

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS 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 THE STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE: AND FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES: KNOWN AS THE PROPERTY MAINTENANCE CODE.

Be it ordained by the City Council of the City of Stephenson as follows:

SECTION 1. ADOPTION OF PROPERTY MAINTENANCE CODE.

That a certain document, Three (3) copies of which are on file in the office of the City Clerk of the City of Stephenson, being marked and designated as "The BOCA National Property Maintenance Code, Third Edition/ 1990" as published by the Building Officials and Code Administrators International, Inc., in the State of Michigan; for the control, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.

SECTION 2. INCONSISTENT ORDINANCES REPEALED.

That Ordinance Number 116 of the City of Stephenson entitled "Dangerous Building and Structures" and all other ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 3. ADDITIONS, INSERTIONS AND CHANGES.

That the BOCA National Property Maintenance Code is amended and revised in the following respects:

Section PM-100.1 (page 1, second line). Insert City of Stephenson

Section PM-109.2 (page 7, third line). Insert: \$100.00- \$500.00

Section PM-109.2 (page 7, fourth line) . Insert 30 days

Section PM-302.12 (page 17, first line). Insert May 1-Nov 1

Section PM-601.1 (page 27, tenth line). Insert Oct 1- May 1

Section PM-601.2 (page 27 second line). Insert Oct 1-May 1

SECTION 4. SAVING CLAUSE.

That nothing in this Ordinance or in the Property Maintenance Code hereby adapted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, of liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any

just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. DATE OF EFFECT.

That the City Clerk shall certify to the adoption of this Ordinance, and cause the same to be published as required by law: and this Ordinance shall take effect and be in force from and after its approval as required by law.

Date Introduced: 8/7/14
Date Published: 8/14/14 & 8/18/14
Date Adopted: 9/4/14
Date Effective: 9/24/14

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

SECTION PM-100.0

PM-100.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Stephenson hereinafter referred to as the code.

PM-100.2: Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises, structures, buildings, 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; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing structures and premises and providing for administration, enforcement and penalties.

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

PM-100.4 Reference standards: The standards referenced in this code and listed in Appendix A shall be 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 referenced standards, the provisions of this code shall apply.

PM-100.5 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 buildings which are dangerous, unsafe, and unsanitary.

PM-100.6 Workmanship: All 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.

SECTION PM-101.0 VALIDITY

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

PM-101.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall

be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION PM-102.0 APPLICATION OF CODES AND REGULATIONS

PM-102.1 Application of other codes: Any repairs or alterations to a structure, or changes of use therein, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes listed in Appendix A.

PM-102.2 Other regulations: The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those provided herein. In the event of conflict, the most restrictive provision shall apply.

SECTION PM-103.0 APPROVAL

PM-103.1 Approved materials and equipment: All materials, equipment and devices approved for use by the code official shall be constructed and installed in accordance with such approval.

PM-103.2 Modification: Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the code official shall be permitted to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law shall be observed and public welfare and safety assured.

PM-103.3 Records: The applications for modification and final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

PM-103.4 Used materials and equipment: Used materials, equipment and devices shall not be reused unless such materials have been reconditioned, tested and placed in good and proper working condition and approved for use by the code official.

PM-103.5 Alternative materials and equipment: The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternative has been approved. An alternative material or method of construction shall be approved when 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.

PM-103.6 Research and investigations: The code official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly,

and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the code official shall approve the use of such material or assembly subject to the requirements of this code. The cost of all test, reports and investigations required under these provisions shall be paid by the applicant.

SECTION PM-104 DUTIES AND POWERS OF CODE OFFICIAL

PM-104.1 General: The code official shall enforce all the provisions of this code.

PM-104.2 Notices and orders: The code official shall issue all necessary notices and orders to abate illegal of unsafe conditions to insure compliance with the requirements of this code for the safety, health, and general welfare of the public.

