is situated and recorded as other liens are recorded, and in the office of the town clerk. The costs of the lot clearing, removing of the trees and shrubs, and the necessary expenses for preparation of the assessment lien, filing and recording the lien, and legal expenses, if any, incident thereto, shall be assessed against the land and shall be collected by the finance director on November 1 next succeeding the date of filing of the lien, and if not collected shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection thereof may be enforced. On the date of filing of the lien as aforesaid, the town commissioners shall also file a copy of the lien with the tax collector of the county in which the lot or parcel is situated.~~

SECTION 5. Chapter 96, Sections 96.30 through 96.99 are hereby renumbered Sections 96.01 through 96.12.

SECTION 6. Chapter 150, Building Code, Section 150.21, is hereby renamed Procedure for ~~dangerous or unsanitary buildings~~ Unsafe Structures and Equipment, and is amended to read as follows:

150.21. PROCEDURE FOR UNSAFE STRUCTURES AND EQUIPMENT

General. When a structure or equipment is found by the Building 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.

A. 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.

B. Unsafe equipment. Unsafe equipment includes any boiler, heating/cooling 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.

C. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Building 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.

D. 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.

E. Dangerous structure or premises. For the purpose of this chapter, any structure or a premise that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the town as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes. Because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Code Official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

F. 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 Building 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.

1. Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Building Official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

2. Notice. Whenever the Building 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 150.20

3. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Building 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.

4. Placard removal. The Building 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.

G. Prohibited occupancy. Any occupied structure condemned and placarded by the Building Official shall be vacated as ordered by the Building Official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

H. Abatement methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. The Building Official shall cause a report to be

filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

I. EMERGENCY MEASURES

1. Imminent danger. When, in the opinion of the Building 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 building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building 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 Building 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.

2. Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Building 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.

3. Closing streets. When necessary for public safety, the Building 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.

4. Emergency repairs. For the purposes of this section, the Building Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

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

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 Town Commission, be afforded a hearing as described Section 150.22.

7. Demolition

a. The Building Official shall order the owner of any premises upon which is located any structure, which in the Building Official's judgment after review is so deteriorated or 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 board up and hold for future repair 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, the Building Official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official

b. Notices and orders. All notices and orders shall comply with Section 150.20.

c. Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Building 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.

d. Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement afore said 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.

~~(A) If any building, structure, or portion thereof, by reason of its use, abandonment, or dilapidated condition, becomes a fire hazard, unsanitary, or otherwise dangerous to health or human life, the Building Official, immediately upon learning the condition, shall forthwith give the owner, agent, or person in control of the building written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, or portion thereof.~~

~~(B) If necessary for the preservation of life, safety or health, the notice shall also require the building, structure, or portion thereof to be vacated forthwith and not~~

~~reoccupied until the specified repairs and improvements are completed, inspected, the approved by the Building Official. The Building Official shall cause to be posted at each entrance to the building a notice that the building is unsafe and that its use or occupancy has been prohibited. The notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove the notice without written permission of the Building Official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the building.~~

SECTION 7. Chapter 150, Building Code, Section 150.22, Procedure for buildings which are nuisances. of the Town of Longboat Key Code of Ordinances is amended to read as follows:

150.22 - Procedure for buildings which are nuisances.

General. All buildings or structures, as these terms are defined in the town's land development regulations or building code, and including docks, davits, seawalls and other marine structures, which have any or all of the following defects shall be deemed "dangerous structures:"

A. Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

a. Collapse of footing or foundation system;

b. Damage to footing, foundation, concrete or other structural element due to soil expansion;

c. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

d. Inadequate soil as determined by a geotechnical investigation;

e. Where the allowable bearing capacity of the soil is in doubt;
or

f. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

a. Deterioration;

b. Ultimate deformation;

c. Fractures;

d. Fissures;

e. Spalding;

f. Exposed reinforcement; or

g. Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

a. Deterioration;

b. Corrosion;

c. Elastic deformation;

d. Ultimate deformation;

e. Stress or strain cracks;

f. Joint fatigue; or

g. Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

a. Deterioration;

b. Ultimate deformation;

c. Fractures In masonry or mortar joints;

d. Fissures in masonry or mortar joints;

e. Spalding;

f. Exposed reinforcement; or

g. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

a. Deterioration;

b. Elastic deformation;

c. Ultimate deformation;

d. Metal fatigue; or

e. Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

a. Ultimate deformation;

b. Deterioration;

c. Damage from insects, rodents and other vermin;

d. Fire damage beyond charring;

e. Significant splits and checks;

f. Horizontal shear cracks;

g. Vertical shear cracks;

h. Inadequate support;

i. Detached, dislodged or failing connections;

j. Excessive cutting and notching.

Exceptions: When substantiated otherwise by an approved Method or demolition of unsafe conditions shall be permitted when approved by the Code Official.

B. Handrails and Guardrails. 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.

(1)

~~Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base.~~

(2)

~~Those which, exclusive of the foundation, show 33 percent or more, of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.~~

(3)

~~Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.~~

(4)

~~Those which have been damaged by fire, wind, water, wave activity, tides, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the town.~~

(5)

~~Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.~~

(6)

~~Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.~~

(7)

~~Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.~~

(8)

~~Those which have parts thereof which are so attached that they may fall and injure members of the public or property.~~

~~(9)~~

~~Those which, because of their condition, are likely to cause damage to abutting property or structures located thereon.~~

~~(10)~~

~~Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this town.~~

~~(11)~~

~~Those buildings existing in violation of any provision of the building code of this town, or any provision of the fire prevention code, or other ordinances of this town.~~

~~(B)~~

~~All "dangerous structures" within the terms of subsection (A) of this section are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided in this section.~~

(C) The following standards shall be followed in substance by the town manager or designee and the town commission in ordering repair, vacation or demolition:

(1) If the "dangerous structure" can reasonably be repaired so that it will no longer exist in violation of the terms of this section, it shall be ordered repaired.

(2) If the "dangerous structure" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupant it shall be ordered to be vacated.

(3) In any case where a "dangerous structure" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases where a "dangerous structure" is a fire hazard existing or erected in violation of the terms of this section or any section of this Code or statute of the State of Florida, it shall be demolished.

(D) It shall be the duty of the Building Official to regularly and frequently require examination of buildings and structures within the town to determine whether the buildings and structures constitute a public nuisance as provided in subsection (A) above. The Building Official shall make a detailed written report to the town commission which shall contain a detailed description of the examination and his opinion of whether the conditions found constitute the building or structure, or any part thereof, a public nuisance.

(E) At the next regular meeting of the town commission, or at the next special meeting called therefor, the commission shall consider the report of the Building Official. If the commission finds that the building or structure described therein may constitute a

public nuisance, the commission shall adopt a resolution setting a time, place, and date for a public hearing on whether or not the building or structure in fact is a public nuisance. The hearing shall not be held until notice thereof has been published at least once in a newspaper of general circulation in the town, at least seven days prior thereto. The town clerk shall also post a notice of the public hearing on the building or structure. The clerk shall send a copy of the notice of hearing, by registered mail, to the owner of the premises, on which the building or structure is located, as it appears on the most current town or county tax assessment roll.

(F) The public notice specified in subsection (E) above shall contain a description of the property on which the building or structure is located sufficient for identification. The notice to the owner shall also describe, in general terms, the condition of the building or structure that is alleged to constitute the building or structure a public nuisance. The public notice and notice to the owner shall also contain the time, date, and place that the public hearing will be held.

(G) At the public hearing, the town commission shall hear and read the full report of the town manager or designee and hear any other evidence as the commission may deem relevant. At the hearing, the owner shall be allowed to present testimony and evidence showing that the conditions do not constitute a nuisance. The owner of the premises may appear either in person or by attorney. After the owner has been heard, the commission may consider any other matters that in their discretion appear relevant to a determination hereof.

