

**PROPERTY MAINTENANCE CODE**  
**CITY OF BELLEFONTAINE NEIGHBORS, MISSOURI**  
**Revised: April 5, 2007 and Further Amended December 1, 2011,**  
**and December 6, 2012**

**Based on:**  
**INTERNATIONAL PROPERTY MAINTENANCE CODE**

**CHAPTER 1. ADMINISTRATION**

**SECTION 101. GENERAL**

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code* of The City of Bellefontaine Neighbors, Missouri, hereinafter referred to as "this code."

**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the City's Building Code.

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

**SECTION 102. APPLICABILITY**

**102.1 General.** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section

101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

**102.3 Application of other codes.** The Building, Plumbing, Mechanical and Electrical codes adopted by the City shall be considered part of the requirements of this code to the prescribed extent for each such reference. Where differences occur between the provisions of this code and referenced codes, the provisions of this code shall apply. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinances of the City

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

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

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

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and

considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

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

## **SECTION 103. DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

**103.1 General.** The authority of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official who shall be appointed as provided by the Ordinances of the City.

**103.2 Appointment.** [Deleted]

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

**103.4 Liability.** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the City, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**103.5 Fees.** The fees for activities and services performed in carrying out responsibilities under this code shall be as indicated in the Ordinances of the City.

## **SECTION 104. DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.** The code official shall enforce the provisions of this code.

**104.2 Rule-making authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; 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. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

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

**104.4 Right of entry.** The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

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

**104.6 Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

**104.7 Department records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

**104.8 Coordination of inspections.** Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of

the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

## **SECTION 105. APPROVAL**

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

**105.2 Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

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

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

**105.4 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

## **SECTION 106. VIOLATIONS**

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

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

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for a period not to exceed ninety (90) days, or by both such fine or imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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

## **SECTION 107. NOTICES AND ORDERS**

**107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; except, however, that the time allowed in any correction order pertaining to the removal of graffiti in compliance with section 302.9 shall not exceed thirty (30) days and said correction order shall further advised that the matter will be referred to the Prosecuting Attorney for prosecution without further notice at the expiration of the prescribed. If the graffiti violation has not been remedied.
5. Inform the property owner of the right to appeal.

**107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

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

**107.5 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 such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **SECTION 108. UNSAFE STRUCTURES AND EQUIPMENT**

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

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

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

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to



which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

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

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

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

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

**108.4.1 Placard removal.** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation

placard without the approval of the code official shall be subject to the penalties provided by this code.

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

### **108.6 Methamphetamine Contamination Abatement**

A. *Title.* This Section is entitled and may be known as "The Methamphetamine Contamination Abatement Protocol".

B. *Purpose.* The purposes of this Section are:

1. To adopt standards for identifying dangerous levels of toxic chemicals and residue associated with the presence or production of methamphetamine; and
2. To establish protocols whereby the building safety personnel may cooperate with and rely on law enforcement and emergency agencies when applying property maintenance and safety standards to order or cause the abatement of contamination in structures due to the presence or production of methamphetamine.

C. *Definitions.* For purposes of this Section, the words or terms listed below are defined as follows:

*DEPARTMENT:* The Department of Public Works of the City of Bellefontaine Neighbors.

*METHAMPHETAMINE:* Dextro methamphetamine, levo methamphetamine, and unidentified isomers of the same, any racemic mixture of dextro/levo methamphetamine, or any mixture of unidentified isomers of methamphetamine. The term includes derivatives, conjugates, oxides and reduced forms of the basic structure associated with the formation of methamphetamine. For the purposes of this protocol, this term includes amphetamine, ephedrine and pseudoephedrine.

*QUALIFIED COMPANY OR QUALIFIED CONTRACTOR:* A company or contractor that tests structures for the presence of unsafe contamination and/or abates such unsafe contamination and that:

1. Complies with the guidelines of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009);
2. Complies with the regulations of the Occupational Safety and Health Administration of the United States Department of Labor relating to hazardous waste operations and emergency response, including 29 Code of Federal Regulations Section 1910.120;
3. Requires that at least one (1) employee or supervisor assigned to and on duty at any work site shall have completed the forty (40) hour Hazardous Waste Operations and Emergency Response (HAWOPER) training [Occupational Safety and Health Administration (OSHA) 29 CFR 1910]; and
4. Requires its personnel to complete a clandestine drug lab assessment and decontamination course offered by a sponsor acceptable to a regional drug task force and/or the Department.

*UNSAFE CONTAMINATION:* The presence of chemicals in a structure at levels exceeding the levels for such chemicals as provided in Subsection (D), below.

