

## ORDINANCE 08 - 07

### ORDINANCE ADOPTING A NEW CODE TITLED "PROPERTY MAINTENANCE CODE" FOR THE CITY OF CAMPBELLSVILLE

Enacting a new code titled "PROPERTY MAINTENANCE CODE" which creates a new code of ordinances that provide minimum standards for the maintenance of all property within the City of Campbellsville that will be administered and enforced by the City of Campbellsville through designated code enforcement officers authorized to issue notices of violations and citations to the owner or occupants of the property in violation thereof; and further establishing a due process by which property owners are given notice and an opportunity to correct violations, or if contested, to appeal a citation issued to a three member board appointed by the Mayor, each member of which shall serve a three year term; and authorizing and directing said board to conduct an impartial hearing and render a decision with regard to any appeals brought before it; and further authorizing and directing the code official, and the code enforcement officer to impose fines, penalties, charges, and administrative fees, if a violation is established; and further providing that any judgment or decision of the board that may be appealed to Taylor District Court within seven (7) days of the boards decision. This ordinance also adopts by reference numerous sections of the 2006 International Property Maintenance Code, including any further amendments thereto, which provisions authorize code enforcement officers to cite and abate, if necessary, unsafe structures, junked vehicles and appliances, tall grass and weeds, fixtures, rubbish and other conditions or property deemed to be public nuisances.

**WHEREAS**, it is the intent of KRS 82.700 to 82.725, KRS 381.770 to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City of Campbellsville by authorizing the creation of an administrative Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the Property Maintenance ordinances enacted and in force within the City;

**WHEREAS**, the City Council of the City of Campbellsville desires to increase the population of the City by the redevelopment of blighted areas and elimination of nuisances through aggressive Code enforcement;

**WHEREAS**, the City Council of the City of Campbellsville desires to protect the existing housing inventory in the City through the adoption of ordinances, which promote and protect residential neighborhoods and reduce and or abate nuisance properties that tend to diminish neighboring property values and contribute to an increase in crime and loss of aesthetic value; and

**WHEREAS**, the City Council of the City of Campbellsville, Kentucky, deems it reasonable and necessary to exercise the authority granted to it in KRS 82.700 to 82.725 and KRS 381.770 and does hereby establish a new City of Campbellsville Property Maintenance Code with rights, regulations, authority and penalties set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMPBELLSVILLE, KENTUCKY, AS FOLLOWS:**

**SECTION 1. Title of Ordinance.** This Ordinance shall be known and may be cited as the “Property Maintenance Code Enforcement Ordinance.”

**SECTION 2. Definitions.** The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abandoned** shall mean property or any improvements thereon that is unoccupied, not in use, neglected, and/or not serviced by public utilities.

**Demolition** shall be defined as the act of demolishing or razing of a building, structure or part thereof to the ground level.

**Heat Supply Days** As used in Section 14 and the International Property Maintenance Code 602.3 & 602.4 of this Ordinance shall be the period from September 1st to May 30th.

**Offenses:**     **1<sup>st</sup> Offense** shall mean a citation issued on a specific parcel of property on one occasion within a twelve-month period.  
                  **2<sup>nd</sup> Offense** shall mean a citation issued on a specific parcel of property on two occasions within a twelve-month period.  
                  **3<sup>rd</sup> + Offense** shall mean a citation issued on a specific parcel of property on three or more occasions within a twelve-month period.

**Property Maintenance Code** shall include the “Nuisance Code” as that term is defined in KRS 82.700(3). It shall consist of all of the provisions set forth herein and any and all other ordinances hereafter adopted by the Mayor and City Council pursuant to KRS 82.700 et seq and/or KRS 387.770, as may be amended from time to time.

**Property Maintenance Code Enforcement Board** shall mean the administrative body created and acting under the authority of the **KRS 82.700** et seq, and **KRS 381.770**.

**Property Maintenance Code Enforcement Officer** shall mean and include all City citation officers and other positions authorized to enforce this Code,

**Public Nuisance** shall include, but is not limited to, the following:

- a) The physical condition or occupancy of any property regarded as a public nuisance at common law;

- b) Any physical condition or occupancy of any property or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, or swimming pools, shafts, basements, excavations and unsafe fences or structures;
- c) Any property that has unsanitary sewerage or plumbing facilities;
- d) Any property that is unsafe for human habitation;
- e) Any property that is in imminent danger of becoming a fire or other hazard, or is manifestly unsafe or unsecure, so as to pose an imminent threat or danger to life, limb or property;
- f) Any property from which the plumbing, electrical, heating or other facilities required by this Code have been removed or from which utilities have been disconnected, destroyed, removed or rendered ineffective or the required precautions against trespassers have not been provided;
- g) Any property that is unsanitary, littered with rubbish or garbage or has uncontrolled grass and weeds growing on it;
- h) Any residence, building, outbuilding or other structure that is in a state of dilapidation, disrepair, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, damaged by fire to the extent that it is uninhabitable, in danger of collapse or failure or dangerous to anyone on or near the property.
- I) Any residence, building, outbuilding or other structure that has been abandoned for a minimum continuous period of six (6) months, thereby creating an attractive nuisance to children and/or which tends to diminish the value of adjacent properties.

