

INTERNATIONAL PROPERTY MAINTENANCE CODE

ARTICLE 1: ADMINISTRATION

§ 150.150 ADOPTED.

A certain document, one copy of which is, and has been on file in the office of the County Code Administrator for more than 30 days prior to the adoption of this subchapter, being marked and designated as the International Property Maintenance Code, 2018 edition, including Appendix A, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the county for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; and each and all of the regulations, provisions, conditions and terms of said Property Maintenance Code on file in the office of the County Code Administrator and are hereby referred to, adopted and made a part hereof as if fully set out in this subchapter, with the additions, insertions, deletions and changes, if any, prescribed in § 150.151.

(Ord. 3, passed 11-9-2021)

§ 150.151 REVISIONS.

The following sections are hereby revised:

2018 International Property Maintenance Code Amendments
Section References
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Section References
Section 101: General
Section 102: Applicability
Section 103: Department of Property Maintenance Inspection
Section 106: Violations
Section 107: Notices and Orders
Section 108: Unsafe Structures and Equipment
Section 111: Means of Appeal
Section 302: Exterior of Property
Section 305: Interior Structure
Section 306: Component Serviceability
Section Light, Ventilation and Occupancy Limitations
Chapter 5: Plumbing Facilities and Fixture Requirements
Chapter 6: Mechanical and Electrical Requirements
Section 704: Fire Protection Systems

Chapter 1: Scope and Administration

Section 101 General.

101.1 Title. Insert "County of Jersey".

Section 102 Applicability.

102.3 Application of other codes. Remove the following sentence:

Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

Chapter 2: Administration and Enforcement

Section 103 Department of Property Maintenance Inspection.

103.5 Fees. Amend to read as follows:

103.5 Fees. The fees for activities and services performed by the code official in carry out its responsibilities under this code shall be as indicated in the Environmental Fee Schedule as adopted by the Jersey County Board.

Section 106 Violations.

[A] 106.3 Prosecution of violation. Remove "municipality" and insert "community".

Section 107 Notices and Orders.

107.5 Penalties. Amend by removing Section 106.4 to read as follows:

107.5 Penalties. Penalties for noncompliance with orders and notices shall he as set forth in the Environmental Fee Schedule as adopted by the Jersey County Board.

Section 108 Unsafe Structures and Equipment.

Section 108. Remove all references to “condemned” or “condemnation” and replace with “imminent danger”.

Section 111 Means of Appeal.

[A] 111.2 Membership of board. Amend to read as follows:

[A] 112.2 Membership of board. The board of appeals shall consist of not less than three members who are qualified by experience to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve until such time the member turns a written notice of resignation or can no longer fulfill their duty.

[A] 111.2.5 Compensation of members. Amend as follows:

[A] 111.2.5 Compensation of members. Compensation of members shall be determined by the County Board.

Section 112 Stop Work Order.

[A] 112.4 Failure to comply. Insert “less than \$50.00 or more than \$750.00”.

Section 302 Exterior Property Areas.

302.3 Sidewalks and driveways. Delete.

302.4 Weeds. Insert “twelve (12) inches”.

Section 304 Exterior Structure. Delete in its entirety.

Section 305 Interior Structure. Delete in its entirety.

Chapter 4: Light, Ventilation and Occupancy Limitations

Section 404 Occupancy Limitations.

404.4 Room area. Amend to read as follows:

404.4 Room area. Minimum total square footage of living space cannot contain less than 400 (26.0m²) square feet. Every bedroom shall contain not less than 70 square feet (6.5.m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6m²) of floor area for each occupant thereof.

404.4.4 Prohibited occupancy. Amend to read as follows:

404.4.4 Prohibited occupancy. Kitchens, portable sheds, accessory buildings, garages and non-habitable spaces shall not be used for sleeping, habitation, industrial or commercial use.

Table 404.5 amended.

Space	Minimum Area Requirements		
	2-4 Occupants	5-7 Occupants	7 or More Occupants
Dining room ^{a b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot=0.9299m²

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 are for sleeping purposes.

Chapter 5: Plumbing Facilities and Fixture Requirements

Delete in its entirety.

Chapter 6: Mechanical and Electrical Requirements

Delete in its entirety.

Chapter 7: Fire Safety Requirements.

Section 704 Fire Protection Systems.

[F] 704.1.3 Fire protection systems. Amended to read as follows:

[F] 704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with

the following 2018 International Fire Code, as amended, revised, deleted or added.

(Ord. 3, passed 11-9-2021)

§ 150.152 GENERAL.

(A) *Title.* These regulations shall be known as the “Property Maintenance Code of Jersey County, Illinois”, hereinafter referred to as “this code”.

(B) *Scope.* The provisions of this subchapter 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.

(C) *Intent.* This subchapter shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far 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.

(D) *Severability.* If a section, division, sentence, clause or phrase of this subchapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this subchapter.

(Ord. 3, passed 11-9-2021)

§ 150.153 APPLICABILITY.