D. *Unsafe Contamination.* A structure will be considered unsafe for purposes of the Dangerous Buildings provisions and Property Maintenance Code of the City of Bellefontaine Neighbors if it is found to contain any of the chemicals listed below at exposure limits above the levels listed below established by the National Institute for Occupational Safety and Health (NIOSH):

1. Red Phosphorus--any amount
2. Iodine Crystals C0.1 ppm (1 mg/m<sup>3</sup>)
3. Sulfuric Acid TWA 1 mg/m<sup>3</sup>
4. Hydrogen Chloride C 5 ppm (7 mg/m<sup>3</sup>)
5. Hydrochloric Acid (Hcl gas) - C 5 ppm (7 mg/m<sup>3</sup>)
6. Methamphetamine--in a concentration equal to or greater than 1.5 µgram/100 cm<sup>2</sup>

7. Lead and Mercury--If it is determined that the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface levels for lead in excess of 20 µg/ft<sup>2</sup> and vapor samples for Mercury in excess of 50 ng/m<sup>3</sup>.

*E. Closure And Abatement Orders Upon Report And Investigation By Law Enforcement or Emergency Agencies.*

1. When a law enforcement or emergency agency reports to the Department that a structure in the city has been used for the production of methamphetamine or as a storage facility for methamphetamine or chemicals used in the manufacturing of methamphetamine, the Department may order that structure closed pursuant to the emergency measures provided in the city's dangerous buildings, property maintenance and/or safety codes. The Department shall rescind such an order if the law enforcement or emergency agency later reports that after testing and investigation it has not found unsafe contamination in that structure.

2. When a law enforcement or emergency agency reports to the Department that it has found unsafe contamination in a structure in the city that has been used for the production of methamphetamine or as a storage facility for methamphetamine or chemicals used in the manufacturing of methamphetamine, the Department shall order that structure closed pursuant to the emergency measures provided in the city's dangerous buildings, property maintenance and/or safety codes.

*F. Supplementary Notice And Instructions.*

1. While closure and abatement orders pursuant to the emergency measures provided in the city's dangerous buildings, property maintenance and/or safety codes may be posted, the Department shall also attempt to contact the owner of record of the affected property, or the owner's agent, by personal service, first class mail or by posting on the property or publication if mail is returned as undelivered.

2. Such notice shall direct the owner to contact the Department within twenty (20) calendar days to establish a schedule for decontaminating the structure, and further advise the owner that failure to contact the Department within that time specified may result in a request to disconnect utility services in order to ensure that the structure is not re-occupied until it is decontaminated.

3. Such notice shall also inform the owner that if the owner contacts the Department within the time specified in the notice, the owner may request to have the structure retested, but such retesting must be performed as follows.

a. The owner must employ the services of a qualified company or contractor to perform sampling and to analyze the samples.

b. An inspector for the Department must be present when the qualified company or contractor takes samples and the owner shall pay an inspection fee of forty dollars (\$40.00), payment of which must be made prior to the appointment for taking samples.

c. Sampling and testing shall be performed in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009).

d. The qualified company or contractor engaged by the owners must report the results of its analysis of the samples taken to the Department.

#### *G. Decontamination.*

1. If unsafe contamination exists in a structure, the owner shall hire a qualified contractor or company to decontaminate the structure and advise the Department of the schedule for decontamination.

2. The schedule for the work and evidence that the qualified contractor or company meets the requirements of this Section must be submitted for approval to the Department within twenty (20) calendar days of the receipt of notice. Approval will be based solely on the timeliness of the schedule and the qualifications of the contractor. Approval or rejection of the schedule will be

provided within a reasonable time of submission. If rejected the owner will be informed, in writing, of specific reasons for the rejection and will be required to amend the schedule or the proposed qualified contractor or company. Decontamination shall be performed in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009).

3. If the owner of property determined to have unsafe contamination fails to voluntarily abate that contamination, the Department may serve a Notice of Violation and proceed in accordance with provisions for abatement of unsafe conditions or structures in the city's dangerous buildings, property maintenance and/or safety codes. The Department may request disconnection of the utility services until the decontamination is complete.

4. *Post decontamination sampling.* Following the completion of the work the owner shall notify the Department that work is complete and the owner must provide written test results as evidence that the property is compliant with this regulation. The post remediation sampling and testing must be performed by a qualified contractor or company other than and independent of the contractor or company that performed the decontamination, and that sampling and testing must be done in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009).

H. *Final Action.* After the property has been decontaminated and the Department is in possession of evidence that the pertinent chemical levels are below unsafe contamination levels, the structure will be considered safe and suitable for performance of a full inspection for an occupancy permit. If utility services have been disconnected, the Department will notify the utilities that the unsafe condition has been mitigated and service can be restored. The property owner shall be

## **SECTION 109. EMERGENCY MEASURES**

**109.1 Imminent danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a

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

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

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

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

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

**109.6 Boarding up of damaged buildings.**

(a) Whenever a vacant or occupied building is damaged by fire, windstorm, flood, acts of God or vandalism, or is in violation of this Code, the normal building openings which have been or may become damaged may be boarded up temporarily for a period of time

not to exceed fifteen (15) days. The owner of the property shall notify the code official of the address of the building, the owner's name, address and phone number, the date the boarding up was done, a description of the building and materials used, the reason why boarding up is necessary, and the approximate date when repairs will be completed.

