



## ADMINISTRATIVE SERVICES COMMITTEE

### Agenda

Wednesday, February 5, 2014  
3:30 pm

**Madison Avenue Meeting Room**  
**500 SW Madison Avenue**

- |                                    |  |
|------------------------------------|--|
| Discussion/ <b>Possible Action</b> | I. Neighborhood/Property Maintenance Code Program (Attachment) |
| Information                        | II. Other Business   |

**The February 19 meeting has been canceled!**

### **Next Scheduled Meeting – SPECIAL MEETING**

Tuesday, February 25, 2014 at 5:00 pm  
Library Main Meeting Room, 645 NW Monroe Avenue

### **Agenda**

Neighborhood/Property Maintenance Code Program

MEMORANDUM

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January 29, 2014

TO: Administrative Services Committee

FROM: Ken Gibb, Community Development Director 

RE: Consideration of a restructured Housing and Neighborhood Services Division and implementation of a new Neighborhood and Community Outreach and Education/Property Maintenance Code Compliance program

I. Issue

On January 21, 2014, Mayor Manning referred consideration of the City's implementation of a new Neighborhood and Community Outreach and Education/Property Maintenance Code Compliance program to the Administrative Services Committee.

II. Background

The Collaboration Corvallis' Neighborhood Livability Work Group determined that the existing rental housing code provisions as well as other existing codes were not sufficient to address the range of property maintenance, housing conditions and livability concerns that impacts both tenants and neighborhood residents. A matrix representing current code coverage areas and gaps is attached as Exhibit 1. The Work Group reviewed comparator practice research that included programs in other university communities, and determined that a property maintenance code and rental housing licensing program was a potential solution for these issues. The Neighborhood Livability Work Group then conducted several public comment opportunities and considered multiple options including:

1. Implementation of a property maintenance code with a rental housing licensing program and proactive inspection program for rental units and commensurate staffing.
2. Adoption of a property maintenance code with a complaint-based code compliance program with commensurate staffing levels.
3. Maintaining existing codes and code compliance efforts.

During the public review process, the Work Group heard concerns from rental property owners and property managers about the need for and scope of a licensing and inspection program. The Work Group also heard from tenants and other community members expressing concern about neighborhood livability issues, the condition of rental housing in Corvallis, and that a complaint-based system would not be sufficient to respond to these issues.

After considerable deliberation, the Work Group recommended Option 2 with the following description:

- a. Implement a property maintenance code (a more comprehensive code addressing gaps in existing codes) that applies to all properties.
- b. Create, through subsequent political process, an equitable funding structure that gives consideration to demands on the complaint-based system.
- c. Provide staffing commensurate with the requirements of the code.
- d. Utilize culturally and linguistically appropriate education and outreach strategies to engage community stakeholders to better understand and reduce barriers to complaints.

In addition, the Neighborhood Livability Work Group recommended that:

- The City utilize a progressive enforcement strategy as part of the process for resolving complaints related to habitability and livability codes.
- Support collaborative efforts to seek additional information and input from diverse stakeholders to develop additional programs and policies to address concerns raised and to review options for additional policies and programs needed to address housing conditions (e.g. rental licensing program with mandatory inspections, a performance based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, self monitoring by property managers) within 2 years of implementing a property maintenance code.

The basis for the above recommendations is provided in Exhibit 2 which is an excerpt of the report to the Collaboration Steering Committee. Among other things, the Work Group concluded that:

- There are significant health, safety, and neighborhood livability concerns that are not adequately addressed by existing codes.
- That implementation of a property maintenance code would be a key first step in addressing these concerns.
- That a more comprehensive outreach and education program is needed to engage landlords, neighborhoods, students and other tenants and other community stakeholders. The proposed neighborhood liaison resources would assist in such a program.
- That a progressive enforcement strategy with increasing penalties for repeat violators would be effective.
- That there may be a need for additional measures and that the City should review options for additional policies or programs after gaining experience with the recommended program.

In May 2013 the City Council accepted this set of recommendations from the Collaboration Corvallis Steering Committee and directed Community Development staff to initiate development of an outreach program design and a property maintenance code implementation package for consideration by a Council Standing Committee.

