

SECOND EDITION
ISSUED EVERY THREE YEARS

**The BOCA Basic Property
Maintenance Code/1981**



**BUILDING OFFICIALS & CODE ADMINISTRATORS
INTERNATIONAL, INC.**

About the BOCA organization

Founded in 1915, Building Officials and Code Administrators (BOCA) International, Inc., is a non-profit service organization dedicated to professional code administration and enforcement for the protection of public health, safety and welfare. BOCA's objectives span both public and professional interests, and the organization's primary activities include the following:

- To serve the public's need for sound and progressive construction regulation through promulgation of the BOCA *Basic Code* series of model regulatory construction codes. The *Basic Codes* are performance-oriented model codes responsive to the latest advancements in construction technology.
- To serve governmental units, code administration personnel, and related building industry professionals by providing authoritative technical, educational and informational services relating to all specialty areas of code administration and enforcement.

The nation's oldest professional association for regulatory code officials, BOCA currently serves a membership that includes both regulatory officials and a wide variety of private sector building and construction professionals. This broad membership base of professional participation assists in maintaining the *Basic Codes* as responsive consensus documents published and promulgated in the public interest. BOCA's headquarters are located in the Plaza Executive Suites in Homewood, Illinois.

The BOCA *Basic Codes*

- BOCA's complete model code services program is dedicated to the improvement of building regulations, and the effective administration, organization, and methods of enforcement of these regulations by professionally-staffed state and local governmental units.

To accomplish this, BOCA provides a complete model code services package, the "backbone" of which is the BOCA *Basic Code* series. *Basic Codes* available in completely revised and updated 1981 editions include the *Basic Building Code*, *Basic Mechanical Code*, *Basic Plumbing Code*, *Basic Fire Prevention Code*, *Basic Property Maintenance Code* and *Basic Energy Conservation Code*.

Democratic *Basic Code* Revision

The BOCA *Basic Codes* are maintained in their current, responsive state through a democratic public hearing and revision procedure which allows all interested parties the opportunity to both propose changes to code provisions and testify regarding such change proposals. Change proposals to the BOCA *Basic Codes* are either accepted or rejected by vote of the organization's Active Members, who are practicing regulatory code officials. Voting on change proposals is conducted at the organization's Annual Conference, at which time final testimony is heard. Public hearings on proposed code changes are held prior to the Conference at the annual BOCA Mid-Winter Meeting.

Each of the *Basic Codes* is completely revised and published in a new edition every three years. Code change activity is conducted annually within each three year edition cycle. The first and second years' approved changes are published in supplement form, and the third year's revisions are incorporated directly into the next code edition. Each new code edition reflects all changes approved by BOCA's Active Members since issuance of the previous edition.

(Continued on inside back cover)

The BOCA Basic Property Maintenance Code/1981

Model property maintenance regulations for the protection
of public health, safety and welfare.

SECOND EDITION

As recommended and maintained
by the active membership of



**BUILDING OFFICIALS & CODE ADMINISTRATORS
INTERNATIONAL, INC.**

17926 So. Halsted St. • Homewood, Illinois 60430
Founded in 1915 312/799-2300

NOTE: The BOCA Basic Codes are designed for adoption by state or local governments by reference only. Jurisdictions adopting them may make necessary additions, deletions and amendments in their adopting document. Incorporation of any part of the BOCA Basic Codes in codes published by states, local governments, regulatory agencies, individuals or organizations is expressly prohibited. When your jurisdiction has adopted one or more of the BOCA Basic Codes, please send a copy of the adopting document to the BOCA Executive offices.

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PREFACE

Recognizing the need of communities to have minimum requirements for buildings and structures used for human occupancy and habitation as well as the need to extend these minimum maintenance requirements to include all types of structures and premises, the BOCA Executive Committee, in accordance with the membership's wishes, directed in 1976 that this code be published to provide such minimum requirements, and the code's first edition appeared in 1978. It supersedes, in scope and content, BOCA's *Basic Housing Code* which was first published in 1964.

The code is intended to establish the minimum acceptable standards for the maintenance of existing buildings, structures, premises and facilities. The intent of this code is that if the facility is installed legally, according to a building code or such other building regulations legally in force in a jurisdiction at the time of its installation, or construction, that facility may be maintained or repaired until such time that the facility is no longer serviceable.

This maintenance code, then, deals primarily with conditions which must be maintained in existing buildings, structures, premises and facilities to protect health, safety and general welfare. Provisions found herein are broad and general in nature and rely upon the code administrator to make certain "hard decisions" and to rely on other BOCA codes for new construction and rehabilitation.

With the 1981 edition, the *Basic Property Maintenance Code* includes metric equivalents shown throughout the text in parentheses immediately following the customary U.S. Unit of measure. This "soft conversion" was accomplished using the same conversion factors used in the soft conversion of the other Basic Codes. The values stated in U.S. customary units are to be regarded as code requirements. The metric equivalents of U.S. customary units may be approximate.

NOTE TO BASIC CODE USERS

The 1981 editions of the BOCA *Basic Codes* contain, for the benefit and convenience of code users, vertical lines in the outside margins of some pages. As in the previous editions, vertical lines in the margin indicate approved changes to the text of code requirements. Editorial changes are not so marked. For example, lines shown in the margins of the 1981 *Basic Codes* indicate content requirement changes since the 1978 editions. This feature is designed to streamline the review process for jurisdictions wishing to adopt current, up-to-date provisions.

The values stated in the U.S. customary units of measurement are to be regarded as code requirements. The metric equivalents of the U.S. customary units may be approximate.

ADOPTION INFORMATION

Jurisdictions wishing to adopt the BOCA *Basic Property Maintenance Code/1981* as an enforceable regulation governing maintenance of property should make sure certain factual information is included in the code text and adopting ordinance at the time adoption is being considered by the appropriate governmental body. The required information, which indicates applicability of the code to a particular jurisdiction, can be itemized as follows:

1. The *name of the jurisdiction* should be inserted in the second line of *Section PM-100.1* on Page 1 of the code.
2. The *dollar amount* should be inserted in two places in the third line of *Section PM-109.2* on Page 7 of the code.
3. The *maximum imprisonment penalty* should be inserted in the fourth line of *Section PM-109.2* on Page 7 of the code.
4. The *number of days* should be inserted in the second line of *Section PM-111.4* on Page 9 of the code.
5. The *bill and/or ordinance number* should be inserted at the top of the *adoption ordinance* on Page 55 of the code.
6. The *repealed ordinance*, if any, and the *name of the jurisdiction* should be inserted at the end of the first paragraph of the *adoption ordinance* on Page 55 of the code.
7. The *name of the jurisdiction* should be inserted in the second and sixth lines of Section 1 of the *adoption ordinance* on Page 55 of the code.
8. The *repealed ordinance number*, if any, *name of jurisdiction* and *repealed ordinance title* should be inserted in the first and second lines of Section 2 of the *adoption ordinance* on Page 55 of the code.
9. The *clerk of the jurisdiction* and *effective date* should be inserted in the first and third lines of Section 4 of the *adoption ordinance* on Page 55 of the code.

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ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

SECTION PM-100.0 GENERAL

PM-100.1 Title: These regulations shall be known as the Property Maintenance Code of [*name of jurisdiction*] hereinafter referred to as the property maintenance code or "this code."

PM-100.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and non-residential, and on all existing premises as hereinafter provided, by:

1. Establishing minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of all structures and premises now in existence;
2. Fixing the responsibilities of owners, operators and occupants of all structures, and;
3. Providing for administration, enforcement and penalties.

PM-100.3 Intent: This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

PM-100.4 Other regulations: The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

PM-100.5 Application of building code: Any repairs or alterations to a structure, or changes of use herein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the building code.

PM-100.6 Existing remedies: The provisions in this code shall not be deemed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, and unsanitary.

SECTION PM-101.0 VALIDITY

PM-101.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

PM-101.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION PM-102.0 EXISTING STRUCTURES

PM-102.1 Existing structures: As provided in Section PM-100.0, this code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment or facilities.

SECTION PM-103.0 ENFORCEMENT AUTHORITY

PM-103.1 Officer: It shall be the duty and responsibility of the code official to enforce the provisions of this code as herein provided.

PM-103.2 Relief from personal liability: Any code official, officer or employee who acts in good faith and without malice in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, the code official shall not be held liable for any costs in any action, suit or proceeding that may be instituted by the code official in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

PM-103.3 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the code official to maintain the integrity and security of such records.

SECTION PM-104.0 DUTIES AND POWERS OF CODE OFFICIAL

PM-104.1 General: The code official shall enforce all the provisions of this code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

PM-104.2 Notices and orders: The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance

with the code requirements for the safety, health, and general welfare of the public.

PM-104.3 Inspections: In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code.

PM-104.3.1 Right of entry: If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

PM-104.3.2 Access by owner or operator: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

PM-104.4 Credentials: The code official or the code official's authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

PM-104.5 Coordination of enforcement: Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of code officials so charged by the jurisdiction. Whenever, in the opinion of a code official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders which it determines must be issued.

PM-104.6 Rule making authority: The code official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating accepted engineering practice involving public safety.

PM-104.7 Annual report: At least annually, the code official shall submit to the chief authority of the jurisdiction a written statement of operations in the form and content as shall be prescribed by such authority.

SECTION PM-105.0 CONDEMNATION

PM-105.1 General: When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this code and may be placarded and vacated. It shall not be re-occupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

PM-105.1.1 Unsafe structure: An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

PM-105.1.2 Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

PM-105.1.3 Structure unfit for human occupancy: A structure is unfit for human occupancy or use whenever the code official finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, 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 its location constitutes a hazard to its occupants or to the public.

PM-105.1.4 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.

PM-105.2 Closing of vacant structures: If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause it to be closed 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.