(b) While it is the policy of the City that buildings should not be boarded up for more than fifteen days, if, in the opinion of the code official, boarding up of a structure is reasonably necessary for more than fifteen (15) days, the code official may, after considering the condition of the structure, the length of time during which boarding up is expected to be necessary, the location and visibility of the structure, and the extent of the measures necessary to secure the structure, issue a permit for boarding up of the structure and notify the owner of the conditions under which the boarding up may be continued. Any broken glass in door or window openings which are boarded up shall be removed. The code official may require the use of such materials, colors, means of attachment and other conditions as may reasonably be necessary to ensure the boarded up structure will not become a blight upon surrounding properties or constitute a nuisance. Owners of structures which are boarded up shall otherwise maintain the premises in accord with all other requirements of this code pertaining to exterior conditions of the premises and shall maintain the boarding and temporary security measures allowed hereby in strict compliance with the conditions established by the code official.

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

## **SECTION 110. DEMOLITION**

**110.1 General.** The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for



a period of more than one (1) year, to demolish and remove such structure.

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

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

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

**110.5 Insurance.** If there are proceeds of any insurance policy based upon a covered claim payment for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the following procedure exists for the payment of up to ten percent of the insurance proceeds, as set forth in subdivisions (1) and (2) of subsection (a).

(a) This section shall apply only to a covered claim payment which is in excess of fifty percent of the face value of the policy covering a building or other structure:

(1) The insurer shall withhold from the covered claim payment up to ten percent of the covered claim payment, and shall pay such moneys to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section.

(2) The City shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (1) of this

subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the City has initiated proceedings under the provisions of Section 110.3. If the City has proceeded under the provisions of Section 110.3, all moneys in excess of that necessary to comply with the provisions of Section 110.3 for the removal of the building or structure, less salvage value, shall be paid to the insured.

(b) If there are no proceeds of any insurance policy as set forth in subsection (a) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall be a lien on the property until paid.

(c) Subsection (a) of this Section shall apply to fire, explosion, or other casualty loss claims arising on all structures.

(d) Subsection (a) of this Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

**110.6 Payment of claim.** The City may certify that in lieu of payment of all or part of the covered claim payment under Section 110.5, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event the City shall issue a certificate within thirty days after receipt of proof to permit covered claim payment to the insured without deduction pursuant to Section 110.5. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this Section.

**110.7 Penalty.** Failure to comply with the notice of declaration of nuisance within a reasonable time or failure to proceed continuously without unnecessary delay will be punishable as set forth in this ordinance.

## **SECTION 111. MEANS OF APPEAL**

**111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code

shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed with the City Clerk, requesting such hearing and containing a statement of the grounds therefore within ten (10) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of compliance will be used.

**111.2 Membership of board.** The board of appeals shall consist of the City's Board of Adjustment. The code official shall be an ex-officio member but shall have no vote on any matter before the board.

**111.2.1 Alternate members.** [Deleted]

**111.2.2 Chairman.** [Deleted]

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

**111.2.4 Secretary.** [Deleted]

**111.2.5 Compensation of members.** [Deleted]

**111.3 Notice of meeting.** [Deleted]

**111.4 Open hearing.** All hearings before the board shall be open to the public insofar as required by and consistent with the state law and city ordinances relating to open meetings. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

**111.4.1 Procedure.** Procedures for hearings shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.5 Postponed hearing.** [Deleted].

**111.6 Board decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

**111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

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

**111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the Circuit Court of St. Louis County for judicial review, provided that notice is given within ten (10) days of the date of determination of the appeals board. If a proper record of the hearing, as defined in Section 536.130, RSMo., has been maintained, the appeal shall proceed as established in Sections 536.100 to 536.140, RSMo.; otherwise, the appeal shall be made pursuant to the procedures provided by Section 536.150, RSMo.

**111.8 Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

## **SECTION 112.0 CERTIFICATE OF COMPLIANCE AND OCCUPANCY PERMIT**

**112.1 Scope; Requirement.** Except as otherwise provided, it shall be unlawful for any person to occupy any property, or for any owner or agent to permit the occupancy thereof, for any purpose until all required Certificates of Compliance and/or Occupancy Permits have been issued by the code official. No Certificate of Compliance or Occupancy Permit shall be issued until all violations of this Code shall have been corrected and brought into compliance.

**112.2 Property; Defined.** For the purposes of Section 112 of this code, the term "property" shall be defined as any premises, structure, building or dwelling subject to the provisions of this code, as those terms are defined in this code.

**112.3 Certificates and Permits; Contents.** Any Certificate of Compliance, Occupancy Inspection Report or Occupancy Permit issued by the code official pertaining to any dwelling shall state the maximum number of persons who may lawfully occupy the property as configured at the time of inspection.