(A) *General.* The provisions of this subchapter shall apply to all matters affecting or relating to structures and premises, as set forth in § 150.152. Where, in a specific case, different sections of this subchapter specify different requirements, the most restrictive shall govern.

(B) *Maintenance.* Equipment, systems, devices and safeguards required by this subchapter 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 subchapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

(C) *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code and the ICC Electrical Code. Nothing in this subchapter shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

(D) *Existing remedies.* The provisions in this subchapter 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.

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

(F) *Historic buildings.* The provisions of this subchapter shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

(G) *Referenced codes and standards.* The codes and standards referenced in this subchapter shall be those that are listed in § 150.220 and considered part of the requirements of this subchapter to the prescribed extent of each such reference. Where differences occur between provisions of this subchapter and the referenced standards, the provisions of this subchapter shall apply.

(H) *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 subchapter, shall be determined by the Code Official.

(Ord. 3, passed 11-9-2021)

§ 150.154 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION.

(A) *General.* The Department of Property Maintenance inspection is hereby created and the executive official in charge thereof shall be known as the Code Official.

(B) *Appointment.* The Code Official shall be appointed by the chief appointing authority of the jurisdiction; and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant

charges by and before the appointing authority.

(C) *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.

(D) *Liability.*

(1) The Code Official, officer or employee charged with the enforcement of this subchapter, 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.

(2) Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this subchapter shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this subchapter; and any officer of the department of property maintenance inspection, 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.

(E) *Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this subchapter shall be as indicated in the following schedule.

(Ord. 3, passed 11-9-2021)

§ 150.155 DUTIES AND POWERS OF THE CODE OFFICIAL.

(A) *General.* The Code Official shall enforce the provisions of this subchapter.

(B) *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 subchapter; 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 subchapter, or of violating accepted engineering methods involving public safety.

(C) *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.

(D) *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.

(E) *Identification.* The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this subchapter.

(F) *Notices and orders.* The Code Official shall issue all necessary notices or orders to ensure compliance with this subchapter.

(G) *Department records.* The Code Official shall keep official records of all business and activities of the department specified in the provisions of this subchapter. 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.

(Ord. passed 11-9-2016)

§ 150.156 APPROVAL.

(A) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this subchapter, 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 subchapter impractical and the modification is in compliance with the intent and purpose of this subchapter and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(B) *Alternative materials, methods and equipment.*

(1) The provisions of this subchapter are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this subchapter, provided that any such alternative has been approved.

(2) 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 subchapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this subchapter in quality, strength, effectiveness, fire resistance, durability and safety.

(C) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this subchapter, or

evidence that a material or method does not conform to the requirements of this subchapter, 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.

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

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

(D) *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.

(Ord. passed 11-9-2016)

§ 150.157 VIOLATIONS.

(A) *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 subchapter.

(B) *Notice of violation.* The Code Official shall serve a notice of violation or order in accordance with §150.158.

(C) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with § 150.158 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this subchapter 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.

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

(E) *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.

(Ord. passed 11-9-2016)

§ 150.158 NOTICES AND ORDERS.

(A) *Notice to person responsible.* Whenever the Code Official determines that there has been a violation of this subchapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in divisions (B) and (C) below to the person responsible for the violation as specified in this subchapter. Notices for condemnation procedures shall also comply with § 150.159(C).

(B) *Form.* Such notice prescribed in division (A) above 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 subchapter;
- (5) Inform the property owner of the right to appeal; and
- (6) Include a statement of the right to file a lien in accordance with §150.157(C).

(C) *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.

(D) *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in §150.157(D).

(E) *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.

(Ord. passed 11-9-2016)

§ 150.159 UNSAFE STRUCTURES AND EQUIPMENT.

(A) *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 subchapter.

(B) *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.

(C) *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.

(D) *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 subchapter, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(Ord. passed 11-9-2016)

§ 150.160 DANGER AND SAFEGUARDS.

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

(B) *Temporary safeguards.* Notwithstanding other provisions of this subchapter, 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.

(C) *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.

(D) *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.

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

(F) *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 subchapter

(Ord. passed 11-9-2016)

§ 150.161 DEMOLITION.

(A) *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, unsanitary 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 two years, to demolish and remove such structure.

(B) *Notices and orders.* All notices and orders shall comply with § 150.158.

(C) *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.

(D) *Salvage materials.*

(1) 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.

(2) 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.

(Ord. passed 11-9-2016)

§ 150.162 MEANS OF APPEAL.

(A) *Application for appeal.* Any person directly affected by a decision of the Code Official or a notice or order issued under this subchapter shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this subchapter or the rules legally adopted there under have been incorrectly interpreted, the provisions of this subchapter do not fully apply, or the requirements of this subchapter are adequately satisfied by other means.

(B) *Membership of Board.*

(1) The Board of Appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Official shall be an ex officio member but shall have no vote on any matter before the Board.

(2) The Board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

(a) *Alternate members.* The chief appointing authority shall appoint two or more alternate members who shall be called by the Board Chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

(b) *Chairperson.* The Board shall annually select one of its members to serve as Chairperson.

