



PROPOSED AGENDA
REGULAR MEETING OF THE CHARLOTTE CITY COUNCIL
111 E. Lawrence Ave, Charlotte, MI 48813 (517) 543-2750
7:00 P.M. Monday, July 18, 2022

Interested persons can participate in-person or via Zoom
Connect to Zoom from your computer, tablet, or smartphone
Website: <https://us02web.zoom.us/j/86104570017>
One tap mobile: +16465588656,,86104570017#
Telephone: (312) 626-6799 Webinar ID: 861 0457 0017

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation – Chuck Jensen - West Carmel Church**
- 4. Pledge of Allegiance**
- 5. Approval of Minutes**
 - a. July 5, 2022 Regular Council Meeting
 - b. July 14, 2022 Council Workshop Meeting
- 6. Absence of Council Members**
- 7. Public Comment - Limit presentation to five (5) minutes**
- 8. Approval of Agenda**
- 9. Special Presentations**
 - a. Mayoral Proclamation 2022-02 honoring Chuck Jensen
- 10. Consent Agenda**
 - a. Approval of Claims and Expenditures totaling \$197,681.38
 - b. Police vehicle outfitting
 - c. Certify the Officer delegate to the 2022 MERS retirement conference
 - d. Approval of Mayoral appointments

11. Business Agenda

- a. First reading of Ordinance 2022-04, proposed amendment to Chapter 52, Article I Property Maintenance Code
- b. Discussion on road improvements and ARPA funds

12. Communications and Committee Reports

- a. City Attorney Report
- b. City Manager Report
- c. Councilmember Committee Reports

13. Public Comment

14. Mayor and Council Comments

15. Recess to Closed Session

- a. Pursuant to PA 267 of 1976, Section 15.268 (d), to consider the purchase of real property.

16. Reconvene Open Session

17. Adjourn

~Mary LaRocque, City Clerk

ADDRESSING THE CITY COUNCIL

Comments shall be made only during times set aside for that purpose.

Each citizen may speak for up to 5 minutes during each public hearing and comments period.

Comments made during public hearings shall be relevant to the subject of the public hearing.

Comments shall be made from the podium unless otherwise directed by the Mayor.

Comments shall be directed to the Mayor and Council members.

Speakers shall begin by stating their name and indicate if they are a resident or non-resident of the City.

Speakers shall refrain from using vulgarity, hate speech or "fighting words."

CITY OF CHARLOTTE COUNCIL PROCEEDINGS
111 E. Lawrence Ave., Charlotte, MI 48813 (517) 543-2750
Regular Council Meeting
July 05, 2022

CALL TO ORDER:

By Mayor Armitage on Tuesday July 05, 2022 7:00 p.m.

ROLL CALL:

Mayor Armitage, Council members Dyer, Rodriguez, and Van Langevelde and Chin. Weissenborn was absent. A quorum was met. Also in attendance were Attorney Hitch, City Manager LaPere, and City Clerk LaRocque.

City staff in the audience; Fire Chief Jordan; and Community Development Director Myrkle.

INVOCATION:

Dennis Weeks, Chester Gospel (replaced Jack Conklin)

PLEDGE OF ALLEGIANCE:

Led by Mayor Armitage

APPROVAL OF MINUTES:

June 20, 2022 Regular meeting minutes

Amend page 7 striking resident and replacing with property owner regarding Public Comments for Gail Higashino as requested by Chin and clarified by Van Langevelde.

Motion by Dyer, supported by Van Langevelde to approve the meeting minutes as amended. Carried; Yea 6; Nay 0; Absent 1.

EXCUSE ABSENT MEMBERS:

Motion by Van Langevelde supported by Dyer to excuse the absence of Mayor Pro-Tem Weissenborn. Carried; Yea 6; Nay 0; Absent 1.

PUBLIC COMMENT:

Heather, a resident (in regards to a conditional use permit they applied for) presented her reasons why they operate a home-based business. LaPere clarified that the hearing to consider their conditional use permit is scheduled for the September Planning Commission meeting.

Caleb Mason, a resident, having trouble finding the application for the board and commissions online as he is interested in applying for the Water Ad Hoc committee.

APPROVAL OF AGENDA:

Motion by Van Langevelde supported by Dyer to approve the agenda with amendments to move Consent Agenda items a and c to the Business Agenda and to clarify Business Agenda item c to make note there are two Resolutions to be voted on 2022-15a and 2022-15b. Carried; Yea 6; Nay 0; Absent 1.

CONSENT AGENDA:

- a. ~~Approval of Claims and Expenditures totaling \$255,663.62~~ MOVED TO BUSINESS (Chin)
- b. Mayoral appointment(s) Boards and Commissions
- c. ~~First reading of Ordinance 2022-02 Amendment to Chapter 82, Section 82-107 Principal Permitted Uses, (4) Home Occupations~~ MOVED TO BUSINESS (Van Langevelde/Dyer)
- d. Approve MDOT Contract No. 2022-0783 – Grant Reimbursement Request for the Acquisition of easements and the certifying statements
- e. 2202-16 Resolution authorizing signatories for MDOT contract No 2022-0783

Motion by Dyer to approve Consent Agenda items b, d, and e, supported by Duweck. Carried; Yea 6; Nay 0; Absent 1.

BUSINESS AGENDA:

- a. Approval of Claims and Expenditures totaling \$255,663.62

Discussions led to the consensus that the purchasing policy should be updated.

Motion by Dyer to approve the Claims and Expenditures supported by Duweck. Carried; Yea 6; Nay 0; Absent 1.

- b. 2022-02 Ordinance – 1st Reading. Amendment to Ch. 82, Sect. 82-107 Principal Permitted Uses, (4) Home Occupations

Motion by Dyer and supported by Duweck to approve Ordinance 2022-02 to be sent to the Planning Commission for a Public Hearing on August 9, 2022. Carried. Yea 6; Nay 0; Absent 1.

- c. Consider approval of police vehicle purchase request

Motion by Van Langevelde and supported by Dyer to approve police vehicle purchase. Carried. Yea 6; Nay 0; Absent 1.

- d. Consider approval of fire hose purchase request

Motion by Dyer to approve fire hose purchase and supported by Duweck for approval. Carried with the following vote; Yea 6; Nay 0; Absent 1.

- e. Charter Amendments

- i. 2022-15a Resolution to Rescind Prior Resolutions

Motion by Van Langevelde and supported by Dyer to approve Resolution 2022-15a. Carried by roll call vote. Yea 6; Nay 0; Absent 1.

- ii. 2022-15b Resolution to Propose Charter Amendments for Mayoral 4-year term.

Motion by Dyer and supported by Duweck to approve Resolution 2022-15b. Carried by roll call vote. Yea 6; Nay 0; Absent 1.

- f. Second reading and consider adoption of Ordinance 2022-01 Amendments to Sign Regulations

Motion by Dyer and supported by Van Langevelde to approve Ordinance 2022-01. Carried by roll call vote. Yea 4 (Van Langevelde, Duweck, Dyer, Chin); Nay 2 (Rodriguez, Armitage), Absent 1.

- g. First reading of Ordinance 2022-03 to amend Chapter 15 – Business - to add Section 15-76, Regulations for Medical Marihuana Caregiver Uses

Motion by Dyer and supported by Chin to approve Ordinance 2022-03 to proceed to a second reading and Public Hearing at the Council meeting on August 1, 2022. Carried by roll call vote. Yea 6; Nay 0; Absent 1.

COMMUNICATIONS AND COMMITTEE REPORTS:

- a. City Attorney report was received.
- b. City Manager report was received. Rave Alerts now being utilized to notify targeted subscribers that water bills have been mailed and instruction on how to follow up if the bill is not received; the State (Rep. Witwer) has granted Charlotte \$1 Million for fire trucks and equipment; pension liability grants and many other grant opportunities from State and Federal sources are to come and LaPere will be watching closely for those; State revenue sharing increased 6% this year and 5% for subsequent years; the 2nd ARPA grant fund has been received. Discussions on zoning for fencing will be

presented at the next Planning Commission meeting July 12th.

- c. Fire Activity Report – June, 2022; Chief Jordan clarified the meaning of “Incomplete, Reviewed and Complete” as noted in the fire report for Council member Chin
- d. Council member Committee Reports – no reports

PUBLIC COMMENTS:

John Fort, resident. Extended his thanks to all Council members for everything, Chin for his thoroughness. He then offered several opinions as follows; the Attorney and other staff should refrain from offering opinions that might influence Council; More (police) officers are needed, crime is up everywhere; Council should direct any and all questions to Manager LaPere, who should have all the answers during discussions; and the City should sell properties he feels are not being taken care of properly (tennis courts and the armory building).

Caleb Mason cautioned Council that they should not change the terms of office and agrees the purchasing policy is dated and the spending limit should be increased.

MAYOR AND COUNCIL COMMENTS:

Chin began by noting his tour of City facilities and made note of the actual usefulness of the armory to the City as it offers storage to sensitive equipment and records, it is used for certain trainings and, if sold, the city would then need to find another secure storage facility to replace it at significantly higher costs. He encourages residents to learn about the Headlee Amendment and it's affects on property taxes along with cost of goods and inflation, that not all (property tax) increases are attributable to the actions of City Council, the tax bill includes collections of tax for the schools, the county, the library and others. He will be reviewing contract, policies, etc., and suggested the partnership

with civic organizations for programs like “Adopt A Park” program as an example.

Armitage is looking to invite non-profits and the like in the Vision 2025 discussions in September.

Duweck is glad the Sign Ordinance was passed, as a previous Planning Commission member, he was part of the team that worked to update it.

Dyer thanked Bryan, Erin and the Planning Commission for all their work on the (Sign Ordinance) recognizing the Commission members are volunteers with no pay.

Rodriguez thanked the citizens for bringing items to the attention (of Council) and pledges to follow up on issues like the tennis courts, etc.

Van Langevelde quoted Abraham Lincoln “Freedom is not the right to do what we want, but what we ought” then praised resident Tina Curtis who cleaned up a mess she found at Bennet Park when visiting. Van Langevelde announced that the First Baptist Church has adopted Bennet Park and is planning a clean-up, including the tennis courts, on Saturday July 9th. She extended her thanks to Rep. Witwer for not forgetting Charlotte (in regards to the \$1 million grant for fire trucks) and to all the unseen heroes at the State who worked so diligently to pass this State budget which has apportioned funds for investing in the future of Michigan.

RECESS TO CLOSED SESSION:

At 9:25 p.m.

- a. Pursuant to PA 267 of 1976, Section 15.268 (c) for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement.

Motion by Van Langevelde and supported by Duweck to recess to closed session allowing for a 5 minute break before beginning at 9:30. Carried with the required 2/3 vote; Yea 6; Nay 0; Absent 1.

RECONVENE TO OPEN SESSION:

At 10:05 p.m.

- a. Resolution 2022-17 to approve the union contract with IAFF.

Motion by Dyer and supported by Duweck to approve Resolution 2022-17 IAFF union contract. Carried by roll call vote. Yea 6; Nay 0; Absent 1.

ADJOURN:

Motion by Dyer and supported by Van Langevelde to adjourn the meeting at 10:06 p.m. Carried; Yea 6; Nay 0; Absent 1

Mayor Michael Armitage

Mary LaRocque, City Clerk

CITY OF CHARLOTTE COUNCIL PROCEEDINGS
111 E. Lawrence Ave., Charlotte, MI 48813 (517) 543-2750
Workshop Meeting
July 14, 2022

CALL TO ORDER:

By Mayor Pro-Tem Weissenborn on Thursday July 14, 2022 at 7:01 p.m.

ROLL CALL:

Mayor Pro-Tem Weissenborn, Council members, Van Langevelde, Duweck, Chin and Dyer. Mayor Armitage and Council member Rodrigues were absent. Quorum was met. City staff in attendance were the City Manager LaPere, City Clerk LaRocque, and Public Works Director (PWD) Amy Gilson.

PLEDGE OF ALLEGIANCE

Led by Mayor Pro-Tem Weissenborn

APPROVE AGENDA:

Motion by Van Langevelde supported by Duweck to approve the agenda. Carried; Yea 5, Nay 0, Absent 2

EXCUSE ABSENT COUNCILMEMBERS:

Motion by Van Langevelde supported by Dyer to excuse Armitage and Rodriguez. Carried; Yea 5, Nay 0, Absent 2

PUBLIC COMMENT:

Ryan Tetloff, a candidate running for District Court Judge, introduced himself and gave a brief overview of his career and accomplishments.

DISCUSSION ITEMS:

a. Presentation and discussion of City Road Improvements
Council's objective was to gain knowledge about road improvement projects so they can make an informed decision

about appropriating the ARPA funds towards road improvements within the City. This is in response to the results of a recent ARPA fund allocation survey indicating the public is in favor of road improvements

Gilson presented her outline used to determine which roads to fix beginning with an overview of the total miles of roads within the city classified as major, local or gravel. The rating of the condition of roads as determined by PASER (Pavement Surface Evaluation and Rating System). Determining which "fix" is required, i.e., preventative maintenance, rehabilitation or reconstruction. The objectives, preservation strategy, funding and costs and a map of City roads as classified by the PASER System.