**Remedy** shall mean the action taken to abate any nuisance, in order to bring the property determined to be in violation, into compliance with the requirements of this Property Maintenance Code.

**Ventilation Days** As used in Section 14 and International Property Maintenance Code 304.14 of this Ordinance shall be the period from April 1st to October 31st.

**SECTION 3. Jurisdiction.** The Property Maintenance Code Enforcement Officer and Property Maintenance Code Enforcement Board shall have jurisdiction over and shall enforce this Property Maintenance Code and all other ordinances hereafter adopted which specifically provide for the enforcement by the Code Enforcement Officer(s) or Board, in the manner set forth herein.

**SECTION 4. Powers and Responsibilities of the Property Maintenance Code Enforcement Officer(s); Notice of Violation; Issuance of Citation and Procedure; Appeal process; Abatement of Nuisance; Right of Entry; Liability; Modifications.** The following provisions shall govern all enforcement powers, responsibilities and procedures administered by the Property Maintenance Code Enforcement Officer(s):

- a) **Notice of Violation:** Except as provided in subsection (b) below, if a Property Maintenance Code Enforcement Officer believes, based on the Officer's personal observation or investigation, that a person has violated the Property Maintenance Code, the Officer shall issue a Notice of Violation to the property owner, resident, tenant, occupant or other violator, allowing that person a specified and reasonable number of days to abate the violation. The violator may upon request, be allowed a reasonable extension of time to abate the violation without imposition of any charges, costs, penalties, and fees, in the sole discretion of the Property Maintenance Code Enforcement Officer. If the violator fails to abate the violation within the time prescribed therein, a new and separate Notice of Violation may be issued for subsequent and separate violations of the Property Maintenance Code. In the event that the resident, tenant, occupant or other violator is issued a Notice of Violation, the property owner of record will receive a copy of said notice.
  
- b) **Notice of Violation Procedure:** Notices of Violation issued by Code Enforcement Officer for violations of the Code shall contain the following information:
  - 1) The address, location or description of the property found to be in violation of the Code;
  - 2) The date and time of inspection;
  - 3) The name and address of the person to whom the Notice is issued;
  - 4) The date the Notice is issued;
  - 5) The facts constituting the offense;
  - 6) The section of the Code violated;
  - 7) The name of the Property Maintenance Code Enforcement Officer;
  - 8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if it is not abated in the manner required by the Property Maintenance Code Enforcement Officer;

- 9) The maximum fine that may be imposed under this ordinance for the violation in question;
  - 10) The procedure for the violator to follow in order to appeal the Notice;
  - 11) A statement that if the violator fails to appeal the citation or time to abate within the time allowed, the violator shall be deemed to have waived his or her right to a hearing before the Code Enforcement Board to appeal the Notice and the Code Enforcement Officers determination that the violation occurred shall be final;
  - 12) Notice that a lien may be filed against the property on which the violation occurred if it is not abated in the manner required by the Property Maintenance Code Enforcement Officer and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.
- c) **Type and Delivery of Notice:** The Notice of Violation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. It may be hand-delivered to the property owner, resident, tenant, occupant or other violator or may be served or sent by first class mail addressed to the last known property owner of record as listed in the Taylor County Property Valuation office. If the Notice cannot be delivered to the owner, resident, tenant, occupant or other violator in person or Notice sent by first class mail is returned by the US Postal Service because said Notice is undeliverable, marked return to sender or the owner has left no forwarding address Notice shall be given by placing it on the door of the most visible entrance to the property with dwellings or structures located thereon, or by posting a sign, at least 8 ½ inches by 11 inches in dimension in a conspicuous location on the property.
- d) **Issuance of Citation:** If the property owner, resident, tenant, occupant or other violator fails or refuses to abate the violation within the time and manner required by the Code Enforcement Officer, the Officer is authorized to issue a citation. The citation shall represent a determination by the Code Enforcement Officer that a violation has been committed and that determination shall be final unless it is appealed by the alleged violator to the Property Maintenance Code Enforcement Board in the manner prescribed herein.
- e) **Citation Procedure:** Citations issued by Code Enforcement Officer for violations of the Code shall contain the following information:
- 1) The address, location or description of the property found to be in violation of the Code;

