

STUDY SESSION
WINNETKA VILLAGE COUNCIL
510 Green Bay Road
Winnetka, Illinois 60093
Tuesday, June 14, 2011
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email rbahan@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4:00 PM. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order.
- 2) Affordable Housing – Commercial & Mixed Use Property Maintenance Code: Discussion and consideration of materials prepared pursuant to Village Council directives at April 12, 2011 Study Session
 - a) Commercial & Mixed Use Property Maintenance Code
 - i) Staff Presentation of Draft Property Maintenance Code for Commercial & Mixed Use Property
 - ii) Comments from Public
 - iii) Council Discussion and Direction
- 3) Adjournment

NOTICE

All agenda materials are available at www.villageofwinnetka.org (click Council and then Current Agenda), the Reference Desk at the Winnetka Library, or in the Manager's Office at Village Hall (2nd floor).

Videos of the Regular Village Council meetings are televised on Channel 10, Mondays, Wednesdays, and Fridays at 7:00 p.m. Videos of the meeting may also be viewed on the Internet via a link on the Village's web site: www.villageofwinnetka.org.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3540; T.D.D. (847) 501-6041).

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D’Onofrio, Director of Community Development

DATE: June 9, 2011

SUBJECT: Commercial & Mixed Use Property Maintenance Code

REFERENCE: April 12, 2011 Council Study Session
October 2, 2007 Council Agenda, pp. 31 – 44 (Attachment E)
September 18, 2007 Council Agenda, pp. 132 – 145 (Attachment E)
June 19, 2007 Council Agenda, pp. 228 – 287(Attachment E)

From time to time in recent years, the Village has received complaints from tenants in rental apartments regarding a variety of maintenance issues, leading the Village Council to consider whether the Village should have a property maintenance code.

Most recently, at the April 7, 2011, Council meeting, a tenant complained about the condition of her rental apartment in a downtown building. The Plan Commission included a property maintenance code for downtown residential buildings among the recommendations it presented at the April 12, 2011, Study Session on affordable housing. At the conclusion of its discussion, the Village Council directed staff to draft language for a property maintenance code.

This Agenda Report is divided into several sections, to provide the Council with background information on past actions concerning a property maintenance code, to outline what regulations might be adopted as part of a property maintenance code, and to provide a marked up draft of the proposed code.

Background

In January 2006 a Property Maintenance Study Group was established by the Village and the Chamber of Commerce to examine the possibility of creating a property maintenance code. The group consisted of seven members and a Village staff liaison. The members of this committee included four members of the Business Community Development Commission (BCDC), three members from the Chamber of Commerce and the Community Development Director served as staff liaison.

The Study Group met over six times between January and April 2006 in order to determine the need for a property maintenance code. Once it was determined that there was a need for a property maintenance code, the next step taken was to develop a draft code. It was determined that the 2003 International Property Maintenance Code (IPMC), published by the International Code Council (ICC) should be used. This “model” code was selected for two reasons. First, the ICC Property Maintenance Code is part of the nationally recognized ICC Model Code Series,

which the Village uses for its building codes. Second, the ICC Property Maintenance Code enjoys broad acceptance and has been legally tested and adopted not only throughout the region, but also across the nation. Part of the Study Group’s analysis included reviewing property maintenance codes from Highland Park, Glenview, Northfield and Wilmette, and most neighboring communities that have property maintenance codes use a version of this code. By using the ICC Property Maintenance Code, the Village would put Winnetka and its property owners on equal footing with our neighbors. The standardization in the model codes results in a more understandable regulatory structure, which not only makes it easier for building owners to understand what is required, but also makes enforcement easier for staff and, when necessary, the courts.

To make the model code more tailored to the Winnetka environment, the Study Group drafted a number of amendments to the code. In general, the amendments suggested by the Study Group ranged from minor changes, such as deleting references to codes which the Village has not adopted, *i.e.*, eliminating references to the International Zoning Code or inserting references to current Village Code provisions, to much more substantial changes like eliminating all references to residential properties. It is safe to say that the majority of the Study Group’s proposed amendments were to delete items from the model code that were not applicable to the conditions that we find in the Village.

Following completion of the Study Group’s analysis it referred the draft code to the BCDC. From June to October of 2006, the BCDC reviewed, analyzed and made its revisions to the proposed code. The most substantial change recommended by the BCDC was to have the property maintenance code only apply to commercial properties. On October 5, 2006 the BCDC voted to recommend approval of its draft property maintenance code.

The draft property maintenance code was brought before the Village Council on June 19, 2007 for policy direction. On September 18, 2007, the Council voted to introduce Ordinance MC-13-2007. (See Attachment A) When the Ordinance came up for adoption on the Council’s October 2, 2007, agenda, the Council tabled it in order to amend it to include mixed use buildings. The Ordinance was never taken off the table. (See Attachment B for minutes of all Village Council meetings.)

[It should also be noted that the 2006 Caucus Questionnaire had a series of questions concerning the need for a property maintenance code. However, the introduction to the questions focused on homeowners. That survey is not relevant to this discussion, since the attached draft focuses only on commercial and mixed use buildings. There are no proposals pertaining to single family residences, and the Plan Commission did not propose that the Council consider it.]

Proposed Property Maintenance Code

As mentioned in the introduction of this report, as part of the discussions on Affordable Housing, a property maintenance code was recommended as a tool that could be used to maintain the residential units in the commercial business districts. As the background discussion above discloses, there are other reasons beyond affordable housing to consider having a property

maintenance code. An example of this is that as recently as earlier this year and last fall the BCDC had discussions about the need to have a property maintenance code as a tool to improve the commercial building stock.

Since ICC updates codes on a three year cycle, two new editions of the Property Maintenance Code have been issued, 2006 and 2009, since the Council last considered this issue. Therefore, staff recommends that the Village Council consider adopting the 2009 Edition of the ICC Property Maintenance Code.

This recommendation is based on two factors. First, later this year we will be bringing to the Council an ordinance to update all of our building codes from the 2003 Editions of the ICC codes to the 2009 Editions. Working from the 2009 Edition of the ICC Property Maintenance Code would keep all of the Village's building codes on the same three year cycle. Second, revisions in new codes generally reflect the latest in technology, construction methods, sustainability, etc. Using the 2009 edition of the Property Maintenance Code would take advantage of these changes.

Before exploring the actual draft codes, several general comments about the code need to be made.

First, what is a property maintenance code?

- It is a modern, up to date code that governs the maintenance of existing buildings.
- The code is based on principals that protect the public health, safety and welfare.
- Being that it is a model code it encourages consistency from community to community in how property maintenance issues are addressed.

Second, it is also important to highlight what a property maintenance code is not.

- As discussed at the last meeting where affordable housing was discussed, it is not a code that governs landlord tenant relations; rather it only addresses the actual physical structures and appurtenances.
- It is intended to be used as a tool to encourage property owners to maintain their properties, not as a weapon to punish owners who do not.

Two forms of the International Property Maintenance Code are attached. Attachment C includes the entire 2009 IPMC code. An annotated copy of the 2009 IPMC (with edits based on the 2003 Edition of the IPMC) is currently not available in print form but will be presented electronically at the June 14th meeting. Attachment D is an annotated copy of the 2003 Edition of the IPMC. The annotations include edits of deleted text (lines through the text itself), edits that add text recommended (shown by connector lines outside of text itself) that were recommended by the ad hoc property maintenance group and are included in Ord. MC-13-2007 (Attachment A).

The edits fall into two categories: (i) substantive edits, which highlighted in the final paragraph of this section, and (ii) less significant, yet pertinent edits. This latter category of edits can be grouped into the following categories.

- **Elimination of non applicable-codes.** There are references made to the International Zoning, Plumbing and Existing Building Codes, none of which have been adopted by the Village. Along the same lines edits have been made to add references to the code we have adopted, such as the State of Illinois Plumbing Code, or NFPA Codes.
- **Addition of certain miscellaneous provisions.** Certain sections of the IPMC require that items such as weed height be identified and that fee schedules need to be added.
- **Changes to references of departments and staff.** Edits have been made to eliminating a dept. of property maintenance and replacing it with Dept. of Community Development; similarly the “chief appointing authority of the jurisdiction” has been changed to Village Manager.
- **Elimination of duplicative codes.** For example, Section 303 Swimming Pools, Spas and Hot Tubs (p. 11 IPMC) has been eliminated due to the fact that the Village Code addresses those types of structures.

Finally, as noted above, staff has recommended a number of substantial changes to the 2009 IPMC. Following is a list of those proposed changes that the Council might want to focus on:

1. Under Section 101.2 Scope (p.1 of IPMC), “... existing residential and... all existing premises...” has been struck, so as to only identifying “nonresidential structures” as to what the code applies to. Consideration might want to be given to adding language addressing residential units in the commercial district, and whether that should be limited to residential above commercial.
2. Under Section 111 Means of Appeals (p.6 of IPMC), appeals of the decision of the code official (aka Community Development Director) are made to the ZBA. This appeal process is consistent with the Village Building Code.
3. Under Section 202 General Definitions (p.9 of IPMC), a number of definitions have been deleted – Bedroom, Dwelling Unit, Habitable Space, Housekeeping Unit, Rooming House and Rooming Unit have been deleted. If the code is changed to include residential units some of these definitions might need to be put back in.
4. Section 304.2 Protective Treatment and Section 305.3 Interior Surfaces (p. 12 &14 of IPMC), “Peeling, flaking and chipped paint shall be eliminated and surfaces repainted” has been eliminated.
5. Section 305.1 Interior Structure, General (p.13 of IPMC); the last sentence of this section has been eliminated, as with comment #3 portions of it might need to be kept in to address residential above commercial.
6. Sections 402 Light and 403 Ventilation (p. 17 of IPMC) have been removed. Again as with comments #3 and #5, if residential above commercial are included in code, these sections may need to be put back in.

7. Section 502 Required Facilities (p.19 of IPMC), see comment #6.

8. Section 602 Heating Facilities (p.21 of IPMC) see comment #6.

Recommendation

Provide policy direction.

ATTACHMENT A

Village of Winnetka, IL Ordinances and Resolutions

VILLAGE OF WINNETKA MC-ORDINANCES / 2007 / ORDINANCE NO. MC-13-2007 ORDINANCE NO. MC-13-2007

(Tabled October 2, 2007)

AN ORDINANCE ADOPTING THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE OF 2003 FOR INCORPORATION INTO TITLE 15 OF THE WINNETKA VILLAGE CODE TO ESTABLISH PROPERTY MAINTENANCE REGULATIONS FOR COMMERCIAL PROPERTIES IN THE VILLAGE OF WINNETKA

WHEREAS, the Village of Winnetka ("Village") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Village created a Property Maintenance Study Group in January, 2006, to examine the possibility of creating a property maintenance code in the Village;

WHEREAS, the members of the group consisted of four members of the Business Community Development Commission ("BCDC"), three members from the Winnetka Chamber of Commerce, and the Director of the Community Development Department as staff liaison; and

WHEREAS, the group determined that there was a need within the Village for some type of property maintenance code; and

WHEREAS, the group agreed that the 2003 International Property Maintenance Code ("Model Code") should be used as a model when drafting the code for the Village; and

WHEREAS, Village staff has recommended that certain modifications be made to the 2003 Model Code to implement the recommendations of the Property Maintenance Study Group and that the Model Code, as amended, be incorporated into the provisions of Title 15 of the Winnetka Village Code, "Building and Construction;" and

WHEREAS, the Council of the Village of Winnetka ("Village Council") have considered the recommendations of the Property Maintenance Study Group and Village staff and find and determine that adopting the Model Code with the amendments proposed by the Village staff will benefit the public health, safety and welfare by assuring that all construction activity in the Village

of Winnetka is performed pursuant to the most recent nationally recognized standards; and

WHEREAS, the Village Council have further determined that incorporating the property

Village of Winnetka, IL Ordinances and Resolutions

maintenance provisions into Title 15 of the Village Code in the same manner that other model codes were adopted by reference in 2005 pursuant to Ordinance MC-3-2005 will facilitate the administration of regulations pertaining to construction activity and maintenance of commercial buildings in the Village of Winnetka; and

WHEREAS, copies of the foregoing Model Codes have been maintained on file in the office of the Village Clerk for at least 30 days prior to the effective date of this ordinance.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Section 15.04.020, "Scope," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

Section 15.04.020 Scope.

This title establishes the minimum requirements for construction activities in the Village, and for all other matters affecting or relating to buildings, structures and site work, including but not limited to electrical equipment, engineering, fire prevention and building safety, plumbing, drainage and sanitation systems, heating, ventilation and air conditioning systems, and compliance with the tree preservation, occupancy, zoning and non-residential property maintenance requirements as provided in this code. (Prior code § 23.02)

SECTION 3: The definition of the term "Building Officer" in Subsection B of Section 15.04.050, "Definitions," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

"Building Officer" means any officer or employee of the Village responsible for administering or enforcing any provision of this title or any provision of this code that is administered pursuant to this title. The term "Building Officer" includes: the Director of Public Works; the Fire Chief; the Director of Community Development; the Health Officer; the Plan Examiner; and the building, electrical, code enforcement, engineering, fire prevention, forestry, mechanical, plumbing, water and electric, and zoning inspectors. The term "Building Officer" also includes any person who is a "building official" or "code official" under any of the codes adopted by reference in Chapters 15.08 of this Code. The term "Building Officer" also includes such other professional service providers as may be engaged by the Village and such other person as may be assigned or directed by the Director or the Village Manager to perform any of the functions of a Building Officer.

SECTION 4: Section 15.08.010, "Adoption of Model Codes by Reference," of Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and

Village of Winnetka, IL Ordinances and Resolutions

Construction,” is amended to provide as follows:

Section 15.08.010 Adoption of Model Codes by Reference.

The model codes described in the following subsections A through G are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

- A. International Building Code, 2003 Edition.
- B. International Residential Code for One- and Two-Family Dwellings, 2003 Edition.
- C. International Mechanical Code, 2003 Edition.
- D. International Fuel Gas Code, 2003 Edition.
- E. State of Illinois Plumbing Code, 2004 Edition, as promulgated by the Illinois Department of Public Health and published in Title 77 of the Illinois Administrative Code, Chapter I, Subchapter R, Part 890,
- F. National Electrical Code, 2002 Edition.
- G. International Fire Code, 2003 Edition. (See Chapter 15.16)
- H. International Property Maintenance Code, 2003 Edition.

SECTION 5: Paragraph 1 of Subsection A of Section 15.08.020, “Amendments to the International Building Code, 2003 Edition,” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

- 1. **101.4.5Property maintenance.** (See Section 15.08.080 for non-residential property maintenance provisions.)

SECTION 6: Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended by adding a new Section 15.08.080, which shall be titled “Amendments to the International Property Maintenance Code, 2003 Edition” and shall provide as follows:

Section 15.08.080 Amendments to the International Property Maintenance Code, 2003 Edition

Village of Winnetka, IL Ordinances and Resolutions

A. **Exclusions.** The following provisions of the International Property Maintenance Code, 2003 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.4 Right of entry.** (Superseded by Section 15.04.070)
2. **111.2 Membership of board.** (Superseded by Chapter 3.36)
3. **111.2.1 Alternate members.** (Superseded by Chapter 3.36)
4. **111.2.2 Chairman.** (Superseded by Chapter 3.36)
5. **111.2.3 Disqualification of member.** (Superseded by Chapter 3.36)
6. **111.2.4 Secretary.** (Superseded by Chapter 3.36)
7. **111.2.5 Compensation of members.** (Superseded by Chapter 3.36)
8. **111.3 Notice of meeting.** (Superseded by Chapter 15.72)
9. **111.4 Open hearing.** (Superseded by Chapter 15.72)
10. **111.4.1 Procedure.** (Superseded by Chapter 15.72).
11. **111.5 Postponed hearing.** (Superseded by Chapter 15.72).
12. **111.6 Board decision.** (Superseded by Chapter 15.72).
13. **111.6.1 Records and copies.** (Superseded by Chapter 15.72).
14. **111.6.2 Administration.** (Superseded by Chapter 15.72).
15. **111.7 Court review.** (Superseded by Chapter 15.72).
16. **111.8 Stays of enforcement.** (Superseded by Chapter 15.72).
17. **Section 202** Definition of “bedroom.”
18. **Section 202** Definition of “dwelling unit.”
19. **Section 202** Definition of “habitable space.”
20. **Section 202** Definition of “housekeeping unit.”
21. **Section 202** Definition of “rooming house.”
22. **Section 202** Definition of “rooming unit.”