**112.4 Pre-Transfer Activity; Application for Certificate Required; Certificate and Inspection Report provided to Prospective Buyers.**

(a) All owners or lessors of any property subject to the provisions of this Code shall apply for inspection and a certificate of compliance from the code official within three (3) calendar days after offering any such property for sale, to let for occupancy, or for any change of occupancy. Advertising or marketing the property, in any way, or the posting of any sign or notice that the property is available for purchase, lease or occupancy shall be *prima facie* evidence that the owner is offering such property for sale, to let for occupancy, or for a change of occupancy within the meaning of this Section.

(b) All real estate agents and brokers involved in the advertising or marketing any property subject to the provisions of this Code shall apply for inspection and a certificate of compliance from the code official within three (3) calendar days after entering into an agreement with the owner of the property or otherwise advertising or marketing the property, in any way, for the purpose of sale, to let for occupancy, or for any change of occupancy.

(c) The obligations of the owner, lessor and real estate agent and broker to make application for inspection and a certificate of compliance shall be joint and several.

(d) After receiving such application, the code official shall cause the property to be inspected to determine its compliance with the provisions of this Code. If the code official determines the property is in compliance, a certificate of compliance shall issue.

(e) If the code official determines the property is in violation of any Code provisions, the code official shall issue an occupancy inspection report which shall list all conditions which fail to satisfy the requirements of this Code.

(f) All owners, lessors, real estate agents and brokers shall provide a copy of the code official's Certificate of Compliance or the code official's Inspection Report pertaining to the property which is subject to transfer, to all prospective buyers or tenants. The obligations of the owner, lessor and real estate agent and broker under this subsection shall be joint and several.

(g) In the event that any owner, lessor, real estate agent or broker violates any provision of this subsection, such violation shall be

punishable in accordance with this Code and subject to a minimum fine, upon conviction, of Two Hundred Fifty Dollars (\$250.00) and a maximum fine of One Thousand Dollars (\$1,000.00) or 90 days in jail, or both such fine and imprisonment.

**112.5 Transfer of Ownership; Certificate Of Compliance Required.**

(a) It shall be unlawful for the owner or lessor of any property, or their agent, to sell, lease, rent or otherwise transfer ownership or possession of such property unless a Certificate of Compliance has been issued by the code official or an Occupancy Inspection Report has been issued and an assumption of responsibility for abating all violations listed thereon has been approved pursuant to Section 112.7(b) of this code.

(b) On application by an owner, lessor, or agent, the code official shall issue a Certificate of Compliance if, after inspecting the property, the code official determines it to be in compliance with the provisions of this code.

(c) If the code official determines that the property is in violation of code provisions, the code official shall issue an Occupancy Inspection Report which shall list all conditions which fail to satisfy the requirements of this code.

(d) A Certificate of Compliance and/or an Occupancy Inspection Report shall be valid for One Hundred and Eighty (180) days, unless revoked by the code official for good cause. In the event that an Occupancy Permit is not issued within said One Hundred and Eighty (180) days, said Certificates shall be null and void, and a new application for a Certificate of Compliance must be made before any Occupancy Permit may issue.

(e) A fee shall be charged for each initial and subsequent inspection.

(f) This Section shall not apply to transfers of a structure or building wherein the transferee executes an affidavit directed to the code official attesting to the fact that the structure(s) and or building(s) on the property so transferred will be demolished within Ninety (90) days of transfer.

**112.6 Occupancy Permit Required.**

(a) It shall be unlawful for any person to hereafter occupy or for the owner, lessor or agent thereof to permit the occupancy of any property until an Occupancy Permit has been issued by the code official.

(b) On application by an owner, lessor, tenant, transferee or agent thereof, the code official shall issue an Occupancy Permit if, after inspecting the property, the code official determines it to be in compliance with the provisions of this Code.

(c) If the code official determines that the property is in violation of Code provisions, the code official shall issue an Occupancy Inspection Report which shall list all conditions which fail to satisfy the requirements of this Code.

(d) No person not listed on the Occupancy Permit for a property shall occupy or be permitted to occupy the same. No use or activity not listed on the Occupancy Permit for a structure or building not used for dwelling purposes shall be permitted therein.

(e) Whenever the owner or occupant of any property shall permit or suffer any additional person to occupy same, the code official shall be notified and the Occupancy Permit shall be amended accordingly, provided that all other requirements of this Code are satisfied. Whenever the owner or occupant of any property not used for dwelling purposes shall permit an additional or separate use or activity to be undertaken therein, the code official shall be notified and the Occupancy Permit shall be amended accordingly, provided that all other requirements of this Code are satisfied.

(f) A fee shall be charged for an occupancy permit and for updating occupancy permit information.

**112.6.1 Application for Permit.** Any person hereafter occupying any property shall apply for an Occupancy Permit on an application form provided by the code official. Such application shall contain the name of the applicant, the names, dates of birth and relationship of all persons to occupy the property thereof and such other information as shall be required by the code official. The application shall be signed and affirmed or sworn to by the applicant.