(H) At the conclusion of the public hearing, the town commission shall adopt a resolution declaring one or more of the following:

- (1) That the conditions alleged by the town manager or designee to exist in the building or structure do not exist.
- (2) That the conditions existing in the building or structure do not constitute a public nuisance.
- (3) That the conditions alleged by the town manager or designee to exist in the building or structure have been remedied and that the building or structure does not now constitute a public nuisance.
- (4) That the conditions existing in the building or structure constitute the building or structure a public nuisance, and it is hereby condemned.
- (5) Any other provisions that will appropriately decide and determine the issues.
- (6) A description of the conditions existing which constitute the building or structure a public nuisance, if any.
- (7) That upon the failure of the owner to correct and abate the conditions constituting the building or structure a public nuisance within a reasonable period of time, which shall be stated in the resolution and shall be not less than three days from the date thereof, the town will abate the conditions constituting the building or structure a public nuisance or by appropriate

pleadings, institute suit in a court having jurisdiction over the property for a mandatory injunction and any other relief as the town deems necessary and proper, or both.

(I) Upon the adoption of a resolution under subsection (H) above, the town clerk shall post a copy thereof on the structure and shall mail a copy thereof to the owner of the premises on which the building or structure is located, if the address of the owner is known to the town clerk.

(J) If the nuisance has not been abated before the period of time specified in the resolution has elapsed, the town shall take the action set forth therein and all funds expended in the abatement of the public nuisance, including all attorneys' fees, court costs and expenses, shall be a lien on the premises and superior to all other liens except other liens for special assessments. The liens may be enforced against the property by foreclosure as provided by law for foreclosure of tax liens or may be collected as otherwise provided by law.

SECTION 8 If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 9. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 10. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading this _____ day of _____, 2012.

Adopted on the second reading and public hearing this _____ day of _____, 2012.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk



Property Maintenance Code, Ordinance 2012-26

**November 12, 2012 Regular
Workshop Meeting**

Core Value of Town:

The Town shall support well-designed and well-maintained neighborhoods, communities, and commercial areas through the regulation and enforcement of landscaping and property maintenance codes for the beautification of the island and protection of property values.

The Town Commission asked staff to meet with the community to receive input on code enforcement issues that currently exist in the Town and develop ideas and possible solutions to protect our community and property values.

Staff had a community meeting in regards to code enforcement issues on January 24, 2012.

Public Outreach for January 24, 2012

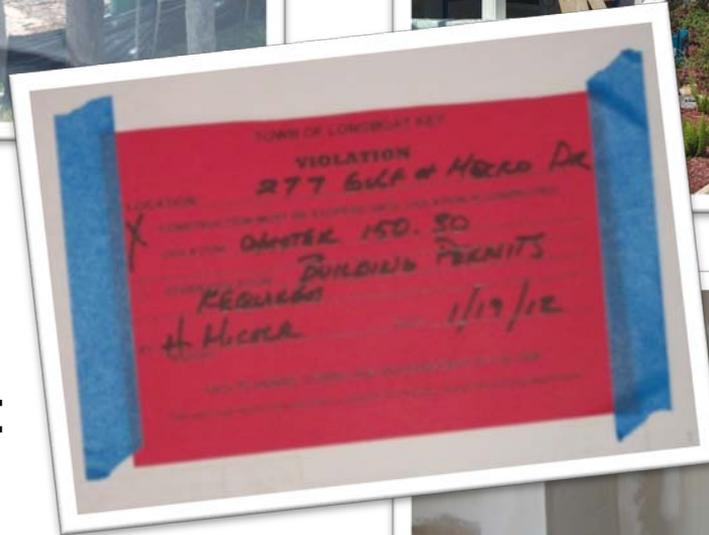
Meeting

- **2,900 notices send out in utility bills**
- **103 letters sent to HOA's**
- **Chamber of Commerce email blast**
- **Legal ads in both local papers**