Village of Winnetka, IL Ordinances and Resolutions

- 23. **Section 304** Swimming Pools, Spa and Hot Tubs
- 24. **Section 304.18** **Building security.**
- 25. **Section 304.18.1** **Doors.**
- 26. **Section 304.18.2** **Windows.**
- 27. **Section 304.18.3** **Basement hatchways.**
- 28. **Section 307.3.1** **Garbage facilities.**
- 29. **Section 308.2** **Owner.**
- 30. **Section 308.3** **Single occupant.**
- 31. **Section 308.4** **Multiple occupancy.**
- 32. **Section 308.5** **Occupant.**
- 33. **Section 402.1** **Habitable spaces.**
- 34. **Section 402.2** **Common halls and stairways.**
- 35. **Section 403.1** **Habitable spaces.**
- 36. **Section 403.3** **Cooking facilities.**
- 37. **Section 404** **OCCUPANCY LIMITATIONS**
- 38. **Section 404.1** **Privacy.**
- 39. **Section 404.2** **Minimum room widths.**
- 40. **Section 404.3** **Minimum ceiling heights.**
- 41. **Section 404.4** **Bedroom requirements.**
- 42. **Section 404.4.1** **Area for sleeping purposes.**
- 43. **Section 404.4.2** **Access from bedrooms.**
- 44. **Section 404.4.3** **Water closet accessibility.**
- 45. **Section 404.4.4** **Prohibited occupancy.**
- 46. **Section 404.4.5** **Other requirements.**
- 47. **Section 404.5** **Overcrowding.**

Village of Winnetka, IL Ordinances and Resolutions

- 48. **Section 502.1 Dwelling units.**
- 49. **Section 502.2 Rooming houses.**
- 50. **Section 602.2 Residential occupancies.**
- 51. **Section 602.3 Heat supply.**
- 52. **Section**

B. **Amendments.** The following provisions of the 2003 International Property Maintenance Code are amended for adoption by the Village:

1. **101.1 Title.** These regulations shall be part of the Property Maintenance Code of the Village of Winnetka. As used in the International Property Maintenance Code, 2003 Edition, as adopted and amended by the Village, “this code” shall mean the Property Maintenance Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Property Maintenance Code of the Village of Winnetka shall be called the “Property Maintenance Code.”

2. **101.2 Scope.** The provisions of this code shall apply to all existing nonresidential structures and premises and shall 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.

3. **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with Title 15 of the Village Code and all other applicable building codes adopted by the Village.

4. **102.1 General.** The provisions of this code shall apply to all matters affecting or relating to nonresidential structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

5. **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Titles 15 and 16 of the Village Code and all other applicable sections of the Village Code.

Village of Winnetka, IL Ordinances and Resolutions

6. **102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures found to be 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.

7. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the department responsible for property maintenance inspection and administration and the executive official in charge thereof, also known as the Director of Community Development, shall be known as the code official.

8. **103.2 Appointment.** The code official shall be appointed by the Village Manager.

9. **103.3 Deputies.** Subject to the approval of the Village Manager, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall powers as delegated by the code official.

10. **103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established as provided in Section 15.32.020 of the Village Code.

11. **106.2 Notice of violation.** The code official shall serve a notice of violation or order in accordance with Section 107 of this code and Section 15.04.090 of the Village Code.

12. **106.3 Prosecution of violation.** Any person who violates a provision of this code shall be subject to the enforcement proceedings, as provided in Chapter 15.04 of the Village Code. 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.

13. **106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.08.110 of the Village Code.

14. **107.5 Transfer of ownership.** It shall be unlawful for the owner of any building or structure subject to this code 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 building 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

Village of Winnetka, IL Ordinances and Resolutions

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.

15. **108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is 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.

16. **110.1 General.** The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, 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.

17. **110.2 Notices and orders.** All notices and orders shall comply with Section 107 of this code and with Section 15.04.090 of the Village Code.

18. **111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Review Committee as provided in Chapter 15.72 of the Village Code,

19. **301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

20. **302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. 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. Noxious weeds, as defined in Section 8.20.030 (B) of the Village Code, are prohibited and shall be removed or destroyed as provided in said Section 8.20.030 (B)..

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in

Village of Winnetka, IL Ordinances and Resolutions

accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

21. **302.8 Motor vehicles.** A vehicle of any type is permitted on any premises, provided that it is parked in an approved exterior parking space or inside a structure or similarly fully enclosed area designed and approved for such purposes. Notwithstanding the foregoing, 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, unless such parking or activity is permitted by the Winnetka Zoning Ordinance and other applicable regulations, Painting of vehicles is prohibited unless conducted inside an approved spray booth.

22. **304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

23. **304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

24. **304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

25. **304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

26. **304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

27. **304.14 Insect screens.** Ventilation of commercial food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging

Village of Winnetka, IL Ordinances and Resolutions

door shall have a self-closing device in good working condition; provided, that screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

28. **304.16 Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

29. **304.17 Guards for basement windows.** Every basement window that is openable shall have protection approved protection against the entry of rodents.

30. **305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

31. **305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

32. **306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards; provided, that guards shall not be required where exempted under the applicable building code. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

33. **SECTION 307 REFUSE AND GARBAGE**

34. **307.1 Accumulation of refuse or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of refuse and garbage.

35. **307.2 Disposal of refuse.** Every occupant of a structure shall dispose of all refuse in a clean and sanitary manner by placing such rubbish in approved containers that comply with Chapter 8.16 of the Village Code.

36. **307.2.1 Refuse storage facilities.** The owner of every occupied premises shall supply approved covered containers for refuse, and the owner of the premises shall be responsible for the removal of refuse in accordance with Chapter 8.16 of the Village Code.

37. **307.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the

Village of Winnetka, IL Ordinances and Resolutions

doors.

38. **307.3 Disposal of garbage and refuse.** Every occupant of a structure shall dispose of garbage and refuse in a clean and sanitary manner by placing such garbage or refuse in an approved disposal facility or garbage container that complies with Chapter 8.16 of the Village Code.

38. **307.3.2 Containers.** The operator of every establishment that produces garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

39. **502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or a water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

40. **503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area; provided, that toilet facilities for employees in storage structures or kiosks may be located in adjacent structures under the same ownership, lease or control, The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 300 feet from the employees' regular working area. Employee facilities shall either be separate facilities or combined employee and public facilities.

41. **504.1 General.** The installation, alteration, repair and replacement of all plumbing systems shall be subject to the provisions of the State of Illinois Plumbing Code, 2004 Edition, All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

42. **505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the Village of Winnetka Municipal Water Utility in accordance with Chapter 13.04 of the Village Code. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the State of Illinois Plumbing Code, 2004 Edition.

43. **505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 ° F (43 ° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room. An approved combination temperature and pressure-relief

Village of Winnetka, IL Ordinances and Resolutions

valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

44. **506.1 General.** All plumbing fixtures shall be properly connected to the Village of Winnetka sanitary sewer system in accordance with Chapter 15.24 of the Village Code.

45. **506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

46. **507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall comply with the applicable provisions of Chapter 15.24 and 15.68 of the Village Code. Such drainage shall not be discharged in a manner that creates a public nuisance.

47. **602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to April 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. The provisions of this section shall not apply to processing, storage and operation areas that require cooling or special temperature conditions, or to areas in which persons are primarily engaged in vigorous physical activities.

48. **603.1 Mechanical equipment and appliances.** The installation, alteration, repair and replacement of all mechanical equipment and appliances shall be subject to the provisions of the International Mechanical Code, 2003 Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

49. **604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605. Such electrical system shall be properly connected to the Village of Winnetka Municipal Electric Utility in accordance with Chapter 13.08 of the Village Code.

50. **604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code, 2002 Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 200 amperes.

51. **701.1 Scope.** The minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided, shall be governed by the provisions of this chapter, and applicable provisions of the

Village of Winnetka, IL Ordinances and Resolutions

Village Code, including the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

52. **704.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Public 72, National Fire Alarm Code, 1996 Edition, NFPA Publication 13, Standards for the Installation of Automatic Sprinkler Systems, 1999 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

53. **704.2 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.
3. 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.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Public 72, National Fire Alarm Code, 1996 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

C. **Additions.** The International Property Maintenance Code, 2003 Edition, is further amended for adoption by the Village by adding the following provisions:

1. **202 General Definitions:**
 - a. **PROPERTY MAINTENANCE DEPARTMENT.** The Village of Winnetka Department of Community Development.
 - b. **REFUSE.** All system waste, as defined in Section 8.16.010 of the

Village of Winnetka, IL Ordinances and Resolutions

Village Code, as well as ashes, manure and yard waste.

c. **VILLAGE CODE.** The Winnetka Village Code, as published by the Village of Winnetka, including all amendments thereto.

2. **307.3.3 Grease Disposal.** All food service establishments and all retail food stores shall dispose of grease as provided in Section 8.12.010 of the Village Code.

3. **308.6 Food Services and Retail Food Stores.** All food service establishments and all retail food stores shall comply with the pest control provisions of Section 8.12.200 of the Village Code.

SECTION 7: Copies of all model codes adopted by reference in this Ordinance shall continue to be maintained on file in the office of the Village Manager in the manner provided by law.

SECTION 8: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 9: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 2nd day of October, 2007, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 2nd day of October, 2007.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: September 18, 2007

Village of Winnetka, IL Ordinances and Resolutions

Posted: September 19, 2007

Passed and Approved: October 2, 2007

Posted:

ATTACHMENT B

Winnetka, IL Village Council Minutes

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / June 19, 2007

June 19, 2007

MINUTES WINNETKA VILLAGE COUNCIL REGULAR MEETING

(Approved: July 10, 2007)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, June 19, 2007, at 7:30 p.m.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / June 19, 2007 / 1) Call to Order.

1) Call to Order.

President Woodbury called the meeting to order at 7:34 p.m. Present: Trustees Sandra Berger, Ken Behles, Tom Eilers, King Poor, Herb Ritchell, and Jessica Tucker. Absent: None. Also present: Village Manager Doug Williams, Village Attorney Katherine Janega, Director of Community Development Michael D'Onofrio, Director of Public Works Steve Saunders, Director of Water & Electric Brian Keys and approximately 30 persons in the audience.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / June 19, 2007 / 2) Pledge of Allegiance.

2) Pledge of Allegiance.

President Woodbury led the group in the Pledge of Allegiance.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / June 19, 2007 / 3) Approval of the Agenda.

3) Approval of the Agenda.

The Trustees approved the Agenda.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / June 19, 2007 / 4) Quorum.

American Legal Publishing Corporation

1

Winnetka, IL Village Council Minutes

President Woodbury moved Item 9(c) forward in the Agenda to accommodate people in the audience waiting to speak.

* * *

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / June 19, 2007 / 9) New Business

9) New Business

c) Discussion: Commercial Property Maintenance Code. Mr. D'Onofrio explained that a Property Maintenance Study Group had been established by the Village and the Chamber of Commerce to examine the possibility of creating a property maintenance code. The group determined that there was a need for some type of such code and concluded that it would be appropriate for the Village to adopt the 2003 International Property Maintenance Code, published by the International Code Council (ICC), as a model. He reported that most neighboring communities have property maintenance codes and use a version of this code. This would put Winnetka and its property owners on equal footing with its neighbors. He said the draft code the group is proposing has been amended in order to be more consistent with conditions in Winnetka and pointed out that all references to residential properties have been eliminated.

Manager Williams asked if this would be a valuable tool for Mr. D'Onofrio in his role as the Village's professional Code Administrator. Mr. D'Onofrio responded affirmatively.

Bill Shiel, Chairman of the Business Community Development Commission, reported that the Commission had looked at this proposal and felt that it would be a good way for the Village to deal with rogue property owners. Insofar as there are rules that apply, such a code would provide a means for staff to hear from tenants.

Manager Williams inquired whether existing staff could administer such a code. Mr. D'Onofrio responded affirmatively.

Cicely Michalak, Director of the Chamber of Commerce, expressed the Chamber's support and thanks.

There was a unanimous consensus among the Trustees to slate the proposed ordinance for introduction.

* * *

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / June 19, 2007 / 6) Ordinances and Resolutions, continued.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / September 18, 2007

September 18, 2007

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING**

(Approved: October 2, 2007)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, September 18, 2007, at 7:30 p.m.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / September 18, 2007 /

1) Call to Order.

1) Call to Order.

President Pro Tem Eilers called the meeting to order at 7:33 p.m. Present: Trustees King Poor, Ken Behles, Sandra Berger, Herb Ritchell and Jessica Tucker. Absent: President Woodbury. Also present: Village Manager Doug Williams, Village Attorney Katherine Janega, Director of Community Development Michael D'Onofrio, Finance Director Ed McKee, Police Chief Joe DeLopez, and approximately 30 persons in the audience.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / September 18, 2007 /

2) Pledge of Allegiance.

2) Pledge of Allegiance.

President Pro Tem Eilers led the group in the Pledge of Allegiance.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / September 18, 2007 /

3) Approval of the Agenda.

3) Approval of the Agenda.

The Trustees approved the agenda.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / September 18, 2007 /

4) Quorum.

Winnetka, IL Village Council Minutes

be in favor of granting the parking variance for the work/live unit. He said he would be in favor of approving the special use for at-grade parking and the impermeable lot coverage variation.

Trustee Berger, seconded by Trustee Poor, moved to introduce Ordinance M-15-2007. By voice vote, the motion carried by a vote of five to one.

[NOTE: President Pro Tem Eilers passed over Item 8(c) to accommodate audience members, and skipped to agenda Item 8(d), after which Item 11(a) was discussed. The Council discussed the remaining items in order.]

c) Ordinance MC-13-2007 – Commercial Property Maintenance Code – Introduction: Mr. D’Onofrio reported that a study group consisting of members from the BCDC and Chamber of Commerce studied the issue of a commercial property maintenance code in 2006, and that the Council considered the proposal at its June 19th meeting. Mr. D’Onofrio indicated that the proposal had the support of the business community and the Chamber of Commerce.

Mr. Jim Sayegh, speaking as president of the Winnetka Commercial Property Owners Association, said he had a problem with commercial properties being singled out for the new property maintenance provisions and indicated that he thought residential properties should also be included. He noted that maintenance costs are deferred to tenants and asked the Council to table the matter for the time being, until WCPOA members had time to review the ordinance and give the Council feedback on it.

Mr. D’Onofrio noted that WCPOA members were in attendance at every BCDC meeting where the issue was discussed.

Trustee Behles indicated that the property maintenance code was discussed at the last meeting of the BCDC, that businesses were in favor of it, and he didn’t see a connection between applying the ordinance to businesses versus residences.

Trustee Tucker agreed that the WCPOA had ample opportunity to weigh in on the issue.

Trustee Poor noted that the discussions of the study group and the BCDC were held openly, and that there was ample deliberation and notice.

Trustee Tucker, seconded by Trustee Behles, moved to introduce Ordinance MC-13-2007. By voice vote, the motion carried three to two.

d) Resolution No. R-32-2007 – Walden Condominium Subdivision – Adoption. Attorney Janega reported that the proposed condominium division was approved in 1992, but was never completed. She noted that the current proposal is unchanged except that the number of parking spaces has been reduced by one space.

Trustee Ritchell, seconded by Trustee Tucker, moved to adopt Resolution R-32-2007 approving

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / October 2, 2007

October 2, 2007

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING**

(Approved: November 6, 2007)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, October 2, 2007, at 7:30 p.m.

**WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / October 2, 2007 / 1)
Call to Order.**

1) Call to Order.

President Woodbury called the meeting to order at 7:36 p.m. Present: Trustees Ken Behles, Sandra Berger, Tom Eilers, King Poor, Herb Ritchell and Jessica Tucker. Absent: None. Also present: Village Manager Doug Williams, Village Attorney Katherine Janega, Community Development Director Mike D'Onofrio, Director of Public Works Steve Saunders, Director of Water & Electric Brian Keys, and approximately 10 persons in the audience.

**WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / October 2, 2007 / 2)
Pledge of Allegiance.**

2) Pledge of Allegiance.

President Woodbury led the group in the Pledge of Allegiance.

**WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / October 2, 2007 / 3)
Approval of the Agenda.**

3) Approval of the Agenda.

The Trustees approved the agenda.

**WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / October 2, 2007 / 4)
Quorum.**

Winnetka, IL Village Council Minutes

The applicant, Mr. Jim Sayegh, said he hadn't intended to officially label the work/live loft as an affordable housing unit, and said he preferred to think of it in terms of adding to the diversity of housing stock in the Village. He indicated that he preferred the ordinance to be approved without the amendments, but would agree to the changes if that was the only way for Council to grant the special use permit for the work/live loft. He then asked the Council to consider granting him 36 months to commence construction of the unit.

Attorney Janega explained the rationale for the amendments and recommended against a 36-month timeframe.

Trustee Behles indicated that he would be comfortable eliminating the special use for the work/live loft, and approving the remainder of the application, if the applicant so desired.

Trustee Tucker said she trusted Attorney Janega's recommendations as legally sound and upholding current regulations, and indicated that she would like to keep the amendments in place. She said that if the applicant could not work within that framework, then the work/live loft should be taken off the table.