A Property Maintenance Code Advisory Group was formed in July of 2013 to act in an advisory role for staff's development work on this topic, and from August through December staff and the Advisory Group met seven times to review the neighborhood outreach and code compliance elements of the program, with much of the discussion focused on the content of a future Corvallis

Property Maintenance Code. The Advisory Group included the following members and represented interests:

Allie Bircher	Associated Students of Oregon State University
Amy Harding	Corvallis rental property owner
Charlyn Ellis	Member of the Collaboration's Neighborhood Livability Work Group
Jerry Duerksen	Corvallis property manager
Karen Levy Keon	Member of the Collaboration's Neighborhood Livability Work Group
Kari King	Corvallis property manager
Rachel Ulrich	Renter of a home in Corvallis

The Advisory Group's charge was to provide City staff with stakeholder perspectives and feedback regarding the following topics:

- Education and outreach efforts for property owners/managers, tenants, and neighborhoods
- The scope and content of the Property Maintenance Code (PMC)
- PMC implementation protocols
- PMC delivery characteristics including staffing and program budgets

The Advisory Group's meetings were well attended both by members and by others from the community with an interest in the program development process. Much of the Group's time was spent in detailed discussions of the language and content of a Corvallis Property Maintenance Code. A compiled set of notes from all of the Advisory Group meetings is attached as Exhibit 3.

Based on the recommendations of the Collaboration's Livability Work Group and Steering Committee, the International Code Council's International Property Maintenance Code (IPMC) was the starting point for those discussions. Many communities in the U.S. have taken similar approaches in their use of the model IPMC in its native form as a base document that is subsequently adapted to meet local community needs.

To date, there have been multiple opportunities for public comment on this topic and considerable public participation. This has included six Neighborhood Livability Work Group meetings with extended time for visitor comments and a highly attended public forum hosted by the Work Group in January, 2013. The Property Maintenance Code Advisory Group meeting agendas also provided time for visitor comment opportunities as well as for receiving written material.

### **III. Discussion**

The following narrative reflects staff's recommendations that incorporate key elements of the Property Maintenance Code Advisory Group's discussions regarding implementation of an expanded neighborhood education and outreach effort and a Corvallis Property Maintenance Code program. The primary program components coming forward for consideration, described below in the order provided here, include:

1. A reorganization of the Community Development Department's Housing Division, to become the Housing and Neighborhood Services Division;
2. Approaches and tools to be utilized in expanding current neighborhood, community, and landlord/tenant outreach and education efforts;
3. An initial/draft budget reflecting funding sources and uses related to program implementation;
4. A draft set of operating protocols that will be applied to the Housing and Neighborhood Services Division's implementation of the Corvallis Property Maintenance Code; and
5. The content of a draft Corvallis Property Maintenance Code and recommended changes relative to the native International Property Maintenance Code.

#### Housing and Neighborhood Services Division Reorganization

In order to deliver expanded neighborhood and code compliance services, the current Housing Division structure will be reorganized. Organization charts reflecting the current and proposed structures are attached as Exhibits 4a and 4b. Under the reorganized structure, the Division's current resources for delivery of federally-funded affordable housing and human services assistance programs will remain unchanged. One of the two current Housing Program Specialists will become a Community Relations Specialist with responsibility for development and implementation of the neighborhood/community/landlord/tenant outreach and education program element. And finally, the Code Compliance Supervisor position will be transferred to the Division from the Development Services Division, and a new Code Compliance Officer position, along with some funding for casual Code Compliance staff, will be added. The Code Compliance Officer will be a permanent new hire, and casual staff will be utilized as needed to address Code compliance issues during times of increased demand.

#### Neighborhood, Community and Landlord/Tenant Outreach and Education

The programmatic overview attached here as Exhibit 5 provides an outline of what is currently being done by the Housing Division to communicate with housing market stakeholders, and also reflects additional outreach targets, strategies, and tools that will be implemented to carry out the City's expanded efforts in this area. As noted above, the Community Relations Specialist position will focus much of its time on the expansion of the City's efforts, but will also continue to provide the landlord and tenant outreach, education, and information and referral services that the community has come to value. The Code Enforcement Supervisor position will also participate in outreach and education efforts specific to the Corvallis Property Maintenance Code.