It was noted that our City roads are classified as 72% as poor, 19% as fair and 9% as good condition according to PASER ratings. Amy has estimated over \$86 million in funding is needed to reconstruct roads rated in poor condition.

Other reports provided an explanation of sources of revenues and restrictions of use thereof; the history of road construction from 1995 to present; a list of major and local streets targeted for rehabilitation and estimated costs thereof. Reconstruction projects planned for 2023 include Hall/Washington/McClure; Island Road and the Safe Routes to School project.

Amy suggested the ARPA funds be appropriated to the reconstruction project planned for Hall/Washington/McClure.

Council would like to add the discussion on ARPA funding for road improvements to the July 18 Council meeting agenda.

PUBLIC COMMENT:

No Comment

MAYOR AND COUNCIL COMMENTS:

Duweck – No comment

Van Langevelde – Big thank you to the participants in the Bennet Park clean-up held last Saturday July 9th. Tina Curtis is organizing another clean-up of Bennet Park.

Dyer – No comment

Chin – No comment

Weissenborn – Thanked Amy for her presentation. The August 9th Bennet Park clean-up will be at 10:00 a.m. please bring gloves and shovels as there will be sand and mulch to spread. She welcomed Josh Howe and Val Reisen who joined CARC.

ADJOURNMENT:

Motion by Van Langevelde supported by Dyer to adjourn the meeting at 9:16 p.m. Carried. Yea 5; Nay 0; Absent 2

Michael Armitage, Mayor

Mary LaRocque, City Clerk



MAYORAL PROCLAMATION

WHEREAS, Chuck Jenson has been recognized by, and the Mayor has received a request from, the Charlotte Fraternal Order of Eagles - Aerie #3552 to honor Chuck for his many years of service to the community; and

WHEREAS, Mr. Chuck Jenson is a 30 year lifetime member of the Charlotte Fraternal Order of Eagles; and

WHEREAS, Mr. Jenson has served 12 years as past Aerie President, 10 of which were consecutive; and

WHEREAS, Mr. Jenson is credited with raising well over 1 million dollars for Fraternal Order of Eagle and other local charities; and

WHEREAS, Mr. Jenson received the Charlotte Community Service Award in 2010; and

WHEREAS, Mr. Jenson presided as Grand Marshall for the 2007 Charlotte Frontier Days; and

WHEREAS, Mr. Jenson serves his community as pastor for West Carmel Congregational Church where he performs an average of 140 weddings and funerals every year in addition to all his other duties;

NOW, THEREFORE, I, Michael Armitage, Mayor of the City of Charlotte, Michigan do hereby call upon all Charlotte residents to recognize the contributions of Chuck Jenson for his many contributions to our community, as I proclaim the **10th day of July, 2022**, to be named as **CHUCK JENSON DAY** in the City of Charlotte, County of Eaton, State of Michigan.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Charlotte to be affixed this 5th day of July, 2022

Michael Armitage, Mayor

— THE CITY OF —
CHARLOTTE
— MICHIGAN —

Memo

To: Honorable Mayor Armitage, City Council
From: Mary LaRocque, City Clerk
Date: July 13, 2022
Re: Claims and Expenditures for Council approval on July 18, 2022

Background

Section 7.7(B) of the City Charter requires Council approval for the expenditure of city funds.

Recommendation

A report of claims is provided to council for review on the Wednesday preceding a council meeting at which the claims are approved. Questions about these claims should be directed to the Finance Director and answers resolved by the Friday preceding said council meeting. Claims and expenditures are budgeted items and or larger purchases pre-approved by council. While review is recommended, approval should not be hindered.

Financial Impacts

Insurance claims week of July 04, 2022	\$ 2,132.96
Insurance claims week of July 11, 2022	\$ 2,577.54
Payroll paid Friday July 15, 2022	\$ 101,147.29
Invoiced claims as of July 13, 2022	<u>\$ 91,823.59</u>
Total	<u>\$197,681.38</u>

Suggested Motion

City Council approves Claims and Expenditures in the amount of **\$197,681.38**

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Vendor Code	Vendor Name	Invoice	Description	Amount
01683	ACD.NET			
		81518-260	INTERNET & PHONE SERVICE CHARGES FOR JULY 2022	789.87
		91177-112	INTERNET & PHONE SERVICE CHARGES FOR JULY 2022	564.84
TOTAL FOR: ACD.NET				1,354.71
01764	AMAZON CAPITAL SERVICES			
		1FRR-7HXN-KYQP	COOLING FAN	287.10
		1H16-KXQ3-414P	COPY PAPER	208.14
		1K7Q-RYMX-6R3R	KROMAPOLIS WINDOW FILM	62.50
		1NMG-3KQV-MD3F	SIMPLEX-5021XSWL26D KABA 5000 SERIES CYLINDRIC	387.78
		1RJG-MLRK-3XK6	CREDIT MEMO FOR INVOICE# 1NWG-136Q-WPPG	9.95
		1XNG-1GHJ-X6WY	PANTS	48.00
TOTAL FOR: AMAZON CAPITAL SERVICES				1,003.47
01665	AMBS MESSAGE CENTER INC.			
		220610282	DEPARTMENT OF PUBLIC WORKS ANSWERING SERVICE-	118.00
TOTAL FOR: AMBS MESSAGE CENTER INC.				118.00
01915	APEX SEPTIC & EXCAVATING, INC.			
		1289	SERVICE FOR 121 PLEASANT ST	4,137.50
		1290	SERVICE 231 S OLIVER ST	2,724.70
TOTAL FOR: APEX SEPTIC & EXCAVATING, INC.				6,862.20
01655	APOLLO FIRE EQUIPMENT			
		108529	FIRE-DEX G2 GLOVES	247.90
TOTAL FOR: APOLLO FIRE EQUIPMENT				247.90
01635	AT&T LONG DISTANCE			
		JUNE 2022	INTERNET CITY HALL MAIN LINE	56.52
TOTAL FOR: AT&T LONG DISTANCE				56.52
01599	BELL EQUIPMENT			
		P07358	SCRAPER- DIRT SH WE3	155.02
TOTAL FOR: BELL EQUIPMENT				155.02
01555	BYRUM ACE HARDWARE			
		203708	ALKALINE BATTERIES	16.99
		203960	FASTENERS	7.35
		204043	FASTENERS	4.76
		204290	BATTERIES	26.98
		204310	FAUCET QUICK CONNECT	12.28
		204343	NATURESCAPE MULCH	27.18
		207275	POISON IVY TBRUS	32.99
TOTAL FOR: BYRUM ACE HARDWARE				128.53
01548	CANDY FORD, INC.			
		136938	WIRE ASSY	54.70
TOTAL FOR: CANDY FORD, INC.				54.70
00849	CAPITAL ASPHALT			
		4368	LVSP	908.81
		4386	5E-1	998.14
TOTAL FOR: CAPITAL ASPHALT				1,906.95

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Vendor Code	Vendor Name	Invoice	Description	Amount
01910	CGS, INC.	4840	OSHA COMPLIANCE TRAINING 05/24/2022 , MILEAGE	1,153.00
TOTAL FOR: CGS, INC.				1,153.00
01522	CHARLOTTE AIR SERVICES LLC	07.12.2022	JUNE 2022 FUEL FLOWAGE	146.22
		07.12.2022	HANGER MANAGEMENT FOR JUNE 2022	360.00
TOTAL FOR: CHARLOTTE AIR SERVICES LLC				506.22
01513	CHARLOTTE INSURANCE	367701	RENEWAL QUOTE CHARLOTTE VOLUNTEER FIRE DEPT	872.90
TOTAL FOR: CHARLOTTE INSURANCE				872.90
01512	CHARLOTTE LITHOGRAPH	501422	COMPOSITION/DESIGN OF BANNERS	15.00
TOTAL FOR: CHARLOTTE LITHOGRAPH				15.00
01476	CONTRACTORS CONNECTION	7166565	BLUE ,GREEN MARKING PAINT	441.60
TOTAL FOR: CONTRACTORS CONNECTION				441.60
01916	CORE TECHNOLOGY CORPORATION	CORMN0000637	TALON INCIDENT MGMNT, TIMS LEIN ACCESS MODULE,	6,393.00
TOTAL FOR: CORE TECHNOLOGY CORPORATION				6,393.00
01909	CORRIGAN ENVIRONMENTAL SOLUTIONS	0002611-IN	DUST CONTROL BRINE BULK	1,885.00
TOTAL FOR: CORRIGAN ENVIRONMENTAL SOLUTIONS				1,885.00
01416	DOMBOS SIGN & SAFETY	INV63501	CITY DECALS	51.20
TOTAL FOR: DOMBOS SIGN & SAFETY				51.20
01414	DORNBOS SIGN & SAFETY INC.	INV63645	CHARLOTTE FIRE DEPT, MULTI COLOR CFD LOGO	135.00
TOTAL FOR: DORNBOS SIGN & SAFETY INC.				135.00
01392	EATON CUSTOM SEWING	1341	EMBROIDERY CHIEF JORDAN	33.50
TOTAL FOR: EATON CUSTOM SEWING				33.50
01380	EDWARDS INDUSTRIAL SALES	3354558	OSS MOTOR REPAIR	926.67
		3355124	YASAKAWA CONTACTOR	276.56
		3355205	FHP BELT, SEALMASTER 4 BOLT FLANGE BEARING, FH	249.23
TOTAL FOR: EDWARDS INDUSTRIAL SALES				1,452.46
01372	ENCOMPASS, LLC	ENC1866-IN	COVERAGE PERIOD 07/01/2022 THRU 06/30/2023	2,000.00
TOTAL FOR: ENCOMPASS, LLC				2,000.00
00932	ERIC ROGERS LLC	28760	WEEKLY LAWN MOWING	1,603.00
TOTAL FOR: ERIC ROGERS LLC				1,603.00

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Vendor Code	Vendor Name	Invoice	Description	Amount
01365	ETNA SUPPLY			
		S104288729.001	MTR 1" I PERL 100 GAL	470.00
		S104566872.001	SENSUS ELECTRONIC REPAIR	725.00
		S104620859.001	SENSUS ANNUAL REPORT	3,000.00
TOTAL FOR: ETNA SUPPLY				4,195.00
00538	EXOTIC AUTOMATION & SUPPLY			
		I1308377	PARTS	1,176.74
TOTAL FOR: EXOTIC AUTOMATION & SUPPLY				1,176.74
01352	FCI AUTOMATION			
		00046973	METRIC MALE X FNPT	106.00
TOTAL FOR: FCI AUTOMATION				106.00
01322	GALE BRIGGS, INC.			
		81103	CONCRETE BLOCKS	260.00
TOTAL FOR: GALE BRIGGS, INC.				260.00
01297	H2O COMPLIANCE SERVICES INC			
		00008163	CROSS CONNECTION CONTROL PROGRAM JUNE1-30, 202	1,217.70
TOTAL FOR: H2O COMPLIANCE SERVICES INC				1,217.70
01287	HAMMOND FARMS SOUTH			
		5-101650	MULCH	230.00
		5-101652	BLACK MULCH	310.00
		5-700119-01	BARK, PLAYGROUND MULCH	460.00
TOTAL FOR: HAMMOND FARMS SOUTH				1,000.00
01756	HARMON AUTO GLASS			
		4280-778093	DOOR GREEN TINT	199.00
TOTAL FOR: HARMON AUTO GLASS				199.00
01438	HASSEL FREE FUELS			
		CFSI-7380	FUEL	1,640.55
		CFSI-7438	FUEL (FIRE)	1,263.94
TOTAL FOR: HASSEL FREE FUELS				2,904.49
01252	INDEPENDENT BANK			
		586705.13.2022	MAY 2022	2,780.20
TOTAL FOR: INDEPENDENT BANK				2,780.20
01250	INSTY PRINTS			
		92425	BUSINESS CARDS (JOSEPH CHINN)	67.50
TOTAL FOR: INSTY PRINTS				67.50
MISC	JAMES YEOMANS			
		06.27.2022	REFUND FOR CAMP FRANCES, NO LONGER NEEDS	70.00
TOTAL FOR: JAMES YEOMANS				70.00
01976	KENT COMMUNICATIONS			
		311842	SUMMER TAX BILL, POSTAGE	2,257.53
		312137	POSTAGE AND PUBLISHING UTILTY BILLS	819.36
TOTAL FOR: KENT COMMUNICATIONS				3,076.89