Trustee Poor said he would be in favor of approving the project without the affordable housing component if that was what the applicant wanted.

Trustee Ritchell said he could approve the commercial development but not the work/live loft.

Trustee Eilers said he trusted the Village Attorney's recommendation that without the conditions the Council would be setting a questionable precedent, and said he could approve the amended ordinance.

Trustee Berger said it was her understanding that the work/live loft was to be considered an affordable housing unit.

Mr. Sayegh said he would accept the ordinance as amended, and asked again for a longer timeframe to start construction on the unit.

Manager Williams said special use permits have a timeframe of 12 months and that a significant precedent would be set if the Council granted the applicant 36 months to commence construction.

Trustee Poor, seconded by Trustee Berger, moved to amend Ordinance M-15-2007, as proposed by the Village Attorney. By voice vote the motion carried unanimously.

Trustee Poor, seconded by Trustee Berger, moved to adopt Ordinance No. M-15-2007, as amended. By roll call vote, the motion carried unanimously. Ayes: Trustees Behles, Berger, Eilers, Poor, and Tucker. Nays: Trustee Ritchell. Absent: None.

c) Ordinance No. MC-13-2007 – Commercial Property Maintenance Code – Adoption.

Winnetka, IL Village Council Minutes

President Woodbury announced that the subject ordinance was introduced at the September 18th meeting and would create a property maintenance code for commercial properties in the Village. He asked what the intent would be for mixed use buildings in the commercial district.

Mr. D'Onofrio observed that the BCDC originally wanted the code to apply to residential and non-residential but that Caucus survey comments indicated that residents were not in favor of a residential code. He said he did not recall a lot of discussion about mixed use buildings.

Attorney Janega noted that the model code was amended to delete all references to dwelling units, and the ordinance would need substantial modification to cover mixed use buildings that include residential units.

The Council agreed to table the ordinance to amend it for mixed use buildings.

d) Resolution No. R-36-2007 – Water Meter Fees – Introduction. Mr. Keys reported that staff is proposing a change in the Water Service fee resolution to eliminate 3-inch and larger meters from the existing rate resolution. He observed that the current price structure does not enable the Village to recover its cost for the larger meters, and the proposed change allows the Water & Electric Department determine the actual cost as larger meters are requested.

After a brief discussion, Trustee Behles, seconded by Trustee Tucker, moved to introduce Resolution R-36-2007, amending the water service fees. By voice vote, the motion carried unanimously.

e) Resolution No. R-39-2007 – Extension of Cell Site License Agreement (U.S. Cellular) – Adoption. Mr. Keys reported that the Village's license agreement with U.S. Cellular to install cell antennas on the smokestack of the Water & Electric Plant expired at the end of March, 2006, and had been extended for one year, at which time Village staff requested a six-month extension to continue negotiations with U.S. Cellular. He indicated that the process has taken longer than anticipated and asked the Council to approve another lease extension, noting that any new terms will be retroactive to April 1, 2007.

Trustee Tucker, seconded by Trustee Ritchell, moved to adopt Resolution R-39-2007, granting an extension of the U.S. Cellular cell site license to April 1, 2008. By roll call vote, the motion carried unanimously. Ayes: Trustees Behles, Berger, Eilers, Poor, Ritchell and Tucker. Nays: None. Absent: None.

WINNETKA VILLAGE COUNCIL MEETING MINUTES / 2007 / October 2, 2007 / 7) Public Comment and Questions.

7) Public Comment and Questions.

A MEMBER OF THE INTERNATIONAL CODE FAMILY



IPMC[®]

INTERNATIONAL PROPERTY MAINTENANCE CODE[®]

2005

2009 International Property Maintenance Code®

First Printing: January 2009
Second Printing: May 2009
Third Printing: March 2010
Fourth Printing: February 2011

ISBN: 978-1-58001-740-4 (soft-cover edition)

COPYRIGHT © 2009
by
INTERNATIONAL CODE COUNCIL, INC.

ALL RIGHTS RESERVED. This 2009 *International Property Maintenance Code*® is a copyrighted work owned by the International Code Council, Inc. Without advance written permission from the copyright owner, no part of this book may be reproduced, distributed or transmitted in any form or by any means, including, without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying or recording by or in an information storage retrieval system). For information on permission to copy material exceeding fair use, please contact: Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478. Phone 1-888-ICC-SAFE (422-7233).

Trademarks: "International Code Council," the "International Code Council" logo and the "International Property Maintenance Code" are trademarks of the International Code Council, Inc.

PRINTED IN THE U.S.A.

PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*[®], in this 2009 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2009 edition is fully compatible with all *International Codes*[®] (I-Codes[®]) published by the International Code Council (ICC)[®], including the *International Building Code*[®], *International Energy Conservation Code*[®], *International Existing Building Code*[®], *International Fire Code*[®], *International Fuel Gas Code*[®], *International Mechanical Code*[®], *ICC Performance Code*[®], *International Plumbing Code*[®], *International Private Sewage Disposal Code*[®], *International Residential Code*[®], *International Wildland-Urban Interface Code*[™] and *International Zoning Code*[®].

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2009 edition presents the code as originally issued, with changes reflected through the previous 2006 editions and further changes developed through the ICC Code Development Process through 2008. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings established in the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page vii addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

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

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or non-compliance with the provisions because ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Letter Designations in Front of Section Numbers

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

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

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee; and

[B] = International Building Code Development Committee.

Marginal Markings

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

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

Effective Use of the International Property Maintenance Code

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

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

Arrangement and Format of the 2009 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code*:

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

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

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

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

Chapter 3 General Requirements. Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter’s provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these

barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

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

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

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

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

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

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

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

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

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

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

ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2009 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO. _____

An ordinance of the [JURISDICTION] adopting the 2009 edition of the *International Property Maintenance Code*, 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 existing structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. _____ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the [JURISDICTION], in the State of [STATE NAME] 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 existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the [JURISDICTION] 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 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 112.4. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

Section 302.4. Insert: [HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

Section 3. That Ordinance No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

TABLE OF CONTENTS

<p>CHAPTER 1 ADMINISTRATION 1</p> <p>PART 1—SCOPE AND APPLICATION 1</p> <p>Section</p> <p>101 General 1</p> <p>102 Applicability 1</p> <p>PART 2—ADMINISTRATION AND ENFORCEMENT 2</p> <p>103 Department of Property Maintenance Inspection 2</p> <p>104 Duties and Powers of the Code Official 2</p> <p>105 Approval 2</p> <p>106 Violations 3</p> <p>107 Notices and Orders 3</p> <p>108 Unsafe Structures and Equipment 4</p> <p>109 Emergency Measures 5</p> <p>110 Demolition 5</p> <p>111 Means of Appeal 6</p> <p>112 Stop Work Order 6</p> <p>CHAPTER 2 DEFINITIONS 9</p> <p>Section</p> <p>201 General 9</p> <p>202 General Definitions 9</p> <p>CHAPTER 3 GENERAL REQUIREMENTS 11</p> <p>Section</p> <p>301 General 11</p> <p>302 Exterior Property Areas 11</p> <p>303 Swimming Pools, Spas and Hot Tubs 11</p> <p>304 Exterior Structure 12</p> <p>305 Interior Structure 13</p> <p>306 Component Serviceability 14</p> <p>307 Handrails and Guardrails 15</p> <p>308 Rubbish and Garbage 15</p> <p>309 Pest Elimination 15</p> <p>CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS 17</p> <p>Section</p> <p>401 General 17</p> <p>402 Light 17</p> <p>403 Ventilation 17</p>	<p>404 Occupancy Limitations 17</p> <p>CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS 19</p> <p>Section</p> <p>501 General 19</p> <p>502 Required Facilities 19</p> <p>503 Toilet Rooms 19</p> <p>504 Plumbing Systems and Fixtures 19</p> <p>505 Water System 19</p> <p>506 Sanitary Drainage System 20</p> <p>507 Storm Drainage 20</p> <p>CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS 21</p> <p>Section</p> <p>601 General 21</p> <p>602 Heating Facilities 21</p> <p>603 Mechanical Equipment 21</p> <p>604 Electrical Facilities 21</p> <p>605 Electrical Equipment 22</p> <p>606 Elevators, Escalators and Dumbwaiters 22</p> <p>607 Duct Systems 23</p> <p>CHAPTER 7 FIRE SAFETY REQUIREMENTS 25</p> <p>Section</p> <p>701 General 25</p> <p>702 Means of Egress 25</p> <p>703 Fire-resistance Ratings 25</p> <p>704 Fire Protection Systems 25</p> <p>CHAPTER 8 REFERENCED STANDARDS 27</p> <p>APPENDIX A BOARDING STANDARD 29</p> <p>Section</p> <p>A 101 General 29</p> <p>A 102 Materials 29</p> <p>A 103 Installation 29</p> <p>INDEX 31</p>
--	---

CHAPTER 1

SCOPE AND ADMINISTRATION

■ PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

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

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

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

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

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

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

responsible for the maintenance of buildings, structures and *premises*.

102.3 Application of other codes. 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 NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

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

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

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

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

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

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

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

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

PART 2—ADMINISTRATION AND ENFORCEMENT

**SECTION 103
DEPARTMENT OF PROPERTY
MAINTENANCE INSPECTION**

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

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

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

103.4 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. 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 code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

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

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

104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as

deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

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

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

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

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

**SECTION 105
APPROVAL**

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

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

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

alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

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

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

105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. 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* by the *code official*.

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

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

SECTION 106 VIOLATIONS

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

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

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

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be 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.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, cor-

rect or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

SECTION 107 NOTICES AND ORDERS

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

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

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

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

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

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

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

107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* 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

SCOPE AND ADMINISTRATION

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

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

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

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

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is

likely to partially or completely collapse, or to become *detached* or dislodged.

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

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to

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

108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

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

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

108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

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

108.6 Abatement methods. The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

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

SECTION 109 EMERGENCY MEASURES

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

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

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

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

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

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

SECTION 110 DEMOLITION

110.1 General. The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occu-

pancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

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

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

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

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed 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 code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board. 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. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

111.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate mem-

bers shall possess the qualifications required for board membership.

111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

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

111.2.4 Secretary. 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.

111.2.5 Compensation of members. Compensation of members shall be determined by law.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.4.1 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.

111.5 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.

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

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

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

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the 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.

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

SECTION 112 STOP WORK ORDER

112.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to

the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

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

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

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

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

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

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

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

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. *Approved by the code official.*

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

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

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

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

CONDEMN. To adjudge unfit for *occupancy*.

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

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

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including

permanent provisions for living, sleeping, eating, cooking and sanitation.

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

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

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

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. Equipment, materials or products to which have 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 whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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

DEFINITIONS

recorded or unrecorded agreement of contract for the sale of land.

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

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

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

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

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

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

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

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

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.

[B] 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.

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

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.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

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

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

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

SECTION 302 EXTERIOR PROPERTY AREAS

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

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

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

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

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

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

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

302.8 Motor vehicles. 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.

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

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

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

GENERAL REQUIREMENTS

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

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

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be

kept in such condition so as to prevent the entry of rodents and other pests.

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

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

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

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

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

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

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

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

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

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

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16

mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

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

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

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

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

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

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

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

SECTION 305 INTERIOR STRUCTURE

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

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *Inter-*

GENERAL REQUIREMENTS

national Existing Building Code as required for existing buildings:

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

Exceptions:

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

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

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

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

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

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

SECTION 306 COMPONENT SERVICEABILITY

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

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

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

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

SECTION 307 HANDRAILS AND GUARDRAILS

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

30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

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

SECTION 308 RUBBISH AND GARBAGE

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

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

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

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

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

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

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

SECTION 309 PEST ELIMINATION

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

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

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

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

GENERAL REQUIREMENTS

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

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

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

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

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

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

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

SECTION 402 LIGHT

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

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

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

SECTION 403 VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have at least one 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 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

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

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

Exceptions:

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

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

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

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

SECTION 404 OCCUPANCY LIMITATIONS

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

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

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

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

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

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

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every *bedroom* shall contain at least 70 square feet (6.5 m²).

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

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

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

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

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

404.5 Overcrowding. The number of persons occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

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

1. A unit occupied by not more than two *occupants* shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

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

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

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

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

[P] SECTION 502 REQUIRED FACILITIES

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

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

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

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

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

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

[P] SECTION 503 TOILET ROOMS

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

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

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

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

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

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

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

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

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

SECTION 505 WATER SYSTEM

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

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumb-

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

ing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

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

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

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

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

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

[P] SECTION 507 STORM DRAINAGE

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

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

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

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

SECTION 602 HEATING FACILITIES

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

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

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

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from

[DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

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

SECTION 603 MECHANICAL EQUIPMENT

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

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

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

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

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

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

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

SECTION 604 ELECTRICAL FACILITIES

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

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional

MECHANICAL AND ELECTRICAL REQUIREMENTS

facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

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

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

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

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

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

18. Electronic control, signaling and communication equipment.

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

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

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

SECTION 605 ELECTRICAL EQUIPMENT

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

605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

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

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

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

**SECTION 607
DUCT SYSTEMS**

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

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

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

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

[F] SECTION 702 MEANS OF EGRESS

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

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

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

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. 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.

[F] SECTION 703 FIRE-RESISTANCE RATINGS

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

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

[F] SECTION 704 FIRE PROTECTION SYSTEMS

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

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 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.
3. 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.

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

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

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

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

FIRE SAFETY REQUIREMENTS

in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

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

CHAPTER 8

REFERENCED STANDARDS

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

ASME	American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990	Referenced in code section number
Standard reference number	Title	
A17.1/CSA B44—2007	Safety Code for Elevators and Escalators .....	.606.1

ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959	Referenced in code section number
Standard reference number	Title	
F1346—91 (2003)	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	Referenced in code section number
Standard reference number	Title	
IBC—09	International Building Code® .....	.102.3, 201.3, 401.3, 702.3
IFC—09	International Fire Code® .....	.201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IEBC—09	International Existing Building Code® .....	.305.1.1, 306.1.1
IFGC—09	International Fuel Gas Code® .....	.102.3
IMC—09	International Mechanical Code® .....	.102.3, 201.3
IPC—09	International Plumbing Code® .....	.201.3, 505.1, 602.2, 602.3
IYC—09	International Zoning Code® .....	.102.3, 201.3

NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269	Referenced in code section number
Standard reference number	Title	
25—08	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	704.1.1
70—08	National Electrical Code .....	.102.4, 201.3, 604.2

APPENDIX A

BOARDING STANDARD

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

A101 GENERAL

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

A102 MATERIALS

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

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

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

A103 INSTALLATION

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

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

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

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

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

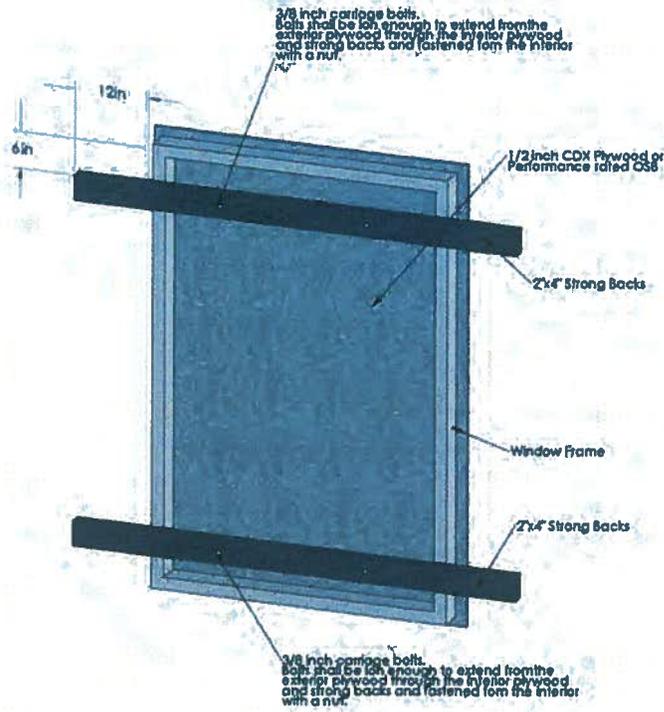


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW

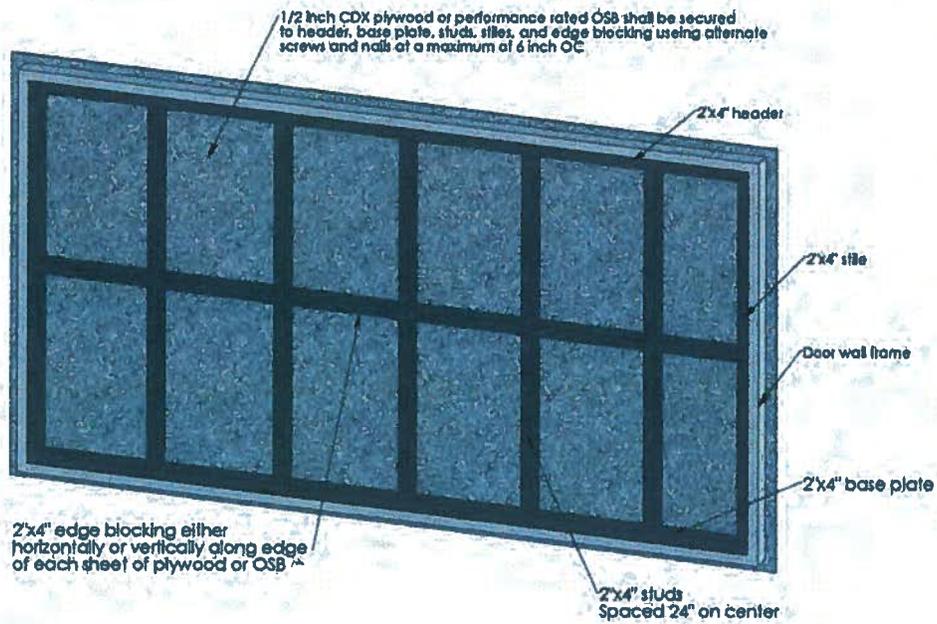


FIGURE A103.1(2)
BOARDING OF DOOR WALL

INDEX

A

ACCESS

- Emergency egress 702
- From bedrooms 404.4.2
- Plumbing fixtures, access for cleaning 504.2
- To public way 702.1
- Toilet room as passageway 503.1
- Water closet 404.4.3