#### Draft Budget for the Expanded Programmatic Elements

A draft budget relative to the implementation of the expanded neighborhood/community outreach and education program and complaint-based Property Maintenance Code compliance program, is attached as Exhibit 6. Key sources of revenue identified in the budget include City General Fund funding currently being used to support Code Enforcement operations in the Development Services Division, new five-year property tax levy funding earmarked for the

enhancement of Code Enforcement, and funding from a fee increase to be applied to all Corvallis rental units. As the budget is currently drafted this fee would go from the current \$12 per unit to approximately \$30 per unit, per year.

As is typical of personnel-based functions, the largest area of expenditure will be for staffing to deliver the City's enhanced neighborhood and community outreach and education services and to support Property Maintenance Code compliance efforts. The remaining roughly one-fifth of the program budget will cover operating and overhead costs, a proposed abatement reserve fund, and casual code compliance staff. The budget also currently includes funding to reestablish the City's Neighborhood Empowerment program; funding for this program would come through separate consideration by the City Council.

Aggregated revenues proposed to support this programmatic approach will be based approximately 66% on rental unit fees, and 34% on property tax resources. This funding mix aligns relatively closely with the historic and anticipated focus of the City's code compliance resources, under which 70% will be spent on residential rental properties and 30% will be spent on non-rental properties. In addition staff anticipates a significant continuing, and likely expanded, investment of staff time providing information and referral services to landlords, tenants, and other rental housing interested parties.

#### *Draft Property Maintenance Code Operating Protocols*

A key to the successful implementation of the Corvallis Property Maintenance Code will be its utilization of an effective set of programmatic operating protocols. The PMC Advisory Group discussed this topic over the course of several meetings, and the resulting set of protocols is attached here as Exhibit 7. Key elements of the operating protocols include:

- Code compliance action will only be initiated in response to complaints, and anonymous complaints will not be accepted or acted on. Complainants may request to remain confidential and to the extent legally possible, the City will honor such requests.
- The Corvallis PMC will apply to both interior and exterior conditions in residential rental properties; it will apply only to exterior conditions and conditions that constitute dangerous building or other life safety issues in owner occupied and non-residential properties.
- Life safety and dangerous building issues will receive a priority City response; health and other livability issues will receive a targeted 48-hour response; other issues will receive a targeted seven- to ten-day response.
- Investigations of complaints regarding specific, limited conditions will not be used as an opportunity to conduct comprehensive property inspections; complaints alleging a broader scope of concerns may require a correspondingly broad response; issues of a life/safety nature (e.g., exposed/dangerous electrical wiring) that are not included in an original complaint, but that are discovered in the course of a complaint investigation, will be addressed.
- Code compliance in cases that are not deemed to constitute dangerous buildings or life safety issues will be achieved through the delivery of a series of violation notices to the

property owner/manager. Staff will monitor compliance responses to determine the need for and extent of follow-up efforts.

- Failure to comply following the on-site compliance efforts or owner notification processes will be handled through citations to be considered through the City's Municipal Court system.
- Appeals of noticed violations will be considered using the City's current appeals process, and heard by the City's Board of Appeals.

### Overview of the Proposed Corvallis Property Maintenance Code

As noted in the Background section above, the Corvallis Property Maintenance Code will be a locally-modified document based on the International Code Council's International Property Maintenance Code (IPMC). Because that IPMC document is copyrighted, the City may neither duplicate it nor place it on our Web site in its native form. Per the City's licensing agreement with the ICC, the native document may only be accessed and reviewed on the ICC Web site at the following address: <http://publicecodes.cyberregs.com/icod/ipmc/2012/index.htm?bu=IC-P-2012-000010&bu2=IC-P-2012-000019>. Under our ICC licensing agreement, locally amended versions of the IPMC may be made available publically and placed on the City's Web site, so a Draft Corvallis Property Maintenance Code, Amended Version 1 is attached here as Exhibit 8. The document title page and footer have been amended in this version; **at this time no amendments to the Code standards have been made to reflect local intent.**