**112.6.2 Conditional Permit.**

(a) A Conditional Occupancy Permit may be issued by the code official if, in his judgment, (i) any deficiency or noncompliance with this code would not seriously endanger the health or safety of the occupants or the community and (ii) provided the occupant executes an affidavit that all required corrections shall be made within a time specified therein. If approved by the code official in all respects, the property may thereafter be occupied while such corrections are being made.

(b) Upon expiration of the time allowed in the Conditional Occupancy Permit all required corrections shall be completed or the property shall be vacated. The code official may extend the time allowed in the permit for a period not to exceed One Hundred and Eighty (180) days if, in his judgment, (i) any deficiency or noncompliance with this Code would not seriously endanger the health or safety of the occupants or the community, (ii) the occupant has made substantial progress toward bringing the property into compliance with this Code and (iii) all required corrections shall be made within the time allowed by the extension.

(c) At such time as the property shall be in compliance with the requirements of this Code, an Occupancy Permit shall be issued.

(d) A fee shall be charged for a conditional occupancy permit.

### **112.7 Correction Required.**

(a) If there are violations of this Code which must be abated or corrected before a Certificate of Compliance or an Occupancy Permit can be issued, it shall be the responsibility of the seller, lessor or agent thereof to abate such violations. No Certificate of Compliance or Occupancy Permit shall be issued until all violations of this code shall have been corrected and the fee for such permit shall have been paid.

(b) With the approval of the code official, a transferee of a property may assume responsibility for abating violations of this code by executing an affidavit stating that such transferee assumes responsibility for abating such violations and establishing the date by which such abatement shall be accomplished, which date shall be subject to approval by the code official.

### **112.8 Misrepresentations Prohibited.**



(a) It shall be unlawful for any person, firm or corporation to advertise, offer or represent in any form or manner that a Certificate of Compliance has been issued for any premises for which such a Certificate has not been issued by the code official.

(b) It shall be unlawful for any person, firm or corporation to advertise, offer or represent in any form or manner that a property may be occupied by a number of persons in excess of that permitted by the most recent Certificate of Compliance or Occupancy Inspection Report issued for that property.

(c) It shall be unlawful for any person to knowingly make any false statement in an application for an Occupancy Permit or any amendment thereto.

(d) Any residential structure offered or available for sale, lease, or transfer shall display a statement provided by the building department indicating the date of the most recent inspection of the structure, the results of that inspection, and information as to the maximum number of persons that the structure will lawfully accommodate as determined by the most recent inspection. The required statement is to be affixed to the structure in proximity to the main entrance and in a manner reasonably calculated to come to the attention of persons entering same. It shall be unlawful to offer any residential structure for sale, lease, or transfer unless the statement required by this Subparagraph shall be displayed as set forth herein.

## **INTERNATIONAL PROPERTY MAINTENANCE CODE CHAPTER 2. DEFINITIONS**

### **SECTION 201. GENERAL**

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

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

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in other technical codes adopted by the

City, such terms shall have the meanings ascribed to them as in those codes.

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

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

## **SECTION 202. GENERAL DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

**Family.** One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit, all of whom shall be related to each other by birth, adoption or marriage, or a group of not more than three (3) persons not related to each other who are living together as a single non-profit housekeeping unit.

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

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

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

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

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

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

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

**LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic

inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

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

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

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

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

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

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

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

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

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

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

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

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

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

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

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

**VEHICLE.** A device normally required at to be licensed and intended to transport persons or property and which is drawn, driven or otherwise transported on land, air or water.

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

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

## **INTERNATIONAL PROPERTY MAINTENANCE CODE**

## CHAPTER 3. GENERAL REQUIREMENTS

### SECTION 301. GENERAL

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

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

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

### SECTION 302. EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

**302.3 Sidewalks and driveways.** All sidewalks, steps, driveways, parking spaces and similar paved areas for public and private use shall be kept in a proper state of repair and free of all snow, ice and mud and other debris. If any sidewalk or driveway portion thereof, by virtue of its state of repair, shall constitute a danger to the public

health and safety, the sidewalk or driveway or portion thereof shall be replaced. The owner whose property abuts, adjoins, and is parallel to that portion of the right-of-way between the front or rear property line and the curb or edge of pavement is totally responsible for the driveways, sidewalks, plantings, and lawn maintenance of such public exterior areas.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches (203.2 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds as required by law shall subject the owner or agent to the penalties provided therefore and shall authorize corrective action by the code official in accord with the Ordinances of the City.

**302.4.1 Shrubs.** Shrubs of any kind shall not be allowed to grow over sidewalks and driveways. On public right-of-way between property line and the curb or edge of pavement, all shrubs must permit ingress and egress of personnel to automobiles parked at the curb, and no shrubs, evergreens or hedges shall be more than three (3) feet high for clear vision to the street from the driveway.