SECTION PM-106.0 NOTICES AND ORDERS

PM-106.1 Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has

reasonable grounds to believe that a violation has occurred, or whenever the code official has condemned any structure or equipment under the provisions of Section PM-105.0, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed below. If the code official has condemned the property or part thereof, the code official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

PM-106.2 Form: Such notice prescribed in Section PM-106.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why it is being issued;
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code, and;
5. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board.

PM-106.3 Service: Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one publication of such notice in a local newspaper of general circulation.

PM-106.3.1 Service on occupant: When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.

PM-106.4 Penalties: Penalties for non-compliance of orders and notices shall be subject to the penalties set forth in Section PM-109.2.

PM-106.5 Transfer of ownership: It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility

without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION PM-107.0 PLACARDING

PM-107.1 Placarding of structure: After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure to comply within the time given, the code official may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: *Condemned as unfit for human occupancy or use*, and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.

PM-107.2 Prohibited use: Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

PM-107.3 Removal of placard: 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.

SECTION PM-108.0 EMERGENCY ORDERS

PM-108.1 General: Whenever a code official finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the code official may, with proper notice and service in accordance with the provisions of Section PM-106.0, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as the code official deems necessary to meet such emergency. Notwithstanding other provisions of this code, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.

PM-108.2 Hearing: Any person to whom such order is directed shall comply therewith. They may thereafter, upon petition directed to the appeals board, be afforded a hearing as prescribed in this code. Depending upon the findings of the board at such hearing as to whether the provisions of this code and the rules and regulations adopted pursuant thereto have been complied with, the board shall continue such order or modify or revoke it.

SECTION PM-109.0 VIOLATIONS

PM-109.1 Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code.

PM-109.2 Penalty: Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than [amount] nor more than [amount] or imprisonment for a term not to exceed [number] days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. *penalty*

PM-109.3 Prosecution: In case any violation order is not promptly complied with, the code official may request the jurisdiction's legal representative to institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-109.2. Also, the code official may ask the legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, or alteration of such structure;
3. To require the removal of work in violation, or;
4. To prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

SECTION PM-110.0 RIGHT TO APPEAL

PM-110.1 Petition: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the board; provided that such person shall file, in the office of the board, a written petition requesting such hearing and containing a statement of the grounds therefore within 20 days after the day the notice was served.

PM-110.2 Appeals board: In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a property maintenance code appeals board, hereafter referred to as the board, consisting of five members who shall be appointed by the chief executive of the jurisdiction.

PM-110.2.1 Membership: Said board shall consist of five residents and electors of the jurisdiction appointed by the chief executive including one

person skilled in real estate and property management for at least two years; one general contractor for at least three years; one registered architect or other professional person for at least three years; one citizen who is a renter for at least two years; and one citizen who is a homeowner for at least two years. The chief executive shall also appoint one member to act as chairman, who will serve one year.

Each member shall have been a resident of the jurisdiction for at least one year prior to appointment. The renter member and the homeowner member will be asked to resign if their status as renter or homeowner is changed. The chief executive may appoint for a term of one year an alternate member of such board in addition to the five members above provided for, who shall act with full power only when a member of the board refuses to vote because of interest or when a member is absent. Thereafter, all appointments shall be for a period of two years. Each member shall serve until a successor has been appointed. The code official shall appoint one member of the department who shall act as secretary to the board.

PM-110.2.2 Vote: The board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly, or may modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

PM-110.2.3 Financial interest: A member of the board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

PM-110.3 Records: The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.

SECTION PM-111.0 DEMOLITION

PM-111.1 General: The code official may order the owner of premises upon which is located any structure or part thereof, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

PM-111.2 Unreasonable repairs: Whenever the code official determines that the cost of such repairs would exceed 100 percent of the current value of such

structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option on the part of the owner to repair.

PM-111.3 Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper authorized to provide service by publication.

PM-111.4 Restraining actions: Anyone affected by any such order shall within *[number]* days after service of such order apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the order of the code official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

PM-111.5 Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-111.6 Salvage materials: When any structure has been ordered razed and removed the governing body or other designated officer under said contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing 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 use of the person who may be 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.



ARTICLE 2

DEFINITIONS

SECTION PM-200.0 GENERAL

PM-200.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this article.

PM-200.2 Interchangeability: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

PM-200.3 Terms defined in other codes: Where terms are not defined in this code and are defined in the building, plumbing and/or mechanical codes, they shall have the same meanings ascribed to them as in those codes.

PM-200.4 Terms not defined: Where terms are not defined under the provisions of this code or under the provisions of the building, plumbing and/or mechanical codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION PM-201.0 APPLIED MEANING OF WORDS AND TERMS

Approved: Approved, as applied to a material, device, or method of construction, shall mean approved by the code official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

Basement: That portion of a building which is partly below and partly above grade, and having at least one-half its height above grade (see "Cellar").

Building code: The building code officially adopted by the legislative body of this jurisdiction, or such other code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

Building official: The official designated by the jurisdiction to enforce building, zoning or similar laws, or a duly authorized representative.

Cellar: That portion of a building which is partly or completely below grade, and having at least one-half its height below grade (see "Basement").

Central heating: The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

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 use or occupancy.

Condemnation: The act of judicially condemning.

Dwellings: *

One-family dwelling: A building containing one dwelling unit with not more than five lodgers or boarders.*

Two-family dwelling: A building containing two dwelling units with not more than five lodgers or boarders per family.*

Multi-family apartment house: A building or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.*

Boarding house, lodging house and tourist house: A building arranged or used for the lodging, with or without meals, for compensation, by more than five and not more than 20 individuals.*

Dormitory: A space in a building where group sleeping accommodations are provided for persons not members of the same family group in one room, or in a series of closely associated rooms.

Hotel: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.*

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.

Enforcement officer: The official designated herein or otherwise charged with the responsibilities of administering this code, or the official's authorized representative.

Exterior property areas: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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

* Whenever the words "multi-family dwelling," "residence building," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof."

Family: An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

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

Habitable space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hotel: See "Dwellings."

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

Junk vehicle: Any vehicle which is without a currently valid license plate or plates and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition. A junk vehicle shall be classified as to its condition in one of the two following categories:

1. **Restorable:** A junk vehicle that is in a condition whereby repairs to same could be made to place it in operating condition without exceeding the estimated value when repaired.
2. **Wreck:** A junk vehicle in such condition that it is economically unsound to restore same to operating condition considering the repairs to be made, age of the vehicle, market value of the vehicle if it were restored or in such condition that the public officer determines that it warrants such classification.

The code official shall make the final determination as to the classification to be assigned to any one particular vehicle.

Let for occupancy or let: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or licensee, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Maintenance: Conformance of a building and its facilities to the code under which the building was constructed.

Motel: A hotel as defined in this code.

Multi-family (multiple) dwellings: See "Dwellings."

Occupant: Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

Openable area: That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator: Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

Owner: Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Person: Includes a corporation or co-partnership as well as an individual.

Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.

Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises: A lot, plot or parcel of land including the buildings or structures thereon.*

Public nuisance: Includes the following:

1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises which have unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation or use; or
5. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or
6. Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

Renovation: A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.

* Whenever the words "multi-family dwelling," "residence building," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof."

Residence building: A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.

Rooming house: Any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than five persons who are not members of the family (see "Dwellings, boarding house").

Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish: Combustible and noncombustible waste materials, except garbage, and 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.

Structure: That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Supplied: Installed, furnished or provided by the owner or operator.

Ventilation: The process of supplying and removing air by natural or mechanical means to or from any space.

Mechanical: Ventilation by power-driven devices.

Natural: Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

Workmanlike: Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Yard: An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

ARTICLE 3

ENVIRONMENTAL REQUIREMENTS

SECTION PM-300.0 GENERAL

PM-300.1 Scope: The provisions of this article shall govern the minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

PM-300.2 Responsibility: The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use premises which do not comply with the following requirements of this article.

PM-300.3 Vacant structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION PM-301.0 PREMISES CONDITIONS

PM-301.1 Sanitation: All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

PM-301.1.1 Containers: The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide, and at all times cause to be used, leakproof approved containers, provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

PM-301.2 Grading and drainage: All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

PM-301.3 Loading areas: All loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in

good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby.

PM-301.4 Insect and rat control: An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

PM-301.5 Public areas: All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair and free of all snow, ice, mud and other debris. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.

PM-301.6 Noxious weeds: All areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare.

PM-301.7 Storage areas: All open salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than 6 feet (1.83m) in height.

PM-301.8 Exhaust vents: A person shall not construct, maintain, or operate pipes, ducts, conductors, fans, or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

PM-301.9 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with Sections PM-302.0 and PM-303.0 of this code.

PM-301.10 Motor vehicles: Motor vehicles shall be subject to the following requirements of Section PM-301.10.1 and PM-301.10.2.

PM-301.10.1 Residential areas: Except as provided in other regulations, not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and said vehicle shall not at any time be in a state of major disassembly, disrepair or shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in a residential district.

PM-301.10.2 Non-residential areas: Except as provided in other regulations and approved by the code official, not more than two currently unregistered and/or uninspected motor vehicles shall be permitted on any property in a non-residential district, and any vehicle shall not at any time be in a state of major disassembly, disrepair nor shall it be in the process of being stripped or dismantled.

PM-301.11 Open fires: Open fires shall be prohibited except as specifically approved by the fire official.

SECTION PM-302.0 EXTERIOR STRUCTURE

PM-302.1 General: The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

PM-302.2 Structural members: All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

PM-302.3 Exterior surfaces (foundations, walls and roof): Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rats.

PM-302.3.1 Foundation walls: All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

PM-302.3.2 Exterior walls: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

PM-302.3.3 Roofs: The roof shall be structurally sound, tight, and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

PM-302.3.4 Decorative features: All cornices, entablatures, 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.

PM-302.3.5 Signs, marquees, and awnings: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

PM-302.3.6 Chimneys: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

PM-302.3.7 Stairs and porches: Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

PM-302.4 Window and door frames: Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

PM-302.4.1 Weathertight: Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

PM-302.4.2 Glazing: Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.