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

PM-104.4 Right of entry: If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structures or authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

PM-104.5 Access by owner or operator: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employees, access to any part of such structure or its premises at reasonable times for the purpose of making such inspections, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

PM-104.6 Credentials: The code official and authorized representatives shall carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

PM-104.7 Coordination of enforcement: Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

PM-104.8 Rule-making authority: The code official shall have the power to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving workplace

stresses or fire protection requirements specifically provided in this code or violating an accepted engineering practice involving public safety.

PM-104.9 Organization: The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy and shall exercise all the powers of the code official during the temporary absence or disability of the code official.

PM-104.10 Relief from personal liability: Any code official, officer or employee who acts in good faith in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, the code official shall not be held liable for any costs in any action, suit or proceeding that is instituted by the code official in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

PM-104.11 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations to maintain the integrity and security of such records.

SECTION PM-105.0 CONDEMNATION

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

PM-105.2 Unsafe structure: An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure by not providing minimum safeguards for protection from 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 the partial or complete collapse is likely.

PM-105.3 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 premise or structure.

PM-105.4 Structure unfit for human occupancy: A structure is unfit for human occupancy or use whenever the code official finds that such structure is unsafe, unlawful,

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

PM-105.5 Unlawful structure: An unlawful structure is one found in whole or in part to be occupied by more person than permitted under this code, or was erected, altered or occupied contrary to law.

PM-105.6 Closing of vacant structures: If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official shall be permitted to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

SECTION PM-106.0 NOTICES AND ORDERS

PM-106.1 Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, or whenever the code official has condemned any structure or equipment under the provisions of Section PM-105.0, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed below. If the code official has condemned the property or part thereof, the code official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

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

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

PM-106.3 Service: Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed

to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that the letter has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one publication of such notice in a local newspaper of general circulation.

PM-106.4 Service on occupant: When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance shall vacate at the time set for correction of defects of there is failure to comply.

PM-106.5 Penalties: Penalties for noncompliance with orders and notices shall be as set forth in Section PM-109.2

PM-106.6 Transfer of ownership: It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION PM-107.0 PLACARDING

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

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

PM-107.3 Removal of placard: The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based had been eliminated. Any person who defaces or removes a

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

SECTION PM-108.0 EMERGENCY MEASURES

PM-108.1 Vacating structures: When, in the opinion of the code official, there is actual and immediate danger of failure or collapse of a structure which would endanger life, or when any structure has fallen and life is endangered by the occupancy 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 use of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premise forthwith. He shall cause to be posted at the main entrance to such structure a notice reading as follows: "This structure is unsafe and its use or 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 structure.

PM-108.2 Temporary safeguards: Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is actual and immediate danger of collapse or failure of a structure or other hazardous condition which would endanger life, the code official shall order the necessary work to be done including the boarding-up of accessible openings, to render such structure temporarily safe and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM-108.3 Closing streets: When necessary for the public safety, the code official shall temporarily close sidewalks, streets, places and premises adjacent to such unsafe structure, and prohibit the same from being used.

PM-108.4 Emergency work: For the purpose of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

PM-108.5 Costs of emergency work: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premise where the unsafe structure is or was located for the recovery of such costs.

PM-108.6 Hearing: Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION PM-109.0 VIOLATIONS

PM-109.1 Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain,

provide, fail to provide, use or occupy, let to another for use or occupy or permit another person to use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

PM-109.2 Penalty: Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$500 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

PM-109.3 Prosecution: In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-109.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation, or;
4. To prevent the occupation or use of the structure which is not in compliance with the provisions of this code.

SECTION PM-110.0 DEMOLITION

PM-110.1 General: The code official shall order the owner of any premises upon which is located any structure or part thereof, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that such structure would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if such structure can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

PM-110.2 Unreasonable repairs: Whenever the code official determines that the cost of such repairs would exceed 100 percent of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which shall be ordered razed without option on the part of the owner to repair.