Our Current Code Enforcement Program

Building Permit Violations



Violations related to:

- Working without a permit
- Revoked permits
- Job site maintenance
- Unlicensed contractor complaints



Sign Violations



Violations related to:

- Prohibited signs
- Open house violations
- Non-permitted signs
- Sign placement
- Too many signs at a connecting street



Chapter 96, Maintenance of Premises



Violation related to:

- Weeds and grass in excess of 12 inches
- Accumulation of brush

Vacant Lots



Vacant lots which have previously been mowed are required to be maintained at 12 inches or less.

Chapter 98, Trees



Violations related to:

- Removal without permit
- Planting under electrical facilities
- Over trimming of palms

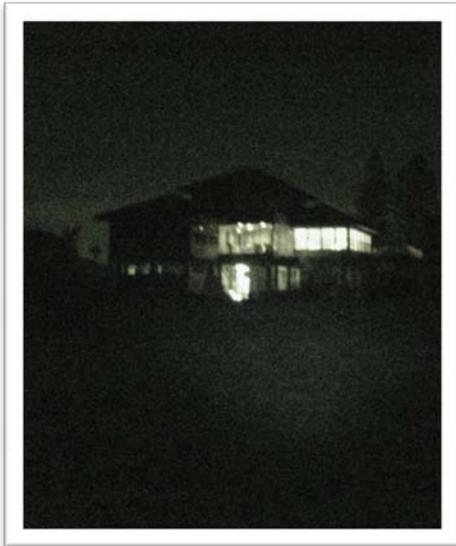
95.25, Junk Accumulation



Violations related to:

- Unregistered vehicles
- Trash accumulation
- Abandon equipment

Chapter 100, Sea Turtles



Abandoned Property



Procedure for items left on public property:

Chairs tagged with a 5 day notice

- After 5 days removed and stored
- Notice to claim posted for 90 days



Zoning Violation



Modifying non-open space coverage requires approval by Zoning Exception for driveways, pathways, and other surfaces.

Zoning Violation

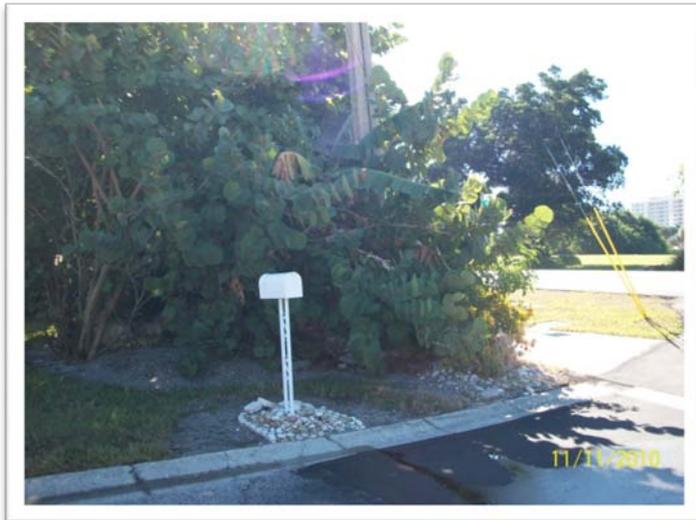
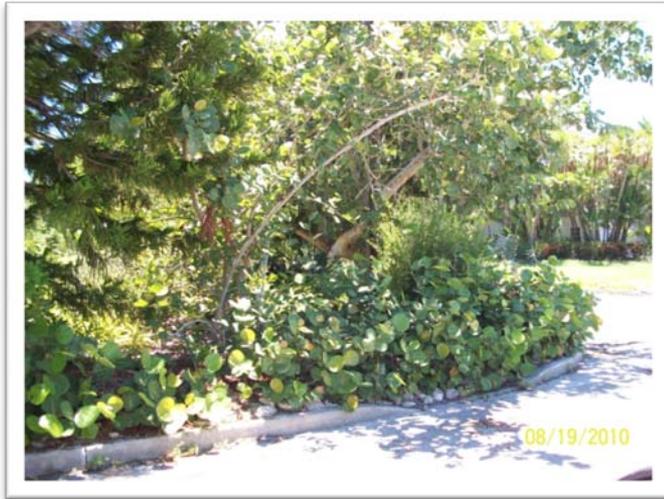