PM-302.4.3 Openable windows: Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

PM-302.4.4 Insect screens: Every door and window or other outside opening used for ventilation purposes shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, except that such screens shall not be required for areas on a floor above the fifth floor and screen doors shall not be required on non-residential structures or structures where the doors are required to swing out as required in the building code.

PM-302.4.5 Door hardware: Every exterior door, door hinge, and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

PM-302.4.6 Basement hatchways: Every basement or cellar hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain, and surface drainage water into the structure.

PM-302.4.7 Guards for basement windows: Every basement or cellar window which is openable shall be supplied with rat-proof shields, or storm windows or other material affording protection against the entry of rats.

SECTION PM-303.0 INTERIOR STRUCTURE

PM-303.1 General: The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants, and to protect the occupants from the environment.

PM-303.2 Structural members: The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

In every existing building used for business, industrial, mercantile or storage occupancy, in which heavy loads or concentrations occur or in which machinery is introduced, the owner or occupant shall cause the weight that each floor will safely sustain to be calculated by a registered architect or

engineer and filed with the building official, and after such acceptance by the building official, posted on each floor in a conspicuous place.

PM-303.3 Interior surfaces: Floors, walls, including windows and doors, ceilings, and other interior surfaces shall be maintained in good, clean, and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be eliminated.

PM-303.3.1 Lead based paint: Lead based paint with a lead content of more than 0.5 percent shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of 0.5 percent lead shall be removed or covered with paneling or other suitable covering approved by the code official.

PM-303.3.2 Bathroom and kitchen floors: Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

PM-303.4 Free from dampness: In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

PM-303.5 Sanitation: The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under Section PM-801.0.

PM-303.5.1 Storage: Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

PM-303.6 Insect and rat harborage: All structures shall be kept free from insect and rat infestation, and where insect or rats are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

PM-303.7 Exit doors: Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.

PM-303.8 Stairs, porches and railings: Stairs and other exit facilities shall be adequate for safety as provided in the building code.

PM-303.8.1 Exit facilities: All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

PM-303.8.2 Handrails: Every flight of stairs, which is more than three risers high, shall have handrails which shall be located as required by the building code, and every open portion of a stair, porch, landing and balcony which is more than 30 inches (76.20 cm) above the floor or grade below shall have guardrails. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

ARTICLE 4

LIGHT, VENTILATION AND SPACE REQUIREMENTS

SECTION PM-400.0 GENERAL

PM-400.1 Scope: The provisions of this article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.

PM-400.2 Responsibility: The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this article.

PM-400.3 Access to public property: All structures shall be provided access to public property. Such access means shall be maintained unobstructed.

PM-400.4 Open space: An open space when used for the origin of light and ventilation shall be maintained and unobstructed.

PM-400.5 Alternative devices: In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted when complying with the building code.

SECTION PM-401.0 LIGHT

PM-401.1 General: All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

PM-401.2 Habitable rooms: Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the

building code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (0.91 m) from the window and extend to a level above that of the ceiling of the room, such a 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.

PM-401.3 Common halls and stairways: Every common hall and stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least a 60 watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and passageways.

PM-401.4 Other spaces: All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

SECTION PM-402.0 VENTILATION

PM-402.1 General: All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

PM-402.2 Habitable rooms: Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least 45 percent of the minimum window area size required in Section PM-401.2.

PM-402.3 Toilet rooms: Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Section PM-401.2 except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

PM-402.4 Cooking facilities: Cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.

PM-402.5 Process ventilation: Where any process permits and where injurious, toxic, irritating or noxious fumes, gases, dusts, or mists are generated by said process, a local exhaust ventilation shall be provided to remove the contaminating agent at the source so that it is not allowed to permeate the general atmosphere of the workroom.

SECTION PM-403.0 DWELLING UNIT LIMITATIONS

PM-403.1 Separation of units: Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access

to other sleeping rooms or habitable spaces.

PM-403.1.1 Privacy: Hotel units, lodging units, and dormitory units shall be designed to provide privacy, and be separate from other adjoining spaces.

PM-403.2 Common access: A habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

PM-403.3 Basement rooms: Basement rooms partially below grade shall not be used for living purposes unless:

1. Floors and walls are watertight and so insulated as to prevent entry of moisture;
2. Total window area, total openable area and ceiling height are in accordance with this code, and;
3. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

SECTION PM-404.0 SPACE REQUIREMENTS

PM-404.1 Dwelling units: Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet (13.95 m²) for the first occupant, and 100 square feet (9.30 m²) for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

PM-404.2 Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.51 m²) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.65 m²) of floor area for each occupant thereof.

PM-404.3 Overcrowding: If any room used for residential purposes is overcrowded, the code official may order the number of persons sleeping or living

**Table PM-404.3
MINIMUM OCCUPANCY AREA REQUIREMENTS**

Space	Minimum occupancy area in square feet (square meters)		
	1-2 occupants	3-5 occupants	6 or more
Living room ^a	No requirements	120 (11.16)	150 (13.95)
Dining room ^a	No requirements	80 (7.44)	100 (9.30)
Kitchen	50 (4.65)	50 (4.65)	60 (5.58)
Bedrooms ^b	Must comply with Section PM-404.2		

Note a. Combined living room-dining room spaces will be construed as meeting the requirements of this table if the total area is equal to that required for separate rooms and if the space is so located that it may function as a combination living room-dining room.

Note b. Every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.

Every room used as a bedroom shall have access to at least one water closet located on the same floor as the bedroom, except that this requirement shall not apply to the only bedroom on a floor.

in said room to be reduced so that there shall be not less than the total area required in Table PM-404.3.

PM-404.4 Prohibited use: It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space, or public space.

PM-404.5 Minimum ceiling heights: Habitable rooms shall have a clear ceiling height over the minimum area required by this code at not less than 7 ¹/₃ feet (2.23 m), except that in attics or top half-stories the ceiling height shall be not less than 7 feet (2.13 m) over not less than one-third of the minimum area required by this code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of 5 feet (1.52 m) or more may be included.

PM-404.6 Correctional institutional occupancies: It is not intended that this code regulate the space requirements of correctional institutions.

ARTICLE 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION PM-500.0 GENERAL

PM-500.1 Scope: The provisions of this article shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein prescribed insofar as they are applicable.

PM-500.2 Responsibility: The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premises which does not comply with the following requirements of this article.

SECTION PM-501.0 REQUIRED FACILITIES

PM-501.1 Dwelling units: Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities set forth in Sections PM-501.1.1 through PM-501.1.3 shall be supplied and maintained in sanitary, safe working condition.

PM-501.1.1 Water closet and lavatory: Every dwelling unit shall contain within its walls, a room separate from habitable rooms, which affords privacy and a water closet supplied with cold running water. The lavatory may be placed in the same room as the water closet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

PM-501.1.2 Bathtub or shower: Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.

PM-501.1.3 Kitchen sink: Every dwelling unit shall contain a kitchen sink apart from the lavatory required under Section PM-501.1.1 and be supplied with hot and cold running water.

PM-501.2 Rooming houses: At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

PM-501.3 Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub accessible from a public hallway shall be provided on each floor. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

PM-501.4 Other structures: In non-residential structures the requirements for sanitary facilities shall comply with the minimum requirements of the plumbing code for such facilities for such use and occupancy.

SECTION PM-502.0 TOILET ROOMS

PM-502.1 Privacy: Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

PM-502.2 Direct access: Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

PM-502.3 Same story: Toilet rooms and bathrooms serving hotel units, lodging units, or dormitory units, unless located within such respective units, or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.

PM-502.4 Employee facilities: Toilet rooms for employees shall be readily accessible to such employees, and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.

PM-502.5 Floors: Bathrooms and toilet rooms shall be provided with floors of moisture resistant material.

PM-502.6 Partitions: Every non-residential structure that requires or supplies a water closet shall provide within the toilet room partitions, enclosures or compartments for privacy and shall comply with fixture clearance requirements of the plumbing code for such installations.

SECTION PM-503.0 PLUMBING FIXTURES

PM-503.1 General: All plumbing fixtures shall be maintained in a safe and useable condition. All plumbing fixtures shall be of approved non-absorbent material.

PM-503.2 Connections: Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installa-

tions shall be made in accordance with the provisions of the building code or plumbing code.

PM-503.3 Maintained clean and sanitary: All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rats or produce dangerous or offensive gases or odors.

PM-503.4 Access for cleaning: Plumbing fixtures shall be installed as to permit easy access for cleaning both the fixture and the area about it.

PM-503.5 Water conservation: Plumbing fixtures which are replaced shall be of water saving construction and use as may be required by local energy and plumbing codes.

SECTION PM-504.0 WATER SYSTEM

PM-504.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

PM-504.2 Contamination: The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

PM-504.3 Supply: The water supply systems shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

PM-504.4 Water heating facilities: Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than 110 degrees F. (43.33 degrees C).

SECTION PM-505.0 SEWAGE SYSTEM

PM-505.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM-505.2 Maintenance: Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code.

SECTION PM-506.0 STORM DRAINAGE

PM-506.1 General: An approved system of storm water disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises.

ARTICLE 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-600.0 GENERAL

PM-600.1 Scope: The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

PM-600.2 Responsibility: The owner of the structure shall provide and maintain such mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this article.

SECTION PM-601.0 HEATING FACILITIES

PM-601.1 Residential buildings: Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18.33 degrees C), at a point 3 feet (0.91 m) above the floor and 3 feet (0.91 m) from an exterior wall in all habitable rooms, bathrooms and toilet rooms.

PM-601.2 Other structures: In all other structures where heating facilities are supplied or available for use, they shall be capable of adequately and safely heating areas of the structure to a reasonable temperature for work conditions.

PM-601.3 Cooking and heating equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by a candle or alcohol lamp.