- 2) The date and time of inspection;
  - 3) The name and address of the person to whom the citation is issued;
  - 4) The date the citation is issued;
  - 5) The facts constituting the offense;
  - 6) The section of the Code violated;
  - 7) The name of the Property Maintenance Code Enforcement Officer;
  - 8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if the citation is not appealed in the manner prescribed within this ordinance;
  - 9) The maximum fine that may be imposed under this ordinance for the violation in question;
  - 10) The procedure for the violator to follow in order to pay the fine or to appeal the citation;
  - 11) A statement that if the violator fails to pay the fine set forth in the citation or appeal the citation within the time allowed, the violator shall be deemed to have waived his/her right to a hearing before the Code Enforcement Board to appeal the citation and the Code Enforcement Officer's determination that the violation occurred shall be final; and
  - 12) Notice that a lien may be filed against the property on which the violation occurred and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.
- f) **Type and Delivery of Citation:** The Citation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. It shall be hand-delivered to the property owner, resident, tenant, occupant or other violator or may be served or sent by first class mail addressed to the last known property owner of record as listed in the Taylor County Property Valuation office. If the Notice cannot be delivered to the owner in person or Notice sent by first class mail is returned by the US Postal Service because said Notice is undeliverable, marked return to sender or the owner has left no forwarding address Notice shall be given by placing it on the door of the most visible entrance to the property with dwellings or structures located thereon, or by

posting a sign, at least 8 ½ inches by 11 inches in dimension in a conspicuous location on the property

- g) **Abatement of Nuisance:** If the violator does not appeal the citation within the time prescribed, the Code Enforcement Officer issuing the citation shall enter a final order finding and determining that the violation was committed and no appeal was timely filed. The Code Enforcement Officer may thereafter cause the nuisance to be abated by any and all means reasonable and necessary. A copy of the final order shall be served on the property owner, resident, tenant, occupant or other violator found to be in violation of this Code.
  
- h) **Emergency Abatement:** Nothing in this Section (g) above shall prohibit the City from taking immediate action to abate any violation of this ordinance without prior notice to the property owner, resident, tenant, or other occupant when an Enforcement Officer, upon inspection of the property has reason to believe that, in the absence of immediate remedial action, a violation will, within reasonable probability, cause irreparable or irreversible harm and/or property damage. **Immediately on the next business day after an emergency abatement by the Officer, the Officer shall immediately provide written notice to the Mayor of the emergency determination and the abatement action undertaken.**
  
- i.) **Right of Entry:** Enforcement Officer(s), and their duly authorized agents, assistants, employees, or contractors, after first having obtained the consent of the property owner, resident, tenant, or other occupant may enter upon private or public property to conduct inspections. If the property owner, resident, tenant, or other occupant does not give the Enforcement Officer(s) consent to enter upon and inspect the property, an on-site inspection of the property shall not occur until it is authorized by a court of competent jurisdiction.
  
- j) **Liability:** The Code Enforcement Officer(s), charged with the enforcement of this Ordinance, while acting within the course and scope of their duties under this Ordinance, shall not thereby be rendered liable personally and are hereby relieved from any and all personal liability for injury's and damage to persons or property. It is thus intended by this Ordinance that any suit instituted against any Code Enforcement Officer or employee because of a lawful act performed by that Officer or employee in the discharge of duties imposed under the provisions of this Ordinance be defended by the City's liability carrier until final adjudication of any proceedings.
  
- k) **Discretionary Modifications:** The Enforcement Officer shall have the discretion to modify a Notice of Violation, only before the issuance of a citation, provided the Officer shall first find that special circumstances that makes strict compliance with this Ordinance impractical and the modification is in compliance with the intent and purpose of this Ordinance. A modified notice shall constitute a "new" notice and shall be deemed to replace the original (voided) notice. The details of

actions granting modifications shall be recorded and entered in the Building and Codes Department files.

**SECTION 5. Appeal Process; Appeal of Notice of Violation; Appeal of Citation.**

The following details the appeal process:

- a) **Appeal of Notice of Violation:** Any property owner, resident, tenant, occupant or other violator served with a Notice of Violation or on whose property a Notice of Violation is posted, shall no later than ten (10) days after the issuance of the Notice of Violation or posting thereof on the property, may file an appeal in writing to City Hall, attention to the Mayor and the Building and Codes officer of the City of Campbellsville, Kentucky requesting a hearing before the Property Maintenance Code Enforcement Board to appeal said Notice of Violation. If the violator fails to appeal the citation within ten (10) days as provided herein, the person shall be deemed to have waived his/her right to a hearing before the Property Maintenance Code Enforcement Board and the Code Enforcement Officer's determination that a violation was committed, shall be considered final and enforceable.
  