**302.4.2 Trees.** Trees near buildings shall be kept trimmed so that the limbs will not contact any part of the building during a storm or high winds. Low limbs of trees overhanging a street, sidewalk, or driveway shall be a minimum height of seven (7) feet in the summer season. Dead trees or parts thereof shall be removed from the premises in a safe and approved manner.

**302.4.3 Lawns.** All bare ground areas of residential lots with dwellings shall be cultivated with grass lawns, flower garden or similar planting other than weeds or plants of voluntary nature. No grass lawn shall have more than twenty-five (25) percent wide leaf plants within any one hundred (100) square foot area, and no lawn, including areas next to fences or structures, shall be more than eight (8) inches high at any time. Excess leaves shall be removed to avoid rodent harborage.

**302.5 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are

found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

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

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

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

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

### **302.8 Motor vehicles.**

(a) It shall be unlawful for any person to make repairs or work on any automobile, truck or vehicle stopped, parked or located on or about any land or premises located in any residential zoning district, except that a person who is a resident of said districts may make repairs or work on such vehicles as may be registered with the Missouri Department of Revenue in the name of such person or titled in some other lawful manner in the name of such person, provided that the vehicles are kept in a garage or in a driveway thereof and provided, further, that no unregistered and/or uninspected and/or inoperable or dismantled vehicle shall be kept for more than twenty-four (24) hours



on any street or in any driveway or other than in an enclosed structure designed for storage of motor vehicles.

(b) Except as provided for in other regulations and approved by the code official, not more than two (2) currently unlicensed 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 or in the process of being stripped or dismantled.

### **302.9 Parking and/or Storage of Certain Vehicles, Residential.**

(a) Towed and non-motorized vehicles may not be parked on streets or public rights of way in any residentially zoned area except while being actively used to provide service to the immediately adjacent residence.

(b) All motorized or towed vehicles, when not in use, may be parked and/or stored on private property in residentially zoned areas only on a paved surface constructed with concrete or asphalt; provided, however, that no non-motorized or towed vehicle exceeding twenty (20) feet in length shall be parked or stored outdoors upon any residential property and that no more than one (1) non-motorized or towed vehicle may be parked or stored outdoors upon any residential property.

(c) The construction of such surface and parking of such vehicles shall meet the specifications of the city engineer and these requirements set forth hereunder:

(1) Any parking and/or storage surface shall exceed the vehicle dimensions so that no part of such vehicle shall extend beyond the surface.

(2) Any surface in addition to an existing driveway shall be of the same composition as such driveway.

(3) All vehicles parked on any driveway or parking surface shall be parked in parallel with the length of said driveway or parking surface.

(4) No parking surface shall have any motorized or non-motorized vehicle or towed vehicle, with the exception of boats, parked thereon unless the closest edge of the paved

area is at least thirty (30) feet from the nearest habitable space of any structure located on an adjoining lot.

(5) All non-motorized vehicles shall have one wheel blocked to prevent rolling while parked.

(6) No vehicle exceeding nine and one-half (9-1/2) feet (2.90 m) in height or twenty-eight (28) feet (8.53 m) in length of the main body shall be parked anywhere on residential property.

(7) No vehicle shall be parked and/or stored in a rear yard except those houses having a rear entrance garage.

(d) A parking and/or storage surface meeting the aforementioned specifications may be permitted adjacent to the garage of an existing structure provided that the following restrictions are adhered to. A parking and/or storage surface constructed adjacent to the garage of an existing structure shall not:

(1) At its outer edge, be less than ten (10) feet (3.05 m) from the building line of the adjoining property owner.

(2) Be isolated from the existing driveway so that a vehicle must cross unpaved area to be parked on such surface.

(3) Have any canopy structure over it or in any way become or resemble a carport.

(4) Have any motorized vehicle parked thereon with the exception of boats.

(5) Extend beyond the back building line of the existing garage except those houses having rear or side entrance garages

### **302.9A Location of and Permitting for Storage Trailers, PODS, Dumpsters and Similar Devices.**

1. No person shall park, place or suffer the placement of any storage trailer, portable on-demand storage ("PODS") unit, trash or construction debris "roll-off" container or dumpster, including

soft-sided dumpster or "bagster", or similar device in or upon any street, highway, roadway, designated fire lane or sidewalk in the City of Bellefontaine Neighbors.

2. No person shall park, place or suffer the placement of any storage trailer, portable on-demand storage ("PODS") unit, trash or construction debris "roll-off" container or dumpster, including soft-sided dumpster or "bagster", or similar device upon any lot or property in the City of Bellefontaine Neighbors other than on a durably paved surface constructed with concrete or asphalt. Such devices shall also be so situated on the property as to minimize the potential for interference with sight lines for motorists on adjoining streets and nearby driveways and, if possible, to the rear of the front building line of the principal building on the lot.