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Vendor Code	Vendor Name	Invoice	Description	Amount
00781	KNIGHT WATCH, INC.	INV031395	MONTHLY MONITORING CELLULAR	180.00
TOTAL FOR: KNIGHT WATCH, INC.				180.00
01173	LEA'S AUTO BODY	06.28.2022	REMOVE POLICE EQUIPMENT FROM MOTOR BIKE	600.00
		5650	OIL CHANGE FOR 2021 TAHOE	67.65
		56513	PROGRAM NEW KEYLESS ENTRY TRANSMITTER	114.73
		5683	REMOVE AND REPLACE LOW PRESSURE PUMP	511.97
TOTAL FOR: LEA'S AUTO BODY				1,294.35
01684	LEXISNEXIS RISK SOLUTIONS	1275544-20220630	JUNE 2022 COMMITMENT	150.00
TOTAL FOR: LEXISNEXIS RISK SOLUTIONS				150.00
01137	MCGINTY, HITCH, ET AL., P.C.	07.01.2022	ATTORNEY FEES JUNE 1-30, 2022	12,999.63
TOTAL FOR: MCGINTY, HITCH, ET AL., P.C.				12,999.63
01103	MICHIGAN ASSOC. OF MAYORS	07.13.2022	2022 MEMBERSHIP DUES-MICHAEL ARMITAGE	85.00
TOTAL FOR: MICHIGAN ASSOC. OF MAYORS				85.00
01082	MICHIGAN NETWORK CONSULTANTS	2022-23052	IT SERVICES	3,150.00
TOTAL FOR: MICHIGAN NETWORK CONSULTANTS				3,150.00
01078	MICHIGAN STATE POLICE	551-602502	SEX OFFENDERS REGISTRATION, ENDING SOR REGISTR	60.00
TOTAL FOR: MICHIGAN STATE POLICE				60.00
01075	MML	24808	WEBSITE CLASSIFIED ADS	102.84
TOTAL FOR: MML				102.84
01073	MML UNEMPLOYMENT COMP	06.30.2022	QUARTER ENDING 06.30.2022	20.21
TOTAL FOR: MML UNEMPLOYMENT COMP				20.21
01054	MOTION INDUSTRIES, INC.	MI06-00526075	PART	1,789.89
TOTAL FOR: MOTION INDUSTRIES, INC.				1,789.89
01009	O'LEARY PAINT CO	000505714	ACRYLIC WHITE, ACRYLIC YELLOW PAINT	2,457.00
TOTAL FOR: O'LEARY PAINT CO				2,457.00
00976	POLLY PRODUCTS LLC	156075	DELUX 6' BACK BENCH BLACK FRAME CEDAR BOARDS,	718.20
TOTAL FOR: POLLY PRODUCTS LLC				718.20
01810	PRINT MAKERS SERVICE INC.	2022-0213	COLOR POSTERS	59.90
TOTAL FOR: PRINT MAKERS SERVICE INC.				59.90

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INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF CHARLOTTE
INVOICE ENTRY DATES 06/30/2022 - 07/13/2022
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
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Vendor Code	Vendor Name	Invoice	Description	Amount
00183	PVS TECHNOLOGIES INC	313921	FERIC CHLORIDE SOLUTION DWG	6,117.26
TOTAL FOR: PVS TECHNOLOGIES INC				6,117.26
01030	QUADIANT FINANCE USA, INC.	07.12.2022	POSTAGE	309.08
TOTAL FOR: QUADIANT FINANCE USA, INC.				309.08
00935	ROCHESTER CREATIONS	3860	PRINTED SHIRTS	179.00
TOTAL FOR: ROCHESTER CREATIONS				179.00
00865	SPENCER MANUFACTURING INC	15717	PICK HEAD HANGER/POCKET KIT	326.30
		15938	2.5" GAUGE W/SPENCER LOGO, LED BACKLIGHT AND F	582.04
		15953	VALVE CABLE	58.01
TOTAL FOR: SPENCER MANUFACTURING INC				966.35
00852	ST. REGIS CULVERT INC.	117805	DBC VALLITE SERRATED BLADE	3,906.00
TOTAL FOR: ST. REGIS CULVERT INC.				3,906.00
00848	SUPERFLEET MASTERCARD PROG.	FB74906.01.2022	SUPERFLEET CARD ACTIVITY FROM JUNE 1, THRU JU	5,522.51
TOTAL FOR: SUPERFLEET MASTERCARD PROG.				5,522.51
01984	TARGET SOLUTIONS LEARNING	INV53174	VGS-GTEPMS-GUARDIAN TRACKING, ANNUALLY 07/12/	938.08
TOTAL FOR: TARGET SOLUTIONS LEARNING				938.08
01536	THE PARTS PLACE	233648	MI 20 WASH	30.54
		233898	COUPLER,PTEX THRD/SEAL TAPE	14.18
TOTAL FOR: THE PARTS PLACE				44.72
01466	TODD COTTER	07.12.2022	AIRPORT MANAGEMENT SERVICES FOR JUNE SERVICES	833.33
TOTAL FOR: TODD COTTER				833.33
00820	TRACE ANALYTICAL LABORATORIES	2070020	WATER QUALITY SAMPLES	89.25
TOTAL FOR: TRACE ANALYTICAL LABORATORIES				89.25
00808	TSC TRACTOR SUPPLY	509461	ZILLAREEL 3/8INX50FT RETRACT AIR HOSE	199.99
TOTAL FOR: TSC TRACTOR SUPPLY				199.99
00804	ULINE	150747674	11/16" HOG RING STAPLES	43.50
TOTAL FOR: ULINE				43.50
00791	USA BLUE BOOK	018635	ATC DIVERSIFIED SLA SERIES,HACH TNT + FLUORIDE	450.82
TOTAL FOR: USA BLUE BOOK				450.82

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INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF CHARLOTTE
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BANK CODE: POOL

Page: 6/6

Vendor Code	Vendor Name		Amount
	Invoice	Description	
01809	USA TODAY NETWORK		
	0004737572	BUDGET HEARING NOTICE, SPECIAL ASSESSMENT HEAR	136.00
TOTAL FOR: USA TODAY NETWORK			136.00
00777	WALDRON FUELS		
	4054	FUEL	1,562.07
TOTAL FOR: WALDRON FUELS			1,562.07
00774	WASTE MANAGEMENT-		
	8440295-1710-0	REFUSE PICKUP	1,916.67
TOTAL FOR: WASTE MANAGEMENT-			1,916.67
01983	WEX BANK		
	82171026	FUEL PURCHASE	58.54
TOTAL FOR: WEX BANK			58.54
TOTAL - ALL VENDORS			91,823.59
PAYMENT TYPE TOTAL			
Paper Check			88,986.87
EFT Transfer			2,836.72

COMMERCIAL CREDIT CARD STATEMENT MAY 2022

	DATE	VENDOR	DESCRIPTION	ACCOUNT #	AMOUNT
E LaPere	4/27/2022	SPEEDWAY	Fuel	101-230-000-731-000	\$ 57.81
	5/10/2022	ICMA Online		101-150-000-748-000	\$ 800.00
			Subtotal		\$ 857.81
A Gilson	4/15/2022	Michigan APWA		510-610-000-748-000	\$ 150.00
	4/15/2022	Michigan APWA		510-610-000-748-000	\$ 150.00
	5/4/2022	MICAMP		101-410-000-735-000	\$ 75.00
	4/15/2022	Boyne Mountain		510-640-000-748-000	\$ 95.46
	4/25/2022	Lowes		101-452-000-731-000	\$ 95.00
			Subtotal		\$ 565.46
T Fullerton	04/14/2022	Exotic Automation & Supplies		206-350-000-740-000	\$ 51.67
	4/19/2022	Pay Pal * Joe Mason		206-350-000-738-000	\$ 157.95
			Subtotal		\$ 209.62
P. Brentar	4/12/2022	Jimmy's Pub	dinner reimbursement	101-300-000-748-000	\$ 20.99
	4/18/2022	Shell		101-300-000-731-000	\$ 23.31
	4/15/2022	Smart sign		260-800-000-737-000	\$ 123.75
			Subtotal		\$ 168.05
M. Griffith	4/26/2022	Grand Traverse Resort	MWEA Annual Conference	510-610-000-748-000	\$ 184.00
	4/27/2022	MI Section AWWA	Cody Garrison - Training	510-631-000-748-000	\$ 130.00
	4/27/2022	MI Section AWWA	Brandon Youngs - Training	510-631-000-748-000	\$ 130.00
	5/4/2022	WEF Main	Matt Griffith - Annual Membership	510-610-000-735-000	\$ 220.00
	5/4/2022	WEF Main	Scott Perry - Annual Membership	510-610-000-735-000	\$ 220.00
	5/12/2022	Alfuses.Com	Electrical Supplies - WWTP	510-631-000-731-000	\$ 67.74
			Subtotal		\$ 951.74
J.Falk	4/20/2022	Batteries & Bulbs	Batteries	101-300-000-731-000	\$ 27.52
			Subtotal		\$ 27.52
			Total		\$2,780.20



Memo

To: Honorable Mayor Armitage; City Council
From: Paul Brentar, Chief of Police
Date: 07-09-2022
Re: Staff report on Police Vehicle Outfitting

Background

As you will recall, you recently approved the purchase of two new police vehicles at the July 5th, 2022 council meeting. In addition to purchasing these vehicles, new emergency equipment is also needed to outfit them properly to put them in to service. This includes items such as emergency lighting, sirens, cages, installation, etc. I have solicited bids from two local outfitters who perform this type of work and only one of them has given me a bid, Chrouch Communications out of Saranac with a bid of \$19,805.61 for both vehicles. We have used Chrouch many times to outfit our vehicles in the past and am I comfortable with their bid. They were the lowest bid last year when I received two bids and did perform the work to my satisfaction.

Recommendation

I am recommending that City Council approve the bid received from Chrouch Communications, in the amount of \$19,805.61, for the outfitting of two new police vehicles.

Financial Impacts

This purchase has been budgeted in FY 22-23 in the police department's budget.

Suggested Motion

City Council approves the bid from Chrouch Communications, in the amount of \$19,805.61, with funds available in Capital Outlay- Motor Vehicles, 101-300.000-863.000.



Memo

To: Honorable Mayor Armitage; City Council
From: Mary LaRocque, City Clerk
Date: July 13, 2022
Re: MERS 2022 Conference Delegate Appointment Approval

Background

The MERS (Michigan Employees' Retirement System) 2022 Conference will be held September 26-27, 2022 at the Grand Traverse Resort. The governing body of each participating municipality shall certify the names of (two) delegates to the annual meeting. The City has budgeted funds available for one delegate to attend the conference. By request, Matt Griffith has been chosen as the Officer delegate.

Recommendation

To approve and certify Matt Griffith as the Officer delegate.

Financial Impacts

The estimated costs for attending is \$800 and will be paid through budgeted funds in the Public Works Admin. Conference and Training account 101-410.000-748.000

Suggested Motion

Motion to approve and certify the appointment of Matt Griffith as Officer delegate to the MERS 2022 Annual Conference at Grand Traverse Resort held September 26-27, 2022.



Municipal Employees' Retirement System of Michigan
1134 Municipal Way • Lansing, MI 48917
800.767.MERS (6377) • Fax: 517.703.9707
www.mersofmich.com

2022 Officer and Employee Delegate Certification Form

MERS Annual Business Meeting | September 2022

Please print clearly • **Scan and attach this file when you register online** • Retain a copy for your records

IMPORTANT: If you are not electing/appointing delegates to vote during the MERS Annual Business Meeting, please **DO NOT** submit this form. A **delegate** is **NOT** confirmed to have voting rights until this form has been uploaded with their online registration.

The voting delegate representative must be a MERS member, defined as an **active employee on payroll** who is enrolled in either a MERS Defined Benefit Plan, Defined Contribution Plan or Hybrid Plan.

1. Officer (and alternate) delegate information

The officer delegate (or alternate) shall be a MERS member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative, executive, or judicial branch of government.

Officer Delegate name

Matt Griffith

Officer Alternate name

n/a

Officer delegate and alternate listed above were appointed to serve during the 2022 MERS Annual Business Meeting by official action of the governing body (or chief judge for a participating court) on July 18,, 2022.

2. Employee (and alternate) delegate information

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative, executive, or judicial branch of government.

Employee Delegate name

n/a

Employee Alternate name

n/a

Employee delegate and alternate listed above were elected to serve during the 2022 MERS Annual Business Meeting by secret ballot election conducted by an authorized officer on n/a, 2022.

3. Certification

NOTE: Certification should be signed by a member of the governing body or chief administrative officer, or the chief judge for a participating court. **An electronic signature is permissible.**

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for the employee delegate and alternate are true and correct.

Employer/municipality name*

City of Charlotte

Municipality number*

2301

Email address

clerk@charlottemi.org

Employer address

111 E. LAWRENCE AVE.

Employer city

CHARLOTTE

Employer state

MI

Employer zip code

48813

Printed name

MARY LAROCQUE

Title of authorized authority*

CITY CLERK

Authorized signature*

Date

JULY 19, 2022

* Required field

2

ways to
complete

1. You may complete it electronically (an electronic authorized signature is permissible), then save it and upload it when registering your delegate(s) – OR –
2. You may print it off and complete it, then scan and upload it to your computer for uploading when you register your delegate(s).