PM-601.4 Installation: All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

PM-601.4.1 Flue: All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

PM-601.4.2 Clearances: All required clearances to combustible materials shall be maintained.

PM-601.4.3 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM-601.4.4 Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.

PM-601.5 Fireplaces: Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.

PM-601.6 Climate control: When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

SECTION PM-602.0 ELECTRICAL FACILITIES

PM-602.1 Outlets required: Where there is electric service available to a structure, every habitable room of a dwelling unit, and every guest room, shall contain at least two separate and remote outlets, one of which may be a ceiling or wall type electric light fixture. In a kitchen, three separate and remote wall type electric convenience outlets or two such convenience outlets and one ceiling or wall type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

PM-602.2 Installation: All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

PM-602.3 Defective system: Where it is found, in the opinion of the code official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION PM-603.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

PM-603.1 General: Elevators, dumbwaiters, and escalators shall be maintained to safely sustain the loads to which they are subject, to operate properly, and to be free of physical and fire hazards.

ARTICLE 7

FIRE SAFETY REQUIREMENTS

SECTION PM-700.0 GENERAL

PM-700.1 Scope: The provisions of this article shall govern the minimum fire safety facilities and equipment to be provided. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

PM-700.2 Responsibility: The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the fire prevention code. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the following requirements of this article.

SECTION PM-701.0 MEANS OF EGRESS

PM-701.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court, or passageway leading to a public open area at grade.

PM-701.2 Direct exit: Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

PM-701.3 Locked doors: All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

PM-701.4 Fire escapes: All required fire escapes shall be maintained in working condition and structurally sound.

PM-701.5 Exit signs: All exit signs shall be maintained illuminated and visible.

SECTION PM-702.0 ACCUMULATIONS AND STORAGE

PM-702.1 Accumulations: Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

PM-702.2 Flammable matter: Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste paper, boxes, and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

PM-702.3 Residential unit: A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 110 degrees F. (43.33 degrees C) or lower, except as provided for in the building code.

PM-702.4 Non-residential structures: Non-residential structures shall be permitted to store combustible or flammable materials provided they are confined to approved storage areas and comply with applicable requirements of the building and fire codes for the appropriate use group classification.

SECTION PM-703.0 FIRERESISTANCE RATINGS

PM-703.1 General: Floors, walls, ceilings, and other elements and components required to develop a fireresistance rating shall be maintained so that the respective fireresistance rating of the enclosure, separation, or construction is preserved.

SECTION PM-704.0 FIRE PROTECTION SYSTEMS

PM-704.1 General: All fire protection systems and equipment shall be maintained in proper operating condition at all times.

PM-704.2 Fire alarms: Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

PM-704.3 Fire suppression system: Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint, and not bent or damaged.

PM-704.4 Standpipe systems: Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

PM-704.5 Fire extinguishers: All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.

ARTICLE 8

RESPONSIBILITIES OF PERSONS

SECTION PM-800.0 GENERAL

PM-800.1 Scope: The provisions of this article shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof.

SECTION PM-801.0 SANITARY CONDITION

PM-801.1 Cleanliness: Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a dwelling containing two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.

PM-801.2 Disposal of rubbish: Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight fitting covers as required by this code.

PM-801.3 Disposal of garbage: Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight garbage storage containers as required by this code, or by such other disposal method as may be required by applicable laws or ordinances.

PM-801.4 Garbage storage facilities: Every dwelling unit shall be supplied with an approved garbage disposal facility, which may be any adequate mechanical garbage disposal unit (mechanical sink grinder), in each dwelling unit or an incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can or cans as required in Section PM-301.1.1. Such facilities shall be sufficient to meet the needs of the occupants.

PM-801.5 Rubbish storage facilities: Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling shall be responsible for the removal of such rubbish.

PM-801.6 Food preparation: All spaces used or intended to be used for food preparation 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 when necessary.

PM-801.7 Supplied fixtures and equipment: The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation.

PM-801.8 Furnished by occupant: The equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

PM-801.9 Caretaker: In every multiple dwelling in which the owner does not reside there shall be a responsible person, designated by the owner, residing on the premises, whose duties include maintaining the commonly used parts of the premises.

SECTION PM-802.0 EXTERMINATION

PM-802.1 Owner: The owner of any structure shall be responsible for extermination within the structure prior to renting, leasing or selling the structure.

PM-802.2 Tenant-occupant: The tenant-occupant of any structure shall be responsible for the continued rat-proof condition of the structure, and if the tenant-occupant fails to maintain the rat-proof condition, the cost of extermination shall be the responsibility of the tenant-occupant.

PM-802.3 Single occupancy: The occupant of a structure containing a single dwelling unit or of a single non-residential structure shall be responsible for the extermination of any insects, rats or other pests in the structure or on the premises.

PM-802.4 Multiple occupancy: Every owner, agent or operator of two or more dwelling units or multiple occupancies, or non-residential structures and rooming houses, shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and premises. When infestation is caused by failure of an occupant of a unit of the two or more dwelling units or by an occupant or leasee of a non-residential structure to prevent such infestation in the area occupied, the occupant shall be responsible for such extermination.

PM-802.5 Continued rat infestation: Continuing or repeated incidents of rat infestation determined from the official records as provided in Section PM-103.3 of this code shall require the installation of rat and vermin proof walls. The rat and vermin proof walls shall be installed in accordance with the building code.

APPENDIX A

LEGAL NOTES

A maintenance code is a legislative instrument and therefore, legal and administrative aspects of the code are predicted by court decisions of cases brought to trial. The code herein lists some of these legal notes.

A.1 Enforcement

The enforcement of housing code regulations in the area of single-family, owner-occupied homes has been held to be constitutional, so long as a valid power objective is comprehended by the jurisdiction enforcing the code. A city ordinance which required a permit before the owner of a single-family, owner-occupied home could legally bring a portable plastic swimming pool onto the property was declared constitutional by the Supreme Court of Illinois. The Court pointed out that municipalities may properly impose restrictions upon individual property owners where these are necessary for the protection of the public health, safety, or welfare. It is only where the regulations objected to do not bear upon such an end that there is any lack of due process of law or denial of equal protection under the law. *Palangio v. City of Chicago*, 23 Ill. 2D 570, 179 N.E. 2d 663 (1962). The New York Court of Appeals applied similar reasoning to enforce a requirement of a permit against the owner of a one-family house who sought to park and maintain a house trailer on her premises. *People v. Lederle*, 206 Misc. 244, 132 N.Y.S. 2d 693 (1954) Aff'd. 309 N.Y. 866, 132 N.E. 2d 284 (1955).

A.2 Responsibility of owners and occupants

Boden v. City of Milwaukee, 8 Wisc. 2d 318, 99 N.W. 2d 156 (1959); *Paquett v. City of Fall River*, 338 Mass. 368, 155 N.E. 2d 775 (1959); *Richards v. City of Columbia*, 227 S.C. 538, 88 S.E., 2d 683 (1955).

A.3 Basic equipment and facilities

An ordinance requiring each dwelling to be equipped with an inside bathroom including toilet, lavatory, basin, bathtub and/or shower connected to hot and cold water lines, with water heating facilities, and connected to a public sewer, was upheld. *Louisville v. Thompson*, (Ct. App. Ky 339 S.W. 2d 869 (1960). The Court held that legislation that is otherwise reasonable does not necessarily become unreasonable because it may require repair, improvement, or even removal of existing equipment in order to comply with it.

Contra: *Early Estates, Inc. v. Housing Board of Review*, 93 R.I. 277, 174 A. 2d 117 (1961). The City of Providence was authorized under state law to enact minimum housing standards. The city ordinance which established such standards required a rear hallway light in petitioner's three-story tenement and was held a valid exercise of

the police power by the Supreme Court of Rhode Island, but a section requiring the installation of hot water facilities in a third floor tenement was held to be invalid, and in excess of statutory authority, to require facilities related to "uncleanliness" of dwellings and which were needed to make such dwelling "fit for human habitation".

A.3.1 Health-related criteria

Basic Principles of Healthful Housing, 2nd edition, 1971, American Public Health Association, Washington, D.C., (see Principles 16 through 19).

Paquett v. City of Fall River, 338 Mass. 368, 155 N.E. 2d 775 (1959); *Louisville v. Thompson*, (Ct. App. Ky.) 339 S.W. 2d 869 (1960); *Boden v. City of Milwaukee*, 8 Wisc. 2d 318, 99 N.W. 2d 156 (1959); *Richards v. City of Columbia*, 227 S.C. 538, 88 S.E. 2d 683 (1955); *City of Newark v. Charles Realty Co.*, 9 N.J. Super. 442, 74 A. 2d 630 (1950).

An ordinance requiring the removal of privy vaults and the substitution of water closets was held within the power of St. Louis under the scope of the police power doctrine. *City of St. Louis v. Nash* (S. Ct. Mo.) 260 S.W. 985 (1924). In *Paquette v. City of Fall River*, 338 Mass. 368, 155 N.E. 2d 775 (1959), the Supreme Judicial Court of Massachusetts upheld a city ordinance requiring inspection for provision of hot water, window screens and certain standards of electrical services, toilet facilities, and floor space. These provisions were stated to be clearly within the scope of the police power.

The Supreme Court of Colorado affirmed the ruling of a lower court which declared that a Denver ordinance which applies standards of sanitation and cleanliness, heating and electrical facilities, maintenance of buildings, floor space, height of basement ceilings, and maximum number of persons allowed to use bathroom facilities constitutional, though having a retrospective effect and delegating authority to an executive department. *Apple v. City and County of Denver*, 390 P. 2d 91 (Colo., 1964).