Several refinements to the original IPMC-based Code language were identified by staff as well as through consultation with the PMC Advisory Group, and are summarized in Exhibit 9. These proposed modifications include or are related to:

- Code applicability by various property types;
- Applicability to historic and other older properties;
- Treating non-dangerous building or serious life safety violations as infractions rather than as misdemeanors;
- Clarification of the rubbish and garbage containment and removal provisions of the IPMC;
- Aligning the Corvallis PMC's appeals process with the process used currently for Building Code and Rental Housing Code appeals.

Additional provisions and/or standards are proposed to:

- Allow for composting of appropriate materials;
- Require that a failed, permanent source of heat be replaced by another permanent source rather than by temporary sources such as space heaters;
- Define indoor furniture and prohibit its storage outdoors.

To date, two IPMC provisions have been identified for deletion:

- Language related to storage of inoperative motor vehicles, a situation which is currently addressed adequately through application of the City's Land Development Code and Municipal Code;

- Means of bedroom access, which the current building codes utilized by the City also address adequately.

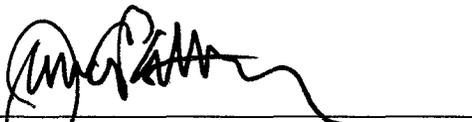
Additional amendments to the base Code language will be considered going forward in order to suit local intent, and to avoid overlap/inconsistencies with existing City regulations. It is staff's intent that the changes, additions and deletions described above and identified going forward will be integrated into the draft Corvallis Property Maintenance Code language at a future point in the current program consideration process. That process is expected to include:

- Administrative Services Committee consideration and subsequent recommendation of a program outline for City Council;
- City Council consideration and direction for staff;
- Development of final Code language and an ordinance to adopt if so directed by Council.

### **III. Requested Action**

The February 5, 2014 meeting of the Administrative Services Committee is intended as a staff briefing on the background and development work to date on the City's expanded neighborhood and community outreach/education and Property Maintenance Code programs. Although no approval action is requested at this time, staff will appreciate a discussion of the next steps in and timeframe of the Committee's continuing review process.

Review and Concur:



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James A. Patterson, City Manager

Attachments: Exhibit 1 – Matrix of current Corvallis code coverage areas and gaps  
Exhibit 2 – Collaboration Corvallis Steering Committee recommendation to City Council  
Exhibit 3 – Compiled Property Maintenance Code Advisory group meeting notes  
Exhibit 4a and 4b – Current Housing Division and proposed Housing and Neighborhood Services Division organization charts  
Exhibit 5 – Neighborhood/community/landlord/tenant outreach and education program draft outline  
Exhibit 6 – Education/outreach and Property Maintenance Code program draft budget  
Exhibit 7 – Property Maintenance Code draft operating protocols  
Exhibit 8 – Draft Corvallis Property Maintenance Code  
Exhibit 9 – Code refinements resulting from PMC Advisory Group consideration process