Installing fences requires approval by Zoning

Intersection Visibility

Before

After



158.127, Accessory Use



Vacant lot used for parking and storage.



Utilizing a vacant lot for parking is considered an illegal use.

130.08, Construction materials—Hurricane protection.



It shall be unlawful for any person to allow construction related materials to remain loose or otherwise unsecured at a construction site at the time a mandatory evacuation has been ordered for the town and continuing until the evacuation order has been lifted. The police department enforce this code.

Violations- 2005 thru 2011	2005	2006	2007	2008	2009	2010	2011
Building permit violation	207	189	189	279	106	68	114
Signs	141	168	173	92	187	279	265
Maintenance of premises	129	73	82	69	114	141	100
Trees	0	0	4	1	0	1	8
Junk Accumulation	13	9	12	3	5	19	13
Turtles	19	63	53	71	105	117	96
Misc.	21	35	42	24	29	19	29
Abandoned property-beach chairs	0	0	0	0	4	22	6
Zoning Code Regulations							
Driveways/fences/misc.	14	20	21	24	14	15	17
Rental complaints	2	3	5	1	1	5	11
Schedule use of regulations	0	1	3	3	3	3	3
Accessory use	0	1	1	0	2	8	8
Utilization of yards	2	4	3	1	11	20	11
Yard regulations	3	7	4	1	4	6	3
Walls, fences, hedges	10	9	0	1	0	8	1
Screening regulations	0	0	2	0	0	1	4
Intersection visibility	5	4	2	1	3	19	32
Home occupations	0	0	0	0	1	1	2
Outdoor dining	0	1	0	0	0	1	1
Structures over water	0	0	34	9	0	0	0
Totals	566	587	630	580	589	753	724
Cases taken to Code Enforcement Board	4	5	21	51	39	74	16
Number of cases Town cut grass	0	0	3	2	1	7	0