- b.) **Appeal of Citation:** Upon receipt of a citation, the property owner, resident, tenant, occupant or other violator shall respond to it not later than ten (10) days following the issuance or posting on the property the Notice of Violation by either paying the fines, charges, costs, penalties and/or fees, including administrative fees assessed therein, or by filing an appeal in writing with the City of Campbellsville, Kentucky, in writing, requesting a hearing before the Property Maintenance Code Enforcement Board. Payment of assessed fines, charges, administrative fees and penalties shall not relieve the property owner, resident, tenant, occupant, or other violator from his or her obligation to bring the property on which the violation occurred into compliance with this Code within a reasonable time thereafter, as solely determined by the Property Maintenance Code Enforcement Officer.

**SECTION 6. Appointment of Members; Term of Office; Removal of Board**

**Members from Office; Liability.** There is hereby created pursuant to KRS 82.700 to KRS 82.725, a City of Campbellsville Property Maintenance Code Enforcement Board (hereafter the "Board"), which shall be composed of three (3) members.

- a) **Qualifications:** Members of the Board shall own property within the City for a period of at least one (1) year prior to appointment to the Board and shall maintain legal ownership interest in at least one (1) parcel of real property within the City throughout the term in office.
  
- b) Members shall be appointed by the Mayor of the City of Campbellsville with the approval of the Campbellsville City Council



- c) The initial appointments to the three (3) member Board shall be as follows: One (1) member shall be appointed to a one (1) year term. One (1) member appointed to a two (2) year term. One (1) member appointed to a three (3) year term. All subsequent Board appointments shall be for a term of three (3) years.
- d) If a vacancy on the Board occurs, the Mayor with approval of the City Council, shall within sixty (60) days of the vacancy, appoint a new member or members. If the vacancy is not filled within the prescribed time period, the City Council shall appoint a member to fill the vacancy.
- e) Members of the Board shall only be removed there from by the City Council for misconduct, inefficiency or willful neglect of duty. Prior to removal, the Mayor or member(s) of the City Council requesting same, shall submit in writing to the member in question and the Campbellsville City Council, the reasons for it.
- f) **Liability:** Members of the Board charged with the enforcement of this Ordinance, while acting on behalf of the City and within their official duties and capacity, shall not thereby be rendered liable personally, and are hereby relieved individually and collectively from all personal liability for any injury and or damages to persons or property as a result of the discharge of official duties imposed herein. Any suit instituted against any Board Member because of an act performed by that Board Member in the lawful discharge of duties and under the provisions of this Ordinance shall be defended by the legal representative of the City until the final determination of the proceedings.

#### **SECTION 7. General Powers of the Board.**

- a) The Board is authorized and directed to conduct evidentiary hearings, issue decisions and abatement orders and impose fines, charges, costs, penalties, and/or fees, including administrative fees in the final adjudication of appeals brought before it.
- b) To adopt any and all policies, rules and regulations, reasonably required to implement, administer and conduct its business and hearings brought before it.
- c) Authorize Enforcement Officer(s) to file liens against properties found to be in violation of the Code to secure the collection of fines, penalties, fees, charges and or cost, including administrative fees.

#### **SECTION 8. Organization of Board; Conduct of Meetings and Board Members; Quorum.**

- a) The Board shall annually elect a chairperson from among its members. The chairperson shall be the presiding officer and a full voting member of the Board.
- b) The Board shall hold regular monthly meetings on a date, and during times to be established by the Board. Regular and special meetings shall be scheduled and held in accordance with requirements of the Kentucky Open Meetings Act. Regular and special meetings may be cancelled if there are no appeals or other business to be considered by the Board.
- c) All meetings and hearings of the Board shall be held in accordance with the requirements of KRS 82.700 et seq., KRS 381.770 et seq, Roberts Rules of Order, the Kentucky Open Meetings Act, and the Kentucky Open Records Act and the City of Campbellsville Code of Ethics.
- d) For the purpose of conducting all business and hearings brought before it, two (2) Members of the Board, shall, if present, constitute a quorum.
- e) Minutes, records and/or transcripts of all proceedings and action taken shall be kept by the Board and the vote of each member on any issue decided by them shall be recorded therein.

**SECTION 9. Board Hearing; Notice; and Final Order.**

- a) When an appeal has been properly filed and a hearing has been requested, the Board shall convene for the purposes of conducting a hearing not later than sixty (60) days after the appeal has been filed with the City of Campbellsville. Otherwise the Board may convene for the purpose of conducting any other business brought before it or a majority of the membership of the Board.
- b) Not less than ten (10) days before any requested hearing, the Board shall notify the appellant of the date, time, and place of the hearing. Notice shall be given by certified mail, return receipt requested at his or her last known address; or by personal delivery.
- c) Any person requesting a hearing before the Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing on an appeal a notice of violation or citation and a determination that a violation was committed shall be entered and become final. The Board shall enter a final order confirming the violation and shall direct the nuisance to be abated and/or impose the fines, charges, costs, penalties, and/or fees, including administrative fees assessed in the citation. If the violator has not abated the nuisance conditions on the notice of violation or citation within the time provided, the City may promptly abate the nuisance and/or issues another violation which may be a new

and separate offence in accordance with section 4(a). A copy of the final order shall be served upon the violator/appellant.