Memo

To: Honorable Mayor Armitage; City Council
From: Mary LaRocque, City Clerk
Date: July 18, 2022
Re: Staff report on Mayoral appointments to boards and commissions.

Background

In accordance with Section 4.4 (7) of the City Charter, the Mayor shall make appointments of members to the boards and commissions of the city which are authorized by law or direction of the Council.

Recommendation

It is recommended that Council approves the following Mayoral appointment(s);

NAME	BOARD/COMMISSION	EXPIRATION OF TERM
Rebecca Kendall	Compensation Committee	01/14/2027

Financial Impacts

No financial impact

Suggested Motion

Motion to approve the Mayoral appointment(s) as outlined herein to their respective board or commission for the term of expiration given.



Memo

To: Honorable Mayor Armitage; City Council

From: City Manager LaPere, MPAP

Date: July 15, 2022

Re: Staff report on proposed amendments to Chapter 52, Article I Property Maintenance Code

Background

The City utilizes the International Property Maintenance Code for base standards of property maintenance for residential and commercial properties within the city. This code is used by numerous Michigan municipalities as it contains well-established best practices and enforceable standards. These codes provide provisions to protect public health, safety, and welfare by ensuring buildings and structures are safe to use and occupy. Additionally, the code establishes enforcement and administrative standards to ensure equal protection and due process provisions are followed.

This code is updated periodically by the International Code Council to ensure it is current on new case law, changes in property maintenance or construction standards, etc. The most recent version available is the 2021 edition, and the city's adopted version is the 2006 edition. It is best practice to update our codes to match the most current edition from time to time for the same reasons those codes are updated. Furthermore, the city's ad hoc code enforcement committee recommended the city adopt the most current edition to bring our standards in line with the more current code edition.

In prior years, the City has also amended several sections related to dangerous buildings. In comparing the 2021 edition to that language, there is significant overlap; therefore, I recommend we eliminate that duplication of standards. This will provide one document to reference for standards. The other change from the current language is the appeals hearings process. The current ordinance calls for appointment of a hearing officer by the Mayor. The proposed language would establish the Zoning Board of Appeals as the body which would hear any appeals of enforcement of the property maintenance code. This would shift those responsibilities from an individual to a public body. The other change is the 2021 edition offers an appendix which establishes standards for boarding up points of ingress and egress on structures. We are recommending adoption of those standards as well. This will ensure any required securing of structures is done in a manner that is suitable and provides examples for persons to follow.

Included for Council's review is the proposed ordinance amendment for first reading, a copy of the 2021 Property Maintenance Code, and a track-change version of Chapter 52, Article I.

Recommendation

City Council conduct the first reading and schedule a public hearing and second reading for the regular meeting to be held on Monday, August 1, 2022.

Financial Impacts

The costs associated with publication of public hearing and required notice of ordinance amendment are estimated to be \$100.00.

Suggested Motion

City Council moves to schedule a public hearing and second reading for the regular meeting of Monday, August 1, 2022 at 7:00 pm.

eel

attachments

Introduced: July 18, 2022
Adopted:
Effective:

CITY OF CHARLOTTE
ORDINANCE NO. 2022-04

AN ORDINANCE TO AMEND CHAPTER 52 - PROPERTY
MAINTENANCE AND NUISANCE ABATEMENT- OF THE
CODE OF THE CITY OF CHARLOTTE BY AMENDING
ARTICLE I - PROPERTY MAINTENANCE CODE.

Councilmember _____ moved that the following ordinance be moved to a second reading and public hearing on Monday, August 1, 2022:

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. PURPOSE. The purpose of this ordinance is to update the provisions of the City Ordinance related to property maintenance standards and enforcement.

SECTION 2. Article I of Chapter 52 shall be amended as follows:

**§ 52-1 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY
REFERENCE.**

The International Property Maintenance Code, 2021 Edition, as published by the International Code Council, Inc., for the purpose of regulating existing buildings and structures and premises in the City of Charlotte, as in this article modified, is hereby adopted, and the current, 2006 Edition, along with the local changes thereto, is repealed.

§ 52-2 AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.

The following chapters of the 2021 Edition of the International Property Maintenance Code are hereby amended or added as set forth herein.

Chapter 1, Scope and Administration,

Section 101.1, is amended to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code **of the City of Charlotte**, hereinafter referred to as “this

code”.

Section 103.1 is amended to read as follows:

103.1 Creation of agency. The **City of Charlotte Code Enforcement Department** is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

Section 107.01 is amended to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. **The board of appeals shall be the City of Charlotte Zoning Board of Appeals.** The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Section 108.1 is amended to read as follows:

108.1 Membership of Board. **The board of appeals shall consist of the membership of the City of Charlotte Zoning Board of Appeals.**

Chapter 3 General Requirements

Section 302.4 is amended, in part, to read as follows:

Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of **ten (10) inches in height...**

Section 304.14 is amended, in part, to read as follows:

Section 304.14 Insect Screens. During the period from **March to November**, every door, window and other outside opening required for ventilation of habitable rooms...

Chapter 6 Mechanical and Electrical Requirements

Section 602.3 is amended, in part, to read as follows:

Section 602.3 Heating supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either

expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from **October** to **April** to maintain a minimum temperature of 68°F...

Section 602.4 is amended, in part, to read as follows:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from **October** to **April** to maintain a minimum temperature of 65°F...

§§ 15-3 -- 15-25 RESERVED.

SECTION 3. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

SECTION 4. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

SECTION 5. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective 20 days after publication.

Second, _____ () Yeas. () Nays. () Absent.

Dated: _____

Micheal Armitage, Mayor

Mary LaRocque, City Clerk

ARTICLE I. PROPERTY MAINTENANCE CODE

§ 52-1 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.

The International Property Maintenance Code, ~~2006 Edition~~ 2021 Edition, as published by the International Code Council, Inc., for the purpose of regulating existing buildings and structures and premises in the City of Charlotte, as in this article modified, is hereby adopted, and the current ~~2000-2006~~ 2021 Edition, along with the local changes thereto, is repealed.

§ 52-2 AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.

The following chapters of the ~~2006~~ 2021 Edition of the International Property Maintenance Code are hereby amended or added as set forth herein.

~~CHAPTER 1 ADMINISTRATION~~

~~Chapter 1, Scope and Administration.~~

~~Section 101.1, is amended to read as follows:~~

~~101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Charlotte, hereinafter referred to as "this code".~~

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~~Section 103.1 is amended to read as follows:~~

~~103.1 Creation of agency. The **City of Charlotte Code Enforcement Department** is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.~~

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~~Section 107.01 is amended to read as follows:~~

~~107.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. **The board of appeals shall be the City of Charlotte Zoning Board of Appeals.** The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.~~

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~~Section 108.1 is amended to read as follows:~~

~~108.1 Membership of Board. **The board of appeals shall consist of the membership of the City of Charlotte Zoning Board of Appeals.**~~

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~~Section 108, is amended to read as follows:~~

~~SECTION 108~~

~~DANGEROUS BUILDINGS AND EMERGENCY ORDERS~~

108.1 Dangerous buildings or structures. It is unlawful for any owner or agent to keep or maintain any building or structure which is a "dangerous building" as defined in subsection 108.2.

108.2 "Dangerous building" means any building, structure or fixtures to a building which has any of the defects or is in any of the following conditions:

108.2.1 Has a door, aisle, passageway, stairway, or other means of exit which does not conform to the city's fire prevention code, or is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein, who would be required to or might use such door, aisle, passageway, stairway or other means of exit.

108.2.2 Has a portion which has been damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and fails to meet any minimum structural requirements set forth in the building code.

108.2.3 Has a portion which is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

108.2.4 Has a portion which has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required by the code for new construction.

108.2.5 Which because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building, or any portion of the building, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give away.

108.2.6 Has become, for any reason whatsoever, manifestly unsafe for the purpose for which it is used.

108.2.7 Has been so damaged by fire, wind, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children, or as to afford a harbor for vagrants, criminals, or immoral persons, or as to enable persons to resort thereto for the purpose of committing a public nuisance or unlawful or immoral acts.

108.2.8 If a building or structure, used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease, or is likely to cause injury to the health, safety, or general welfare of those living within.

108.2.9 Has become vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

108.2.10 A building or structure that remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act No. 299 of 1980 (M.C.L.A. §§ 339.2401 through 339.2518). For purposes of this subsection, "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to either of the following:

(a) A building or structure as to which the owner or agent does both of the following:

(i) Notifies the Charlotte Police Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the police department by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(ii) Maintains the exterior of the building or structure and adjoining grounds in accordance with this chapter and the applicable building code of the city.

(b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the police department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the police department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling, such as a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

108.2.11 Has a boiler, heating equipment, cooling equipment, elevator, moving stairway, electrical wiring or device, flammable liquid container, or plumbing device or piping on a premises or structure in such disrepair or condition that it is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.3 Notice; contents; filing of notice with officer; service.

108.3.1 When the chief code official determines that any building or portion thereof is in a dangerous or unsafe condition, as defined in subsection 108.2, the chief code official shall issue a notice of such condition.

108.3.2 Such notice shall be directed to each owner of or party in interest in the building in whose name the property appears on the last city tax assessment records, and to any other person known to the chief code official to have an ownership interest.

108.3.3 The notice shall set forth the particular conditions alleged to comprise the danger, and shall specify the time and place of a hearing on the condition of the building or structure, at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure shall not be ordered to be demolished, otherwise made safe, or properly maintained.

108.3.4 The hearing officer shall be appointed by the mayor, to serve at the mayor's pleasure. The hearing officer shall be a person who has expertise in housing matters, including but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization, and shall not be an

employee of the city in any capacity. The building board of appeals may be appointed as the hearing officer. If the board of appeals is appointed, decisions shall be made by a majority of a quorum present in accordance with Robert's Rules of Order, Newly Revised. The building official shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

108.3.5 All notices shall be in writing and shall be served upon the person to whom they are directed personally, or mailed by certified mail, return receipt requested, to the owner or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

108.4 Hearing; testimony; decision; order, nonappearance or noncompliance; review; order to show cause; costs.

108.4.1 The hearing officer shall take testimony of the building official, the owner of the property, and any interested party. The hearing officer shall render a decision, either closing the proceedings or ordering the building to be demolished or otherwise made safe, or properly maintained.

108.4.2 If it is determined by the hearing officer that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order.

108.4.3 If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of the findings and a copy of the order with the city council not more than five days after noncompliance by the owner, and request that the necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the manner prescribed in subsection 108.3.5 above.

108.4.4 The city council shall fix a date not less than 30 days after the hearing prescribed in subsection 108.4.1 for a hearing on the findings and order of the hearing officer, and shall give notice to the owner, agent or lessee, in the manner prescribed in subsection 108.3.5, of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced, and the city council shall either approve, disapprove, or modify the order. If the city council approves or modifies the order, the city council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. In case of an order of demolition, if the city council determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection.

108.4.5 ~~If there is not full compliance with the order and the order has not been appealed to circuit court, or was appealed and affirmed, the city may take whatever steps it deems appropriate to bring the building into compliance, including demolition, maintenance or seeking appropriate court orders. The cost of bringing the property into compliance, including the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure, or grounds adjoining the building or structure, incurred by the city shall be reimbursed to the city by the owner or party in interest in whose name the property appears.~~

108.4.6 ~~The owner or party in interest in whose name the property appears upon the last city tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If the owner or party in interest fails to pay the same within 30 days after mailing by the assessor, the city shall have a lien for the cost incurred to bring the property into conformance with the order. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien does not have priority over previously filed or recorded liens. The lien shall be added to the next tax roll of the city, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the city.~~

108.4.7 ~~In addition to other remedies under this chapter, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances. Pursuant to § 141a of the Housing Law of Michigan, being M.C.L.A. § 125.541a, a judgment under this subsection may be enforced against the assets of the owner other than the building or structure. The lien for the amount of judgment obtained pursuant to this subsection shall be against the owner's interest in all real property located in this state that is owned, in whole or in part, by the owner of the building or structure against whom the judgment is obtained.~~

108.5 Review. ~~An owner aggrieved by the decision or order of the city council may appeal the decision or order to the circuit court by filing a petition for review within 21 days from the date of the decision.~~

108.6 Occupied building constituting immediate danger. ~~When the building official determines that any building or structure, or part thereof, is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or the occupants, the building official shall order it vacated, insofar as is reasonably practicable, and shall issue and serve a notice of such order in the manner prescribed in subsection 108.3.5; provided, however, that the order to vacate shall remain in effect unless and until it shall be set aside or is modified by the building official, hearing officer, city council or judicial action.~~

108.7 Posting of signs. ~~When a building is determined to be immediately dangerous or otherwise unsafe, a sign shall be posted at or upon each exit of the building, and shall be in substantially the following form:~~

~~—Do not enter—Unsafe to occupy~~

~~It is a misdemeanor to occupy this building or to remove or deface this notice. By order of the Charlotte Building and Code Enforcement Department.~~