A.4 Light and ventilation

The Supreme Court of Colorado affirmed the ruling of a lower court which declared that a Denver ordinance which applied standards of sanitation and cleanliness, heating and electrical facilities, maintenance of buildings, floor space, height of basement ceilings, and maximum number of persons allowed to use bathroom facilities constitutional, though having a retrospective effect and delegating authority to an executive department. *Apple v. City and County of Denver*, 390 P. 2d 91 (Colo., 1964); *Boden v. City of Milwaukee*, 8 Wisc. 2d 318, 99 N.W. 2d 156 (1959); *Richards v. City of Columbia*, 227, S.C. 538, 88 S.E. 2d 683 (1955).

A.5 Maintenance of interior

Replaster: *Boden v. City of Milwaukee*, 8 Wisc. 2d 318, 99 N.W. 2d 156 (1959); *City of Newark v. Charles Realty Co.*, 9 N.J. Super. 442, 74 A. 2d 630 (1950). Repaint: *Paquette v. City of Fall River*, 338 Mass. 368, 155 N.E. 2d 775 (1959); *City of Newark v. Charles Realty Co.*, 9 N.J. Super. 442, 74 A. 2d 630 (1950).

A.6 Space, use and location requirements

The Supreme Court of Colorado affirmed the ruling of a lower Court which declared that a Denver ordinance which applied standards of sanitation and cleanliness,

heating and electrical facilities, maintenance of buildings, floor space, height of basement ceilings, and maximum number of persons allowed to use bathroom facilities constitutional, though having a retrospective effect and delegating authority to an executive department. *Apple v. City and County of Denver*, 390 P.2d 91 (Colo. 1964); *Paquette v. City of Fall River*, 338 Mass. 368, 155 N.E. 2d 775 (1959).

A.6.1 Health-related criteria

Housing Programmes; The Role of Public Health Agencies, World Health Organization (Geneva), Public Health Papers No. 25., pp. 100-102, 1964.

Calhoun, J.B. "Population density and social pathology," *Scientific American*, 32 (206), pp. 139-146, 1962.

Christian, J.J., "Phenomena associated with population density," *Proceedings of the National Academy of Science*, 47; pp. 429-449, 1961.

Loring, W.C., "Housing characteristics and social disorganization," *Journal of Social Problems*, 3:3, Jan., 1956.

Gruenberg, E.M., "Community conditions and psychoses of the elderly," *American Journal of Psychiatry*, 110, (12), pp. 888-903, June, 1954.

McBriety v. City of Baltimore, 219 Md. 223, 148, 148 A.2d 408 (1959).

In *Richards v. City of Columbia*, 227 S.C. 538, 88 S.E. 2d 683 (1955), the Supreme Court of South Carolina affirmed a lower court judgement that a city ordinance requiring alteration, repair, or destruction of houses deemed unfit for human habitation, and containing a list of standards for decision was not invalid as an arbitrary exercise of police power, except for portion declaring that the rehabilitation director or commission could determine which houses were unfit for human habitation without legislative direction. Plaintiff landowner's injunction therefore failed.

A.7 Inspections

The decisions of the Supreme Court of the United States in *Camara v. Municipal Court of San Francisco*, 387 U.S. 523 (1967), and *See v. City of Seattle*, 387 U.S. 541 (1967), have made clear that housing code and sanitary inspections of non-public areas in dwelling or business premises are "searched" within the meaning of the Fourth Amendment of the U.S. Constitution and, unless consented to, can only be conducted or compelled under a search warrant procedure.

Under these holdings, the occupant of premises who refuses to permit an inspection of non-public areas for which a warrant has not been obtained may not be punished for such a refusal. (For a more detailed discussion of the holdings in these cities and their administrative implications, see: Edelman, S., "Search warrants and sanitation inspections—The new look in enforcement", *American Journal of Public Health*, 58(5), 930, 1968; 45 *Denver Law Journal* 296, 1968).

An ordinance provides for the seeking of a cease and desist order when entry is refused the inspector. There is a lack of legal authority in most states for the issuance of a search warrant in connection with proceedings other than those of a criminal nature. The use of a court order is intended to meet the requirements of the Supreme Court holdings (i.e., that there be reference of the question of entry to an impartial magistrate) pending change in state law which a requirement that an administrative warrant or order issue would necessitate in most jurisdictions.

A.8 Notice of violation

Such notice is intended to comply with constitutional requirements of due process, as was stated in *Hoehamer v. Village of Elmwood Park*, 361 Ill. 423, 198 N.E. 345 (1932): "An orderly proceeding in which a person is served with notice, actual or constructive, and has an opportunity to be heard and to protect and enforce his rights before a court having power to hear and determine the cause, is due process of law".

Questions discussed in the previous note on inspections are present in the area of reinspections as well. Evidence obtained in reinspections, as well as in initial inspections of a tenant's rooms, cannot be gathered for use against the tenant solely on the basis of the landlord's consent to a search, where the penalties to be imposed are of a criminal or quasi-criminal nature. See *Chapman v. United States*, 365 U.S. 610 (1961), where a landlord gave police officers entry to a defendant's rented house wherein he maintained an illegal still. The evidence obtained in the search was declared inadmissible by the Supreme Court. Where the obligation to be enforced is that of the landlord as opposed to the tenant, the landlord's consent to inspection of the tenant's dwelling, dwelling unit or rooming unit is, of course, binding upon him.

A.9 Penalties

Civil penalties are proposed in lieu of the more common criminal sanctions. This gives implementation to the recommendations of Judah Gribetz and Frank P. Grad in "Housing Code Enforcement—Sanctions and Remedies", 66 *Columbia Law Review* 1254, 1966. The inadequacy and historically demonstrable failure of the criminal sanction and the plan for a shift toward a cumulative civil penalty, are reflected in this article.

A.10 Repair

Repair is designed to replace the more common remedies of placarding, vacation of the premises and receivership. Its advantages lie in that fact the tenants in repairable multiple dwellings need not be forced to look for other lodgings and that the jurisdiction need not involve itself as a landlord, with buildings to manage awaiting repairs. The cost of repairs is met both by a potential civil action, and through the mechanism of the revolving fund.

Authority for a city under the police power to require private action for repair and to recover the cost of work done if the individual required to make the improvement does not act has long been upheld, although it has not been invoked frequently in recent cases. See *City of Independence v. Purdy*, 46 Iowa 202 (1877), where the city filled in a defendant's stagnant pond and was allowed to recover the cost in a private action. The authorization for civil recovery of such costs eliminates the long delay which is attendant when liens are imposed on property, since these are mere clouds on title, to be paid at that indefinite time in the future when the property is transferred.

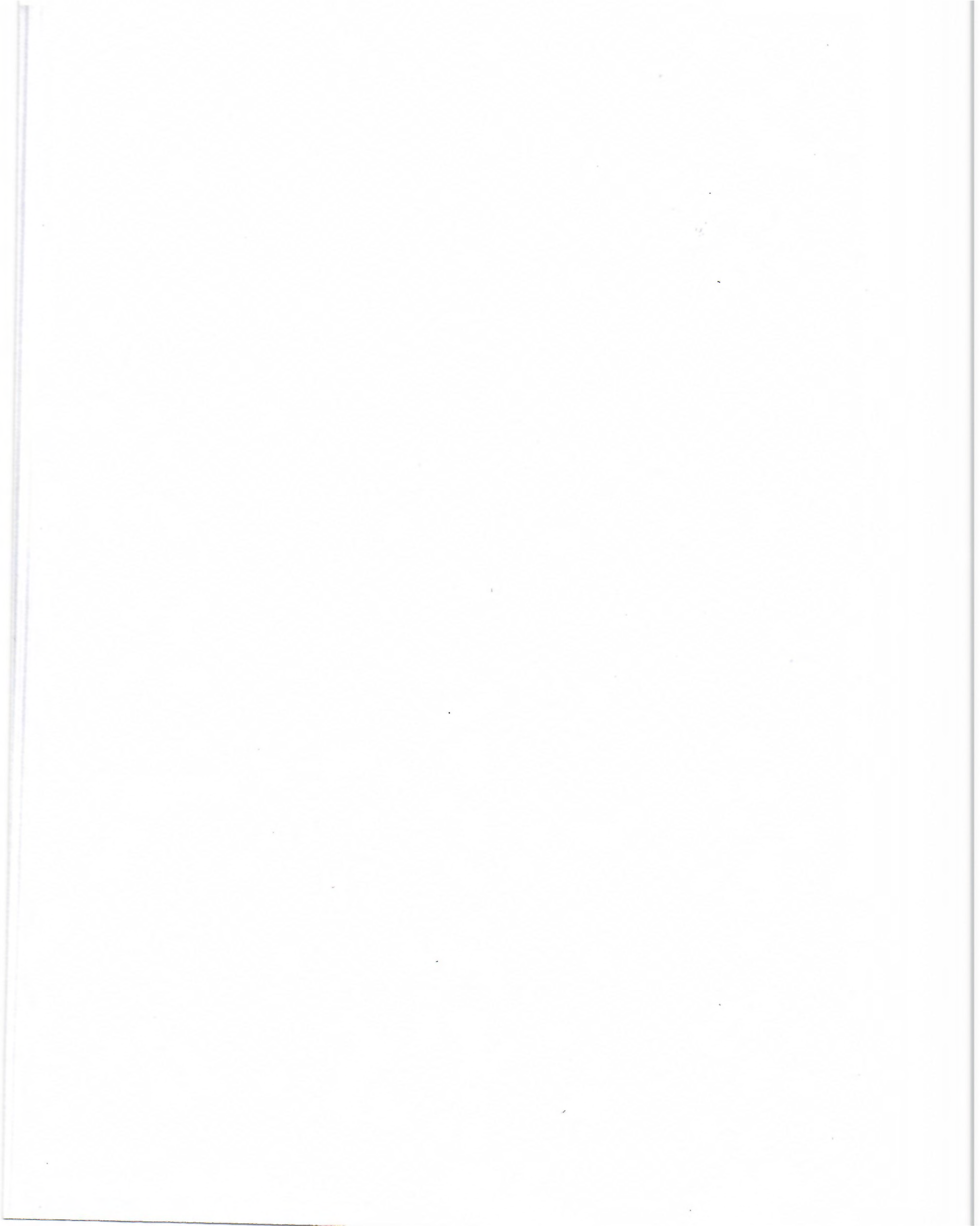
A.11 Demolition

It is well settled law that municipal ordinances may provide for the condemnation of buildings failing to comply with their provisions. See *City of Nashville v. Weakley*, 170 Tenn. 278, 95 S.W. 2d 37 (1936), in which it was held, among other things, that a property owner has a duty to keep property in such a state of repair so as not to

endanger the public, and that when the property owner fails in such duty, the municipality may perform demolition at the owner's expense.