- d) When a hearing is held under this section, the Board shall elicit testimony from witnesses and allow relative demonstrative evidence. All testimony shall be recorded by audio, video, or stenographic means. The Chairperson or any Board member shall have authority to administer the following oath. "Do you solemnly swear and affirm to tell the truth, the whole truth and nothing but the truth". Testimony shall be taken from the Property Maintenance Code Enforcement Officer, the alleged violator and any witnesses to the violation offered by the Property Maintenance Code Enforcement Officer or alleged violator and any witnesses with relevant personal knowledge of the violation or citation on appeal. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- e) In making its determination, the Board shall, based solely on the evidence, adduced during the hearing determine by a preponderance of the evidence whether or not a violation has been committed. If at the conclusion of the hearing, the Board determines that a violation has been committed, an order shall be issued upholding the notice of violation or citation and the Board shall authorize the Building and Codes Department to abate the nuisance condition on appeal and impose reasonable and necessary fines, charges, costs, penalties, and/or fees, including administrative fees imposed therein, or a combination of the forgoing remedies. Provided however, the final order of the Board shall provide the violator with reasonable time, not to exceed thirty (30) days, to abate the violation. If the violator does not abate in the manner required and within the time provided in the final order, another Notice of Violation may be issued in accordance with section 4(a), for another violation of the Property Maintenance Code.
- f) Findings of fact, conclusions of law and decisions of the Board shall be reduced to writing and signed and dated by the majority of the Board the date the order was entered. A copy of the Findings of Fact, conclusions of Law and decisions of the Board shall be furnished to the appellant named in the citation at his or her last known address.
- g) The Property Maintenance Code Enforcement Officer, may abate the violation in order to bring the property into compliance with the Property Maintenance Code if a final order upholding the citation is entered by the Board or any court of competent jurisdiction.

#### **SECTION 10. Appeal to District Court; Final Judgment.**

- a) An appeal from any judgment, decision, or determination of the Board shall be made to the Taylor County District Court within seven (7) days of the date of the Board’s judgment, decision or determination. The appeal shall be initiated by the filing of a complaint and a copy of the Board's final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.
- b) The action before the District Court shall be tried de novo and the burden shall be upon the City to establish that a violation occurred. If the court finds that a violation occurred, the property owner, resident, tenant, occupant or other violator shall be ordered to abate the violation and pay to the City all fines, charges, costs, penalties, and/or fees, including administrative fees occurring as of the date of the judgment. If the District Court finds a violation did not occur, the City shall be ordered to dismiss the Notice of Violation or Citation and the Plaintiff /Appellant shall be authorized to recover his court costs (filing fees, not attorney fees). If the property owner, resident, tenant, occupant or other violator does not abate the violation in the time provided, another Notice of Violation may be issued in accordance with section 4(a), for each subsequent and separate violation of the Property Maintenance Code.
- c) If no appeal from a final judgment, decision or order of the Board is filed within the time period set in subsection (a) above, the Board's order shall be deemed final and enforceable for all purposes provided herein.

**SECTION 11. Citation Fine Schedule.** Citations issued by the Property Maintenance Enforcement Officer that are not appealed or which are upheld by the Board or any court of proper jurisdiction, shall be subject to the following schedule of civil penalties for each violation:

| <u>Violation</u> | <u>1st Offense</u> | <u>2nd Offense</u> | <u>3<sup>rd</sup> + Offense</u> |
|------------------|--------------------|--------------------|---------------------------------|
| All Violations   | \$100              | \$250              | \$500                           |

**SECTION 12. Lien; Charges, Costs, Penalties, and Fees, including Administrative Fees.**

- a) The City shall have a lien against any property or properties finally determined by the Code Enforcement Officer, the Board or court of competent jurisdiction to be in violation of the Property Maintenance Code to secure the payment and recovery of the reasonable value of labor and materials used to abate the nuisance violation, including fines, charges, costs, penalties, and/or fees, including administrative fees authorized in KRS 82.720. The lien shall be superior to and have priority over, all other subsequent liens on the property except state, county, school board and city taxes and prior perfected secured interest (i.e., mortgage, etc.).