ADJACENT

- Privacy (hotel units, rooming units) 404.1

ADMINISTRATION

- Scope 101.2

AGENT (See also OPERATOR, OWNER)

- Definition 202

AIR

- Combustion air 603.5

AISLES

- Minimum width 702.2

ALTERATION

- Applicability of other codes 102.3
- Condemnation 108.1, 108.2
- Inspection 104.2
- Prosecution 106.3
- Unlawful acts 106.1

ANCHOR

- Anchored, definition 202
- Architectural trim 304.8
- Signs, marquees and awnings 304.9

APPEAL

- Application 111.1
- Board decision 111.6
- Board of appeals 111.2
- Court review 111.7
- Disqualification 111.2.3
- Financial interest 111.2.3
- Hearing, emergency orders 109.6
- Membership 111.2
- Notice of appeal 111.1
- Postponed hearing 111.5
- Records 104.6
- Right to appeal 111.1
- Vote 111.6

APPLIANCE

- Cooking 403.3, 602.2
- Mechanical 603.1

APPLICABILITY

- General 102.1
- Referenced codes and standards 102.7
- Application of references 102.9
- Other laws 102.10

APPROVAL

- Alternatives 105.2
- Authority 104.1, 105.2
- Modifications 105.1

- Research reports 105.6
- Used material and equipment 105.4

APPROVED

- Alternative materials, methods and equipment 105.2
- Definition 202
- Energy conservation devices 603.6
- Fireplaces 603.1
- Garbage storage facilities 308.3.1
- Modifications 105.1
- Used materials and equipment 105.4

ARCHITECTURAL

- Structural members 304.4
- Trim 304.8

ARTIFICIAL

- Lighting of habitable rooms 401.3
- Lighting of other spaces 402.3

AUTOMOBILE

- Motor vehicles 302.8

AWNING

- Signs, marquees and awnings 304.9

B

BALCONY

- Handrails and guardrails 307.12

BASEMENT

- Definition 202
- Hatchways 304.16
- Windows 304.17

BATHROOM

- Common bathrooms 502.3, 503.1
- Hotels 502.3
- Lighting 605.3
- Locks 503.1
- Outlets required 605.2
- Privacy 503.1
- Ventilation 403.2

BATHTUB

- Required facilities 502.1
- Rooming houses 502.2
- Sewage system 506.1
- Water-heating facilities 505.4
- Water system 505.1

BOARDING

- Boarding standard Appendix A

BOILER

- Unsafe equipment 108.1.2

C

CAPACITY

- Heating facilities 602.2, 602.3, 602.4

CAR (See AUTOMOBILE)

INDEX

- CEILING**
 - Basement rooms 404.3
 - Fire-resistance ratings 703.1
 - Interior surfaces 305.3
 - Minimum height 404.3
 - CHANGE, MODIFY**
 - Application of other codes 102.3
 - CHIMNEY**
 - Exterior structure 303.11
 - Flue 603.2, 603.3
 - CLEANING**
 - Access for cleaning 504.2
 - Bathroom and kitchen floors 305.3
 - Disposal of garbage 308.3
 - Disposal of rubbish 308.2
 - Interior sanitation 308.1
 - Interior surfaces 305.3
 - Plumbing facilities, maintained 504.1
 - Required plumbing facilities 502
 - Responsibility of persons 305.1
 - Trash containers 308.3.2
 - Vacant structures and land 301.3
 - CLEARANCE**
 - Heating facilities 603.3
 - Plumbing fixtures 504.2
 - CLOSING**
 - Streets 109.3
 - Vacant structures 108.2
 - CLOTHES DRYER**
 - Exhaust 403.5
 - CODE OFFICIAL**
 - Condemnation 108.1
 - Demolition 110
 - Duties 104
 - Emergency order 109
 - Enforcement authority 104.1
 - Failure to comply with demolition order 110.3
 - Identification 104.3
 - Inspections 104.2
 - Liability, relief of personal 103.4
 - Membership of board of appeals 111.2
 - Notice of violation 104.5, 107
 - Notices and orders 107
 - Official records 104.6
 - Personal liability 103.4
 - Placarding 108.4
 - Prosecution 106.3
 - Removal of placard 108.4.1
 - Right of entry 104.3
 - Transfer of ownership 107.5
 - Vacant structures 108.2
 - Voting of appeals board 111.2, 111.6
 - COMBUSTION**
 - Combustion air 603.5
 - COMPONENT SERVICEABILITY**
 - Unsafe conditions 306.1.1
 - CONDEMNATION**
 - Closing of vacant structures 108.2
 - Failure to comply 110.3
 - General 108.1
 - Notices and orders 108.2, 108.3
 - Placarding 108.4
 - Removal of placard 108.4.1
 - CONFLICT**
 - Conflict of interest 111.2.3
 - Violations 106.1
 - CONNECTION**
 - Sewage system 506.1
 - Water heating 505.4
 - Water system 505.1
 - CONSTRUCTION**
 - Existing structures 101.2
 - CONTAINER**
 - Garbage 308.3.2
 - Rubbish storage 308.2.1
 - CONTINUOUS**
 - Unobstructed egress 702.1
 - CONTRACTOR**
 - Conflict of interest 111.2.3
 - CONTROL**
 - Insect and rat control 302.5, 304.5
 - Safety controls 603.4
 - COOLING**
 - Cooling towers 303.11
 - CORRIDOR**
 - Accumulation of rubbish 308.1
 - Light 402.2
 - Lighting fixtures 605.3
 - Ratings maintained 703
 - Toilet rooms, access 503.1
- D**
- DAMP, DAMPNES**
 - Roofs 304.7
 - Window, door frames 304.13
 - DANGEROUS, HAZARDOUS**
 - Condemnation 108.1
 - Demolition 110
 - Electrical hazards 604.3
 - Existing remedies 102.4
 - Fire safety 701
 - Imminent danger 202
 - Unsafe equipment 108.1.2
 - Unsafe structures or premises 108.1.5
 - DECKS**
 - Handrails and guardrails 304.12
 - Maintenance 304.2, 304.10
 - DECORATION**
 - Exterior structure 304.8
 - DEMOLITION**
 - Existing remedies 102.4
 - Failure to comply 110.3
 - General 110
 - Order 110.2
 - Salvage materials 110.4
 - Violations 110.3

DETECTORS
 Smoke 704

DETERIORATION
 Definition 202
 Exterior walls 304.6

DIRECT
 Egress 702.1

DISPOSAL
 Disposal of garbage 308.3
 Disposal of rubbish 308.2

DOOR
 Exit doors 702.3
 Fire 703.2
 Hardware 304.15
 Insect screens 304.14
 Interior surfaces 305.3
 Locks 304.15, 702.3
 Maintenance 304.13, 304.15
 Weather tight 304.13
 Window and door frames 304.13

DORMITORY (ROOMING HOUSE, HOTEL, MOTEL)
 Locked doors 702.3
 Privacy 503.1, 503.2

DRAIN, DRAINAGE
 Basement hatchways 304.16
 Plumbing connections 506
 Storm drainage 507

DUCT
 Exhaust duct 304.9
 Duct systems 607

DUST
 Process ventilation 403.4

DWELLING
 Cleanliness 305.1, 308.1
 Definition 202
 Electrical 604.1
 Heating facilities 602
 Required facilities 502

E

EGRESS
 Aisles 702.2
 Emergency escape 702.4
 General 702.1
 Lighting 402.2
 Locked doors 702.3
 Obstructions prohibited 702.1
 Stairs, porches and railings 304.10,
 305.4, 305.5, 307.1

ELECTRIC, ELECTRICAL EQUIPMENT
 Abatement of hazards, fire exposure 604.3.2
 Abatement of hazards, water exposure 604.3.1
 Condemnation 108.1
 Electrical equipment 604.3.1.1
 Facilities required 604.1
 Hazards 604.3
 Installation 605.1

Lighting fixtures 605.3
 Receptacles 604.3, 605.2
 Responsibility 601.2
 Service 604.2

ELEVATOR, ESCALATORS, DUMBWAITERS
 Condemnation 108.1
 General 606.1
 Maintenance 606.1, 606.2

EMERGENCY
 Emergency measures 109
 Emergency orders 109.1
 Emergency escape openings 702.4

ENFORCEMENT
 Duties and powers 104
 Scope 101.2

EQUIPMENT
 Alternative 105.2
 Combustion air 603.5
 Condemnation 108.1.2, 108.3
 Electrical installation 605.1
 Emergency order 109.1
 Energy conservation devices 603.6
 Installation 603.1
 Interior structure 305.1
 Placarding 108.3, 108.4
 Prohibited use 108.5
 Responsibility 601.2
 Safety controls 603.4
 Scope 101.2
 Scope, mechanical and electrical 601.1
 Support, definition 202
 Unsafe 108
 Used 105.4

EXHAUST
 Clothes dryer 403.5
 Exhaust ducts 304.9
 Process ventilation 403.4

EXISTING
 Remedies 102.4
 Scope 101.2
 Structural members 304.4
 Structures 101.3

EXTERIOR
 Decorative features 304.8
 Exterior structure 304
 Exterior walls 304.6
 Painting 304.2, 304.6
 Rodent harborage 302.5, 304.5
 Sanitation 304.1
 Scope 301.1
 Stair 303.10
 Street numbers 303.3
 Unsafe conditions 304.1.1
 Weather tight 303.13

F

FAN
 Exhaust vents 302.6

INDEX

FEES, EXPENSES, COST

- Closing vacant structures 108.2
- Demolition 110.1, 110.3, 110.4
- Extermination 309.2, 309.3, 309.4, 309.5
- General 103.5
- Relief from personal liability 103.4

FENCE

- Accessory 302.7
- Maintenance 304.2

FIRE

- Automatic sprinkler systems 704.1.1
- Fire-resistance rated assemblies 703.1
- Fire-protection systems 704
- Responsibility, fire safety 701.2
- Scope 101.2
- Scope, fire safety 701.1
- Smoke alarms 704.2

FLAMMABLE LIQUID

- Containers 108.1.2

FLOOR, FLOORING

- Area for sleeping purposes 404.4.1
- Fire-resistance ratings 703.1
- Interior surfaces 305.1, 305.3
- Space requirements 404.4.1, 404.6

FOOD PREPARATION

- Cooking equipment 403.3
- Sanitary condition 305.1, 404.7
- Ventilation 403.4

FOUNDATION

- Condemnation 108.1.1
- Foundation walls 304.5

FRAME

- Window and door frames 304.13

G

GAS

- Energy conservation devices 603.6
- Exhaust vents 302.6

GLAZING

- Materials 304.13.1

GRADE

- Drainage 302.2, 507

GUARD

- Anchorage and maintenance 304.12
- Basement windows 304.18.2
- Definition 202

H

HABITABLE

- Definition 202
- Light 402
- Minimum ceiling height 404.3
- Minimum room width 404.2
- Required plumbing facilities 502
- Residential heating facilities 602.2, 602.3
- Space requirements 404.4.1
- Ventilation 403

HANDRAILS AND GUARDRAILS

- Handrails 304.12, 305.5, 307.1
- Stairs and porches 304.10

HARDWARE

- Door hardware 304.15, 702.3
- Openable windows 304.13.2

HAZARDOUS (See DANGEROUS, HAZARDOUS)

HEAT, HEATING

- Energy conservation devices 603.6
- Fireplaces 603.1
- Heating 603.1
- Mechanical equipment 603.1
- Required capabilities 602
- Residential heating 602.2, 602.3
- Supply 602.3
- Water heating facilities 505.4
- Water system 505

HEIGHT

- Minimum ceiling height 404.3

HOT (See HEAT, HEATING)

HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS

- Definition 202
- Locked doors 702.3
- Required facilities 502
- Toilet rooms 503

HOUSEKEEPING UNIT

- Definition 202

I

IDENTIFICATION

- Code official 104.5

INFESTATION

- Condemnation 108.1.3
- Definition 202
- Insect and rat 302.5, 303.14, 309.1

INSECTS

- Pest elimination 309
- Infestation 309.1
- Insect screens 304.14

INSPECTIONS

- General 104.2
- Right of entry 104.3

INSPECTOR

- Identification 104.3
- Inspections 104.2
- Records 104.6

INTENT

- Code 101.3

INTERIOR

- Interior structure 305
- Interior surfaces 305.3
- Means of egress 702
- Sanitation 305.1
- Unsafe conditions 305.1.1

J

JURISDICTION
 Title101.1

K

KITCHEN
 Electrical outlets required 605.2
 Minimum width 404.2
 Prohibited use 404.4.4
 Room lighting 605.3
 Water heating facilities 505.4

L

LANDING
 Handrails and guards 304.12,
 305.4, 305.5, 306.1
 Maintenance 304.10, 305.4

LAUNDRY
 Room lighting 605.3
 Water-heating facilities 505.4

LAVATORY
 Hotels 502.3
 Required facilities 502
 Rooming houses 502.2
 Sanitary drainage system 506
 Water-heating facilities 505.4
 Water system 505

LEASE (SELL, RENT)
 Heat supplied 602.3
 Salvage materials 110.4
 Transfer of ownership 107.6

LIEN
 Closing of vacant structures 108.2
 Demolition 110.3
 Failure to comply 110.3

LIGHT, LIGHTING
 Common halls and stairways 402.2, 605.3
 General 402
 Habitable rooms 402.1
 Luminaires 605.3
 Other spaces 402.3
 Responsibility 401.2
 Scope 101.2
 Toilet rooms 605.3

LIVING ROOM
 Room area 404.4.1

LOAD, LOADING
 Elevators, escalators and dumbwaiters 606.1
 Handrails and guardrails 304.12, 305.5
 Live load 304.4, 305.2
 Stairs and porches 304.10, 305.2
 Structural members 304.4, 305.2

M

MAINTENANCE
 Required 102.2

MATERIAL
 Alternative 105.2
 Salvage 110.4
 Used 105.4

MEANS OF EGRESS (See EGRESS)

MECHANICAL
 Installation 603.1
 Responsibility 601.2
 Scope 601.1
 Ventilation, general 403
 Ventilation, toilet rooms 403.2

MINIMUM
 Ceiling height 404.3
 Room width 404.2
 Scope 301.1

MODIFICATION
 Approval 105.1

MOTEL (See HOTELS)

MOTOR VEHICLES
 Inoperative 302.8
 Painting 302.8

N

NATURAL
 Lighting 401.3, 402
 Ventilation 401.3, 403

NOTICES AND ORDERS
 Appeal 111.1
 Form 107.2
 Method of service 107.3
 Orders 107
 Owner, responsible person 107.1
 Penalties 107.5
 Placarding of structure 108.4
 Transfer of ownership 107.6
 Unauthorized tampering 107.4
 Vacating structure 108.2

NOXIOUS
 Process ventilation 403.4
 Weeds 302.4

NUISANCE
 Closing of vacant structures 108.2

O

OBSTRUCTION
 Light 402.1
 Right of entry 104.3

OCCUPANCY (See USE)

OPENABLE
 Locked doors 702.3
 Windows 304.13.2, 403.1

OPERATOR
 Definition 202

ORDER (See NOTICE)