PM-110.3 Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. The order shall be served on the owner of record or

an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or the holder of an encumbrance of record cannot be found, the order shall be served by being posted on the main entrance of the building and published once each week for three successive weeks in a newspaper authorized to provide service by publication.

PM-110.4 Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-110.5 Salvage materials: When any structure has been ordered razed and removed, the governing body or other designated officer under said contact 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 razing and removal shall be promptly remitted with a report of such sale or transaction including the items of expense and the amounts deducted, for the use of the person who 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.

SECTION PM-111.0 RIGHT TO APPEAL

PM-111.1 Petition: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the board; provided that such person shall file, in the office of the board, a written petition requesting such hearing and containing a statement of the grounds therefore within 20 days after the notice was served.

PM-111.2 Appeals board: In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a code appeals board, hereafter referred to as the board, consisting of five members who shall be appointed by the chief executive officer of the jurisdiction.

PM-111.2.1 Membership: Each member shall be a licensed professional engineer or architect, or a builder or superintendent of building construction, with at least ten years experience, for five years of which that board member shall have been in responsible charge of work; and there shall not be more than two members of the board selected from the same profession or business; and at least one of the professional engineers shall be a licensed structural or civil engineer of architectural engineering experience.

Each member shall have been a resident of the jurisdiction for at least one year prior to appointment. The chief executive officer shall appoint for a term of one year an

alternate member of such board in addition to the five members above provided for, who shall act with full power only when a member of the board refuses to vote because of interest or when a member is absent. The chief executive officer shall appoint one member of the department who shall act as secretary to the board.

PM-111.2.2 Vote: The board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members shall reverse or affirm wholly or partly, or modify, the decision appealed from, and shall make such order or determination as in the opinion of the board ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

PM-111.2.3 Financial interest: A member of the board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specification, or in which that member has any personal interest.

PM-111.3 Records: The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.

ARTICLE 2

DEFINITIONS

SECTION PM-200.0 GENERAL

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

PM_200.2 Interchangeability: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

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

PM- 200.4 Terms not defined: Where terms are not defined, through the methods authorized by this section, they shall have their ordinary accepted meanings such as the context implies.

PM-200.5 Parts: Whenever the words “dwelling unit,” “dwelling ,” “premises,” “building,” “rooming house,” “story,” or “structure,” are used in this code, they shall be construed as though they were followed by the words, “ or any part thereof.”

SECTION PM-201.0 APPLIED MEANING OF WORDS AND TERMS

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.

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

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

Condemn: To adjudge unfit for use of occupancy.

Dwellings: (See Section PM-200.5)

Rooming house: A building arranged or used for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

Multiple family dwelling: A building containing more than two dwelling units and not classified as a one- or two-family dwelling.

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

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

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

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

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

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.

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 elimination of their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other approved pest elimination methods.

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

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

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

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

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

lease, agreement of license, or pursuant to recorded or unrecorded agreement of contract for the sale of land.

Occupant: Any person living or sleeping in a building; or having possession of a space within a building.

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

Operator: Any person who has charge, care or control of a structure or premises which 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 or ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any other group acting as a unit.

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

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

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

Public nuisance: Includes the following:

1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises which has unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation or use; or
5. Any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or
6. Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected,

destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or

7. Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or
8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

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

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

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 building.

ARTICLE 3

GENERAL REQUIREMENTS

SECTION PM-300.0 GENERAL

PM-300.1 Scope: The provisions of this article shall govern the minimum conditions and standards for maintenance of structures and exterior property.

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

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

SECTION PM-301.0 EXTERIOR PROPERTY AREAS

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

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

Exception: Water retention areas and/or reservoirs approved by the code official.

PM-301.3 Sidewalks and driveways: All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free of hazardous conditions. Stairs shall comply with the requirements of Section PM-302.10.

PM-301.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 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.

PM-301.5 Rat harborage: All structures and exterior property shall be kept free from rat infestation. Where rats 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 prevent reinfestation.