- b) The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest, at the rate of twelve (12) percent per annum thereafter, until paid.
- c) In addition to the remedy prescribed in subsection (a), the person found to have committed the violation shall be personally responsible for the amount of all fines, charges, costs, penalties, and/or fees, including administrative fees assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the Property Maintenance Code. The City may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt

**SECTION 13. Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a Notice of Violation, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit of structure to another until the requirements list in the 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 Notice of Violation issued by the Property Maintenance Code Enforcement Officer and shall furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making the necessary corrections and repairs required by such Notice of Violation.

**SECTION 14. Property Maintenance Code.**

- a) **Provisions of the current International Property Maintenance Code Adopted by Reference Herein.** The City of Campbellsville, Kentucky, hereby adopts, enacts and incorporates by reference, as if fully set forth herein, in their entirety, sections:

- 108 Unsafe Structures and Equipment
- 201 General
- 202 General Definitions
- 301 General
- 302 Exterior Property Areas
- 303 Swimming Pools, Spas and Hot Tubs
- 304 Exterior Structure
- 305 Interior Structure
- 306 Handrails and Guardrails
- 308 Extermination
- 401 General
- 402 Light
- 403 Ventilation
- 404 Occupancy limitations
- 501 General

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|-----|--|
| 502 | <b>Required Facilities</b>                   |
| 503 | <b>Toilet Rooms</b>                          |
| 504 | <b>Plumbing Systems and Fixtures</b>         |
| 505 | <b>Water System</b>                          |
| 506 | <b>Sanitary Drainage System</b>              |
| 507 | <b>Storm Drainage</b>                        |
| 601 | <b>General</b>                               |
| 602 | <b>Heating Facilities</b>                    |
| 603 | <b>Mechanical Equipment</b>                  |
| 604 | <b>Electrical Facilities</b>                 |
| 605 | <b>Electrical Equipment</b>                  |
| 606 | <b>Elevators, Escalators and Dumbwaiters</b> |
| 607 | <b>Duct Systems</b>                          |
| 701 | <b>General</b>                               |
| 702 | <b>Means of Egress</b>                       |
| 703 | <b>Fire-Resistance Ratings</b>               |
| 704 | <b>Fire Protection Systems</b>               |

of the "2006 International Property Maintenance Code" as published by the International Code Council, Inc., as same may be amended from time to time hereafter. Violations of the provisions therein shall be deemed a nuisance enforceable by any and all provisions of this Ordinance.

- b) **Unsafe Structure: Imminent danger.** Pursuant to the notice and citation provisions of this Ordinance, when, in the opinion of the Property Maintenance Code Enforcement Officer, 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 danger to the building occupants or those in proximity of any structure because of explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Enforcement Officer is hereby authorized and empowered to order and require occupants to vacate the premises forthwith. The Enforcement Officer 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 Property Maintenance Code Enforcement Officer." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making repairs, removing the hazardous condition or of demolishing the same.
- c) **Temporary Safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the Property Maintenance Code Enforcement Officer, there is imminent danger due to an unsafe condition as set forth in b) above of this section, the Enforcement Officer 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 Enforcement Officer deems necessary to meet such emergency.

- d) **Closing Streets.** When necessary for public safety, the Property Maintenance Code Enforcement Officer 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 same from being utilized.
- e) **Emergency Repairs.** For the purpose of this section, the Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Cost incurred in the performance of emergency work shall be paid by the jurisdiction (City). The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is located for the recovery of such costs.
- f) **Demolition General.** Pursuant to notice and citation provisions herein, the Property Maintenance Code Enforcement Officer shall order the owner of any premises upon which is located any structure, which in the Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
- g) **Junked Motor Vehicles and Appliances.**
  - 1) **Definitions for Junked Motor Vehicles and Appliances.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
    - (a) **Junked Appliances** Shall mean any unit, or part thereof, of machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, objects of art, and the like, the condition of which upon inspection, are found to be in one or more of the following conditions:
      - (1) Wrecked;
      - (2) Dismantled;
      - (3) Partially dismantled;

- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded;

(b) **Junked motor vehicles** Shall mean any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power that if operational, would be used for transportation of persons or property on public streets and highways, which upon inspection, are found to be in one or more of the following conditions:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded;

2) **Declaration Junked Motor Vehicles and Appliances; exceptions.**

(a) The presence of any junked motor vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle or appliance on the real property of another or to suffer, permit or allow a junked motor vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:

- (1) Any motor vehicle or appliance in an enclosed building;
- (2) Any motor vehicle or appliance on the property of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
- (3) Any motor vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of motor vehicles or appliances in conformance with the Zoning Code of the City.