ORDINANCE, RULE
 Applicability 102

INDEX

Application for appeal 111.1

OUTLET

Electrical 605.2

OWNER

Closing of vacant structures 108.2

Definition 202

Demolition 110

Pest elimination 309.2

Failure to comply 110.3

Insect and rat control 302.5, 309.2, 309.4

Notice 107.1, 108.3

Placarding of structure 108.4

Responsibility 301.2

Responsibility, fire safety 701.2

Responsibility, light, ventilation 401.2

Responsibility, mechanical and electrical 601.2

Responsibility, plumbing facilities 501.2

Right of entry 104.3

Rubbish storage 308.2.1

Scope 101.2

Transfer of ownership 107.6

P

PASSAGEWAY

Common hall and stairway 402.2

Interior surfaces 305.3

Toilet rooms, direct access 503.1

PENALTY

Notices and orders 107.4

Placarding of structure 108.4

Prohibited occupancy 108.5

Removal of placard 108.4.1

Scope 101.2

Violations 106.4

PEST ELIMINATION

Condemnation 108.1

Definition 202

Insect and rat control 302.5, 304.5, 304.14, 309.1

Pest elimination 309.1

Responsibility of owner 301.2, 306.2

Responsibility of tenant-occupant 306.3, 306.5

PLACARD, POST

Closing 108.2

Condemnation 108.1

Demolition 110

Emergency, notice 109.1

Notice to owner 107.1, 108.3

Placarding of structure 108.4

Prohibited use 108.5

Removal 108.4.1

PLUMBING

Clean and sanitary 504.1

Clearance 504.2

Connections 505.1

Contamination 505.2

Employee's facilities 503.3

Fixtures 504.1

Required facilities 502

Responsibility 501.2

Sanitary drainage system 506

Scope 501.1

Storm drainage 507

Supply 505.3

Water heating facilities 505.4

PORCH

Handrails 304.12

Structurally sound 304.10

PORTABLE (TEMPORARY)

Cooking equipment 603.1

PRESSURE

Water supply 505.3

PRIVATE, PRIVACY

Bathtub or shower 503.1

Occupancy limitations 404.1

Required plumbing facilities 502

Sewage system 506.1

Water closet and lavatory 503.1

Water system 505.1

PROPERTY, PREMISES

Cleanliness 304.1, 308.1

Condemnation 108

Definition 202

Demolition 110

Emergency measures 109

Exterior areas 302

Pest elimination, multiple occupancy 302.5, 309.4

Pest elimination, single occupancy 302.5, 309.3

Failure to comply 110.3

Grading and drainage 302.2

Responsibility 301.2

Scope 301.1

Storm drainage 507

Vacant structures and land 301.3

PROTECTION

Basement windows 304.17

Fire-protection systems 704

Signs, marquees and awnings 304.9

PUBLIC

Cleanliness 304.1, 305.1

Egress 702.1

Hallway 502.3

Sewage system 506.1

Toilet facilities 502.5, 503

Vacant structures and land 301.3

Water system 505

PUBLIC WAY

Definition 202

R

RAIN (PREVENTION OF ENTRY INTO BUILDING EXTERIOR ENVELOPE)

Basement hatchways 304.16

Exterior walls 304.6

Grading and drainage 303.2

Roofs 304.7

Window and door frames 304.13

RECORD
 Official records 104.7

REHABILITATION
 Intent 101.3

REPAIR
 Application of other codes 102.3
 Chimneys 304.11
 Demolition 110.1
 Exterior surfaces 304.1
 Maintenance 102.2
 Signs, marquees and awnings 304.9
 Stairs and porches 304.10
 Weather tight 304.13
 Workmanship 102.5

REPORTS
 Test reports 105.3.2

RESIDENTIAL
 Pest elimination 309
 Residential heating 602.2
 Scope 101.2

RESPONSIBILITY
 Pest elimination 309
 Fire safety 701.2
 Garbage disposal 308.3
 General 301.2
 Mechanical and electrical 601.2
 Persons 301.1
 Placarding of structure 108.4
 Plumbing facilities 501.2
 Rubbish storage 308.2.1
 Scope 101.2, 301.1

REVOKE, REMOVE
 Demolition 110
 Existing remedies 102.4
 Removal of placard 108.4.1
 Rubbish removal 308.2.1

RIGHT OF ENTRY
 Duties and powers of code official 104.3
 Inspections 104.2

RODENTS
 Basement hatchways 304.16
 Condemnation 108
 Exterior surfaces 304.6
 Pest elimination 302.5, 309
 Guards for basement windows 304.17
 Harborage 302.5
 Insect and rodent control 309.1

ROOF
 Exterior structure 304.1
 Roofs 304.7
 Storm drainage 507

ROOM
 Bedroom and living room 404.4
 Cooking facilities 403.3
 Direct access 503.2
 Habitable 402.1
 Heating facilities 602
 Light 402
 Minimum ceiling heights 404.3

Minimum width 404.2
 Overcrowding 404.5
 Prohibited use 404.4.4
 Temperature 602.5
 Toilet 503
 Ventilation 403

ROOMING HOUSES (See DORMITORY)

RUBBISH
 Accumulation 308.1
 Definition 202
 Disposal 308.2
 Garbage facilities 308.3.1
 Rubbish storage 308.2.1

S

SAFETY, SAFE
 Fire safety requirements 701, 702, 703, 704
 Safety controls 603.4

SANITARY
 Bathroom and kitchen floors 305.3
 Cleanliness 304.1, 305.1
 Disposal of garbage 308.3
 Disposal of rubbish 308.2
 Exterior property areas 302.1
 Exterior structure 304.1
 Food preparation 404.7
 Furnished by occupant 302.1
 Grease interceptors 506.3
 Interior surfaces 305.3
 Plumbing fixtures 504.1
 Required plumbing facilities 502
 Scope 101.2

SASH
 Window 304.13

SCREENS
 Insect screens 304.14

SECURITY
 Basement hatchways 304.18.3
 Building 304.18
 Doors 304.18.1
 Vacant structures and land 301.3
 Windows 304.18.2

SELF-CLOSING SCREEN DOORS
 Insect screens 304.14

SEPARATION
 Fire-resistance ratings 703
 Privacy 404.1
 Separation of units 404.1
 Water closet and lavatory 502.1

SERVICE
 Electrical 604.2
 Method 107.3
 Notices and orders 107.1, 108.3
 Service on occupant 108.3

SEWER
 General 506.1
 Maintenance 506.2

INDEX

SHOWER
Bathtub or shower 502.1
Rooming houses 502.2
Water-heating facilities 505.4
Water system 505

SIGN
Signs, marquees and awnings 304.9
Unauthorized tampering 107.4

SINGLE-FAMILY DWELLING
Extermination 309

SINK
Kitchen sink 502.1
Sewage system 506
Water supply 505.3

SIZE
Habitable room, light 402
Habitable room, ventilation 403
Room area 404.4.1

SMOKE
Alarms 704.2
Interconnection 704.4
Power source 704.3

SPACE
General, light 402
General, ventilation 403
Occupancy limitations 404
Privacy 404.1
Scope 401.1

STACK
Chimneys 304.11

STAIRS
Common halls and stairways, light 402.2
Exit facilities 305.4
Handrails 304.12, 305.5
Lighting 605.3
Public areas 302.3
Stairs and porches 304.10

STANDARD
Referenced 102.7

STOP WORK ORDER
Authority 112.1
Emergencies 112.3
Failure to comply 112.4
Issuance 112.2

STORAGE
Food preparation 404.7
Garbage storage facilities 308.3
Rubbish storage facilities 308.2.1
Sanitation 308.1

STRUCTURE
Accessory structures 302.7
Closing of vacant structures 108.2
Definition 202
Emergency measures 109
General, exterior 304.1
General, condemnation 110
General, interior structure 305.1
Placarding of structure 108.4

Scope 301.1
Structural members 304.4, 305.2
Vacant structures and land 301.3

SUPPLY
Combustion air 603.5
Connections 505.1
Water-heating facilities 505.4
Water supply 505.3
Water system 505

SURFACE
Exterior surfaces 304.2, 304.6
Interior surfaces 305.3

SWIMMING
Swimming pools 303.1, 303.2
Safety covers 303.2

T

TEMPERATURE
Nonresidential structures 602.4
Residential buildings 602.2
Water-heating facilities 505.4

TENANT
Scope 101.2

TEST, TESTING
Agency 105.3.2
Methods 105.3.1
Reports 105.3.2
Required 105.3

TOXIC
Process ventilation 403.4

TRASH
Rubbish and garbage 308

U

UNOBSTRUCTED
Access to public way 702.1
General, egress 702.1

UNSAFE STRUCTURES AND EQUIPMENT
Abatement methods 108.6
Dangerous structure or premises 108.1.5
Equipment 108.1.2
Existing remedies 102.4
General, condemnation 108, 110
General, demolition 110
Notices and orders 107, 108.3
Record 108.7
Structures 108.1.1

USE
Application of other codes 102.3
General, demolition 110

UTILITIES
Authority to disconnect 108.2.1

V

VACANT
Abatement methods 108.6

Authority to disconnect service utilities 108.2.1
 Closing of vacant structures 108.2
 Emergency measure 109
 Method of service 107.3, 108.3
 Notice to owner or to
 person responsible 107, 108.3
 Placarding of structure 108.4
 Record 108.7
 Vacant structures and land 301.3

VAPOR
 Exhaust vents 302.6

VEHICLES
 Inoperative 302.8
 Painting 302.8

VENT
 Connections 504.3
 Exhaust vents 302.6
 Flue 603.2

VENTILATION
 Clothes dryer exhaust 403.5
 Combustion air 603.5
 Definition 202
 General, ventilation 403
 Habitable rooms 403.1
 Process ventilation 403.4
 Recirculation 403.2, 403.4
 Toilet rooms 403.2

VERMIN
 Condemnation 108
 Insect and rat control 302.5, 309

VIOLATION
 Condemnation 108
 General 106
 Notice 107, 108.3
 Penalty 106.4
 Placarding of structure 108.4
 Prosecution 106.3
 Strict liability offense 106.3, 202
 Transfer of ownership 107.6

W

WALK
 Sidewalks 302.3

WALL
 Accessory structures 302.7
 Exterior surfaces 304.2, 304.6
 Exterior walls 304.6
 Foundation walls 304.5
 General, fire-resistance rating 703.1
 Interior surfaces 305.3
 Outlets required 605.2
 Temperature measurement 602.5

WASTE
 Disposal of garbage 308.3
 Disposal of rubbish 308.2
 Dwelling units 502.1
 Garbage storage facilities 308.3.1

WATER
 Basement hatchways 304.16
 Connections 506.1
 Contamination 505.2
 General, sewage 506
 General, storm drainage 507
 General, water system 505
 Heating 505.4
 Hotels 502.3
 Kitchen sink 502.1
 Required facilities 502
 Rooming houses 502.2
 Supply 505.3
 System 505
 Toilet rooms 503
 Water-heating facilities 505.4

WEATHER, CLIMATE
 Heating facilities 602

WEATHERSTRIP
 Window and door frames 304.13

WEEDS
 Noxious weeds 302.4

WIDTH
 Minimum room width 404.2

WIND
 Weather tight 304.13
 Window and door frames 304.13

WINDOW
 Emergency escape 702.4
 Glazing 304.13.1
 Guards for basement windows 304.17
 Habitable rooms 402.1
 Insect screens 304.14
 Interior surface 305.3
 Light 402
 Openable windows 304.13.2
 Toilet rooms 403.2
 Ventilation 403
 Weather tight 304.13
 Window and door frames 304.13

WORKMANSHIP
 General 102.5

EDITORIAL CHANGES – FOURTH PRINTING

Page 11, Section 302.5: line 5 now reads . . . health. After *pest elimination*, proper precautions shall be

Page 15, Section 309.1: line 4 and 5 now reads . . . processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent

Page 15, Section 309.2: line 2 now reads . . . for *pest elimination* within the structure prior to renting or leas-

Page 15, Section 309.3: line 3 now reads . . . responsible for *pest elimination* on the *premises*.

Page 16, Section 309.4: line 4 now reads . . . *pest elimination* in the public or shared areas of the structure

Page 16, Section 309.4: line 7 now reads . . . *occupant* and *owner* shall be responsible for *pest elimination*.

Page 16, Section 309.5: Exception , line 2 now reads . . . the structure, the *owner* shall be responsible for *pest elimi-*

ATTACHMENT E

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development M.D.

DATE: June 14, 2007

SUBJECT: Property Maintenance Code

In January 2006 a Property Maintenance Study Group was established by the Village and the Chamber of Commerce to examine the possibility of creating a property maintenance code. The group consisted of seven members and a Village staff liaison. The members of this committee included four members of the Business Community Development Commission (BCDC) – Barbara Aquilino, Bill Shiel, Bob Horne and Cicely Michalak and three members from the Chamber of Commerce – Tim Welter, Andy Bulluck and Kelly Golden. As Community Development Director, I served as the staff liaison.

The study group met over six times between January and April 2006. Once the group determined that there was a need for some type of property maintenance code, the next step was to develop a draft code. With direction from the Community Development Director it was agreed that the 2003 International Property Maintenance Code, published by the International Code Council (ICC) should be used. This “model” code was selected for two reasons. First, the Village currently uses ICC Code Series for its building codes and the property maintenance code is another in its series of nationally recognized model codes. Second, given the broad acceptance and use of the ICC Property Maintenance Code, it has been legally tested and accepted not only throughout the region, but also the nation. Put another way, most neighboring communities that have property maintenance codes use a version of this code and it would put Winnetka and its property owners on equal footing with them. Part of the Study Group’s analysis included reviewing property maintenance codes from Highland Park, Glenview, Northfield and Wilmette.

The draft code before the Village Council has been amended in order to have a code more consistent with conditions in the Village. Attachment A, 2003 International Property Maintenance Code Draft 4-18-06, is a marked up copy of the model code showing the changes made in order to make it more applicable to property maintenance related issues in Winnetka. In general, the amendments suggested by the Study Group and subsequently the BCDC range from minor changes, such as deleting references to codes which the Village has not adopted i.e. eliminating references to the International Zoning Code, or inserting Village Code sections when referring to regulations already in effect, to much more substantial changes like eliminating all references to residential properties. It is safe to say that the majority of the proposed amendments were to delete items from the model code that are not applicable to the Village.

When the Study Group completed its work in May 2006 it referred the draft code to the BCDC. Beginning in June 2006 and finishing in October 2006 the BCDC reviewed, analyzed and made revisions to the proposed code. The most substantial change recommended by the BCDC was to have the property maintenance code only apply to commercial properties. On October 5, 2006 the BCDC voted to recommend approval of a property maintenance code (Attachment B 2003 International Property Maintenance Code BCDC Adopted Draft 10-06).

It should also be noted that the 2006 Caucus Questionnaire had a series of question concerning the need for a property maintenance code. The first question asked whether the Village should have more stringent property maintenance requirements than are currently in effect. Of the 1,219 respondents, 62% said there should be no new regulations. The remaining 38% (462 people) who favored additional regulations, when asked what type of "signs of neglect should be addressed", responded as follows:

- Decaying fences or porches 82%
- Peeling paint 44%
- Broken windows or shutters 74%
- Other 33%

A third question was also asked: "Are you currently experiencing a problem caused by the neglected property of a neighbor?" The response was that 85% are not experiencing any problems.

Recommendation

Provide policy direction.

ATTACHMENT A

2003 INTERNATIONAL PROPERTY MAINTENANCE CODE

DRAFT 4-18-06

First Printing: December 2002

COPYRIGHT © 2002
by
INTERNATIONAL CODE COUNCIL, INC.

ALL RIGHTS RESERVED. This 2003 International Property Maintenance Code® is a copyrighted work owned by the International Code Council, Inc. Without advance written permission from the copyright owner, no part of this book may be reproduced, distributed or transmitted in any form or by any means, including, without limitation, electronic, optical or mechanical means (by way of example and not limitation, photocopying, or recording by or in an information storage retrieval system). For information on permission to copy material exceeding fair use, please contact: Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 (Phone 800-214-4321).

Trademarks: "International Code Council," the "International Code Council" logo and the "International Property Maintenance Code" are trademarks of the International Code Council, Inc.
PRINTED IN THE U.S.A.

PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The International Property Maintenance Code, in this 2003 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2003 edition is fully compatible with all the International Codes ("I-Codes") published by the International Code Council (ICC), including the International Building Code, ICC Electrical Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, ICC Performance Code, International Plumbing Code, International Private Sewage Disposal Code, International Residential Code, International Urban-Wildland Interface Code and International Zoning Code.

The International Property Maintenance Code provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the International Property Maintenance Code (1998) was the culmination of an effort initiated in 1996 by a development committee appointed by ICC and consisting of the representatives of the three statutory members of the International Code Council: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2003 edition presents the code as originally issued, with changes approved through the ICC Code Development Process through 2002. A new edition such as this is promulgated every three years.

With the development and publication of the family of International Codes in 2000, the continued development and maintenance of the model codes individually promulgated by BOCA (“BOCA National Codes”), ICBO (“Uniform Codes”) and SBCCI (“Standard Codes”) was discontinued. This 2003 International Property Maintenance Code, as well as its predecessor—the 2000 edition, is intended to be the successor property maintenance code to those codes previously developed by BOCA, ICBO and SBCCI.