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

(d) *Secretary.* The chief administrative officer shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

(e) *Compensation of members.* Compensation of members shall be determined by law.

(C) *Notice of meeting.* The Board shall meet upon notice from the Chairperson, within 20 days of the filing of an appeal, or at stated periodic meetings.

(D) *Open hearing.*

(1) *Generally.*

(a) All hearings before the Board shall be open to the public.

(b) The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard.

(c) A quorum shall consist of not less than two-thirds of the Board membership.

(2) *Procedure.* The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(E) *Postponed hearing.* When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(F) *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.

(1) *Records and copies.* The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to

the Code Official.

(2) *Administration.* The Code Official shall take immediate action in accordance with the decision of the Board.

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

(H) *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.

(Ord. passed 11-9-2016)

ARTICLE 2: DEFINITIONS

§ 150.175 GENERAL.

(A) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this subchapter, have the meanings shown in this subchapter.

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

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

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

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

(Ord. passed 11-9-2016)

§ 150.176 GENERAL DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LABELED. 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, premises 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. The 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.

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

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

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

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

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

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

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

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

(Ord. passed 11-9-2016)

ARTICLE 3: GENERAL REQUIREMENTS

§ 150.190 GENERAL.

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

(B) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these

requirements, except as otherwise provided for in this subchapter. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this subchapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(C) *Vacant structures and land.* 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.

(Ord. passed 11-9-2016)

§ 150.191 EXTERIOR PROPERTY AREAS.

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

(B) *Grading and drainage.*

(1) 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.

(2) Exception: approved retention areas and reservoirs.

(C) *Weeds.* Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(1) Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with § 150.157(C) and as prescribed by the authority having jurisdiction.

(2) Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(D) *Rodent harborage.* Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

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

(F) *Accessory structures.* Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(G) *Motor vehicles.*

(1) Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(2) Exception: a vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(H) *Defacement of property.*

(1) 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.

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

(Ord. passed 11-9-2016)

§ 150.192 HANDRAILS AND GUARDRAILS.

(A) *General.*

(1) Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards.

(2) Handrails shall be not less than 30 inches (762mm) in height or more than 42 inches (1,067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

(3) Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck or

ramp or other walking surface.

(B) *Exception.* Guards shall not be required where exempted by the adopted Building Code.

(Ord. passed 11-9-2016)

§ 150.193 RUBBISH AND GARBAGE.

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

(B) *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.

(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.

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

(C) *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.

(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 leak-proof, covered, outside garbage container.

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

(Ord. passed 11-9-2016)

§ 150.194 EXTERMINATION.

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

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

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

(D) *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for 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.

(E) *Occupant.*

(1) *General.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

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

(Ord. passed 11-9-2016)

ARTICLE 4: FIRE SAFETY REQUIREMENTS

§ 150.205 GENERAL.

(A) *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.

(B) *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.

(Ord. passed 11-9-2016)

§ 150.206 MEANS OF EGRESS.

(A) *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.

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

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

(D) *Emergency escape openings.*

(1) Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following.

(2) Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

(3) Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(Ord. passed 11-9-2016)

§ 150.207 FIRE-RESISTANCE RATINGS.

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

(B) *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.

(Ord. passed 11-9-2016)

§ 150.208 FIRE PROTECTION SYSTEMS.

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

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

(1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms;

(2) In each room used for sleeping purposes; and

(3) (a) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

(b) Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

(C) *Power source.*

(1) *General.* 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 over-current protection.

(2) *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.

(D) *Interconnection.*

(1) *General.* 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.

(2) *Exceptions.*

(a) Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

(b) 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.

(Ord. passed 11-9-2016)

ARTICLE 5: REFERENCED STANDARDS

§ 150.220 REFERENCED STANDARDS.

This subchapter 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 § 150.153(H).

ASME	American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990	
Standard Reference Number	Title	Referenced in Code Section Number
ASME A17.1/CSA B44-2013	Safety Code for Elevators and Escalators	606.1
ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959	
Standard Reference Number	Title	Referenced in Code Section Number
F 1346—91 (2010)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
ICC	International Code Council 500 New Jersey Avenue, NW 6th Floor Washington, DC 20001	
Standard Reference Number	Title	Referenced in Code Section Number
IBC—15	International Building Code	102.3, 201.3, 401.3, 702.3
IEBC—15	International Existing Building Code	305.1.1, 306.1.1
IFC—15	International Fire Code	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC—15	International Fuel Gas Code	102.3
IMC—15	International Mechanical Code	102.3, 201.3
IPC—15	International Plumbing Code	201.3, 505.1, 602.2, 602.3
IRC—15	International Residential Code	201.3
IZC—15	International Zoning Code	102.3, 201.3
NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269	
Standard Reference Number	Title	Referenced in Code Section Number
25—14	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.1.1
70—14	National Electrical Code	102.4, 201.3, 604.2

(Ord. passed 11-9-2016)