PM-301.6 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.

PM-301.7 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM-301.8 Motor vehicles: Except as provided in other regulations, not more than one currently unregistered and/or uninspected motor vehicle shall be parked, kept or stored on any property and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed are designated and approved for such purposes.

SECTION PM-302.0 EXTERIOR STRUCTURE

PM-302.1 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.

PM-302.2 Street numbers: Each building to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches (76mm) high and ½ inch (13mm) stroke.

PM-302.3 Structural members: All structural members shall be maintained free of deterioration, and capable of safely bearing the imposed dead and live loads.

PM-302.4 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 rats.

PM-302.5 Exterior walls: All exterior walls shall be free of holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

PM-302.6 Roofs and drainage: The roof and flashing shall be sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a public nuisance.

PM-302.7 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.

PM-302.8 Overhang extensions: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhanging extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and 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 treatment.

PM-302.9 Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-302.10 Handrails and guardrails: Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. 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 treads. Guardrails shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

PM-302.11 Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather-tight.

PM-302.11.1 Glazing: All glazing materials shall be maintained free of cracks and holes.

PM-302.11.2 Openable windows: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

PM-302.12 Insect screens: During the period from [DATE] to [DATE] every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used 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 and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

PM-302.13 Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

PM-302.14 Basement hatchways: Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

PM-303.15 Guards for basement windows: Every basement window which is openable shall be supplied with rat-proof shields, storm windows or other approved protection against the entry of rats.

SECTION PM-303.0 INTERIOR STRUCTURE

PM-303.1 General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition.

PM-303.2 Structural members: The supporting structural members of every building shall be maintained structurally sound, and capable of carrying the imposed loads.

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

PM-303.4 Lead-based paint: Interior and exterior painted surfaces of dwellings, child and day care facilities, including fences and outbuildings, that contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

PM-303.5 Accumulation of rubbish or garbage: The interior of every structure shall be free from any accumulation of rubbish, or garbage.

PM-303.6 Insect and rat harborage: All structures shall be kept free from insect and rat infestation. All structures in which insects or rats 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.

PM-303.7 Stairs and railings: All interior stairs and railings shall be maintained in sound condition and good repair.

PM-303.8 Handrails and guardrails: Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 30 inches (762 mm) nor more than 42 (1067 mm) high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than 30 inches (762 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be

firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

ARTICLE 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION PM-400.0 GENERAL

PM-400.1 Scope: The provisions of this article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure.

PM-400.2 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 or use any premises that do not comply with the requirements of this article.

PM-400.3 Alternative devices: In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation shall be permitted when complying with the building code listed in Appendix A.

SECTION PM-401.0 LIGHT

PM-401.1 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 window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens when artificial light is provided in accordance with the provisions of the building code listed in Appendix A. 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 included as contributing to the required minimum total window area for the room.

PM-401.2 Common halls and stairways: Every common hall and stairway, other than in one-and two-family dwellings, shall be lighted at all times with at least a 60 watt standard incandescent light bulb or equivalent for each 22 square feet (18.60 m²) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of one foot candle (10.76 lux) at floors, landings and treads.

PM-401.3 Other spaces: All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

SECTION PM-402.0 VENTILATION

PM-402.1 Habitable spaces: Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section PM-401.1.

PM-402.2 Bathrooms and toilet room: Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section PM-401.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space or not more than 85 percent of the exhaust air shall be recirculated where the system is provided effective absorption and filtering equipment complying with the mechanical code listed in Appendix A.

PM-402.3 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 on a rooming unit or dormitory unit.

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

PM-402.4 Process ventilation: Where injurious, toxic, irritating or noxious fumes, gases, dust, 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.

PM-402.5 Clothes dryer exhaust: Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

SECTION PM-403.0 OCCUPANCY LIMITATIONS

PM-403.1 Privacy: Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

PM-403.2 Access from sleeping rooms: Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

Exception: Dwelling units that contain fewer than two bedrooms.