- 3) **Liability for damages to removed vehicle.** Neither the owner or occupant of the property from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the City, or its agents, shall be liable for any loss or damage to the junked motor vehicle while being removed or as a result of any subsequent sale or other disposition.
- 4) **Compliance by removal of vehicle.** The removal of a junked motor vehicle from the property within the number of days required in the Notice of Violation issued by the Property Maintenance Enforcement Officer, shall be deemed to be in compliance with the provisions of this article and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the property.
- 5) **Right of entry.** In the enforcement of this Ordinance, a Property Maintenance Code Enforcement Officer, and his duly authorized agents, assistants, employees, or contractors with the prior consent of the owner, tenant or occupant, or by order of a court of competent jurisdiction may enter upon private or public property to examine a junked motor vehicle or appliance, or obtain information as to the identity of a junked motor vehicle or appliance and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to this Ordinance.
- 6) **Article supplemental to other regulations.**
  - (a) The provisions of this Ordinance are supplemental and in addition to all other regulatory Codes, statutes and ordinances heretofore enacted by the City, state or any other legal entity or agency having jurisdiction.
  - (b) The provisions of this Ordinance shall be deemed cumulative of the provisions and regulations contained in the Code of Ordinances, City of Campbellsville, Kentucky, save and except that, where the provisions of this Ordinance and the sections hereunder are in conflict with the provisions elsewhere in this Code, then the provisions contained herein shall prevail. Any and all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- h) **Other Miscellaneous Nuisances.** It shall be unlawful for the owner, occupant or person having control or management of any real property within the City to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

- 1) **Accumulation of rubbish.** An accumulation on any property of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.
- 2) **Storage of explosives.** The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.
- 3) **Weeds and grass.** The excessive growth of weeds, grass, or other vegetation, except flowers or other ornamental vegetation, which are properly maintained. Unless otherwise provided, "excessive" shall mean growth to a height of twelve (12) inches or more.
- 4) **Open wells.** The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, **basement**, or vault situated upon private property in any open or unfenced lot or place.

**SECTION 15. Demolition Permit Required; Demolition Permit Fees; Double Fee; Demolition or Alteration of Common or Fire Wall; Liability insurance; Time Limit; Standards; Inspections;**

- a) **Demolition Permit Required;** It shall be unlawful to demolish any building, structure or part thereof without filing a written application for a Demolition Permit with the Building and Codes Department.
- b) **Demolition Permit Fees:** For the demolition of any building, structure or part thereof, the permit fee shall be:
  - 1) Fifty dollars (\$50.00) for all residential
  - 2) One hundred dollars (\$100.00) for any commercial and industrial structures.
- c) **Double Fee:** Where work for which a permit is required by this ordinance is started or proceeded with prior to obtaining the required permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this ordinance in the execution of the work nor from any other penalties prescribed herein.
- d) **Demolition or Alteration of Common or Fire Wall:** When demolition of any structure involves alterations to a common, party wall or a fire wall or fire

separation wall, the owner or contractor is (1) required to submit detailed plans to the building official detailing scope of work to correct any defects in the remaining wall(s) and (2) post a bond with the City of Campbellsville in an amount not less than twenty thousand dollars (\$20,000.00) to insure proper completion of the exposed, remaining wall to building code standards.

- e) **Liability insurance:** Proof of liability insurance is required to be submitted to the City of Campbellsville by the contractor prior to issuance of demolition permit for protection of adjoining properties and public right-of-way improvements
  
- f) **Time Limit:** The Property Maintenance Code Enforcement Officer may impose a time limit as an additional condition of a permit for completion of demolition work once such work shall have commenced, provided that for cause one (1) or more extensions of time, for periods not exceeding thirty (30) days each, may be allowed in writing by the Enforcement Officer.
  
- g) **Standards:** The following standards shall apply to demolition:
  - 1) Demolition work, having commenced, shall be pursued diligently and without unreasonable interruption with due regard to safety. It is the intent of this Ordinance to limit the existence of an unsafe condition or nuisance on the premises during the period of demolition operations.
  
  - 2) Any surface holes or irregularities, wells, septic tanks, basements, cellars, sidewalk vaults, or coal chutes remaining after demolition of any building or structure shall be filled with material as approved by the Enforcement Officer, and shall be graded in such manner that will provide effective surface drainage. Any surface irregularities resulting from the demolition process shall be leveled to match surrounding grade.
  
  - 3) All debris and accumulation of material resulting from demolition of any building or structure shall be removed from all premises
  
  - 4) All building sewers shall be effectively plugged with concrete at the property line, or as may be required by the Campbellsville Water and Sewer Dept.
  
- h) **Inspections:** The Property Maintenance Code Enforcement Officer shall make the following inspections upon notification from the permit holder or his agent:
  - 1) Initial inspection is to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or remain after demolition operations

- 2) Final inspection is to be made after all demolition work is completed.