3. No person shall install, deposit, park or leave any storage trailer, portable on-demand storage ("PODS") unit, trash or construction debris "roll-off" container or dumpster, including soft-sided dumpster or "bagster", or similar device on any residentially zoned property within the City without first obtaining a permit from the City Engineer or his/her designee. A permit fee of Twenty-five Dollars (\$25.00) shall be collected by the City Engineer or his/her designee to cover the cost of issuing the same and conducting inspections for compliance with this Section. The permit shall specify the time period, not exceeding thirty (30) days, during which time the unit may be kept on the property. The permit shall also state the address of the property and location on the lot where the unit is to be situated. No more than two (2) permits may be issued for any lot or parcel of property in any twelve (12) month period.

(a) The City Engineer or his/her designee shall have the authority to waive the permit fee set forth herein upon the sale or rental of the property in order to accommodate a new occupant moving into the dwelling.

(b) The City Engineer or his/her designee shall have the discretion to (i) waive the permit fee, (ii) increase the duration of the permit beyond thirty (30) days, and/or (iii) waive the permit requirement entirely, in the event of a natural or other disaster that affects a significant portion of the properties or residents of the city, if he or she determines that there may be a scarcity of available

building materials or contractors readily able to provide prompt restoration services.

**302.10 Open Land.** Volunteer grass and weeds on all land or lots shall be kept trimmed to less than eight (8) inches high at all times throughout the entirety of such land or lots.

**302.11 Storage Areas.** All open salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than six (6) feet (1.83 m) in height.

**302.12 Firewood, Lumber and Building Materials.** Lumber or building material storage, if otherwise allowed by law, must be neatly stacked in rear yard areas only and all materials must be at least six inches above grade. Firewood must be neatly stacked and kept at least six inches above grade. Stacked firewood may be stored in side and rear yards only. Firewood in decorative holders at least six inches above grade and no more than four feet in height and length may be stored on front porches or adjacent to the front entry of a structure.

**302.13 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### **SECTION 303. SWIMMING POOLS, SPAS AND HOT TUBS**

[Deleted – See: Sec. 302.7.1 and .2 re: swimming pools and enclosures]

### **SECTION 304. EXTERIOR STRUCTURE**

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

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be

eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**[F] 304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

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

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

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

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

**304.8 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When

required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch, balcony, roof assembly, cover, handrail, guard, tread, riser, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.10.1 Stair Dimension Tolerances.** Trends and risers shall be significantly the same in depth or height so as to not create it trip hazard.

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

**304.12 Handrails and guards.** Every flight of stairs which is more than three risers high shall have a handrail on at least one side of the stair, and every open portion of the stair, landing or balcony which is more than 24 inches (610 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. Every handrail and guard shall be firmly fastened and capable of supporting normal imposed loads and shall be maintained in good condition.

**304.12.1 Handrail and Guard Installations.** The replacement or installation of handrails and/or guards shall be in accordance with the Building Code of the City. There shall be no variation exceeding 3/8 inch in depth of adjacent treads or the height of adjacent risers and the tolerance for exterior between the largest and smallest riser shall not exceed 1/2 inch.

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

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

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

**304.14 Insect screens.** During the period from April 15 to November 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

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

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

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

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

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

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed

according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

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

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

## **SECTION 305. INTERIOR STRUCTURE**

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

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

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

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



**305.4.1 Stair Dimension Tolerances.** Treads and risers shall be significantly the same in-depth or quite so as to not create a trip hazard.

**305.5 Handrails and guards.** Every flight of stairs which is more than three risers high shall have a handrail on at least one side of the stair, and every open portion of the stair, landing or balcony which is more than 24 inches (610 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. Every handrail and guard shall be firmly fastened and capable of supporting normal imposed loads and shall be maintained in good condition.

**305.5.1 Handrail and Guard Installations.** The replacement or installation of handrails and/or guards shall be in accordance with the Building Code of the City. There shall be no variation exceeding 3/8 inch in depth of adjacent treads or the height of adjacent risers and the tolerance for exterior between the largest and smallest riser shall not exceed 1/2 inch.

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

## **SECTION 306. HANDRAILS AND GUARDRAILS**

[Deleted – See: Sec. 304.12 and 304.12.1 regarding exterior handrails and guards and Sec. 305.5 regarding interior handrails and guards ]

## **SECTION 307. RUBBISH AND GARBAGE**

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

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

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

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

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

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

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

## **SECTION 308. EXTERMINATION**

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

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

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

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

nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

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

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

## **INTERNATIONAL PROPERTY MAINTENANCE CODE CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

### **SECTION 401. GENERAL**

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

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

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

### **SECTION 402. LIGHT**

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

court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**402.2 Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

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

## **SECTION 403. VENTILATION**

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

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

**403.2 Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation

system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

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

**Exception:** Where specifically approved in writing by the code official.

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

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

## **SECTION 404. OCCUPANCY LIMITATIONS**

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

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

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

### **Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

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

**404.4.1 Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

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

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

**404.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom or other habitable room. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

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

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

and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

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

**TABLE 404.5  
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a,b</sup>	No requirements	120	150
Dining room <sup>a,b</sup>	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.0929 m<sup>2</sup>.