The provisions prohibiting an owner from permitting reoccupation of a voluntarily vacated dwelling, dwelling unit or rooming unit in a structure scheduled for demolition represents an attempt to protect occupants from dangerous conditions, but does not apply the traditional and harsher condition that the structure be vacated forthwith at the time at which the demolition order is issued. This is an attempt to balance the need of the tenant to find other accommodations with the need to protect the public health, safety and welfare.

The provisions requiring that the excavation left when an unfit structure has been removed be filled in is an obvious, but often neglected means of protecting the public health and safety.



APPENDIX B

CODE ENFORCEMENT GUIDELINES FOR RESIDENTIAL REHABILITATION

B.1 Administration and enforcement

This appendix shall be known as a "Code enforcement guidelines for residential rehabilitation" and is herein referred to as "these guidelines."

B.1.1 Purpose

The purpose of these guidelines is to protect the health, safety and general welfare of the public by providing a reasonable set of provisions for the physical rehabilitation of certain older residential buildings that will enable the restoration of such buildings to a reasonable condition of safety and habitability.

B.1.2 Scope

The provisions of these guidelines shall apply only to existing residential buildings or portions thereof that qualify as rehabilitable under Section B.1.3.

Exception: Hotels, motels and other housing for transients.

These guidelines are intended for use as a supplement to local codes and ordinances which regulate the design, construction, quality of materials, use and occupancy, location, and maintenance of buildings and structures.

Additions: The provisions in these guidelines shall not prohibit additions that meet the requirements of the building code and the zoning ordinance for new construction.

Alterations: The provisions in these guidelines shall not prohibit alterations meeting the requirements of the building code for new construction.

B.1.3 Rehabilitable buildings

The code official may declare a building rehabilitable based on a written inspection report, when the report indicates the following:

1. The building under consideration does not conform to the present requirements of the building construction codes and ordinances, but can be made to conform to the requirements of these guidelines through rehabilitation.
2. The primary structural elements are basically sound, and will require a minimum amount of repair or replacement to meet the requirements of these guidelines.
3. The building can be made to meet the requirements of these guidelines without increasing the building height or area, or continuing an existing hazardous condition.

B.1.4 Application of building construction codes

Any repair, alteration, or replacement of structural elements or equipment in buildings, which may be required by the provisions of these guidelines, shall be done in accordance with the applicable sections of the building code, electrical code, plumbing code or other applicable code or ordinance of the jurisdiction.

B.1.5 Application of zoning ordinance

The provisions in these guidelines shall not permit the abridgement or violation of the zoning ordinance of the jurisdiction.

B.1.6 Conflict with other ordinances

Specific provisions of these guidelines indicate their precedence over the requirements of other related codes and ordinances. Where specific precedence is not indicated, the requirement of the most restrictive code or ordinance prevails.

B.1.7 Validity

If any section, subsection, paragraph, sentence, clause or phrase of these guidelines shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these guidelines, which shall continue in full force and effect; and to this end the provisions of these guidelines are hereby declared to be severable.

B.1.8 Saving clause

The provisions in these guidelines shall not be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by these guidelines.

B.2 Definitions

B.2.1 Scope

Unless otherwise expressly stated, the following terms shall, for the purpose of these guidelines, have the meanings indicated.

B.2.2 General

Tense, gender and number: Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Terms not defined: Where terms are not defined under the provisions of these guidelines or other locally adopted codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

Technical definitions: The appropriate definitions of the applicable codes and ordinances duly adopted by this jurisdiction and defined in Section B.2.3 shall be used in

the interpretation of these guidelines, except that the definitions of words or phrases contained in Section B.2.3 of these guidelines shall be used in determining which code or ordinance, as defined in this article, is applicable.

B.2.3 General definitions

Addition: An extension or increase in the floor area or height of a building or structure.

Administrative authority: The individual official, board, department, or agency established and authorized (by a state, county, city or other political subdivision created by law) to administer and enforce the provisions of the residential rehabilitation guidelines as adopted or amended.

Alteration: A change or rearrangement in the structural parts, or in the exit facilities, of a building or structure.

Approved: As applied to a material, device or mode of construction, means approved by the administrative authority in accordance with the provisions of these guidelines, or by the authority designated by law to give approval of the matter in question.

Building code: The duly adopted building code of this jurisdiction.

Electrical code: The duly adopted electrical code of this jurisdiction.

Heating code: The duly adopted heating code of this jurisdiction.

Housing code: The duly adopted housing code of this jurisdiction.

Mechanical code: The duly adopted mechanical code of this jurisdiction.

Other applicable code or ordinance: Any duly adopted code or ordinance of this jurisdiction applicable to a specific requirement of these guidelines.

Plumbing code: The duly adopted plumbing code of this jurisdiction.

Rehabilitation: Construction that includes the following categories:

1. Repairs to, or replacement of, present elements of any existing building, such as windows, stairs, flooring, wiring, etc.; or
2. Rearrangement of rooms, by the relocation of partitions or walls; or by the installation of new bathrooms or kitchens; or
3. The general replacement of the interior or portions of the interior of a building, which may or may not include changes to structural elements such as floor systems, roof systems, columns, or load bearing interior or exterior walls.

Ventilating code: The duly adopted ventilating code of this jurisdiction.

B.3 Site conditions

The following provisions of Section B.3.1 through B.3.6 shall serve as criteria for the evaluation of the site conditions necessary to provide for a safe and healthful living environment. The site condition requirements contained herein shall be present prior to rehabilitation of the building, or shall be included as a part of the rehabilitation work.

B.3.1 Open space

Every building shall have open space meeting the minimum requirements of the applicable code or ordinance.

B.3.2 Yards

Yards shall meet the minimum requirements of the applicable code or ordinance.

B.3.3 Courts

Courts shall meet the minimum requirements of the applicable code or ordinance.

B.3.4 Site improvements

The site improvements shall conform to the following requirements of this section.

Exterior grade: The exterior grade, adjoining footings and basement walls, shall be sloped so as to drain all surface water away from the building.

Drainage: In areas showing evidence of adverse ground water conditions, an approved method of correcting these conditions shall be provided as part of the rehabilitation work.

Walkways: Hard surface walkways shall be provided for all-weather access from the street or other public open space to at least one entrance to the building.

Surfacing: Parking and driveway areas shall be surfaced for all-weather access.

B.3.5 Utilities

Water supply: The building water supply distribution system shall be connected to an approved public or private water supply system.

Sanitary drainage: The building sanitary drainage system shall be connected to an approved public or private sanitary sewer system.

Electrical: The building electrical system shall be connected to an approved source of electric power.

Fuel: The building fuel system shall be connected to an approved supply source.

B.3.6 Access

Access: Each site shall have accessibility for public services as required by ordinances of the jurisdiction.

B.4 Building planning

The following provisions of Sections B.4.1 and B.4.2 shall govern the sizes and means of light and ventilation required in all habitable and occupiable spaces and rooms in rehabilitated buildings.

B.4.1 Space

Space: Minimum requirements in dwelling units shall be as indicated by the following provisions of this section.

Dwelling unit: Every dwelling unit shall contain the minimum number of square feet required by the applicable code or ordinance.

Room lighting: Room lighting shall be as required in the following provisions.

1. **Natural light:** All habitable rooms and spaces shall be provided with aggregate glazing area of not less than eight percent of the floor area of such room or space.

Exception: Kitchens need not be provided with natural lighting if artificial light is provided.

Required glazed openings shall open directly onto a street, or alley, or onto a yard or court located on the same lot as the building.

2. **Artificial light:** All habitable or occupiable rooms and spaces shall be provided with artificial light by means of permanent electrical fixtures or convenience outlets. The distribution of fixtures and/or outlets shall be so as to provide satisfactory illumination throughout all rooms and spaces.

Room height: Habitable rooms shall have a ceiling height of not less than 7 feet 6 inches (2.29 m). In rooms having a sloping ceiling, the required ceiling height shall be provided over at least 50 percent of the room, and portions of a habitable room having a ceiling height less than 5 feet (1.52 m) shall not be considered as contributing to the minimum required area.

Room ventilation: Room ventilation shall be as required in the following provisions.

1. **Natural ventilation of habitable rooms:** Windows, doors or other approved means of natural ventilation shall be provided for all habitable rooms or spaces. An area of ventilating opening of 45 percent of the minimum window area size shall be provided, except that rooms or spaces provided with adequate mechanical ventilation as required by these guidelines need not be provided with natural ventilation.
2. **Mechanical ventilation of habitable rooms:** Mechanical ventilation may be provided in lieu of, or may supplement, natural ventilation for habitable rooms or spaces as shown in the following Table B.4.1a.

Table B.4.1a
MECHANICAL VENTILATION OF HABITABLE ROOMS

Function of space	Minimum air changes per hour	Maximum recirculation
Living	2	80%
Sleeping	2	80%
Cooking	3	Not permitted
Dining	2	80%

3. **Occupiable rooms:** Occupiable rooms or spaces shall be provided with mechanical ventilation as shown in the following Table B.4.1b.

Exception: Natural ventilation as described above may be used in lieu of mechanical ventilation.