The development of a single set of comprehensive and coordinated family of International Codes was a significant milestone in the development of regulations for the built environment. The timing of this publication mirrors a milestone in the change in structure of the model codes, namely, the pending Consolidation of BOCA, ICBO and SBCCI into the ICC. The activities and services previously provided by the individual model code organizations will be the responsibility of the Consolidated ICC.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, productions or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The International Property Maintenance Code is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction’s laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

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

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Code and Standard Development Department of the International Code Council.

While the development procedure of the International Property Maintenance Code assures the highest degree of care, ICC and the founding members of ICC—BOCA, ICBO, SBCCI—their members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC and its founding members do not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

ORDINANCE

The International Codes are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2003 International Property Maintenance Code as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate

Deleted: Letter Designations in Front of Section Numbers¶

¶ In each code development cycle, proposed changes to this code are considered at the Code Development Hearing by the International Property Maintenance Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed change. Proposed changes to a code section whose number begins with a letter in brackets are considered by a different code development committee. For instance, proposed changes to code sections which have the letter [F] in front (e.g., [F] 704.1), are considered by the International Fire Code Development Committee at the Code Development Hearing.¶

¶ Where this designation is applicable to the entire content of a main section of the code, the designation appears at the main section number and title and is not repeated at every subsection in that section.¶

The content of sections in this code which begin with a letter designation are maintained by another code development committee in accordance with the following: [F] = International Fire Code Development Committee; and [P] = International Plumbing Code Development Committee.¶

governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

**SAMPLE ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY
MAINTENANCE CODE**

ORDINANCE NO. _____

An ordinance of the [JURISDICTION] adopting the 2003 edition of the International Property Maintenance Code, 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 existing structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. _____ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the [JURISDICTION], in the State of [STATE NAME] 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 existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the [JURISDICTION] 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 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]
Section 103.5. Insert: [APPROPRIATE SCHEDULE]
Section 304.14. Insert: [DATES IN TWO LOCATIONS]
Section 602.3. Insert: [DATES IN TWO LOCATIONS]
Section 602.4. Insert: [DATES IN TWO LOCATIONS]

Section 3. That Ordinance No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or 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 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title.

These regulations shall be known as the Property Maintenance Code of [NAME OF JURISDICTION], hereinafter referred to as "this code."

101.2 Scope.

The provisions of this code shall apply to all nonresidential structures 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.

~~Deleted: existing residential and~~

~~Deleted: and all existing premises~~

101.3 Intent.

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

101.4 Severability.

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

SECTION 102 APPLICABILITY

102.1 General.

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The

requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the ~~applicable sections of the Village of Mankato Code~~.

Deleted: International Existing Building Code.

102.4 Existing remedies.

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

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

102.5 Workmanship.

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

102.6 Historic buildings.

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

102.7 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code.

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

**SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

103.1 General.

The ~~Department of Community Development is responsible for~~ property maintenance and the executive official in charge thereof shall be known as the code official.

Deleted: department of

Deleted: inspection is hereby created

103.2 Appointment.

The code official ~~also known as the Director of Community Development~~ shall be appointed by the ~~Village Manager~~ 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.

Deleted: chief appointing authority of the jurisdiction

103.3 Deputies.

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

103.4 Liability.

The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal

liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

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 code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; 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.

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code ~~are established in Section 15.32.020 of the Village of Winnetka Code.~~

Deleted: shall be as indicated in the following schedule. [JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

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

104.1 General.

The code official shall enforce the provisions of this code.

104.2 Rule-making authority.

The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections.

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

Deleted: ¶

104.4 Right of entry.

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

Deleted: ¶

¶

¶

104.5 Identification.

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

104.6 Notices and orders.

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

104.7 Department records.

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

104.8 Coordination of inspections.

Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

**SECTION 105
APPROVAL**

105.1 Modifications.

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

105.2 Alternative materials, methods and equipment.

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

105.3 Required testing.

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

105.3.1 Test methods.

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

105.3.2 Test reports.

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

105.4 Material and equipment reuse.

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

**SECTION 106
VIOLATIONS**

106.1 Unlawful acts.

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

106.2 Notice of violation.

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

106.3 Prosecution of violation.

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

106.4 Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be 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.

106.5 Abatement of violation.

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

**SECTION 107
NOTICES AND ORDERS**

107.1 Notice to person responsible.

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

107.2 Form.

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

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

107.4 Penalties.

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

107.5 Transfer of ownership.

It shall be unlawful for the owner of any 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

Deleted: dwelling unit or

official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General.

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

108.1.1 Unsafe structures.

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

108.1.2 Unsafe equipment.

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

108.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is ~~insanitary~~, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Deleted: insanitary

108.1.4 Unlawful structure.

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

108.2 Closing of vacant structures.

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

108.3 Notice.

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

108.4 Placarding.

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

108.4.1 Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy.

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

**SECTION 109
EMERGENCY MEASURES**

109.1 Imminent danger.

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

109.2 Temporary safeguards.

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

109.3 Closing streets.

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

109.4 Emergency repairs.

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

109.5 Costs of emergency repairs.

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

109.6 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.

Deleted: ¶
¶
¶

SECTION 110

DEMOLITION

110.1 General.

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

Deleted: insanitary

110.2 Notices and orders.

All notices and orders shall comply with Section 107.

110.3 Failure to comply.

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

110.4 Salvage materials.

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

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the ~~Building Review Committee~~, 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 code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board.

~~The Building Review Committee created by Section 2.16.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code.~~

111.3 Notice of meeting.

The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.4.1 Procedure.

Deleted: board of appeals

Deleted: 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. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.¶

111.2.1 Alternate members.¶

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

111.2.2 Chairman.¶

The board shall annually select one of its members to serve as chairman.¶

111.2.3 Disqualification of member.¶

A member shall not hear an appeal in which that member has a personal, professional or financial interest.¶

111.2.4 Secretary.¶

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.¶

111.2.5 Compensation of members.¶

Compensation of members shall be determined by law.

Formatted: Indent: Left: 0 pt

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.

111.5 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.

111.6 Board decision.

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

111.6.1 Records and copies.

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

111.6.2 Administration.

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

111.7 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the 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.

111.8 Stays of enforcement.

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

**CHAPTER 2
DEFINITIONS**

**SECTION 201
GENERAL**

201.1 Scope.

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

201.2 Interchangeability.

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

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined.

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

201.5 Parts.

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

**SECTION 202
GENERAL DEFINITIONS**

APPROVED. Approved by the code official.

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

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

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

Deleted: BEDROOM. Any room or space used or intended to be used for sleeping purposes.¶

CONDEMN. To adjudge unfit for occupancy.

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

Deleted: 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 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.

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

Deleted: 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.¶

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.

Deleted: 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.¶

LABELED.

Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

Deleted: 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.¶

**CHAPTER 3
GENERAL REQUIREMENTS**

**SECTION 301
GENERAL**

301.1 Scope.

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

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

301.3 Vacant structures and land.

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

Deleted: 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.¶

**SECTION 302
EXTERIOR PROPERTY AREAS**

302.1 Sanitation.

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

302.2 Grading and drainage.

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

Exception: Approved retention areas and reservoirs.

Formatted: Indent: First line: 36 pt

302.3 Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. All noxious weeds as identified in Section 8.20 of the Village of Windsor Code 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.

Deleted: (jurisdiction to insert height in inches)

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents.

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

302.7 Accessory structures.

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

302.8 Motor vehicles.

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.

Exception: A vehicle of any type is permitted ~~provided that it is stored~~ inside a structure or similarly ~~fully~~ enclosed area designed and approved for such purposes.

Deleted: to undergo major overhaul, including body work, provided that such work is performed

Formatted: Indent: Left: 36 pt

302.9 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

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

**SECTION 304
EXTERIOR STRUCTURE**

304.1 General.

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

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

304.4 Structural members.

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

304.5 Foundation walls.

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

304.6 Exterior walls.

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

304.7 Roofs and drainage.

Deleted: SECTION 303
SWIMMING POOLS, SPAS AND
HOT TUBS

¶
303.1 Swimming pools.¶
Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.¶

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

Formatted: Font: Bold

Deleted: Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

Deleted: These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).¶

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

304.8 Decorative features.

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

304.9 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

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

304.12 Handrails and guards.

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

304.13 Window, skylight and door frames.

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

304.13.1 Glazing.

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

304.13.2 Openable windows.

Every window, other than a fixed window, ~~that is~~ easily openable shall be capable of being held in position by window hardware.

304.14 Insect screens.

Ventilation of ~~commercial~~ food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

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

304.15 Doors.

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

304.16 Basement hatchways.

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

Deleted: 303

Deleted: 303

Deleted: shall

Deleted: be

Deleted: and

Deleted: During the period from [DATE] to [DATE], every door, window and other outside opening required for v

Deleted: habitable rooms,

Formatted: Indent: Left: 36 pt

Formatted: Font: Bold

304.17 Guards for basement windows.

Every basement window that is openable shall have protection against the entry of rodents.

Formatted: Font: Bold

Deleted: be supplied with rodent shields, storm windows or other approved

**SECTION 305
INTERIOR STRUCTURE**

305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

305.2 Structural members.

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

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

304.18.1 Doors.¶

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.¶

304.18.2 Windows.¶

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

304.18.3 Basement hatchways.¶

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

305.3 Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

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

305.5 Handrails and guards.

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

305.6 Interior doors.

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

Deleted: Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.¶

Deleted: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered.

Formatted: Indent: First line: 36 pt

**SECTION 306
HANDRAILS AND GUARDRAILS**

306.1 General.

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

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

**SECTION 307
RUBBISH AND GARBAGE**

307.1 Accumulation of rubbish or garbage.

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

307.2 Disposal of rubbish.

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

307.2.1 Rubbish storage facilities.

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

307.2.2 Refrigerators.

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

307.3 Disposal of garbage.

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

307.3.2 Containers.

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

**SECTION 308
EXTERMINATION**

308.1 Infestation.

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

**CHAPTER 4
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

**SECTION 401
GENERAL**

401.1 Scope.

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

401.2 Responsibility.

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

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

**SECTION 402
LIGHT**

402.3 Other spaces.

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

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

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

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

¶
308.5 Occupant.¶ ... [1]

~~Deleted: 402.1 Habitable spaces.¶~~
Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum. ... [2]

~~Deleted: 402.2 Common halls and stairways.¶~~
Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum. ... [3]

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

SECTION 403 VENTILATION

403.2 Bathrooms and toilet rooms.

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

403.4 Process ventilation.

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

403.5 Clothes dryer exhaust.

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

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENT

SECTION 501 GENERAL

501.1 Scope.

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

501.2 Responsibility.

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

SECTION 502 REQUIRED FACILITIES

502.3 Hotels.

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

502.4 Employees' facilities.

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

Deleted: 403.1 Habitable spaces.¶
Every habitable space shall have at least one operable 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 402.1.¶

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.¶

Deleted: ¶

Deleted: 403.3 Cooking facilities.¶
Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.¶
Exception: Where specifically approved in writing by the code official.¶

Deleted: ¶
SECTION 404
OCCUPANCY LIMITATIONS¶

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

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

404.3 Minimum ceiling heights.¶
Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet ro... [4]

Deleted: [P]

Deleted: 502.1 Dwelling units.¶
Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet ... [5]

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

Deleted: disposable cups next to a sink or

Deleted: [P]

503.1 Privacy.

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

503.2 Location.

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

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of ~~300~~ feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of ~~300~~ feet from the employees' regular working area to the facilities.

Deleted: 500
Deleted: (152 m)
Formatted: Indent: Left: 36 pt
Deleted: 500
Deleted: (152 m)

503.4 Floor surface.

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

**SECTION 504
PLUMBING SYSTEMS AND FIXTURES**

Deleted: [P]

504.1 General.

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

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

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

**SECTION 505
WATER SYSTEM**

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the ~~State of Illinois Plumbing Code, 2004 Edition~~.

Deleted: International Plumbing Code.

505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and

other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply.

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

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 ° F (43 ° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Deleted: normally kept closed, unless adequate combustion air is provided.

**SECTION 506
SANITARY DRAINAGE SYSTEM**

506.1 General.

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

506.2 Maintenance.

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

**SECTION 507
STORM DRAINAGE**

507.1 General.

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

**CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS**

**SECTION 601
GENERAL**

601.1 Scope.

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

601.2 Responsibility.

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

**SECTION 602
HEATING FACILITIES**

602.1 Facilities required.

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

602.4 Occupiable work spaces.

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

Exceptions:

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

602.5 Room temperature measurement.

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

**SECTION 603
MECHANICAL EQUIPMENT**

603.1 Mechanical appliances.

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

603.2 Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.
Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances.

All required clearances to combustible materials shall be maintained.

603.4 Safety controls.

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

603.5 Combustion air.

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

603.6 Energy conservation devices.

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

**SECTION 604
ELECTRICAL FACILITIES**

604.1 Facilities required.

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

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ~~2002 National Electrical Code~~. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than ~~200~~ amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets,

~~602.2 Residential occupancies.~~
Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

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

~~602.3 Heat supply.~~

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

~~[DATE]~~

~~[DATE]~~

~~ICC Electrical Code~~

~~60~~

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

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation.

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

605.2 Receptacles.

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Lighting fixtures.

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

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General.

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

606.2 Elevators.

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

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

SECTION 607 DUCT SYSTEMS

607.1 General.

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

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope.

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

~~Additionally, other codes to be complied with include applicable sections of the Village of Winnetka~~

~~Code, International Fire Code, 2003 Edition, NFPA 101 Life Safety Code, 2001 Edition. In the event that there are conflicts between the codes, the more restrictive code shall apply.~~

701.2 Responsibility.

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

**SECTION 702
MEANS OF EGRESS**

702.1 General.

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

702.2 Aisles.

The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors.

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

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. 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.

**SECTION 703
FIRE-RESISTANCE RATINGS**

703.1 Fire-resistance-rated assemblies.

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

703.2 Opening protectives.

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

**SECTION 704
FIRE PROTECTION SYSTEMS**

704.1 General.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code ~~and NFPA 72.~~

704.2 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.
3. 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.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code ~~Section 102.7.2~~.

704.3 Power source.

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

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

704.4 Interconnection.

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

Exceptions:

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

**CHAPTER 8
 REFERENCED STANDARDS**

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

ICC, International Code Council
 5203 Leesburg Pike, Suite 600
 Falls Church, VA 22041

Deleted

Standard reference	Title	Referenced in code

number		section number
NEC 2002 Code	Administrative Provisions	
IBC—03 International Building Code®		201.3, 302.7.1, 401.3, 702.3, 702.4
IFC—03 International Fire Code®		201.3, 702.1, 702.2, 704.1, 704.2
IMC—03 International Mechanical Code®		201.3

Formatted: Font color: Red

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

DATE: September 26, 2007

SUBJECT: Property Maintenance Code, Ord. MC-13-2007

REF: Sept. 18, 2007 Council Mtg. pp.132-145

Ordinance MC-13-2007 amends the Village Code to create property maintenance regulations for commercial properties.

In January 2006 a Property Maintenance Study Group was established by the Village and the Chamber of Commerce to examine the possibility of creating a property maintenance code. The group consisted of seven members and a Village staff liaison. The members of this committee included four members of the Business Community Development Commission (BCDC) – Barbara Aquilino, Bill Shiel, Bob Horne and Cicely Michalak and three members from the Chamber of Commerce – Tim Welter, Andy Bulluck and Kelly Golden. As Community Development Director, I served as the staff liaison.

The study group met over six times between January and April 2006. Once the group determined that there was a need for some type of property maintenance code, the next step was to develop a draft code. With direction from the Community Development Director it was agreed that the 2003 International Property Maintenance Code, published by the International Code Council (ICC) should be used. This “model” code was selected for two reasons. First, the Village currently uses ICC Code Series for its building codes and the property maintenance code is another in its series of nationally recognized model codes. Second, given the broad acceptance and use of the ICC Property Maintenance Code, it has been legally tested and accepted not only throughout the region, but also the nation. Put another way, most neighboring communities that have property maintenance codes use a version of this code and it would put Winnetka and its property owners on equal footing with them. Part of the Study Group’s analysis included reviewing property maintenance codes from Highland Park, Glenview, Northfield and Wilmette.

The draft code before the Village Council has been amended in order to have a code more consistent with conditions in the Village. Attachment A, 2003 International Property Maintenance Code Draft 4-18-06, is a marked up copy of the model code showing the changes made in order to make it more applicable to property maintenance related issues in Winnetka. In general, the amendments suggested by the Study Group and subsequently the BCDC range from minor changes, such as deleting references to codes which the Village has not adopted i.e. eliminating references to the International Zoning

Code, or inserting Village Code sections when referring to regulations already in effect, to much more substantial changes like eliminating all references to residential properties. It is safe to say that the majority of the proposed amendments were to delete items from the model code that are not applicable to the Village.