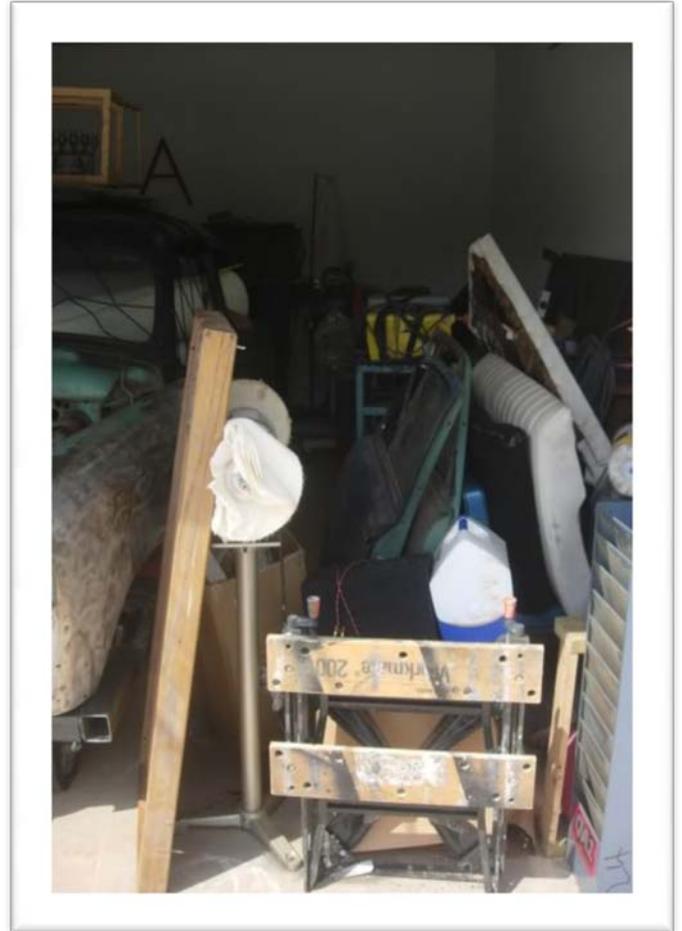
Current Code Enforcement Problems

Problems our community faces without a Minimum Property Maintenance Code

- Deterioration of structures
- Unsafe structures
- Neighborhood blight
- Neighborhood nuisances
- Decline of property values



Open Storage



carports and open garages would be regulated by our new code

Exterior Storage



These would be possible violations

Exterior Storage



The number or type of toys stored outside in plain view may be a violation

Exterior Storage



Storage not seen from the public way would not be a violation

Exterior Storage



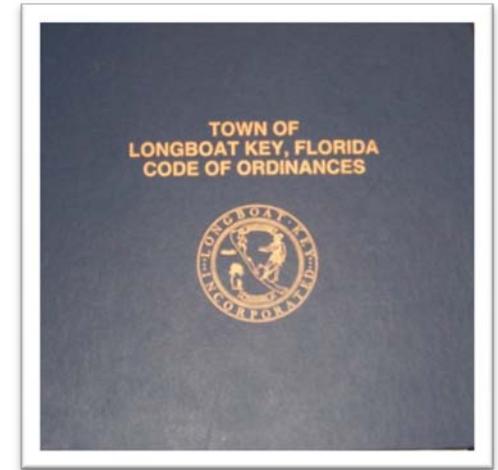
Storage of construction material with an active building permit would not be a violation

Unmaintained property



What has created the problem

- Property foreclosures
- Investment properties
- Vacant properties
- Lack of codes—Not a lack of enforcement



A look into the backyards of our neighborhoods...



- Unsanitary pools
- Torn screens
- Homes are deteriorating

A look into our backyards and our neighborhoods...



- Home repairs are ignored
- Homes are deteriorating
- Structures are failing



- Peeling paint
- Broken window
- Boarded up window
- Mold



- Structures are deteriorating without proper maintenance

Vacant Homes



One of the biggest problems currently creating blight to our community are the vacant homes that have been purchased by investors who are waiting to the right time to demolish or improve. Many of these homes sit vacant without water or electricity and with only the minimum property maintenance being applied—the grass is being cut.

Changes to the Town's Code will change our neighborhoods.



DEMOLISH

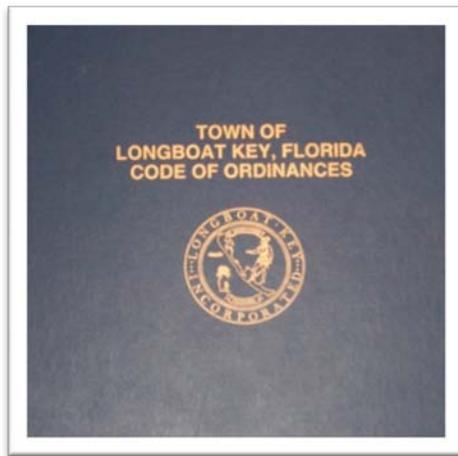


MAINTAIN

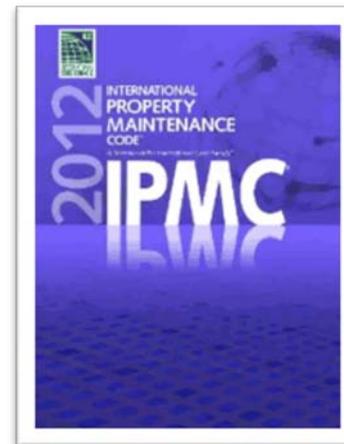
Property owners/investors would be required to make a decision to either maintain the structure to the Town's minimum standard or remove the structure.