Table B.4.1b
MECHANICAL VENTILATION OF OCCUPIABLE ROOMS

Room or space	Minimum air changes per hour	Maximum recirculation
Bathroom and toilet compartment	5	Not permitted
Utility rooms	2	80%

Ventilation of structural spaces: Natural ventilation of spaces such as attics, under-floor areas and crawl spaces shall be provided as required to overcome dampness and to minimize the effect of conditions conducive to decay and deterioration of the structure.

Room facilities: Each dwelling unit shall be provided with space necessary for storage, cooking, laundry and sanitary facilities.

Kitchen facilities: Each dwelling unit shall be provided with kitchen or kitchenette space which contains a sink with counter work space and has hot and cold running water; and has provisions for installation of cooking and refrigeration equipment, and for storing kitchen utensils.

Bathroom facilities: Bathroom facilities shall include the following:

1. **Water closet:** Each dwelling unit shall contain a water closet supplied with running water in an enclosed area not less than 30 inches (76.20 cm) in width and not less than 18 inches (45.72 cm) clear space in front of the water closet therein.
2. **Bathing:** Each dwelling unit shall contain a bathtub or shower with a supply of hot and cold running water, and in a bathroom separate from the habitable rooms.
3. **Lavatory:** Each dwelling unit shall contain a lavatory with a supply of hot and cold running water. The lavatory shall be located in the same room as the water closet, or immediately adjacent thereto.

Utility (laundry) facilities: Each dwelling unit shall contain adequate space for laundry equipment, except that laundry facilities need not be provided in the dwelling unit if provision is made for such facilities in common space within the building, or in a nearby building.

Room arrangements: Access to all parts of a dwelling unit shall be possible without passing outside the dwelling unit, or passing through another dwelling unit.

Every water closet, bathtub or shower in a unit shall be installed in a bathroom or water closet compartment which affords privacy to the user.

A bathroom shall not be used as the only passageway to a habitable room, hall, basement or dwelling unit.

A utility room, closet or storage room shall not be used as the only passageway to a habitable room or to a dwelling unit.

Habitable rooms below grade: Habitable rooms located in basements or partially below grade, shall comply with all the requirements of these guidelines pertaining to habitable rooms.

General storage: Each dwelling unit shall have a suitable space within the unit for general storage. The minimum size shall be 100 cubic feet (2.80 m³).

Exception: Where suitable locked space is available elsewhere in the building.

B.4.2 Common spaces in multi-family dwellings

Space for laundry facilities: If adequate space for laundry facilities is not provided in each dwelling unit, it shall be provided in a basement, laundry room, or other suitable common space accessible to and for the use of all occupants of the building.

B.5 Means of egress

The provisions of this section shall control the design, construction and arrangement of building elements required to provide safe means of egress from rehabilitated buildings.

B.5.1 One- and two-family dwellings

Exits: The requirements of the building code applicable to one and two family dwelling occupancy shall constitute the exit requirements of these guidelines.

B.5.2 Multi-family dwellings

Multi-family dwellings: The requirements of the building code applicable to multi-family dwelling occupancy shall constitute the exit requirements of these guidelines.

B.6 Fire protection

The provisions of this section shall govern the interior, built-in fire protection features of rehabilitated residential buildings.

B.6.1 Fire resistance requirements

Dwelling-garage separation: The common wall or floor-ceiling, if any, between a garage and a dwelling shall be protected as required by the building code for new construction.

Flame spread requirements: The maximum flamespread rating for all interior exposed surfaces of the dwelling shall be that required by the building code for new construction.

Roof covering: Roofing materials shall be as required by the building code for new construction.

Fire protection equipment: Fire protection equipment shall meet the requirements of all applicable codes or ordinances.

B.7 Construction

The provisions of this section shall govern the integrity of the components of a rehabilitated building.

B.7.1 General requirements

All components of the building shall be in sound condition or shall be restored to a sound condition.

All exterior walls and roofs shall be weathertight or shall be restored to a weather-tight condition.

Provisions shall be made for roof drainage as required by applicable code or ordinance.

B.7.2 Interior finish

Floors: Floors in rehabilitated buildings shall comply with the following provisions:

1. Floors of habitable or occupiable rooms in basements or cellars shall be surfaced or paved in an acceptable manner when in direct contact with the grade.
2. Floors in bathrooms and water closet compartments and kitchens shall be substantially impervious to water, and shall be constructed so as to permit the floor to be easily kept in a clean and sanitary condition. The floor finish shall be of a durable, waterproof, non-absorptive material such as asphalt, vinyl-asbestos, vinyl-plastic, rubber, ceramic tile, linoleum, concrete or other approved material.
3. Finish floors in habitable rooms or common spaces shall meet the requirements of the building code for new construction.

Walls and ceilings: Interior walls and ceilings shall conform to the following requirements:

1. The finish surfaces shall not have excessive detrimental or unsightly surface irregularities or cracking.
2. The finish surfaces shall be waterproof and hard surfaced in areas of rooms or spaces subject to direct moisture contact, such as bath and shower areas. Kitchens and baths shall be painted or papered to provide a washable finish surface.
3. Existing interior finish surfaces containing a lead content greater than 0.5 percent shall be removed and replaced or covered with a lead-free material.

Doors and openings: Interior doors and openings shall conform to the following requirements:

1. Doors and openings shall be 6 feet 8 inches (2.03 m) minimum in height with minimum widths as shown in the following Table B.7.2.

**Table B.7.2
MINIMUM DOOR WIDTHS**

Room or space	Minimum door width
Habitable or occupiable rooms	30 in. (76.20 cm)
Bathrooms, water closet compartments, storage closets [over 4 sq. ft. (.372 m ²) in area]	24 in. (60.96 cm)
Exit access or service stairs	30 in. (76.20 cm)
Exit doors	36 in. (91.44 cm)

2. At least one scuttle or access hatch to attic spaces over 30 inches (76.20 cm) in clear height shall be provided in a convenient location and shall have a minimum opening of 22 x 30 inches (55.88 cm x 76.20 cm), except where permanent access is provided.

Stairways: All stairways shall conform to the requirements of the building code.

Chimneys: Chimneys, flues and vents shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gases; or shall be restored to such a condition.

Extending chimneys: Tops of chimneys and flues shall be extended sufficiently so as to provide proper draw venting characteristics (draft) as required by the building code or other applicable code or ordinance for new construction.

B.8 Electrical, mechanical and plumbing systems

The provisions of this section shall govern the alteration, repair or replacement of the electrical, mechanical, or plumbing facilities in rehabilitated buildings.

B.8.1 General

Existing systems: Existing electrical, heating, mechanical, ventilation and air-conditioning, and plumbing equipment and systems that do not provide the services for which they were originally intended, or that are potential fire or health hazards, shall be replaced, altered or repaired, so as to make them safe and serviceable.

B.8.2 Electrical systems

Habitable rooms, occupiable rooms, utility spaces and common spaces normally requiring electrical service shall be provided with a system of wiring, wiring devices, fixtures and equipment to safely supply electrical energy for proper illumination, appliances and other electrical equipment.

The electrical system shall be connected to the source of electrical power insofar as is practical, in accordance with the electrical code.

Existing wiring and equipment: Existing wiring which conformed to applicable laws in effect at the time of installation and which has been maintained in good condition, which is not being altered or extended, and is being used in a safe manner, may continue in use.

Existing electrical systems which are of inadequate capacity shall be replaced with a new system or shall be supplemented with new wiring and equipment as necessary to meet the requirements of these guidelines.

New electrical systems: New electrical systems, equipment, fittings and devices shall be installed in accordance with the electrical code.

Electrical facilities in dwelling units: The electrical system, equipment and facilities in dwelling units shall conform to the requirements of the applicable code or ordinance.

B.8.3 Heating

Heating facilities which are properly installed, connected and maintained shall be provided for each dwelling unit and for the common spaces and utility spaces of the building to assure interior comfort by providing a minimum inside temperature as required by the applicable code or ordinance.

Existing systems: Existing non-conforming system components or devices may, with the approval of the administrative authority, continue in use if there is evidence of satisfactory performance, safety and adequate capacity.

New systems: New heating equipment and systems shall be designed and installed in accordance with the requirements of the heating code or other applicable code or ordinance.

Room (space) heaters: Space heaters shall conform to the requirements of the building code, heating code or other applicable code or ordinance for new installations.

Miscellaneous: Portions of heating systems not specifically mentioned in this section shall be deemed to meet the intent and requirements of this code if constructed and installed in accordance with the applicable code and ordinance.

B.8.4 Mechanical ventilation and air-conditioning

Existing systems: Existing systems of mechanical ventilation may continue in use if of adequate capacity, or they may be supplemented or replaced with a new system if of inadequate capacity.

New systems: New mechanical ventilation and air-conditioning equipment and systems shall be designed and installed in accordance with the requirements of the mechanical code or other applicable code or ordinance.

B.8.5 Plumbing systems

Plumbing systems: Plumbing facilities which are properly installed, connected and maintained shall be provided for each dwelling unit, and as necessary for the common or utility spaces of the building, to provide satisfactory:

1. Hot and cold water supply and distribution,
2. Sanitary drainage,
3. Venting of sanitary drainage system, and
4. Operation of fixtures.

Existing plumbing systems: Existing plumbing systems, or portions thereof, including sewers, to remain in use shall operate free of fouling and clogging, and shall not have cross connections which may permit contamination of the water supply or back-flow between fixtures.

New plumbing systems: New plumbing systems or alterations and additions to plumbing systems shall be installed in accordance with the requirements of the plumbing code.

B.9 Applications of methods and materials

The provisions of this section shall govern the quality and related requirements for all materials and methods for use in rehabilitated buildings.

B.9.1 Quality of materials and products

Materials and products used as replacements or additions in rehabilitation construction shall be of quality conforming to nationally recognized standards.

The acceptability of special materials and products not conforming to a nationally recognized standard or for which a nationally recognized standard does not exist, shall be determined by the administrative authority, based upon an analysis and evaluation of their properties and performance characteristics.