~~Penalty: It is a misdemeanor to occupy a building posted in compliance with this section or to remove or deface the notice posted in compliance with this section.~~

108.8 Closing of vacant structures constituting immediate danger. ~~If part thereof is vacant and deemed by the chief code official to be a nuisance constituting an immediate danger, the code official shall issue the notice required under subsection 108.3, post the notice required under subsection 108.7 on the premises, and order the structure closed up so it will no longer be an immediate danger.~~

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

108.9 Emergency orders.

~~(1) When a code official has found an emergency to exist on any premises, or in any structure or part thereof, or any defective equipment which requires immediate action to protect the health, safety, or welfare of occupants or the general public, and has issued an order in accordance with subsection 108.6 or 108.8, reciting the existence of an emergency and requiring the vacating of the premises or structure or closing of a vacant structure, the order shall be effective immediately, regardless of any pending hearing or appeal.~~

~~(2) The order may not allow more than 72 hours for correction of the violation.~~

~~(3) If the owner fails to comply with the emergency order by the time designated thereon, the city shall secure the building at the expense of the owner, and the cost shall be recovered from the building owner pursuant to subsections 108.4.6 and 108.4.7.~~

108.10 Appeal of emergency order. ~~Any person to whom an emergency order is directed and served shall vacate or secure the premises within the time stated in the order. The person may thereafter be afforded a hearing as provided by subsections 108.3 and 108.4.~~

108.11 Violation of condemnation or emergency orders. ~~After a condemnation or emergency order has been issued, and the code official has posted the order on the structure or parts thereof, on the premises, or on defective equipment or facilities, along with a statement of the penalties provided for any occupancy or use or for removing the order, no person shall occupy the premises or portion thereof so posted, remove or deface the order, or otherwise violate the terms thereof. The code official shall remove the order as soon as practicable after the condition or defect causing the posting of the order has been corrected.~~

108.12 Temporary safeguards. Notwithstanding other provisions of this chapter, when the chief code official determines there is actual and immediate danger of collapse or failure of a structure or other hazardous condition which creates a danger so immediate that any delays would jeopardize the health, safety, or welfare of the public, and that vacating the structure would not remedy, the chief code official shall initiate the necessary work to be done to render such structure temporarily safe, and shall cause such other action to be taken as the code official deems necessary to meet such emergency, and the cost shall be recovered from the building owner pursuant to subsections 108.4.6 and 108.4.7.

108.13 Standards for condemnation or emergency orders. In determining that any defective equipment, structure, premises or portion thereof, or other place used or designed or intended for human habitation or occupancy, is unsafe, unfit, or dangerous for continued human habitation or occupancy, the code official shall consider, but is not limited to, the following:

- (1) ~~Health hazards.~~
- (2) ~~Lack of, or inadequate, sanitation.~~
- (3) ~~Structural hazards.~~
- (4) ~~Hazardous equipment and facilities, including electrical wiring and service, plumbing and mechanical heating, cooling and ventilation equipment.~~
- (5) ~~Fire hazards.~~
- (6) ~~Faulty construction processes, procedures, methods and materials.~~
- (7) ~~Illegal use of space for human habitation.~~
- (8) ~~Illegal occupancy.~~
- (9) ~~Hazardous or unsanitary premises, including the presence of a public nuisance as defined in this chapter.~~

108.14 Interference with repair or corrective action. No person shall physically obstruct, impede, or interfere with any code official, city employee or authorized representative, including private contractors, while lawfully engaged in the performance of their duties under this chapter.

108.15 Prohibited use. No person shall occupy a premises or structure or part thereof, or shall use equipment, and no owner or any person responsible for the premises shall let anyone occupy a premises or use equipment which has been condemned or ordered vacated.

108.16 Removal of condemnation or emergency order. No person shall deface or remove a condemnation or emergency order without approval of the code official.

—Chapter 1, Administration, Section 111, is amended to read:

SECTION 111

MEANS OF APPEAL

111.1 Appeal. Any person affected by any corrective order which has been issued in connection with the enforcement of this Code, or the application of any rule or regulation adopted in conjunction with this Code, shall have the right to a hearing on the matter before the building board of appeals; provided that such person shall file a written petition, requesting the hearing and containing a statement of the grounds therefor, within 21 days after the day the corrective order was served or reconsideration denied, but in no event less than five days before reinspection. The petition shall be accompanied by the appropriate filing fee. Late appeals may be granted at the discretion of the city manager on the showing of good cause.

111.2 Board action. Upon hearing all relevant views, opinions and disclosures of fact, and assessing all supporting documentation submitted by the petitioner, city staff, and other interested parties, the building board of appeals shall take appropriate action in accordance with the procedures established in § 14-30 and Article III of Chapter 82 of the City Code, pertaining to the board of appeals. The board of appeals is authorized to hear an appeal of the code official's interpretation of a provision of this code. The code official's interpretation may only be overturned if four members of the board agree in the decision. If less than five members of the board are present, the issue may be continued until the next meeting, unless four members agree to uphold the decision of the code official. No appeal is authorized by this provision to the state building board of appeals from the decision of the City's building board of appeals.

111.3 Stay. Except for criminal proceedings or civil infraction proceedings instituted in district court as a result of a violation of this chapter, an appeal to the building board of appeals, the zoning board of appeals, a request for reconsideration or pending litigation before a court of competent jurisdiction, shall stay all proceedings in furtherance of the action appealed from, unless the chief code official determines that a stay would impose unnecessary hardship or danger on other parties. The proceedings shall not be stayed except by action of the city council or by a court of competent jurisdiction.

(1993 Code, § 52-2) (Ord. passed 8-12-2002; Ord. No. 2009-03, passed 2-23-2009)

Chapter 3 General Requirements

Section 302.4 is amended, in part, to read as follows:

Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of **ten (10) inches in height**...

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Section 304.14 is amended, in part, to read as follows:

Section 304.14 Insect Screens. During the period from **March to November**, every door, window and other outside opening required for ventilation of habitable rooms...

Chapter 6 Mechanical and Electrical Requirements

Section 602.3 is amended, in part, to read as follows:

Section 602.3 Heating supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from **October to April** to maintain a minimum temperature of 68°F...

Section 602.4 is amended, in part, to read as follows:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from **October to April** to maintain a minimum temperature of 65°F...

§§ 15-3 -- 15-25 RESERVED.

IPMC[®]

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PROPERTY MAINTENANCE
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2021 International Property Maintenance Code®

Date of First Publication: September 30, 2020

First Printing: September 2020

ISBN: 978-1-60983-971-0 (soft-cover edition)

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PREFACE

Introduction

The *International Property Maintenance Code*® (IPMC®) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions. This 2021 edition is fully compatible with all of the International Codes® (I-Codes®) published by the International Code Council® (ICC®), including the *International Building Code*® (IBC®), *International Energy Conservation Code*® (IECC®), *International Existing Building Code*® (IEBC®), *International Fire Code*® (IFC®), *International Fuel Gas Code*® (IFGC®), *International Green Construction Code*® (IgCC®), *International Mechanical Code*® (IMC®), *International Plumbing Code*® (IPC®), *International Private Sewage Disposal Code*® (IPSDC®), *International Residential Code*® (IRC®), *International Swimming Pool and Spa Code*® (ISPSC®), *International Wildland-Urban Interface Code*® (IWUIC®), *International Zoning Code*® (IZC®) and *International Code Council Performance Code*® (ICCP®).

The I-Codes, including the IPMC, are used in a variety of ways in both the public and private sectors. Most industry professionals are familiar with the I-Codes as the basis of laws and regulations in communities across the US and in other countries. However, the impact of the codes extends well beyond the regulatory arena, as they are used in a variety of nonregulatory settings, including:

- Voluntary compliance programs such as those promoting sustainability, energy efficiency and disaster resistance.
- The insurance industry, to estimate and manage risk, and as a tool in underwriting and rate decisions.
- Certification and credentialing of individuals involved in the fields of building design, construction and safety.
- Certification of building and construction-related products.
- US federal agencies, to guide construction in an array of government-owned properties.
- Facilities management.
- “Best practices” benchmarks for designers and builders, including those who are engaged in projects in jurisdictions that do not have a formal regulatory system or a governmental enforcement mechanism.
- College, university and professional school textbooks and curricula.
- Reference works related to building design and construction.

In addition to the codes themselves, the code development process brings together building professionals on a regular basis. It provides an international forum for discussion and deliberation about building design, construction methods, safety, performance requirements, technological advances and innovative products.

Development

This 2021 edition presents the code as originally issued, with changes reflected in the 2003 through 2018 editions and with further changes developed through the ICC Code Development Process through 2019. A new edition of the code is promulgated every 3 years.

This code is intended to establish provisions that adequately protect public health, safety and welfare and that neither unnecessarily increase construction costs nor give preferential treatment to particular types or classes of materials, products or methods of construction.

Maintenance

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

The ICC Code Development Process reflects principles of openness, transparency, balance, due process and consensus, the principles embodied in OMB Circular A-119, which governs the federal government's use of private-sector standards. The ICC process is open to anyone; there is no cost to participate, and people can participate without travel cost through the ICC's cloud-based app, cdpAccess®. A broad cross section of interests are represented in the ICC Code Development Process. The codes, which are updated regularly, include safeguards that allow for emergency action when required for health and safety reasons.

In order to ensure that organizations with a direct and material interest in the codes have a voice in the process, the ICC has developed partnerships with key industry segments that support the ICC's important public safety mission. Some code development committee members were nominated by the following industry partners and approved by the ICC Board:

- American Institute of Architects (AIA)
- National Association of Home Builders (NAHB)

The code development committees evaluate and make recommendations regarding proposed changes to the codes. Their recommendations are then subject to public comment and council-wide votes. The ICC's governmental members—public safety officials who have no financial or business interest in the outcome—cast the final votes on proposed changes.

The contents of this work are subject to change through the code development cycles and by any governmental entity that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the ICC.

While the I-Code development procedure is thorough and comprehensive, the ICC, its members and those participating in the development of the codes disclaim any liability resulting from the publication or use of the I-Codes, or from compliance or noncompliance with their provisions. The ICC does not have the power or authority to police or enforce compliance with the contents of this code.

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

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

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

- [A] = Administrative Code Development Committee;
- [F] = International Fire Code Development Committee;
- [P] = International Plumbing Code Development Committee;
- [BE] = IBC—Egress Code Development Committee; and
- [BG] = IBC—General Code Development Committee.

For the development of the 2024 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years, as shown in the following Code Development Hearings Table.

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees hold Committee Action Hearings in different years, proposals for the IPMC will be heard by committees in both the 2021 (Group A) and the 2022 (Group B) code development cycles.

For instance, every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, which is part of the Group B portion of the hearings. This committee will hold its Committee Action Hearings in 2022 to consider code change proposals for Chapter 1 of all I-Codes except the IECC, IRC and IgCC. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2022.

It is very important that anyone submitting code change proposals understands which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the Code Development Committee responsibilities, please visit the ICC website at www.iccsafe.org/current-code-development-cycle.

CODE DEVELOPMENT HEARINGS

Group A Codes (Heard in 2021, Code Change Proposals Deadline: January 11, 2021)	Group B Codes (Heard in 2022, Code Change Proposals Deadline: January 10, 2022)
International Building Code – Egress (Chapters 10, 11, Appendix E) – Fire Safety (Chapters 7, 8, 9, 14, 26) – General (Chapters 2–6, 12, 27–33, Appendices A, B, C, D, K, N)	Administrative Provisions (Chapter 1 of all codes except IECC, IRC and IgCC; IBC Appendix O; the appendices titled “Board of Appeals” for all codes except IECC, IRC, IgCC, ICCPC and IZC; administrative updates to currently referenced standards; and designated definitions)
International Fire Code	International Building Code – Structural (Chapters 15–25, Appendices F, G, H, I, J, L, M)
International Fuel Gas Code	International Existing Building Code
International Mechanical Code	International Energy Conservation Code—Commercial
International Plumbing Code	International Energy Conservation Code—Residential – IECC—Residential – IRC—Energy (Chapter 11)
International Property Maintenance Code	International Green Construction Code (Chapter 1)
International Private Sewage Disposal Code	International Residential Code – IRC—Building (Chapters 1–10; Appendices AE, AF, AH, AJ, AK, AL, AM, AO, AQ, AR, AS, AT, AU, AV, AW)
International Residential Code – IRC—Mechanical (Chapters 12–23) – IRC—Plumbing (Chapters 25–33, Appendices AG, AI, AN, AP)	
International Swimming Pool and Spa Code	
International Wildland-Urban Interface Code	
International Zoning Code	

Note: Proposed changes to the ICCPC will be heard by the code development committee noted in brackets [] in the text of the ICCPC.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2018 edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a row of a table has been deleted.

A single asterisk [*] placed in the margin indicates that text or a table has been relocated within the code. A double asterisk [**] placed in the margin indicates that the text or table immediately following it has been relocated there from elsewhere in the code. The following table indicates such relocations in the 2021 edition of the IPMC.