PM-403.3 Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.51 m²) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.65 m²) of floor area for each occupant thereof.

PM-403.4 Water closet accessibility: Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

PM-403.5 Overcrowding: Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of Table PM-403.5.

**Table PM-403.5
MINIMUM OCCUPANCY AREA REQUIREMENTS**

Space	Minimum occupancy area in square feet(b)		
	1-2 occupants	3-5 occupants	6 or more
Living room(a)	No requirements	120	150
Dining room(a)	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section PM-403.3		

Note (a). See Section PM-403.6 for combined living room/dining room spaces.

Note (b). 1 square foot = 0.093 m².

PM-403.6 Combined spaces: Combined living room and dining room spaces shall comply with the requirements of Table PM-403.5 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.

PM-403.7 Prohibited use: Kitchens, nonhabitable spaces and interior public areas shall not be used for sleeping purposes.

PM-403.8 Minimum ceiling heights: Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than 7 feet 4 inches (2235 mm). Hallways, corridors, laundry areas, bathrooms, toilet rooms, and kitchens shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. 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, provided the minimum clear height is not less than 6 feet 8 inches (2033 mm).
2. Dropped or furred ceilings over no more than one-half of the minimum floor area required by this code, provided no part of such dropped or furred ceiling is less than 7 feet (2134 mm) in height.
3. Rooms used exclusively for sleeping, study, or similar uses 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.

4. Basement rooms in one-and two-family dwellings used 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.

PM-403.9 Minimum room widths: A habitable room, other than a kitchen, shall not be less than 7 feet (2133 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.

PM-403.10 Food preparation: All spaces to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

ARTICLE 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION PM-500.0 GENERAL

PM-500.1 Scope: The provisions of this article shall govern the minimum plumbing facilities and plumbing fixtures to be provided.

PM-500.2 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 or use any structure or portion thereof or premises which does not comply with the requirements of this article.

SECTION PM-501.0 REQUIRED FACILITIES

PM-501.1 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.

PM-501.2 Rooming houses: At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

PM-501.3 Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower accessible from a public hallway shall be provided for each ten occupants.

PM-501.4 Employee's facilities: Employees shall have a minimum of one water closet, one lavatory and one drinking facility available for use.

PM-501.4.1 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.

SECTION PM-502.0 TOILET ROOMS

PM-502.1 Privacy: Toilet rooms and bathrooms shall provide privacy and shall not be used as the only passageway to a hall or other space, or to the exterior.

PM-502.2 Location: Toilet rooms and bathrooms serving hotel units, rooming units, or dormitory units, shall be accessible by traversing not more than one flight of stairs and be accessible from a common hall or passageway.

PM-502.3 Location of employee toilet facilities: Toilet facilities shall be accessible within the employees' regular working area. The path of travel to the facilities shall not exceed a travel distance of 500 feet (152 m) or traverse more than one flight of stairs. Employee facilities shall either be separate facilities or public customer facilities.

Exception: Facilities required for employees in storage buildings or kiosks located in adjacent buildings under the same ownership, lease, or control, shall be a maximum distance of travel of 500 feet (152 m) from the employees' regular working area to the facilities.

SECTION PM-503.0 PLUMBING FIXTURES

PM-503.1 General: All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and usable condition.

PM-503.2 Fixture clearances: Plumbing fixtures shall have adequate clearances for use and cleaning.

SECTION PM-504.0 WATER SYSTEM

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

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

PM-504.3 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 of defects and leaks.

PM-504.4 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 degrees F. (43 degrees C.). A gas-burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate

combustion air is provided. An approved combination temperature and pressure relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION PM-505.0 SANITARY DRAINAGE SYSTEM

PM-505.1 General: All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM-505.2 Maintenance: Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION PM-506.0 STORM DRAINAGE

PM-506.1 General: Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

ARTICLE 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-600.0 GENERAL

PM-600.1 Scope: The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided.