B.9.2 Second-hand materials

Second-hand or used materials may be used in rehabilitation construction when such use is approved by the administrative authority.

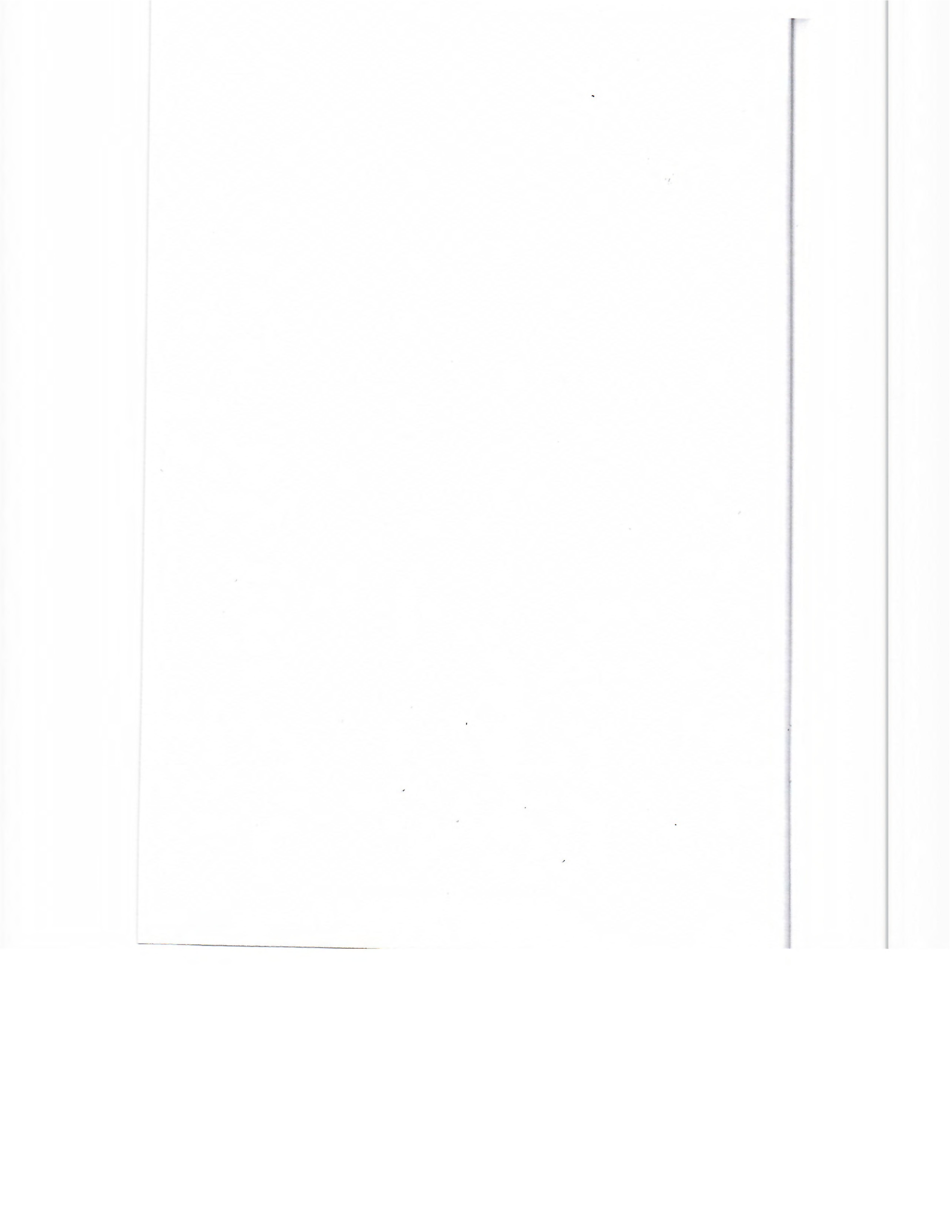
B.9.3 Alternate materials

The provisions of these guidelines are not intended to prevent the use of any material or product not specifically prescribed by this code, provided any such alternate has been approved.

The administrative authority may approve such alternates based upon an analysis and evaluation that indicates the proposed design is satisfactory for the intended use and complies with the requirements of the applicable codes and ordinances of this jurisdiction.

B.9.4 Approved standards

The standards listed or referred to in the model codes published by the Building Officials and Code Administrators International, International Conference of Building Officials or Southern Building Code Congress International may serve as criteria for approved safe engineering practice for various materials, products, systems of construction, or specific uses as required by the provisions of these guidelines.



APPENDIX C

SUGGESTED FORM OF ORDINANCE FOR ADOPTING THE BOCA BASIC PROPERTY MAINTENANCE CODE, SECOND EDITION, 1981

Bill number _____ Ordinance number _____

An ordinance establishing minimum standards governing the condition and maintenance of all structures and dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of structures, and the condemnation of dwellings unfit for human habitation and the demolition of such dwellings and structures; fixing penalties for violation; and repealing existing ordinance number [*present housing code, if any*] of the [*city, town, township, village, county*] of [_____], State of [_____], as follows:

Section 1. Adoption of property maintenance code

That a certain document, three copies of which are on file in the office of the [*city, town, township, village, county*] of [_____] being marked and designated as "The Basic Property Maintenance Code, Second Edition, 1981," as published by Building Officials and Code Administrators (BOCA) International, Inc., be and is hereby adopted as the property maintenance code of the [*city, town, township, village, county*] of [_____] in the State of [_____] for the control of buildings and structures as herein provided; and each and all of the regulations of the Basic Property Maintenance Code, Second Edition, 1981, are hereby referred to, adopted, and made a part thereof, as if fully set out in this ordinance.

Section 2. Inconsistent ordinances repealed

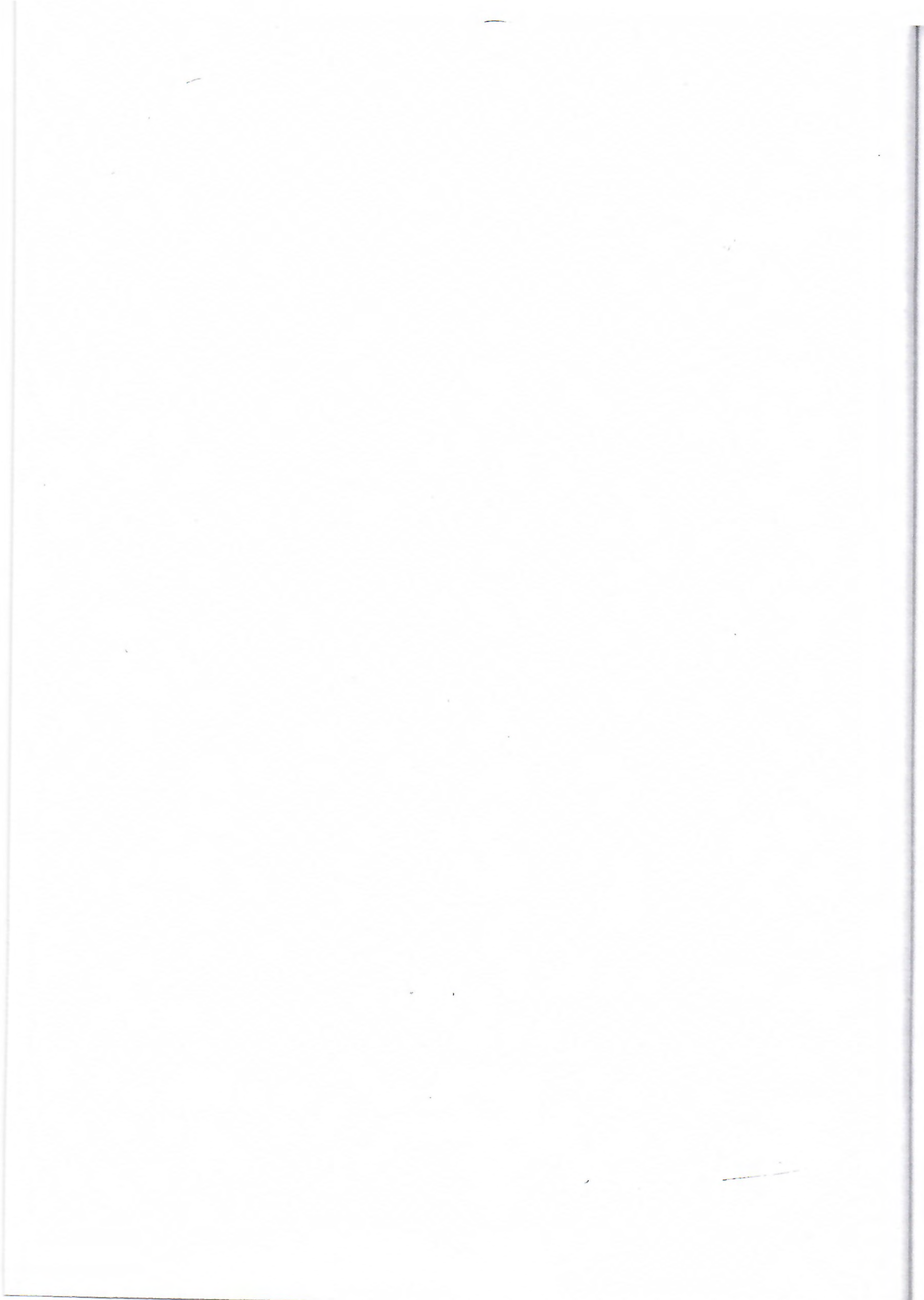
That Ordinance number [_____] of the [*city, town, township, village, county*] of [_____] entitled [_____], and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Saving clause

That nothing in this ordinance or in the Basic Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section Two of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4. Date of effect

That the [*city, town, township, village, county*] clerk shall certify to the adoption of this ordinance, and cause the same to be published by law; and this ordinance shall take effect [_____] days after approval as so certified.



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