RELOCATIONS

2021 LOCATION	2018 LOCATION
104.1	103.5
105	104
105.7-105.7.1	103.4-103.4.1
106	105
107.2	111.1
108.1	111.2
109	106
110	112
111	108
111.4-111.6	107.1-107.4, 107.6
112	109
113	110
B101.2.2	111.8
B101.3	111.2
B101.3.2	111.2.1
B101.3.4	111.2.2
B101.3.5	111.2.4
B101.3.6	111.2.3
B101.3.7	111.2.5
B101.4	111.4.1
B101.5	111.3
B101.5.3	111.5
B101.7	111.6
B101.7.1	111.6.1
B101.8	111.7

Coordination of the International Codes

The coordination of technical provisions is one of the strengths of the ICC family of model codes. The codes can be used as a complete set of complementary documents, which will provide users with full integration and coordination of technical provisions. Individual codes can also be used in subsets or as stand-alone documents. To make sure that each individual code is as complete as possible, some technical provisions that are relevant to more than one subject area are duplicated in some of the model codes. This allows users maximum flexibility in their application of the I-Codes.

Italicized Terms

Terms italicized in code text, other than document titles, are defined in Chapter 2. The terms selected to be italicized have definitions that the user should read carefully to better understand the code. Where italicized, the Chapter 2 definition applies. If not italicized, common-use definitions apply.

Adoption

The ICC maintains a copyright in all of its codes and standards. Maintaining copyright allows the ICC to fund its mission through sales of books, in both print and electronic formats. The ICC welcomes adoption of its codes by jurisdictions that recognize and acknowledge the ICC's copyright in the code, and further acknowledge the substantial shared value of the public/private partnership for code development between jurisdictions and the ICC.

The ICC also recognizes the need for jurisdictions to make laws available to the public. All I-Codes and I-Standards, along with the laws of many jurisdictions, are available for free in a nondownloadable form on the ICC's website. Jurisdictions should contact the ICC at adoptions@iccsafe.org to learn how to adopt and distribute laws based on the IPMC in a manner that provides necessary access, while maintaining the ICC's copyright.

To facilitate adoption, several sections of this code contain blanks for fill-in information that needs to be supplied by the adopting jurisdiction as part of the adoption legislation. For this code, please see:

Section 101.1. Insert: **[NAME OF JURISDICTION]**

Section 103.1. Insert: **[NAME OF DEPARTMENT]**

Section 302.4. Insert: **[HEIGHT IN INCHES]**

Section 304.14. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.3. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.4. Insert: **[DATES IN TWO LOCATIONS]**

Effective Use of the International Property Maintenance Code

The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings.

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

ARRANGEMENT AND FORMAT OF THE 2021 IPMC

Before applying the requirements of the IPMC, it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during a plan review or inspection. Below is a chapter-by-chapter synopsis of the scope and intent of the provisions of the IPMC. The following table shows how the IPMC is divided. The ensuing chapter-by-chapter synopsis details the scope and intent of the provisions of the IPMC.

Chapter Topics	
Chapter	Subjects
1	Scope and Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards
Appendix A	Boarding Standard
Appendix B	Board of Appeals

Chapter 1 Scope and Administration

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

Chapter 2 Definitions

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

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

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

Chapter 3 General Requirements

Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both

the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter's provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations

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

Chapter 5 Plumbing Facilities and Fixture Requirements

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

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

Chapter 6 Mechanical and Electrical Requirements

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

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

Chapter 7 Fire Safety Requirements

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

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

Chapter 8 Referenced Standards

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

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

Appendix A Boarding Standard

The provisions in Appendix A are not mandatory unless specifically referenced in the adopting ordinance. This appendix provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality.

Appendix B Board of Appeals

The provisions contained in Appendix B are not mandatory unless specifically referenced in the adopting ordinance. This appendix provides criteria for Board of Appeals members and procedures by which the Board of Appeals should conduct its business.

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CHAPTER 1

SCOPE AND ADMINISTRATION

User note:

About this chapter: Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—Scope and Application (Sections 101 and 102) and Part 2—Administration and Enforcement (Sections 103 – 110). Section 101 identifies which buildings and structures come under its purview and references other I-Codes as applicable.

This code is intended to be adopted as a legally enforceable document and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the property owner and building occupants.

This Chapter was extensively reorganized for the 2021 edition. For clarity, the relocation marginal markings have not been included. For complete information, see the relocations table in the Preface information of this code.

PART 1 — SCOPE AND APPLICATION

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

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

[A] 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an *owner’s* authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] 101.3 Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

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

SECTION 102 APPLICABILITY

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

different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. An *owner*, *owner’s* authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner’s* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] 102.3 Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

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

[A] 102.5 Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer’s instructions.

102.6 Structural analysis. Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal

SCOPE AND ADMINISTRATION

loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

[A] 102.7 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

[A] 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

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

[A] 102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.9 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] 102.10 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 CODE COMPLIANCE AGENCY

[A] 103.1 Creation of agency. The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

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

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of

the appointing authority, the *code official* shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

SECTION 104 FEES

[A] 104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.

104.2 Refunds. The *code official* is authorized to establish a refund policy.

SECTION 105 DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 105.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 105.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 105.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, *owner's* authorized agent or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] 105.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

[A] 105.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 105.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

[A] 105.7 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] 105.7.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

SECTION 106 APPROVAL

[A] 106.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided that the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

[A] 106.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] 106.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims

for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance without expense to the jurisdiction.

[A] 106.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

[A] 106.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] 106.4 Used material and equipment. Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

[A] 106.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] 106.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 107 MEANS OF APPEAL

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.

[A] 107.2 Limitations of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

107.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.

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

SECTION 108 BOARD OF APPEALS

[A] 108.1 Membership of board. The board of appeals shall consist of not less than three members who are qualified by

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experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

SECTION 109 VIOLATIONS

[A] 109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 109.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 111.4.

[A] 109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

[A] 109.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 109.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

SECTION 110 STOP WORK ORDER

[A] 110.1 Authority. Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] 110.2 Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the

reason for the order and the conditions under which the cited work is authorized to resume.

[A] 110.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] 110.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

SECTION 111 UNSAFE STRUCTURES AND EQUIPMENT

111.1 Unsafe conditions. 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.

111.1.1 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.

111.1.2 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* that 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*.

111.1.3 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.

111.1.4 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.

111.1.5 Dangerous structure or premises. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

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

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

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

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

111.2 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* or *owner's* authorized agent 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 shall be collected by any other legal resource.

111.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, *owner's* authorized agent or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter.

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

111.4 Notice. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 111.4.1 and 111.4.2 to the owner or the owner's authorized agent, for the violation as specified in this code. Notices for condemnation procedures shall comply with this section.

111.4.1 Form. Such notice shall be in accordance with all of the following:

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

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5. Inform the property *owner* or *owner's* authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 109.3.

111.4.2 Method of service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

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

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

111.7 Placarding. Upon failure of the *owner*, *owner's* authorized agent 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. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

111.7.1 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.

111.8 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 *owner's* authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

111.9 Restoration or abatement. The structure or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a structure, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the *International Existing Building Code*.

SECTION 112 EMERGENCY MEASURES

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

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

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

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

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

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

SECTION 113 DEMOLITION

113.1 General. The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is located any *structure*, which in the *code official's* or *owner's* authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* shall order the *owner* or *owner's* authorized agent to demolish and remove such *structure*, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

113.2 Notices and orders. Notices and orders shall comply with Section 111.4.

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

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

CHAPTER 2

DEFINITIONS

User note:

About this chapter: Codes, by their very nature, are technical documents. Every word, term and punctuation mark can add to or change the meaning of a technical requirement. It is necessary to maintain a consensus on the specific meaning of each term contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the 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 Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or *NFPA 70*, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the *International Existing Building Code*.

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

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

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to the *code official*.

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

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

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

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

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

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

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

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

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

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

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

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

DEFINITIONS

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

[BE] 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.

[BG] 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*.

[A] HISTORIC BUILDING. Any building or *structure* that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

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 that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that 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, rodents, vermin or other pests.

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

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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

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

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

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

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

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

[A] OWNER. Any person, agent, *operator*, firm or corporation having 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.

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

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

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

[A] PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

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.

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

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

[A] STRUCTURE. That which is built or constructed.

DEFINITIONS

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

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

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

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

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

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

CHAPTER 3

GENERAL REQUIREMENTS

User note:

About this chapter: Chapter 3 is broad in scope and includes a variety of requirements for the maintenance of exterior property areas, as well as the interior and exterior elements of the structure, that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Specifically, Chapter 3 contains criteria for the maintenance of building components; vacant structures and land; the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; extermination of insects and rodents; access barriers to swimming pools, spas and hot tubs; vehicle storage and owner/occupant responsibilities.

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* that are not in a sanitary and safe condition and that 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* they occupy and control.

301.3 Vacant structures and land. 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. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *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. 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. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious

weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 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. 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 that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. 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, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any *premises*, and vehicles shall not 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. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface

GENERAL REQUIREMENTS

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 not less than 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. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

304.2 Protective treatment. 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 treat-

ment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. 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. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and 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 not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. 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. 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. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

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

304.8 Decorative features. 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. 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. Where 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. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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. Glazing materials shall be maintained free from cracks and holes.

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

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

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

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

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

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

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

GENERAL REQUIREMENTS

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

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

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

SECTION 305 INTERIOR STRUCTURE

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

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

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

Exceptions:

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

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

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

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

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

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

SECTION 306 COMPONENT SERVICEABILITY

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

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

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system.
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - 1.4. Inadequate soil as determined by a geotechnical investigation.
 - 1.5. Where the allowable bearing capacity of the soil is in doubt.

GENERAL REQUIREMENTS

- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration.*
 - 2.2. *Ultimate deformation.*
 - 2.3. Fractures.
 - 2.4. Fissures.
 - 2.5. Spalling.
 - 2.6. Exposed reinforcement.
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration.*
 - 3.2. Corrosion.
 - 3.3. Elastic deformation.
 - 3.4. *Ultimate deformation.*
 - 3.5. Stress or strain cracks.
 - 3.6. Joint fatigue.
 - 3.7. *Detached*, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration.*
 - 4.2. *Ultimate deformation.*
 - 4.3. Fractures in masonry or mortar joints.
 - 4.4. Fissures in masonry or mortar joints.
 - 4.5. Spalling.
 - 4.6. Exposed reinforcement.
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration.*
 - 5.2. Elastic deformation.
 - 5.3. *Ultimate deformation.*
 - 5.4. Metal fatigue.
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation.
 - 6.2. Deterioration.
 - 6.3. Damage from insects, rodents and other vermin.
 - 6.4. Fire damage beyond charring.
 - 6.5. Significant splits and checks.
 - 6.6. Horizontal shear cracks.
 - 6.7. Vertical shear cracks.
 - 6.8. Inadequate support.
 - 6.9. *Detached*, dislodged or failing connections.

6.10. Excessive cutting and notching.

Exceptions:

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

SECTION 307 HANDRAILS AND GUARDRAILS

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

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

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or garbage.

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

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

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

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

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

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

GENERAL REQUIREMENTS

SECTION 309
PEST ELIMINATION

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

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

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

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

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

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

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

User note:

About this chapter: Chapter 4 sets forth requirements to establish the minimum environment for occupiable and habitable buildings by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding.

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 not less than 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 not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m²), whichever is greater. 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 not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by

the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. 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 not less than one openable window. The total openable area of the window in every room shall be equal to not less than 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 not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

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

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

Exceptions:

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

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

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

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

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

SECTION 404 OCCUPANCY LIMITATIONS

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

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passage-way of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater 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 minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over 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 minimum clear ceiling height of 5 feet (1524 mm) shall be included.

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

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each *occupant* thereof.

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

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

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

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

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

TABLE 404.5
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m².

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

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

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

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

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

1. A unit occupied by not more than one *occupant* shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches

(762 mm) in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

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

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

User note:

About this chapter: Chapter 5 establishes minimum sanitary and clean conditions in occupied buildings by containing requirements for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal systems and related plumbing fixtures. Chapter 5 includes requirements for providing potable water to a building and the basic fixtures to effectively utilize and dispose of that water.

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 that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

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

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

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

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

SECTION 503 TOILET ROOMS

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

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

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located 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.

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

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. 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. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

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

[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service,

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. 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.

[P] 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.

[P] 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 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] 505.5 Nonpotable water reuse systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

[P] 505.5.1 Abandonment of systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the *International Plumbing Code*.

SECTION 506 SANITARY DRAINAGE SYSTEM

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

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

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

SECTION 507 STORM DRAINAGE

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

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

User note:

About this chapter: Chapter 6 establishes minimum performance requirements for heating, electrical and mechanical facilities serving existing structures, such as heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

SECTION 601 GENERAL

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

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

SECTION 602 HEATING FACILITIES

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

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with 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 units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter

outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

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

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical equipment and appliances. Mechanical equipment, 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. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

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

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. 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.