The Question

As society has changed is it time to change our codes related to property maintenance?

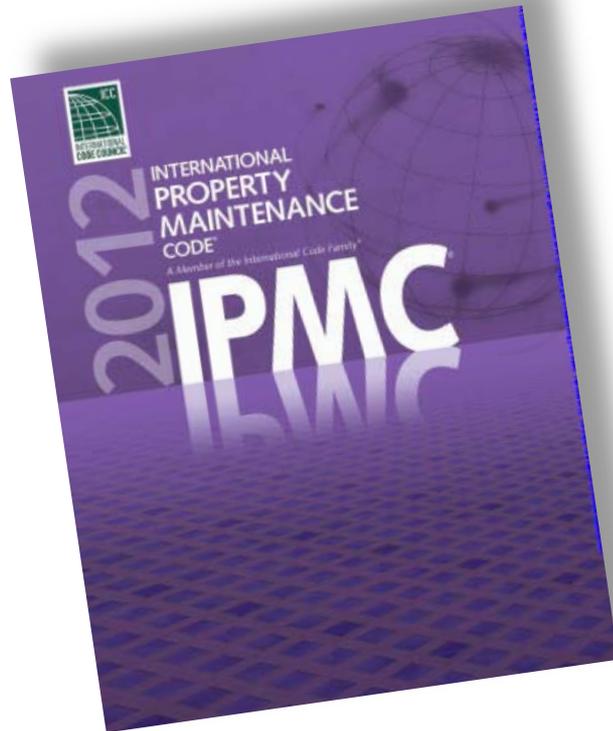


Town Code



IPMC

Possible solution through adoption of parts of the International Property Maintenance Code (IPCM)



What is the IPMC?

One of many codes developed by
The International Code Council
(ICC)



Founded by:

- Building Officials and Code Administrators International (BOCA)
- International Conference of Building Officials (ICBO)
- Southern Building Code Congress International (SBCCI)

Purpose: Establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare.

IPMC Chapter Breakdown

- Chapter 1 Scope/Application
- Chapter 2 Definitions
- Chapter 3 General Requirements
- Chapter 4 Light/Ventilation and Occupancy Limits
- Chapter 5 Plumbing Facilities
- Chapter 6 Mechanical/Electrical Requirements
- Chapter 7 Fire Safety

IPMC Chapter 3 Breakdown

- Section 301 General
- Section 302 Exterior Property Areas
- Section 303 Swimming Pools and Enclosures
- Section 304 Exterior Structure
- Section 305 Interior Structure
- Section 306 Component Serviceability
- Section 307 Handrails and Guardrails
- Section 308 Rubbish and Garbage
- Section 309 Pest Elimination

How can the IPMC help Longboat Key?



Swimming
Pools/Screen
Enclosures
IPMC Section 303
(Town Code 104.13)



Rodents
IPMC Section 309
(Town Code 104.17)



**Unsafe Structures
IPMC Section 304.1
(Town Code 150.21)**



Windows and Doors
IPMC Section 304.2
(Town Code 104.14)



Questions and Concerns

How will the Town enforce peeling paint and a crack in the stucco? My house has a crack near a window and the paint is peeling off the window sill --will I be getting a Notice of Code Violation? How is the Town going to determine if this property is in violation?