**SECTION 16. Severability: Other Legal Authority.**

The provisions of this article are supplemental and in addition to all other federal and state regulatory codes and statutes, and ordinances adopted by the City of Campbellsville. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise declared invalid, the validity of the remaining sections, subsections, and clauses shall not be affected and shall remain in full force and effect.

**SECTION 17. Validity of Existing Liens Previously Filed.**

The adoption of this Ordinance by the Campbellsville City Council shall not constitute a release, satisfaction or discharge of any lien filed of record in the office of the Taylor County Clerk which affects the rights, title and interest of any parcel of real property cited for violation of the Property Maintenance Code in effect prior to the effective date of this Ordinance; it being hereby declared and established that such liens created hereunder shall remain in full force and effect until adjudicated or released.

**SECTION 18. Effective Date.**

This ordinance shall be effective upon adoption and publication in the manner required by law.

Sponsored by David Nunery, council member.

This Ordinance expressly supercedes all prior Ordinances which are directly or indirectly in conflict hereof.

This Ordinance was introduced and given a first reading at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2008; it received its second reading, passage and became effective at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
**BRENDA ALLEN, Mayor**

ATTEST:

\_\_\_\_\_  
**CARY COLVIN, City Clerk**

# INTERNATIONAL PROPERTY MAINTENANCE CODE & COMMENTARY

## ADOPTED SECTIONS

### SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

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

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

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

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

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

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

**108.5 Prohibited occupancy.** Any 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.

### SECTION 201 GENERAL

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

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

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

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

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

## **SECTION 202 GENERAL DEFINITIONS**

**APPROVED.** Approved by the code official.

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

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

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

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

**CONDEMN.** To adjudge unfit for occupancy.

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

**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.

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

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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

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

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

**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.

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

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

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

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

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.  
**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

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

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

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

**PUBLICWAY.** 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.

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

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

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

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

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

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

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

## **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 12 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 violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the 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 extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon 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 less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 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 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.

**304.2 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) high 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. A secure, nonleaking roof is necessary to keep a building properly maintained. Even small leaks can cause thousands of dollars in damage to insulation, plaster, studs and joists. Roof leaks usually occur along valley areas, around plumbing vents, chimneys, dormers and other penetrations through the roof. Water runoff should be diverted away from the structure to prevent damage to the foundation and other structural elements.

**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 April 1 to November 30, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every 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 and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**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 to which egress is to be made without the need for keys, special knowledge or effort and have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to 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 devices.

**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.

## **SECTION 305 INTERIOR STRUCTURE**

**305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, 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.

**305.2 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 HANDRAILS AND GUARDRAILS**

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

**Exception:** Guards shall not be required where exempted by the adopted building code.

## **SECTION 308 EXTERMINATION**

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

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

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

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

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

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

## SECTION 401 GENERAL

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

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

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

## SECTION 402 LIGHT

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

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). 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 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

**402.3 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## SECTION 403 VENTILATION

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

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

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

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

**Exception:**

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 in accordance with the manufacturer's instructions.

## 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 not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

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

**Exceptions:**

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

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

**404.4.1 Room area.** Every living room shall contain at least 120 sq. ft. and every bedroom shall contain at least 70 sq. ft.

**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.

4.4.1 through 404.4.5.

**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 waterheating 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.** The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

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

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

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

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

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

**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.

#### **[P] SECTION 502 REQUIRED FACILITIES**

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

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

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

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

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

#### **[P] SECTION 503 TOILET ROOMS**

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

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

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than 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.

**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.

#### **[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES**

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

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

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

#### **SECTION 505 WATER SYSTEM**

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

**[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 temperature of not less than 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.

#### [P] SECTION 506 SANITARY DRAINAGE SYSTEM

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

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

#### [P] SECTION 507 STORM DRAINAGE

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

#### 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 to provide space heating to meet the requirements of this section.

**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 unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at 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 September 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

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

**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 there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

#### **SECTION 604**

##### **ELECTRICAL FACILITIES**

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

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

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

#### **SECTION 605**

##### **ELECTRICAL EQUIPMENT**

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

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

**605.3 Luminaires** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

#### **SECTION 606**

##### **ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASTM 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; or the certificate shall be available for public inspection in the office of the building operator. The inspection and test shall be performed at not less than the periodical intervals listed in ASTM 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.

#### **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.

#### **[F] SECTION 702 MEANS OF EGRESS**

**702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

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

**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*.

**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.

#### **[F] SECTION 703 FIRE-RESISTANCE RATINGS**

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

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

#### **[F] SECTION 704 FIRE PROTECTION SYSTEMS**

**704.1 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 alltimes in accordance with the *International Fire Code*

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

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and 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*.

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

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

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.



**Exceptions:**

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes 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.