MECHANICAL AND ELECTRICAL REQUIREMENTS

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

SECTION 604 ELECTRICAL FACILITIES

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

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

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

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

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

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

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

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

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

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

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. 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 not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

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

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

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

SECTION 607 DUCT SYSTEMS

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

CHAPTER 7

FIRE SAFETY REQUIREMENTS

User note:

About this chapter: Chapter 7 establishes fire safety requirements for existing structures by providing requirements for means of egress, including path of travel, required egress width, means of egress doors and emergency escape openings, and for the maintenance of fire-resistance-rated assemblies, fire protection systems, and carbon monoxide alarm and detection systems.

SECTION 701 GENERAL

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

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

SECTION 702 MEANS OF EGRESS

[BE] 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*.

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

[BE] 702.3 Locked doors. 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*.

[BE] 702.4 Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.10 of the *International Building Code*. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater

than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

[BF] 703.1 Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

[BF] 703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the *occupants* of the building, *structure* or portion thereof, the fire code official shall act in accordance with Section 114.2 of the *International Fire Code*.

[BF] 703.3 Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

FIRE SAFETY REQUIREMENTS

[BF] 703.3.1 Fire blocking and draft stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

[BF] 703.3.2 Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

[BF] 703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

[BF] 703.4 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

[BF] 703.4.1 Signs. Where required by the *code official*, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

[BF] 703.4.2 Hold-open devices and closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

[BF] 703.4.3 Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

[BF] 703.5 Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

[BF] 703.6 Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

[BF] 703.7 Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the *International Fire Code*. New floor openings in existing buildings shall comply with the *International Building Code*.

[BF] 703.8 Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704 FIRE PROTECTION SYSTEMS

[F] 704.1 Inspection, testing and maintenance. Fire protection and life safety systems shall be maintained in accordance with the *International Fire Code* in an operative condition at all times, and shall be replaced or repaired where defective.

[F] 704.1.1 Fire protection and life safety systems. Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the *International Fire Code* and the *International Building Code*.

[F] 704.1.2 Required fire protection and life safety systems. Fire protection and life safety systems required by this code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

[F] 704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.13.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.

13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.

[F] 704.2 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

**TABLE 704.2
FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

[F] 704.2.1 Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

[F] 704.2.2 Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

[F] 704.3 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an *approved* fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected *premises* and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* to bring the systems back in service.

Exception: Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

[F] 704.3.1 Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential

injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the *International Fire Code*.

[F] 704.4 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

[F] 704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

[F] 704.4.2 Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing *occupant-use* hose lines where all of the following apply:

1. The installation is not required by the *International Fire Code* or the *International Building Code*.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

[F] 704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the *International Fire Code*, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

[F] 704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

[F] 704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be *approved* by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the *International Fire Code* and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the fire chief and maintained operational at all times.

[F] 704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in

FIRE SAFETY REQUIREMENTS

height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

[F] 704.6 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R *occupancies* in accordance with Sections 704.6.1 through 704.6.3.

[F] 704.6.1 Where required. Existing Group I-1 and R *occupancies* shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in *occupancies* and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

[F] 704.6.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
3. In each story within the *sleeping unit*, including *basements*. For *sleeping 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.

[F] 704.6.1.2 Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 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* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an interven-

ing 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.

[F] 704.6.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

[F] 704.6.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

[F] 704.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, 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. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. 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 that 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 that could provide access for interconnection without the removal of interior finishes.

[F] 704.6.3 Power source. 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 with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. 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.

become inoperable or begin producing end-of-life signals shall be replaced.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

[F] 704.6.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the *International Fire Code*.

[F] 704.7 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

SECTION 705 CARBON MONOXIDE ALARMS AND DETECTION

[F] 705.1 General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the *International Fire Code*, except that alarms in dwellings covered by the *International Residential Code* shall be installed in accordance with Section R315 of that code.

[F] 705.2 Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that

CHAPTER 8

REFERENCED STANDARDS

User note:

About this chapter: This code contains numerous references to standards promulgated by other organizations that are used to provide requirements for materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in this code. These standards, in essence, are part of this code to the extent of the reference to the standard.

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.8.

ASME

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

ASME A17.1—2019/CSA B44—19: Safety Code for Elevators and Escalators
606.1

ASTM

ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428-2959

F1346—91 (2018): Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
303.2

ICC

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

IBC—21: International Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 403.1, 604.3.1.1, 604.3.2.1, 702.3, 704.4.2

IEBC—21: International Existing Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1

IECC—21: International Energy Conservation Code®
102.3

IFC—21: International Fire Code®
102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1

IFGC—21: International Fuel Gas Code®
102.3, 201.3

IMC—21: International Mechanical Code®
102.3, 201.3

IPC—21: International Plumbing Code®
102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3

IRC—21: International Residential Code®
102.3, 201.3

IZC—21: International Zoning Code®
102.3, 201.3

REFERENCED STANDARDS

NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02169-7471
10—21: Standard for Portable Fire Extinguishers Table 704.2	
12—18: Standard on Carbon Dioxide Extinguishing Systems Table 704.2	
12A—18: Standard on Halon 1301 Fire Extinguishing Systems Table 704.2	
17—20: Standard for Dry Chemical Extinguishing Systems Table 704.2	
17A—20: Standard for Wet Chemical Extinguishing Systems Table 704.2	
25—20: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems Table 704.2	
70—20: National Electrical Code 102.3, 201.3, 604.2	
72—19: National Fire Alarm and Signaling Code Table 704.2	
80—19: Standard for Fire Doors and Other Opening Protectives 703.3.3, 703.4	
105—19: Standard for Smoke Door Assemblies and Other Opening Protectives 703.3.2	
204—18: Standard for Smoke and Heat Venting Table 704.2	
720—15: Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment 705.2	
750—19: Standard on Water Mist Fire Protection Systems Table 704.2	
2001—18: Standard on Clean Agent Fire Extinguishing Systems Table 704.2	

UL	Underwriters Laboratories, LLC 333 Pfingsten Road Northbrook, IL 60062
268—2016: Smoke Detectors for Fire Alarm Systems—with revisions through July 2016 704.6.4	

APPENDIX A

BOARDING STANDARD

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

User note:

About this appendix: Appendix A provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality. These requirements also provide a reasonable means to eliminate having to approve numerous methods or materials for the boarding and securing of a structure. It is important to note that the provisions of Appendix A are not mandatory unless specifically referenced in the adopting ordinance of the authority having jurisdiction.

A101 GENERAL

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

A102 MATERIALS

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

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

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

A103 INSTALLATION

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

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

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

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

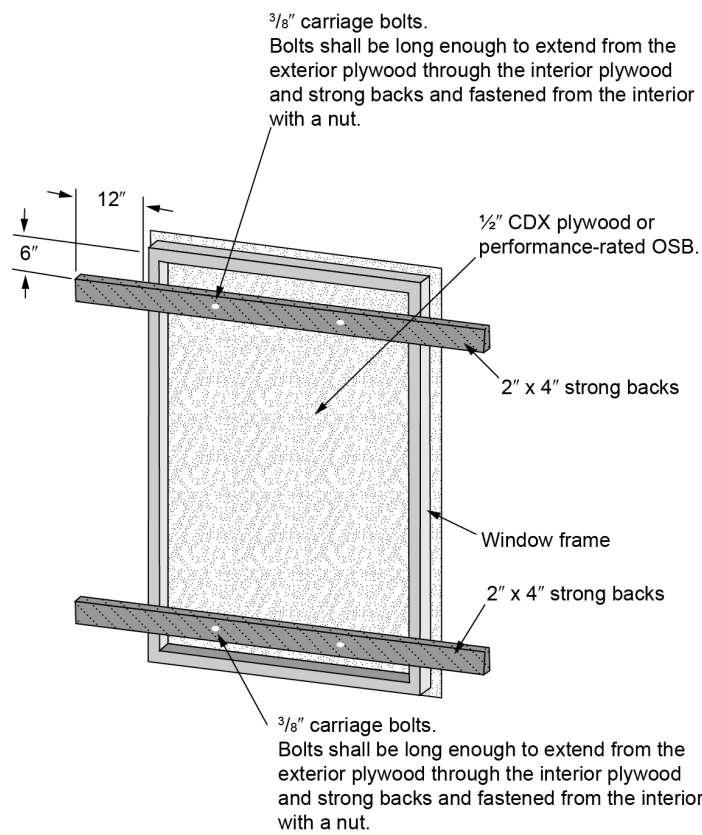
A104 REFERENCED STANDARD

A104.1 Referenced standards. Table A104.1 lists the standard that is referenced in various sections of this appendix. The standard is listed herein by the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.8.

**TABLE A104.1
REFERENCED STANDARD**

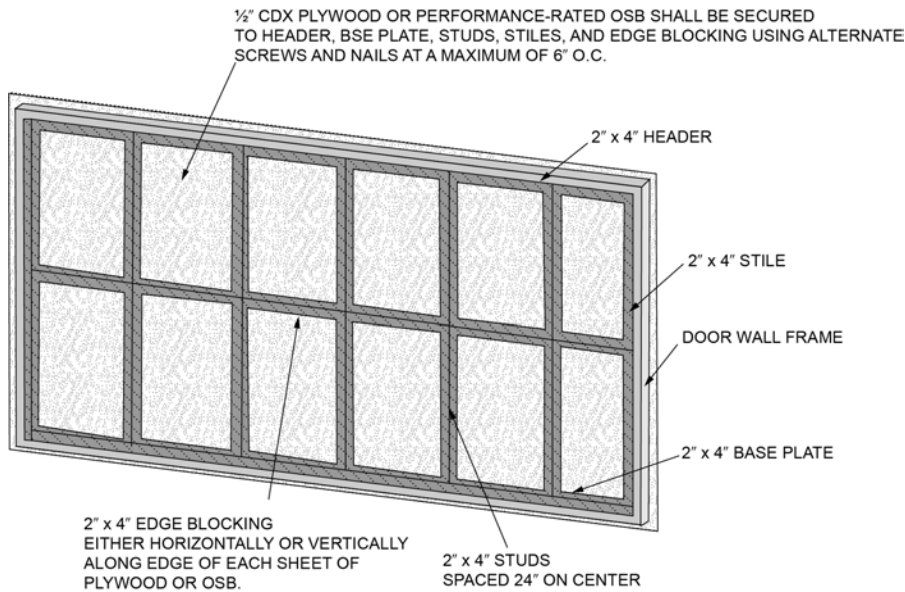
STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
IBC—21	International Building Code	A102.1, A102.2, A102.3

APPENDIX A BOARDING STANDARD



For SI: 1 inch = 25.4 mm.

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



For SI: 1 inch = 25.4 mm.

FIGURE A103.1(2)
BOARDING OF DOOR WALL

APPENDIX B

BOARD OF APPEALS

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

User note:

About this appendix: Appendix B provides criteria for Board of Appeals members. Also provided are procedures by which the Board of Appeals should conduct its business.

Code development reminder: Code change proposals to this appendix will be considered by the Administrative Code Development Committee during the 2022 (Group B) Code Development Cycle.

SECTION B101 GENERAL

B101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of this code pursuant to the provisions of Section 107 (Means of Appeals). The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

B101.2 Application for appeal. Any person shall have the right to appeal a decision of the *code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the *code official* within 20 days after the notice was served.

B101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

B101.2.2 Stays of enforcement. Appeals of notice and orders, other than *Imminent Danger* notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

B101.3 Membership of the board. The board shall consist of five voting members appointed by the chief appointing authority of the jurisdiction. Each member shall serve for [INSERT NUMBER OF YEARS] years or until a successor has been appointed. The board member's terms shall be staggered at intervals, so as to provide continuity. The *code official* shall be an ex officio member of said board but shall not vote on any matter before the board.

B101.3.1 Qualifications. The board shall consist of five individuals, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

B101.3.2 Alternate members. The chief appointing authority is authorized to appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a

member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for the same term or until a successor has been appointed.

B101.3.3 Vacancies. Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.

B101.3.4 Chairperson. The board shall annually select one of its members to serve as chairperson.

B101.3.5 Secretary. The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member and any failure of a member to vote.

B101.3.6 Conflict of interest. A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

B101.3.7 Compensation of members. Compensation of members shall be determined by law.

B101.3.8 Removal from the board. A member shall be removed from the board prior to the end of their terms only for cause. Any member with continued absence from regular meeting of the board may be removed at the discretion of the chief appointing authority.

B101.4 Rules and procedures. The board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

B101.5 Notice of meeting. The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic intervals.

B101.5.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

APPENDIX B BOARD OF APPEALS

B101.5.2 Quorum. Three members of the board shall constitute a quorum.

B101.5.3 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

B101.6 Legal counsel. The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

B101.7 Board decision. The board shall only modify or reverse the decision of the *code official* by a concurring vote of three or more members.

B101.7.1 Resolution. The decision of the board shall be by resolution. Every decision shall be promptly filed in writing in the office of the *code official* within three days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to the *code official*.

B101.7.2 Administration. The *code official* shall take immediate action in accordance with the decision of the board.