When the Study Group completed its work in May 2006 it referred the draft code to the BCDC. Beginning in June 2006 and finishing in October 2006 the BCDC reviewed, analyzed and made revisions to the proposed code. The most substantial change recommended by the BCDC was to have the property maintenance code only apply to commercial properties. On October 5, 2006 the BCDC voted to recommend approval of a property maintenance code (Attachment B 2003 International Property Maintenance Code BCDC Adopted Draft 10-06).

It should also be noted that the 2006 Caucus Questionnaire had a series of question concerning the need for a property maintenance code. The first question asked whether the Village should have more stringent property maintenance requirements than are currently in effect. Of the 1,219 respondents, 62% said there should be no new regulations. The remaining 38% (462 people) who favored additional regulations, when asked what type of “signs of neglect should be addressed”, responded as follows:

- Decaying fences or porches 82%
- Peeling paint 44%
- Broken windows or shutters 74%
- Other 33%

A third question was also asked: “Are you currently experiencing a problem caused by the neglected property of a neighbor?” The response was that 85% are not experiencing any problems.

Adoption of the ordinance requires the concurrence of the majority of the Village Council members present.

Recommendation

Consider adoption of Ordinance MC-13-2007, amending the Village Code establishing a property maintenance code for commercial properties.

**AN ORDINANCE ADOPTING
THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE OF 2003
FOR INCORPORATION INTO TITLE 15 OF THE WINNETKA VILLAGE CODE
TO ESTABLISH PROPERTY MAINTENANCE REGULATIONS FOR
COMMERCIAL PROPERTIES IN THE VILLAGE OF WINNETKA**

WHEREAS, the Village of Winnetka ("Village") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Village created a Property Maintenance Study Group in January, 2006, to examine the possibility of creating a property maintenance code in the Village;

WHEREAS, the members of the group consisted of four members of the Business Community Development Commission ("BCDC"), three members from the Winnetka Chamber of Commerce, and the Director of the Community Development Department as staff liaison; and

WHEREAS, the group determined that there was a need within the Village for some type of property maintenance code; and

WHEREAS, the group agreed that the 2003 International Property Maintenance Code ("Model Code") should be used as a model when drafting the code for the Village; and

WHEREAS, Village staff has recommended that certain modifications be made to the 2003 Model Code to implement the recommendations of the Property Maintenance Study Group and that the Model Code, as amended, be incorporated into the provisions of Title 15 of the Winnetka Village Code, "Building and Construction;" and

WHEREAS, the Council of the Village of Winnetka ("Village Council") have considered the recommendations of the Property Maintenance Study Group and Village staff and find and determine that adopting the Model Code with the amendments proposed by the Village staff will

benefit the public health, safety and welfare by assuring that all construction activity in the Village of Winnetka is performed pursuant to the most recent nationally recognized standards; and

WHEREAS, the Village Council have further determined that incorporating the property maintenance provisions into Title 15 of the Village Code in the same manner that other model codes were adopted by reference in 2005 pursuant to Ordinance MC-3-2005 will facilitate the administration of regulations pertaining to construction activity and maintenance of commercial buildings in the Village of Winnetka; and

WHEREAS, copies of the foregoing Model Codes have been maintained on file in the office of the Village Clerk for at least 30 days prior to the effective date of this ordinance.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Section 15.04.020, "Scope," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

Section 15.04.020 Scope.

This title establishes the minimum requirements for construction activities in the Village, and for all other matters affecting or relating to buildings, structures and site work, including but not limited to electrical equipment, engineering, fire prevention and building safety, plumbing, drainage and sanitation systems, heating, ventilation and air conditioning systems, and compliance with the tree preservation, occupancy, ~~and~~-zoning and non-residential property maintenance requirements as provided in this code. (Prior code § 23.02)

SECTION 3: The definition of the term "Building Officer" in Subsection B of Section 15.04.050, "Definitions," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

"Building Officer" means any officer or employee of the Village responsible for administering or enforcing any provision of this title or any provision of this code that is administered pursuant to this title. The term "Building Officer" includes: the Director of Public Works; the Fire Chief; the Director of Community Development; the Health Officer; the Plan Examiner; and the building, electrical, code enforcement, engineering, fire prevention, forestry, mechanical, plumbing, water and electric, and zoning inspectors. The term "Building Officer" also includes any person who is a "building official" or "code official" under any of the codes adopted by reference in Chapters 15.08 of this Code. The

term "Building Officer" also includes such other professional service providers as may be engaged by the Village and such other person as may be assigned or directed by the Director or the Village Manager to perform any of the functions of a Building Officer.

SECTION 4: Section 15.08.010, "Adoption of Model Codes by Reference," of Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

Section 15.08.010 Adoption of Model Codes by Reference.

The model codes described in the following subsections A through G are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

- A. International Building Code, 2003 Edition.
- B. International Residential Code for One- and Two-Family Dwellings, 2003 Edition.
- C. International Mechanical Code, 2003 Edition.
- D. International Fuel Gas Code, 2003 Edition.
- E. State of Illinois Plumbing Code, 2004 Edition, as promulgated by the Illinois Department of Public Health and published in Title 77 of the Illinois Administrative Code, Chapter I, Subchapter R, Part 890,
- F. National Electrical Code, 2002 Edition.
- G. International Fire Code, 2003 Edition. (See Chapter 15.16)
- H. International Property Maintenance Code, 2003 Edition.

SECTION 5: Paragraph 1 of Subsection A of Section 15.08.020, "Amendments to the International Building Code, 2003 Edition," of Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

- 1. **101.4.5 Property maintenance.** (See Section 15.08.080 for non-residential property maintenance provisions.)

SECTION 6: Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended by adding a new Section 15.08.080, which shall be titled "Amendments to the International Property Maintenance Code, 2003 Edition" and shall provide as follows:

**Section 15.08.080 Amendments to the International Property Maintenance Code,
2003 Edition**

A. Exclusions. The following provisions of the International Property Maintenance Code, 2003 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.4 Right of entry.** (Superseded by Section 15.04.070)
2. **111.2 Membership of board.** (Superseded by Chapter 3.36)
3. **111.2.1 Alternate members.** (Superseded by Chapter 3.36)
4. **111.2.2 Chairman.** (Superseded by Chapter 3.36)
5. **111.2.3 Disqualification of member.** (Superseded by Chapter 3.36)
6. **111.2.4 Secretary.** (Superseded by Chapter 3.36)
7. **111.2.5 Compensation of members.** (Superseded by Chapter 3.36)
8. **111.3 Notice of meeting.** (Superseded by Chapter 15.72)
9. **111.4 Open hearing.** (Superseded by Chapter 15.72)
10. **111.4.1 Procedure.** (Superseded by Chapter 15.72)
11. **111.5 Postponed hearing.** (Superseded by Chapter 15.72)
12. **111.6 Board decision.** (Superseded by Chapter 15.72)
13. **111.6.1 Records and copies.** (Superseded by Chapter 15.72)
14. **111.6.2 Administration.** (Superseded by Chapter 15.72)
15. **111.7 Court review.** (Superseded by Chapter 15.72)
16. **111.8 Stays of enforcement.** (Superseded by Chapter 15.72)
17. **Section 202** Definition of "bedroom."
18. **Section 202** Definition of "dwelling unit."
19. **Section 202** Definition of "habitable space."
20. **Section 202** Definition of "housekeeping unit."
21. **Section 202** Definition of "rooming house."
22. **Section 202** Definition of "rooming unit."
23. **Section 304** Swimming Pools, Spa and Hot Tubs
24. **Section 304.18** **Building security.**
25. **Section 304.18.1** **Doors.**
26. **Section 304.18.2** **Windows.**
27. **Section 304.18.3** **Basement hatchways.**
28. **Section 307.3.1** **Garbage facilities.**
29. **Section 308.2** **Owner.**
30. **Section 308.3** **Single occupant.**
31. **Section 308.4** **Multiple occupancy.**
32. **Section 308.5** **Occupant.**
33. **Section 402.1** **Habitable spaces.**
34. **Section 402.2** **Common halls and stairways.**
35. **Section 403.1** **Habitable spaces.**
36. **Section 403.3** **Cooking facilities.**
37. **Section 404** **OCCUPANCY LIMITATIONS**
38. **Section 404.1** **Privacy.**
39. **Section 404.2** **Minimum room widths.**
40. **Section 404.3** **Minimum ceiling heights.**

- 41. Section 404.4 Bedroom requirements.
- 42. Section 404.4.1 Area for sleeping purposes.
- 43. Section 404.4.2 Access from bedrooms.
- 44. Section 404.4.3 Water closet accessibility.
- 45. Section 404.4.4 Prohibited occupancy.
- 46. Section 404.4.5 Other requirements.
- 47. Section 404.5 Overcrowding.
- 48. Section 502.1 Dwelling units.
- 49. Section 502.2 Rooming houses.
- 50. Section 602.2 Residential occupancies.
- 51. Section 602.3 Heat supply.
- 52. Section

B. Amendments. The following provisions of the 2003 International Property Maintenance Code are amended for adoption by the Village:

1. 101.1 Title. These regulations shall be part of the Property Maintenance Code of the Village of Winnetka. As used in the International Property Maintenance Code, 2003 Edition, as adopted and amended by the Village, "this code" shall mean the Property Maintenance Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Property Maintenance Code the Village of Winnetka shall be called the "Property Maintenance Code."

2. 101.2 Scope. The provisions of this code shall apply to all existing nonresidential structures and premises and shall 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.

3. 101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with Title 15 of the Village Code and all other applicable building codes adopted by the Village.

4. 102.1 General. The provisions of this code shall apply to all matters affecting or relating to nonresidential structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

5. 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Titles 15 and 16 of the Village Code and all other applicable sections of the Village Code.

6. 102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures found to be 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.

7. 103.1 General. The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the department responsible for property maintenance inspection and administration and the executive official in charge thereof, also known as the Director of Community Development, shall be known as the code official.

8. 103.2 Appointment. The code official shall be appointed by the Village Manager.

9. 103.3 Deputies. Subject to the approval of the Village Manager, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall powers as delegated by the code official.

10. 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established as provided in Section 15.32.020 of the Village Code.

11. 106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107 of this code and Section 15.04.090 of the Village Code.

12. 106.3 Prosecution of violation. Any person who violates a provision of this code shall be subject to the enforcement proceedings, as provided in Chapter 15.04 of the Village Code. 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.

13. 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.08.110 of the Village Code.

14. 107.5 Transfer of ownership. It shall be unlawful for the owner of any building or structure subject to this code 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 building 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.

15. 108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, is 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.

16. 110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, 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.

17. 110.2 Notices and orders. All notices and orders shall comply with Section 107 of this code and with Section 15.04.090 of the Village Code.

18. 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Review Committee as provided in Chapter 15.72 of the Village Code.

19. 301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

20. 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. 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. Noxious weeds, as defined in Section 8.20.030 (B) of the Village Code, are prohibited and shall be removed or destroyed as provided in said Section 8.20.030 (B).

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

21. 302.8 Motor vehicles. A vehicle of any type is permitted on any premises, provided that it is parked in an approved exterior parking space or inside a structure or similarly fully enclosed area designed and approved for such purposes. Notwithstanding the foregoing, 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, unless such parking or activity is permitted by the Winnetka Zoning Ordinance and other applicable regulations. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

22. 304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

23. 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

24. 304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

25. 304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

26. 304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

27. 304.14 Insect screens. Ventilation of commercial food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition; provided, that screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

28. 304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

29. 304.17 Guards for basement windows. Every basement window that is openable shall have protection approved protection against the entry of rodents.

30. 305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

31. 305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

32. 306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing,

balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards; provided, that guards shall not be required where exempted under the applicable building code. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

33. SECTION 307 REFUSE AND GARBAGE

34. 307.1 Accumulation of refuse or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of refuse and garbage.

35. 307.2 Disposal of refuse. Every occupant of a structure shall dispose of all refuse in a clean and sanitary manner by placing such rubbish in approved containers that comply with Chapter 8.16 of the Village Code.

36. 307.2.1 Refuse storage facilities. The owner of every occupied premises shall supply approved covered containers for refuse, and the owner of the premises shall be responsible for the removal of refuse in accordance with Chapter 8.16 of the Village Code.

37. 307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

38. 307.3 Disposal of garbage and refuse. Every occupant of a structure shall dispose of garbage and refuse in a clean and sanitary manner by placing such garbage or refuse in an approved disposal facility or garbage container that complies with Chapter 8.16 of the Village Code.

38. 307.3.2 Containers. The operator of every establishment that produces garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

39. 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or a water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

40. 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area; provided, that toilet facilities for employees in storage structures or kiosks may be located in adjacent structures under the same ownership, lease or control. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 300 feet from the employees' regular working area. Employee facilities shall either be separate facilities or combined employee and public facilities.

41. 504.1 General. The installation, alteration, repair and replacement of all plumbing systems shall be subject to the provisions of the State of Illinois Plumbing Code, 2004 Edition. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of

performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

42. 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the Village of Winnetka Municipal Water Utility in accordance with Chapter 13.04 of the Village Code. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the State of Illinois Plumbing Code, 2004 Edition.

43. 505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 °F (43 °C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

44. 506.1 General. All plumbing fixtures shall be properly connected to the Village of Winnetka sanitary sewer system in accordance with Chapter 15.24 of the Village Code.

45. 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

46. 507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall comply with the applicable provisions of Chapter 15.24 and 15.68 of the Village Code. Such drainage shall not be discharged in a manner that creates a public nuisance.

47. 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to April 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. The provisions of this section shall not apply to processing, storage and operation areas that require cooling or special temperature conditions, or to areas in which persons are primarily engaged in vigorous physical activities.

48. 603.1 Mechanical equipment and appliances. The installation, alteration, repair and replacement of all mechanical equipment and appliances shall be subject to the provisions of the International Mechanical Code, 2003 Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

49. 604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605. Such electrical system shall be properly connected to the Village of Winnetka Municipal Electric Utility in accordance with Chapter 13.08 of the Village Code.

50. 604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National

Electrical Code, 2002 Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 200 amperes.

51. 701.1 Scope. The minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided, shall be governed by the provisions of this chapter, and applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

52. 704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Public 72, National Fire Alarm Code, 1996 Edition, NFPA Publication 13, Standards for the Installation of Automatic Sprinkler Systems, 1999 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

53. 704.2 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.
3. 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.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Public 72, National Fire Alarm Code, 1996 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

C. Additions. The International Property Maintenance Code, 2003 Edition, is further amended for adoption by the Village by adding the following provisions:

1. 202 General Definitions:

a. PROPERTY MAINTENANCE DEPARTMENT. The Village of Winnetka Department of Community Development.

b. REFUSE. All system waste, as defined in Section 8.16.010 of the Village Code, as well as ashes, manure and yard waste.

c. VILLAGE CODE. The Winnetka Village Code, as published by the Village of Winnetka, including all amendments thereto.

2. 307.3.3 Grease Disposal. All food service establishments and all retail food stores shall dispose of grease as provided in Section 8.12.010 of the Village Code.

3. 308.6 Food Services and Retail Food Stores. All food service establishments and all retail food stores shall comply with the pest control provisions of Section 8.12.200 of the Village Code.

SECTION 7: Copies of all model codes adopted by reference in this Ordinance shall continue to be maintained on file in the office of the Village Manager in the manner provided by law.

SECTION 8: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 9: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this _____ day of _____, 2007, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this _____ day of _____, 2007.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: September 18, 2007

Posted: September 19, 2007

Passed and Approved: _____

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

DATE: August 1, 2007

SUBJECT: Ordinance MC-13-2007 Property Maintenance Code

REF: June 19, 2007 Council Mtg., pp. 228 - 287

In January 2006, the Village and the Chamber of Commerce established a Property Maintenance Study Group to explore the possibility of creating a property maintenance code. The Study Group consisted of seven members, four of whom were members of the Business Community Development Commission (BCDC) (Barbara Aquilino, Bill Shiel, Bob Horne and Cicely Michalak) and three of whom were from the Chamber of Commerce (Tim Welter, Andy Bulluck and Kelly Golden). As Community Development Director, I was directed to serve as the staff liaison.

The study group met more than six times between January and April 2006. Once the group determined that there was a need for some type of property maintenance code, the next step was to develop a draft. The Study Group determined that they should use the 2003 Edition of the International Property Maintenance Code, published by the International Code Council (ICC), as their model. This model was selected with direction from the Community Development Director for two reasons. First, the Village currently uses ICC Model Code Series for its building codes and the property maintenance code is another in the ICC's series of nationally recognized model codes. Second, given the broad acceptance and use of the ICC Property Maintenance Code, it has been legally tested and accepted not only throughout the region, but also across the nation. Put another way, most neighboring communities that have property maintenance codes use a version of the ICC model code and using it would put Winnetka and its property owners on equal footing with them.