Possible factors to consider when determining a violation

- Is the property a vacant structure or an occupied dwelling
- Have we received complaints from the community on this property
- Is the condition creating blight
- Can the crack be seen from the road
- Are there other visible signs of deterioration



Peeling Paint
IPMC Section 304.2
(Town Code 104.14)



Peeling paint, not a violation at this point



Mold
IPMC Section 304.2
(Town Code 104.14)



Mold, not a violation at
this point



Cracked Block/Stucco
IPMC Section 304
(Town Code 104.14)





Minor crack in wall, not a violation.

Seawall

IPMC Section 304
(Town Code 104.14)





Sunken area behind seawall, not a violation.

Does the enforcement process change???

- Doesn't change- Follow Florida Statute Chap. 162 and LBK Ordinance Chap. 33
- Cite violation and give adequate time to correct the issue.
- If not corrected, case goes before Code Enforcement Board (CEB) or Town Commission.
- Order is written by the CEB with a compliance date.
- If still not corrected, fine begins and runs until corrected.

How to adopt the IPMC

- Many communities adopt the whole code by reference
 - ex. Florida Building Code or National Electric Code (NEC).
- Adoption by Chapter or Section.
 - Requires restructuring of current codes and ordinances and the creation of new chapters and sub-sections.

The property maintenance issues on Longboat Key may be resolved by adopting parts of the IPMC, and by making a few additional adjustments to our current code.

At this point, our current Town Code does not have the necessary and desired property maintenance sections to address the conditions that are frequently complained about.

Adoption of Ordinance 2012-26

- Staff is proposing to adopt Chapter's 100, 200, 300 and a subsection of Chapter 700 of the IPMC by creating a new Chapter 104 *Property Maintenance Code* and amending sections in Chapter 150 *Buildings*.

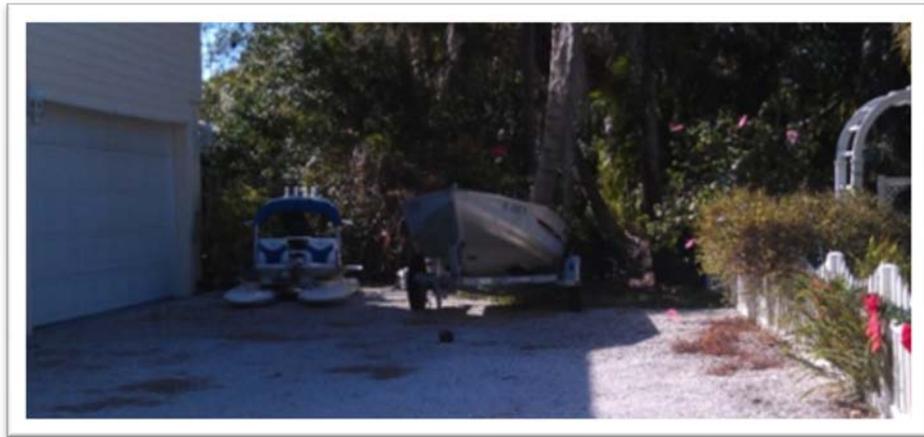


Other Property Maintenance Issues

Not currently addressed in the
Town Code

- 1) Boat parking
- 2) Storage trailers

Section 158.128 allows a registered boat, on a trailer with a current license plate, in any setback or yard (except waterfront yards) in an approved driveway.



Does the Town Code need more regulations for boat parking?
The Code for Holmes Beach states that only ONE recreational vehicle (boat, boat trailer , utility trailer, vehicle trailer...) in the front yard or driveway.

‘Storage’ trailers, pictured below, with current registration, are legally parked in an approved driveway or side yard.



The Town Code regulates ***‘travel’ trailers*** more strictly. 72.06 defines a travel trailer, in sum, as a structure intended for habitation. Travel trailers may be parked for no more than 5 days in any 30 day period, unless in a carport or garage.

Storage PODS are not regulated by our Town Code



The City of Holmes Beach regulates temporary storage units including PODS. They may be in the front yard for no more than 5 days.

Questions
and
Discussion?



End of Agenda Item