B101.8 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

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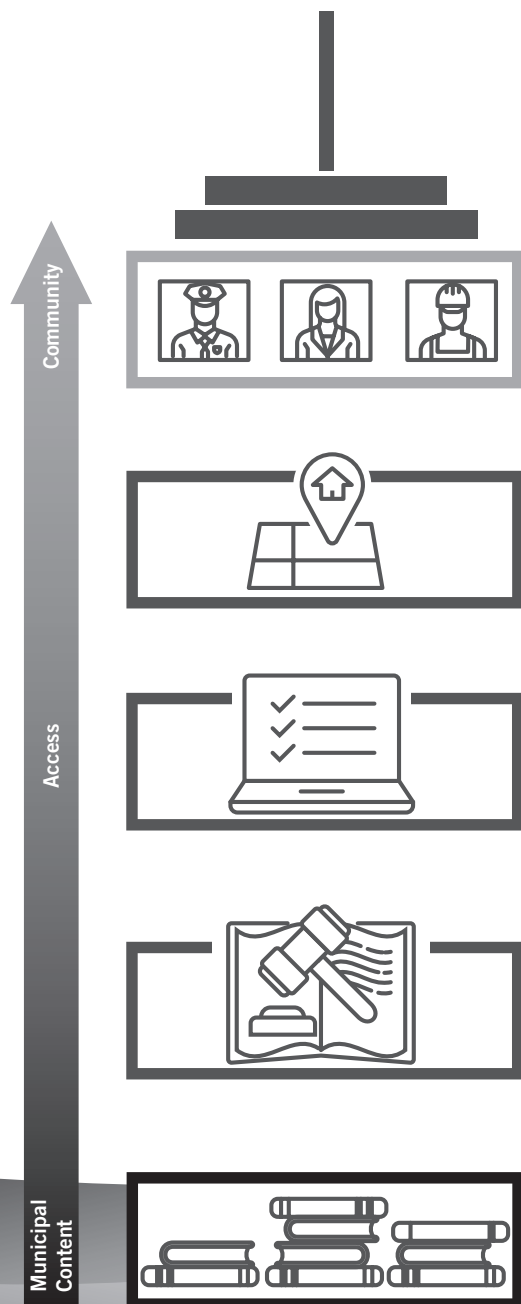


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Memo

To: Honorable Mayor Armitage; City Council

From: City Manager LaPere, MPAP

Date: July 15, 2022

Re: Staff report on ARPA Funds and road improvements

The City Council has discussed various options for allocating the Coronavirus State and Local Fiscal Recovery Funds, authorized by the American Rescue Plan Act, that the city has received. The City was awarded \$955,256.46 in total. In October 2021, City Council authorized a one-time payment to eligible workers under the Essential Worker Premium Pay provision. In November 2021, the city paid out \$57,283.13 to eligible essential workers who continued to serve the city during the height of the pandemic closures, including payments to employees in public works, police, and fire departments, including the volunteer firefighters. In April 2022, City Council authorized purchase of a LUCAS device to assist the fire department providing life-saving CPR support, the actual cost of device was \$17,956.68. We have \$880,016.65 available for funding additional projects. At the Council meeting held on June 9, 2022 there was consensus to utilize approximately \$200-250,000 towards three projects: city hall roof, city hall boilers, and Lansing lift pump. This would leave just over \$650-700,000 towards road improvement or other projects.

US Treasury issued Final Rule (Uniform Guidance) in 2022 which states the intent of ARPA funding is to provide governments with resources needed to maintain vital public services, make investments that support long-term growth and opportunity, and fight the pandemic and assist those struggling with public health and economic impacts of COVID-19. Further, the Act explicitly states that no monies can be spent on debt service, settlements, or judgements; for replenishing fund reserves; contributions to reduce accrued, unfunded pension liabilities; or used in conflict with the purpose of the American Rescue Plan Act statute or in violation of the Award Terms or the Uniform Guidance rules. Per those rules, funds must be allocated by 2024 and expenses incurred by 2026.

In 2021, City Council authorized contract to engage with ROWE PSC for engineering of the reconstruction of Hall/Washington/McClure in 2023. Given the current inflationary environment, they have provided updated cost estimates as follows:

- Road - \$1,686,900
- Water & Sewer - \$776,900

The City will be utilizing \$81,204 Highway Infrastructure Program COVID Funding from the Michigan Department of Transportation (MDOT) towards this project. This leaves approximately \$1,605,696 for the city's responsibility for the road portion and the entire \$776,900 of the water/sewer utility work.

City Council is considering whether to allocate some or all of the remaining ARPA funds towards this or other road projects. The City has budgeted for the beginning portion of this project in the FY22-23 budget. The construction season spans two budget years, so the costs will be spread between this fiscal year and next fiscal year budget. The available ARPA funds would defray approximately 30% of the total project costs.

Alternatively, Council could allocate the funding towards projects which do not require total reconstruction and are therefore less costly. The examples provided at the workshop discussion on July 14th are listed below:

LOCAL STREETS

REHABILITATION

	<u>Street</u>	<u>Quad</u>	<u>PASER</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>Width</u>	<u>Area</u>	<u>Est. Cost</u>	<u>Notes</u>
A	Lipsey Dr.	NE	5	Packard	Parkland	1969	30	6563	\$210,027	
B	Parkland Dr.	NE	5	Lipsey	Cochran	1294	30	4313	\$138,027	
C	Combsdale	NE	8	Parkland	Dead End	350	33	1283	\$25,667	Top Only
D	E. 3rd St.	SE	4,6	Pleasant	St. Mary	618	27	1854	\$59,328	
E	S. Clinton	SW	4	Fourth	Tirrell	1346	27	4038	\$129,216	
F	S. Bostwick	SW	2,3	Shepherd	Third	1167	27	3501	\$112,032	
G	W. Fourth St	SW	2	Cochran	Pearl	1410	27	4230	\$135,360	
H	W. Third St	SW	2,3	Bostwick	Pearl	1070	27	3210	\$102,720	
I	Walnut	SW	2,3	Lincoln	Shepherd	2334	27	7002	\$224,064	Cat B App
J	Maple	NW	2,3	Cochran	Forest	1357	27	4071	\$130,272	
K	W. McClure St.	NW	2,4	Sheldon	Forest	660	27	1980	\$63,360	
L	Foote St.	NW	2,5,6	High	Oakwood	1314	27	3942	\$126,144	

MAJOR STREETS

REHABILITATION

	<u>Street</u>	<u>Quad</u>	<u>PASER</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>Width</u>	<u>Area</u>	<u>Est. Cost</u>	<u>Notes</u>
1	W. Shepherd	SW	4-7	State	Cochran	5211	35	20265	\$739,673	Texas Underseal
2	St. Mary's Blvd.	SE	4	Shepherd	Third	987	60	6580	\$210,560	
3	Pleasant	SE	3	Shepherd	Third	993	27	2979	\$95,328	

A combination of projects, such as St. Mary, 3rd, and Pleasant, could be completed for approximately \$365,216 in 2024, and we could plan to do a second set, such as S Clinton, S Bostwick, and W 4th for approximately \$376,608 in 2025. This would total just under estimated \$750k and the city would see six roads with most recent passer ratings between 2-4 improved.

Allocating the funding to a project in-the-works would ensure we have spent the ARPA funds well in advance of the 2026 deadline. Alternatively, allocating the funds to specific road projects would ensure the city has both a clear directive and the funding to complete a number of smaller road projects. Council may also want to consider which has a great impact: multiple projects or one major reconstruction.

If Council consensus is to allocate the funding towards multiple projects, then I recommend we move forward with a resolution for the proposed streets/years to meet our obligation to allocate those funds and to provide a clear directive to city staff move forward with planning of those projects. If utilizing the funding towards the Hall/Washington/McClure project, that would ensure the project has funding to be completed without detrimental impacts to the city's Major Streets or Water and Sewer Funds. If Council allocated the funding towards the utilities portion of the Hall/Washington/McClure project, it would help minimize the need for potential rate increases to offset the capital investment.

eel

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: CITY ATTORNEY REPORT

DATE: July 14, 2022

The following is my report to the City Council on issues in which our office has been engaged since the last Council meeting:

1. Charter Amendments. After our last Council meeting, I resubmitted the proposed Charter Amendment relating to the 4-year term for Mayor to the Governor and received confirmation that is to be considered and the prior amendments were rescinded and that they would be withdrawn from consideration by the Governor and the Attorney General.

I also have conversations with the Attorney General regarding the transmittal letters relating to both the rescinded amendments and the resubmission and received approval for those transmittal letters. We are now awaiting the formal approval of the Charter language by the Governor and would anticipate that it would come prior to August 2, 2022, when the ballot language must be submitted to the County Clerk.

I will be working with the City Clerk to ensure that the language is timely filed with the County Clerk.

2. Airport Condemnation Proceeding. Mr. Davis will be making a presentation as I understand it at this week's meeting in closed session. I have previously met with Mr. Davis and look forward to working with him in the future.

3. Damage to City Water Meter. I had conversations with the City Manager regarding an individual who has damaged the City water meter located within that individual's home. We are considering options regarding the enforcement of the City's ordinances.

4. Conversations with the City Manager. From time to time, I continue to have conversations with the City Manager regarding a variety of City matters.

TMH:cf



Manager's Report July 18th Council Meeting

August 2nd Primary

The statewide primary election will be held on Tuesday, August 2nd. Polls open 7:00 a.m. and close 8:00 p.m. for in-person voting. Clerk LaRocque reminds voters to update registration information if you had any changes to your address, your name, or other personal information. If registering within 15 days of the election that you wish to vote in, including on election day, you must appear in person to the Clerk and bring proper residency and identity documentation. An application for an absentee ballot must be submitted to obtain an absentee ballot. Applications for absentee voting are available now, the deadline(s) for absentee ballots for the August 2 election are below:

- Saturday, July 29 is the last day a ballot can be mailed to you via first class mail if your application is received by the clerk before 5:00 p.m. On July 29th the Clerk's office will be open 8 a.m. to 1 p.m. and 2 p.m. to 5 p.m. for the purpose of issuing absentee ballots only.
- Monday, August 1 an absentee ballot must be applied for and received in person at the Clerk's office until 4:00 p.m. Note: a ballot issued on this day cannot leave the building, you must vote the ballot and return it to the Clerk before leaving.

Return your voted absentee ballots to the Clerk's office at your earliest opportunity after voting it. All voted absentee ballots must be received by the Clerk no later than 8:00 p.m. (close of polls) on election day, August 2, 2022, to be processed in the election.

There are two drop boxes available at City Hall, 111 E. Lawrence, for you to deposit your applications and voted ballots: in the vestibule at the front door and drive up/drop off along N. Washington St.

Visit the Michigan Voter Information Center for more information:

<https://mVIC.sos.state.mi.us/Home/Index>

Public Hearings

The City Council will hold a public hearing on a proposed amendment to Chapter 15 Businesses to consider regulations for medical marijuana caregiver operations at the August 1st meeting. For discussion on tonight's agenda is proposed amendments to Chapter 52 Property Maintenance Code which are recommended for public hearing on August 1st as well.

Planning Commission will hold a public hearing on a proposed amendment to Chapter 82, Home Occupations to consider modifying regulations on home occupations.

Planning Commission Update

Pursuant to the discussion at the June 20th Council meeting, Community Development Director Myrkle presented materials for discussion at the July 12th Planning Commission meeting on updates to the city's fencing regulations. In reviewing the city's regulations with neighboring and similar communities, he has noted several areas where potential changes could be made to improve the regulations on fencing in addition to discussion on the location of 6ft fencing on corner lots. Based on that discussion we are preparing draft ordinance update for further discussion at the August 9th meeting. At that meeting Planning Commission will also hold a public hearing on proposed amendments to the home occupations ordinance and make a recommendation to Council.

RAVE Alerts – Water Utility Bill Notification Feature

The City participates in RAVE Alerts which provides alert notifications to participants via voice, email, text, and posts to social media. We have expanded the service options to include targeted text and email messaging for quarterly utility billing. We will send out a notice to registered users when we send out the bills for their cycle area. This alert will notify them the bill has been mailed and provide other billing related information. If you're already registered for alerts, make sure your address information is up-to-date. There are several ways to register: Text CHARLOTTE to 67283; Download the Smart911 app; or Register for a free and secure safety profile online at Smart911.com.

General information about utility billing can be found on the city's website here:

<http://www.charlottemi.org/serviceadministration/finance/utility-information/> and you can check your utility billing information anytime online here: www.bsaonline.com

Volunteer Opportunities

The City has several opportunities for citizens to participate in their local government. We are seeking volunteers to serve on the Ad Hoc Water Treatment Committee; Camp Frances Board; and Board of Review. Interested persons can find more information here:

<https://www.charlottemi.org/volunteers-wanted/>

Assistance Programs

For persons who may be facing financial difficulties with utilities, mortgage/rent, or other hardships, there are a number of assistance programs available. More information can be found on the city's website: <https://www.charlottemi.org/assistance-programs-available/>