In addition to reviewing the model code, the Study Group also reviewed property maintenance codes from Highland Park, Glenview, Northfield and Wilmette.

The Study Group completed its work in May 2006 and referred its draft code to the BCDC. Beginning in June 2006 and finishing in October 2006, the BCDC reviewed, analyzed and made revisions to the Study Group's proposed code. The most substantial change recommended by the BCDC was to have the property maintenance code apply only to commercial properties. On October 5, 2006 the BCDC voted to recommend approval of a property maintenance code.

At the June 19th Council meeting, the Council considered the BCDC's proposed mark-up of the ICC's model code and unanimously agreed to proceed with the changes as recommended.

The attached Ordinance MC-13-2007 has been prepared from the mark-up of the model code that was presented to the Village Council at its June 19th meeting. The draft ordinance amends various provisions of Title 15 of the Village Code to create property maintenance regulations for commercial properties. In addition to minor amendments to the general provisions in Chapter 15.04, the ordinance adds a new Section 15.08.080, which adopts the International Property Maintenance Code, 2003 Edition, by reference.

As with the other model codes the Village has adopted by reference, Section 15.08.080 identifies provisions that have been excluded and sets out the full text of provisions that amend or add new provisions to the model code. These amendments to the model code customize it for use in the Village. In general, the amendments to the model code suggested first by the Study Group and then by the BCDC range from such minor text changes as deleting references to codes the Village has not adopted (e.g., eliminating references to the International Zoning Code) or inserting Village Code sections when referring to regulations already in effect, to much more substantial changes, such as eliminating all references to residential properties. The majority of the proposed amendments were to delete items from the model code that are not applicable to the Village.

Finally, it should be noted that the 2006 Caucus Questionnaire had a series of questions concerning the need for a property maintenance code. The first question asked whether the Village should have more stringent property maintenance requirements than are currently in effect. Of the 1,219 respondents, 62% said there should be no new regulations. The respondents who favored additional regulations (the remaining 38%, 462 people), were asked what type of “signs of neglect should be addressed.” They responded as follows:

- | | |
|------------------------------|-----|
| • Decaying fences or porches | 82% |
| • Peeling paint | 44% |
| • Broken windows or shutters | 74% |
| • Other | 33% |

A third question asked: “Are you currently experiencing a problem caused by the neglected property of a neighbor?” The response was that 85% are not experiencing any problems.

Introduction of the ordinance requires the concurrence of the majority of the Village Council members present.

Recommendation

Consider introduction of Ordinance MC-13-2007, amending Title 15 of the Village Code to establish a property maintenance code for commercial properties.

**AN ORDINANCE ADOPTING
THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE OF 2003
FOR INCORPORATION INTO TITLE 15 OF THE WINNETKA VILLAGE CODE
TO ESTABLISH PROPERTY MAINTENANCE REGULATIONS FOR
COMMERCIAL PROPERTIES IN THE VILLAGE OF WINNETKA**

WHEREAS, the Village of Winnetka ("Village") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Village created a Property Maintenance Study Group in January, 2006, to examine the possibility of creating a property maintenance code in the Village;

WHEREAS, the members of the group consisted of four members of the Business Community Development Commission ("BCDC"), three members from the Winnetka Chamber of Commerce, and the Director of the Community Development Department as staff liaison; and

WHEREAS, the group determined that there was a need within the Village for some type of property maintenance code; and

WHEREAS, the group agreed that the 2003 International Property Maintenance Code ("Model Code") should be used as a model when drafting the code for the Village; and

WHEREAS, Village staff has recommended that certain modifications be made to the 2003 Model Code to implement the recommendations of the Property Maintenance Study Group and that the Model Code, as amended, be incorporated into the provisions of Title 15 of the Winnetka Village Code, "Building and Construction;" and

WHEREAS, the Council of the Village of Winnetka ("Village Council") have considered the recommendations of the Property Maintenance Study Group and Village staff and find and determine that adopting the Model Code with the amendments proposed by the Village staff will

benefit the public health, safety and welfare by assuring that all construction activity in the Village of Winnetka is performed pursuant to the most recent nationally recognized standards; and

WHEREAS, the Village Council have further determined that incorporating the property maintenance provisions into Title 15 of the Village Code in the same manner that other model codes were adopted by reference in 2005 pursuant to Ordinance MC-3-2005 will facilitate the administration of regulations pertaining to construction activity and maintenance of commercial buildings in the Village of Winnetka; and

WHEREAS, copies of the foregoing Model Codes have been maintained on file in the office of the Village Clerk for at least 30 days prior to the effective date of this ordinance.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Section 15.04.020, "Scope," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

Section 15.04.020 Scope.

This title establishes the minimum requirements for construction activities in the Village, and for all other matters affecting or relating to buildings, structures and site work, including but not limited to electrical equipment, engineering, fire prevention and building safety, plumbing, drainage and sanitation systems, heating, ventilation and air conditioning systems, and compliance with the tree preservation, occupancy, ~~and zoning~~ and non-residential property maintenance requirements as provided in this code. (Prior code § 23.02)

SECTION 3: The definition of the term "Building Officer" in Subsection B of Section 15.04.050, "Definitions," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

"Building Officer" means any officer or employee of the Village responsible for administering or enforcing any provision of this title or any provision of this code that is administered pursuant to this title. The term "Building Officer" includes: the Director of Public Works; the Fire Chief; the Director of Community Development; the Health Officer; the Plan Examiner; and the building, electrical, code enforcement, engineering, fire prevention, forestry, mechanical, plumbing, water and electric, and zoning inspectors. The term "Building Officer" also includes any person who is a "building official" or "code official" under any of the codes adopted by reference in Chapters 15.08 of this Code. The

term "Building Officer" also includes such other professional service providers as may be engaged by the Village and such other person as may be assigned or directed by the Director or the Village Manager to perform any of the functions of a Building Officer.

SECTION 4: Section 15.08.010, "Adoption of Model Codes by Reference," of Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

Section 15.08.010 Adoption of Model Codes by Reference.

The model codes described in the following subsections A through G are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

- A. International Building Code, 2003 Edition.
- B. International Residential Code for One- and Two-Family Dwellings, 2003 Edition.
- C. International Mechanical Code, 2003 Edition.
- D. International Fuel Gas Code, 2003 Edition.
- E. State of Illinois Plumbing Code, 2004 Edition, as promulgated by the Illinois Department of Public Health and published in Title 77 of the Illinois Administrative Code, Chapter I, Subchapter R, Part 890,
- F. National Electrical Code, 2002 Edition.
- G. International Fire Code, 2003 Edition. (See Chapter 15.16)
- H. International Property Maintenance Code, 2003 Edition.

SECTION 5: Paragraph 1 of Subsection A of Section 15.08.020, "Amendments to the International Building Code, 2003 Edition," of Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

- 1. **101.4.5 Property maintenance.** (See Section 15.08.080 for non-residential property maintenance provisions.)

SECTION 6: Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended by adding a new Section 15.08.080, which shall be titled "Amendments to the International Property Maintenance Code, 2003 Edition" and shall provide as follows:

Section 15.08.080 Amendments to the International Property Maintenance Code, 2003 Edition

A. Exclusions. The following provisions of the International Property Maintenance Code, 2003 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

- 1. 104.4 Right of entry.** (Superseded by Section 15.04.070)
- 2. 111.2 Membership of board.** (Superseded by Chapter 3.36)
- 3. 111.2.1 Alternate members.** (Superseded by Chapter 3.36)
- 4. 111.2.2 Chairman.** (Superseded by Chapter 3.36)
- 5. 111.2.3 Disqualification of member.** (Superseded by Chapter 3.36)
- 6. 111.2.4 Secretary.** (Superseded by Chapter 3.36)
- 7. 111.2.5 Compensation of members.** (Superseded by Chapter 3.36)
- 8. 111.3 Notice of meeting.** (Superseded by Chapter 15.72)
- 9. 111.4 Open hearing.** (Superseded by Chapter 15.72)
- 10. 111.4.1 Procedure.** (Superseded by Chapter 15.72)
- 11. 111.5 Postponed hearing.** (Superseded by Chapter 15.72)
- 12. 111.6 Board decision.** (Superseded by Chapter 15.72)
- 13. 111.6.1 Records and copies.** (Superseded by Chapter 15.72)
- 14. 111.6.2 Administration.** (Superseded by Chapter 15.72)
- 15. 111.7 Court review.** (Superseded by Chapter 15.72)
- 16. 111.8 Stays of enforcement.** (Superseded by Chapter 15.72)
- 17. Section 202** Definition of "bedroom."
- 18. Section 202** Definition of "dwelling unit."
- 19. Section 202** Definition of "habitable space."
- 20. Section 202** Definition of "housekeeping unit."
- 21. Section 202** Definition of "rooming house."
- 22. Section 202** Definition of "rooming unit."
- 23. Section 304** Swimming Pools, Spa and Hot Tubs
- 24. Section 304.18** Building security.
- 25. Section 304.18.1** Doors.
- 26. Section 304.18.2** Windows.
- 27. Section 304.18.3** Basement hatchways.
- 28. Section 307.3.1** Garbage facilities.
- 29. Section 308.2** Owner.
- 30. Section 308.3** Single occupant.
- 31. Section 308.4** Multiple occupancy.
- 32. Section 308.5** Occupant.
- 33. Section 402.1** Habitable spaces.
- 34. Section 402.2** Common halls and stairways.
- 35. Section 403.1** Habitable spaces.
- 36. Section 403.3** Cooking facilities.
- 37. Section 404** OCCUPANCY LIMITATIONS
- 38. Section 404.1** Privacy.
- 39. Section 404.2** Minimum room widths.
- 40. Section 404.3** Minimum ceiling heights.

- 41. Section 404.4 Bedroom requirements.
- 42. Section 404.4.1 Area for sleeping purposes.
- 43. Section 404.4.2 Access from bedrooms.
- 44. Section 404.4.3 Water closet accessibility.
- 45. Section 404.4.4 Prohibited occupancy.
- 46. Section 404.4.5 Other requirements.
- 47. Section 404.5 Overcrowding.
- 48. Section 502.1 Dwelling units.
- 49. Section 502.2 Rooming houses.
- 50. Section 602.2 Residential occupancies.
- 51. Section 602.3 Heat supply.
- 52. Section

B. Amendments. The following provisions of the 2003 International Property Maintenance Code are amended for adoption by the Village:

1. 101.1 Title. These regulations shall be part of the Property Maintenance Code of the Village of Winnetka. As used in the International Property Maintenance Code, 2003 Edition, as adopted and amended by the Village, "this code" shall mean the Property Maintenance Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Property Maintenance Code the Village of Winnetka shall be called the "Property Maintenance Code."

2. 101.2 Scope. The provisions of this code shall apply to all existing nonresidential structures and premises and shall 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.

3. 101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with Title 15 of the Village Code and all other applicable building codes adopted by the Village.

4. 102.1 General. The provisions of this code shall apply to all matters affecting or relating to nonresidential structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

5. 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Titles 15 and 16 of the Village Code and all other applicable sections of the Village Code.

6. 102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures found to be 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.

7. 103.1 General. The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the department responsible for property maintenance inspection and administration and the executive official in charge thereof, also known as the Director of Community Development, shall be known as the code official.

8. 103.2 Appointment. The code official shall be appointed by the Village Manager.

9. 103.3 Deputies. Subject to the approval of the Village Manager, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall powers as delegated by the code official.

10. 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established as provided in Section 15.32.020 of the Village Code.

11. 106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107 of this code and Section 15.04.090 of the Village Code.

12. 106.3 Prosecution of violation. Any person who violates a provision of this code shall be subject to the enforcement proceedings, as provided in Chapter 15.04 of the Village Code. 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.

13. 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.08.110 of the Village Code.

14. 107.5 Transfer of ownership. It shall be unlawful for the owner of any building or structure subject to this code 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 building 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.

15. 108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is 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.

16. 110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, 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.

17. 110.2 Notices and orders. All notices and orders shall comply with Section 107 of this code and with Section 15.04.090 of the Village Code.

18. 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Review Committee as provided in Chapter 15.72 of the Village Code.

19. 301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

20. 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. 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. Noxious weeds, as defined in Section 8.20.030 (B) of the Village Code, are prohibited and shall be removed or destroyed as provided in said Section 8.20.030 (B).

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

21. 302.8 Motor vehicles. A vehicle of any type is permitted on any premises, provided that it is parked in an approved exterior parking space or inside a structure or similarly fully enclosed area designed and approved for such purposes. Notwithstanding the foregoing, 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, unless such parking or activity is permitted by the Winnetka Zoning Ordinance and other applicable regulations. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

22. 304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

23. 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

24. 304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

25. 304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

26. 304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

27. 304.14 Insect screens. Ventilation of commercial food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition; provided, that screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

28. 304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

29. 304.17 Guards for basement windows. Every basement window that is openable shall have protection approved protection against the entry of rodents.

30. 305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

31. 305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

32. 306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing,

balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards; provided, that guards shall not be required where exempted under the applicable building code. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

33. SECTION 307 REFUSE AND GARBAGE

34. 307.1 Accumulation of refuse or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of refuse and garbage.

35. 307.2 Disposal of refuse. Every occupant of a structure shall dispose of all refuse in a clean and sanitary manner by placing such rubbish in approved containers that comply with Chapter 8.16 of the Village Code.

36. 307.2.1 Refuse storage facilities. The owner of every occupied premises shall supply approved covered containers for refuse, and the owner of the premises shall be responsible for the removal of refuse in accordance with Chapter 8.16 of the Village Code.

37. 307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

38. 307.3 Disposal of garbage and refuse. Every occupant of a structure shall dispose of garbage and refuse in a clean and sanitary manner by placing such garbage or refuse in an approved disposal facility or garbage container that complies with Chapter 8.16 of the Village Code.

38. 307.3.2 Containers. The operator of every establishment that produces garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

39. 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or a water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

40. 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area; provided, that toilet facilities for employees in storage structures or kiosks may be located in adjacent structures under the same ownership, lease or control. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 300 feet from the employees' regular working area. Employee facilities shall either be separate facilities or combined employee and public facilities.

41. 504.1 General. The installation, alteration, repair and replacement of all plumbing systems shall be subject to the provisions of the State of Illinois Plumbing Code, 2004 Edition. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of

performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

42. 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the Village of Winnetka Municipal Water Utility in accordance with Chapter 13.04 of the Village Code. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the State of Illinois Plumbing Code, 2004 Edition.

43. 505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 ° F (43 ° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

44. 506.1 General. All plumbing fixtures shall be properly connected to the Village of Winnetka sanitary sewer system in accordance with Chapter 15.24 of the Village Code.

45. 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

46. 507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall comply with the applicable provisions of Chapter 15.24 and 15.68 of the Village Code. Such drainage shall not be discharged in a manner that creates a public nuisance.

47. 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to April 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. The provisions of this section shall not apply to processing, storage and operation areas that require cooling or special temperature conditions, or to areas in which persons are primarily engaged in vigorous physical activities.

48. 603.1 Mechanical equipment and appliances. The installation, alteration, repair and replacement of all mechanical equipment and appliances shall be subject to the provisions of the International Mechanical Code, 2003 Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

49. 604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605. Such electrical system shall be properly connected to the Village of Winnetka Municipal Electric Utility in accordance with Chapter 13.08 of the Village Code.

50. 604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National

Electrical Code, 2002 Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 200 amperes.

51. 701.1 Scope. The minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided, shall be governed by the provisions of this chapter, and applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

52. 704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Public 72, National Fire Alarm Code, 1996 Edition, NFPA Publication 13, Standards for the Installation of Automatic Sprinkler Systems, 1999 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

53. 704.2 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.
3. 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.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Public 72, National Fire Alarm Code, 1996 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

C. Additions. The International Property Maintenance Code, 2003 Edition, is further amended for adoption by the Village by adding the following provisions:

1. 202 General Definitions:

a. PROPERTY MAINTENANCE DEPARTMENT. The Village of Winnetka Department of Community Development.

b. REFUSE. All system waste, as defined in Section 8.16.010 of the Village Code, as well as ashes, manure and yard waste.

c. VILLAGE CODE. The Winnetka Village Code, as published by the Village of Winnetka, including all amendments thereto.

2. 307.3.3 Grease Disposal. All food service establishments and all retail food stores shall dispose of grease as provided in Section 8.12.010 of the Village Code.

3. 308.6 Food Services and Retail Food Stores. All food service establishments and all retail food stores shall comply with the pest control provisions of Section 8.12.200 of the Village Code.

SECTION 7: Copies of all model codes adopted by reference in this Ordinance shall continue to be maintained on file in the office of the Village Manager in the manner provided by law.

SECTION 8: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 9: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this _____ day of _____, 2007, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this _____ day of _____, 2007.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: _____

Posted: _____

Passed and Approved: _____