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

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

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

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

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not

less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

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

## **INTERNATIONAL PROPERTY MAINTENANCE CODE CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **SECTION 501. GENERAL**

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**501.2 Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

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

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

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



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

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

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

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

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

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

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

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

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

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

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

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

## **SECTION 505. WATER SYSTEM**

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

**[P] 505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° F

(43° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

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

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

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

## **[P] SECTION 507. STORM DRAINAGE**

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

# **INTERNATIONAL PROPERTY MAINTENANCE CODE**

## **CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS**

### **SECTION 601. GENERAL**

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

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

### **SECTION 602. HEATING FACILITIES**

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

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65° F (18° C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the City's Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

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

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65° F (18° C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the City's Plumbing Code.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

**Exceptions:**

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

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

## **SECTION 603. MECHANICAL EQUIPMENT**

**603.1 Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

**603.3 Clearances.** All required clearances to combustible materials shall be maintained.

**603.4 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**603.5 Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

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

## **SECTION 604. ELECTRICAL FACILITIES**

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

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the City's Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 100 amperes.

**604.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants

or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **SECTION 605. ELECTRICAL EQUIPMENT**

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

**605.2 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one dedicated 20A grounded type receptacle. Every bathroom shall contain at least one grounded type receptacle. All counter top surfaces installed within six (6) feet (1.83 m) of a wet bar sink or kitchen sink shall contain grounded type receptacles (if ground is available) or ground-fault interrupter (GFI) type receptacle (if ground is not available). Every garage shall contain grounded type receptacles located not less than forty-eight (48) inches (1,219 mm) above the floor. For a one family dwelling and each unit of a two family dwelling at least one grounded type receptacle outlet shall be installed outdoors at either the front or back of the dwelling.

**605.3 Lighting fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

## **SECTION 606. ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

**606.2 Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

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

## **SECTION 607. DUCT SYSTEMS**

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

# **INTERNATIONAL PROPERTY MAINTENANCE CODE**

## **CHAPTER 7. FIRE SAFETY REQUIREMENTS**

### **SECTION 701. GENERAL**

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

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

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

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

**702.2 Aisles.** The required width of aisles in accordance with the City's Building Code shall be unobstructed.

**702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the City's Building Code.

**702.4 Emergency escape.** Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved

independent exits. The window shall have the bottom of the clear opening not more than 44 inches (1118 mm) above the floor. The minimum net clear opening shall be 5.7 square feet (0.53 m<sup>2</sup>). The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm).

Exception: Buildings equipped throughout with an automatic sprinkler system.

**702.5 Bars Prohibited.** Bars or similar obstructions are hereby prohibited on all windows and doors in residential houses, except on basement windows, unless the bars or similar obstructions do not prohibit egress or ingress.

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

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

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

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

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

### **704.2 Smoke alarms.**

(a) The owner of every dwelling unit which is started and constructed after the effective date of this ordinance, and the change of occupancy after the effective date of this ordinance, shall install smoke detectors as provided hereafter.

(b) The owner of each existing dwelling shall at the time of the change of occupancy install smoke detectors as provided hereafter.

(c) Any smoke detector required by this section shall be installed as follows:



(1) At least one (1) smoke detector shall be installed in the basement and each floor of the dwelling. In an efficiency unit, the owner shall install the smoke detector in the room used for sleeping. In all other dwelling units, the owner shall install the smoke detector in the immediate vicinity of the sleeping area. The smoke detector shall be installed on the ceiling at a minimum of four (4) inches (102 mm) from the side wall to the near edge of the detector or on a wall located four (4) inches (102 m) to twelve (12) inches (305 mm) from the ceiling to the top of the detector. The smoke detector shall not be installed in dead air space.

(2) A smoke detector required by this ordinance shall be one which shall be capable of sensing visible or invisible particles of combustion and emitting an audible signal and may be wired directly to the building power supply, or may be powered by a self-monitored battery. The smoke detectors hereby required shall comply with all the specifications of the Underwriters Laboratories, Inc. Standard UL217 (Standard for Safety-Single and Multiple Station Smoke Detectors) 1985 Edition with revisions through February, 1989, or any recognized standard testing laboratory that certifies that the detector meets the requirement of National Fire Protection Association (NFPA) Standards 72E, 1990 Edition, and 74, 1989 Edition. Smoke detectors shall bear the label of a nationally recognized standards testing laboratory that indicates that the smoke detectors have been tested and listed under the requirement of UL217 or NFPA 72E and 74.

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

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

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

**Exceptions:**

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

**INTERNATIONAL PROPERTY MAINTENANCE CODE  
CHAPTER 8. REFERENCED STANDARDS**

**CH 8. Referenced Standards**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.