PM-600.2 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 or use any premises which does not comply with the requirements of this article.

SECTION PM-601.0 HEATING FACILITIES

PM-600.1 Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) at a level of 3 feet (914 mm) above the floor and a distance of 3 feet (914 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from [DATE] to [DATE] to maintain a room temperature of not less than 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A. the owner or operator shall not be required to maintain the minimum room temperature, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

PM-601.2 Nonresidential structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

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.

PM-601.3 Cooking and heating equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be properly installed and maintained free from leaks and obstructions.

PM-601.4 Mechanical equipment: All mechanical equipment shall be properly installed and maintained in safe working condition, and capable of performing the intended function.

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

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

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

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

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

PM-601.4.5 Energy conservation devices: Devices purporting to reduce fuel consumption by attachment to a fuel appliance, to the fuel supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation is specifically approved.

PM-601.5 Fireplaces: Fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition.

SECTION PM-602.0 ELECTRICAL FACILITIES

PM-602.1 Facilities required: Every building used for human occupancy shall be provided with an electrical system in compliance with the requirements of Sections PM-602.1.1 through PM-602.2.

PM-602.1.1 Receptacles: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle.

PM-602.1.2 Lighting fixtures: Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

PM-601.1.3 Service: The size and usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Appendix A. Every dwelling shall be served by a main service which is not less than 60 ampere, three wire.

PM-602.2 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

PM-602.3 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 outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION PM-603.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

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

PM-603.2 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.

ARTICLE 7

FIRE SAFETY REQUIREMENTS

SECTION PM-700.0 GENERAL

PM-700.1 Scope: The provisions of this article 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.

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

SECTION PM-701.0 MEANS OF EGRESS

PM-701.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

PM-701.2 Locked doors: All doors in the required means of egress shall be readily openable from the inner side without the use of keys, except as provided in the building code listed in Appendix A. Exits from dwelling units, rooming units, guest rooms, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

PM-701.3 Exit signs: All means of egress shall be indicated with approved exit signs where required by the building code listed in Appendix A. All exit signs shall be maintained visible and all illuminated exit signs shall be illuminated at all times that the building is occupied.

PM-701.4 Number of exits: In nonresidential buildings, every story used for human occupancy more than six stories above grade shall be provided not less than two independent exits. In residential buildings every story exceeding two stories above grade shall be provided not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every story used for human occupancy totally below grade greater than 2,000 square feet shall be provided not less than two independent exits.

Exceptions: A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic fire suppression system and an automatic fire alarm system with smoke detectors located in all corridors, lobbies and common areas, or;
2. Where the building is provided with an automatic fire alarm system and the exit is a smokeproof enclosure or pressurized stairway, or;

3. Where an existing fire escape conforming to the building code listed in Appendix A is provided in addition to the single exit.
4. In stories that require only one exit in accordance with the requirements of the building code listed in Appendix A.
5. In buildings of Use Group R-3.

PM-701.5 Exit capacity: The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code listed in Appendix A.

PM-701.6 Corridor enclosure: All corridors serving an occupant load of greater than 30 and openings therein shall provide an effective smoke barrier. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

Exception: Corridors which are in compliance with the building code listed in Appendix A.

PM-701.7 Dead-end travel distance: All corridors which serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic fire suppression system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic fire suppression system.

PM-701.8 Emergency escape: Every sleeping room located in a basement 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.

Exception: Buildings equipped throughout with a complete automatic fire suppression system.

PM-701.9 Aisles: In all mercantile occupancies, aisleways shall have a minimum unobstructed clearance of 44 inches (1118 mm) where serving an occupant load of greater than 50, and 36 inches (914 mm) where serving an occupant load of not greater than 50.

PM-701.10 Information signs: A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings more than 75 feet (22860 mm) above the lowest level of fire department access shall be marked with approved signs reading as follows: "Use Stairway in Case of Fire – Do Not Use Elevators."

SECTION PM-702.0 ACCUMULATIONS AND STORAGE

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

PM-702.2 Hazardous material: Combustibles, flammable, explosive or other hazardous material, such as paints, volatile oils and cleaning fluid, or combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code listed in Appendix A.

SECTION PM-703.0 FIRERESISTANCE RATINGS

PM-703.1 General: The fireresistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

PM-703.2 Maintenance: All required fireresistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold-open devices is prohibited.

SECTION PM-704.0 FIRE PROTECTION SYSTEMS

PM-704.1 General: All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any other combination thereof shall be maintained in proper operating condition at all times.

PM-704.2 Fire suppression system: Fire suppression systems shall be maintained in good condition and free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion, paint, and damage.

PM-704.3 Standpipe systems: Hose connections shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

PM-704.4 Fire extinguishers: All portable fire extinguishers shall be visible, accessible, and shall be maintained in an efficient and safe operating condition.

PM-704.5 Smoke detectors: All residential occupancies shall be provided with a minimum of one approved single-station smoke detector in the sleeping area, guest room or suite of a hotel, motel, lodging house, boarding house or dwelling unit. The detectors shall be located in accordance with the building code listed in Appendix A. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit.

PM-704.5.1 Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

ARTICLE 8

RESPONSIBILITIES OF PERSONS

SECTION PM-800.0 GENERAL

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

SECTION PM-801.0 SANITARY CONDITION

PM-801.1 Cleanliness: Every occupant of a structure shall keep that part of the structure and exterior property which such occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a structure containing a rooming house, 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.

PM-801.2 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.

PM-801.3 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 container.

PM-801.4 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 for the use of the occupants in each dwelling unit, or an approved leakproof, covered outside garbage container.

PM-801.4.1 Containers: The operator of every establishment producing garbage shall provide, and at all times cause to be used, leakproof approved containers provided with closefitting covers for the storage of such materials until removed from the premises for disposal.

PM-801.5 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.

SECTION PM-802.0 EXTERMINATION

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

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

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

PM-802.4 Multiple occupancy: the owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house, or nonresidential structure shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and exterior property. When infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

ARTICLE 9

HAZARD ABATEMENT IN EXISTING BUILDINGS

SECTION PM-900.0 GENERAL

PM-900.1 Scope: The provisions of this article are intended to provide a reasonable degree of safety to persons occupying existing buildings that do not conform to the minimum requirements of the building code listed in Appendix A by requiring alterations to such existing buildings as provided for in this article.

PM-900.2 Application of other codes: All alterations to an existing building which are caused directly or indirectly by the enforcement of this code shall be done in accordance with the applicable procedures and provisions of the building code, plumbing code, mechanical code and NFPA 70 listed in Appendix A.

PM-900.3 Continued maintenance: All service equipment, means of egress devices and safeguards which are required by this article or which were required by a previous statute or another code in a building or structure when erected, altered or repaired shall be maintained in good working order. The requirements of this article are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings. These requirements are intended to require existing buildings that do not comply with these provisions to be altered to provide a minimum level of safety as required herein.

PM-900.4 Alternative methods and systems: The provisions of this article are not intended to exclude the acceptance and approval of alternative methods and systems where such alternative methods and systems provide equivalent safety to the occupants of the existing buildings.

PM-900.5 Responsibility: The owner of the existing building or structure shall provide and maintain such facilities, equipment and systems in compliance with these requirements and the fire prevention code listed in Appendix A.

SECTION PM-901.0 ELEVATOR RECALL

PM-901.1 Required: All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency firefighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Appendix A.

SECTION PM-902.0 MECHANICAL EQUIPMENT CONTROL

PM-902.01 Smoke and heat detection: Each recirculating air or exhaust system serving more than one floor in buildings that exceed six stories in height shall be equipped with

approved smoke and heat detection devices in accordance with the mechanical code listed in Appendix A. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or control system.