**Property Maintenance Code Coverage/Gaps by General Category**

Code Coverage *	IPMC	Exist Rental Housing Code	Municipal Codes	Fire Code	Building Code
<b>Occupancy Limits</b>	Area Basis		LDC Flat Number		
<b>Fire Safety</b>	All Occupancies; all Systems	Smoke Detectors		Triplex +	
<b>Building Alteration</b>	Complaint Based			Occasional Inspection, Triplex+	Complaint Basis
<b>Interior Maintenance</b>	All Occupancies; safe, sound, good repair	Plumbing, Heat, Security; Structurally Sound	Sanitation	Limited to Fire Hazard Conditions	**
<b>Light</b>	All Occupancies; all spaces				
<b>Ventilation</b>	All Occupancies; all habitable space				
<b>Electrical System</b>	All elements safe; dwellings 3-wire service only			Limited to Fire Hazard Conditions	**
<b>Plumbing System</b>	All Elements; to approved systems; no leaks or obstructions; H & C	Installed and maintained; no leaks or obstructions	Connected to approved discharge		
<b>Heating</b>	68 F. @ center/ 2' in from exterior all habitable, work spaces, bath & toilet rooms	68 F. @ center all habitable rooms			
<b>Sanitation</b>	All Spaces; clean, sanitary & good repair		No Public Nuisance		**
<b>Security</b>	Egress-type Deadbolt, windows, basement hatch	Door Locks, window latches			
<b>Exterior Maintenance</b>	Structurally Sound & Good Repair; sanitary; vacant lots		Solid Waste Removal	Limited to Fire Hazard Conditions	**
<b>Weather &amp; Water Proofing</b>	Weather proof from wind, water, snow	Only water infiltration			
<b>Exterior Sanitation</b>	All Areas; clean & sanitary		Rat Harborage Abatement		
<b>Solid Waste Removal</b>	Required for All Occupancies		Removal Required, but not Service	Limited to Fire Hazard Conditions	
<b>Accessory Bldg Maintenance</b>	All				**

\* Coverage under general categories; not intended as an all-inclusive summary  
 \*\* Enforcement under the Dangerous Building Code is applicable to buildings already in failure mode, beyond routine maintenance

### **Scope of Work Objective 3 – Develop a funding mechanism to support an enhanced code enforcement and student conduct program.**

#### **a. Create outreach and informational programs as key components of the new Program**

At the outset of its efforts to address Scope of Work Objectives related to the Neighborhood Livability track, the work group articulated a set of 12 goals that has served as a guide for strategy development and assessment. The six following goals relate to Scope of Work Objective 3.

- Decrease the current amount of high risk drinking.
- Decrease the amount of junk/trash and vandalism.
- Identify resources necessary to establish and/or maintain efficient and effective responses to conduct issues.
- Increase prevention and education.
- Quiet, safe, and clean neighborhoods.
- Create a landlord training and accountability program.

These goals respond to testimony received by the work concerning property maintenance conditions and tenant conduct that can have negative impacts on neighborhood livability. Property maintenance concerns include excessive accumulation of debris and refuse, illegally parked vehicles, general deterioration of a dwelling's exterior (e.g., old paint, cracked and decaying siding, broken windows, unmaintained roofing, etc.), and lack of regular landscape maintenance, all of which can detract from the aesthetics of a neighborhood. Tenant behaviors related to frequent disruptive social gatherings, loud noise, and other forms of disorderly conduct were also repeatedly cited as adversely affecting neighborhood livability. In general, the complaints regarding these issues seemed to be associated with rental housing units more often than not. Of primary concern was a perception that rental property managers and landlords are either not aware of property maintenance issues and tenant behavior, or are not willing to address these issues in order to mitigate impacts on the surrounding neighborhood.

As part of its review of "best-practices" research compiled by Collaboration Corvallis project staff, the work group identified implementation of a Property Maintenance Code and Rental Housing Licensing program as a potential solution for these issues. Six public meetings were held on this concept to assess the effectiveness of similar programs implemented in other university jurisdictions, gain public input from a diverse set of stakeholders, and discuss the associated trade-offs and potential unintended consequences. Through the course of receiving additional public testimony, the work group became aware of several concerns from local landlords and property managers concerning the equitability of such a program. The work group also gained a fuller understanding of the types of health and safety impacts to various segments of the community's rental housing tenants that can result from inadequate property maintenance practices.

The work group reviewed and considered the effectiveness of existing rental housing and property maintenance codes administered and enforced by the City of Corvallis. In general, the work group found that these existing codes and programs are inadequate to thoroughly address the spectrum of property maintenance issues impacting both tenants and neighborhood residents. Of particular concern was the need for increased staffing to more efficiently respond to a significant increase in code enforcement complaints. In 2012, more than 850 complaints were received by the City of Corvallis related to Land Development Code, Municipal Code, or Rental Housing Code regulations. Approximately 280 of those pertained to habitability issues, but only 170 could be addressed locally through the existing Rental Housing Code. Currently, there is a backlog of more than 600 code enforcement cases.

Another need identified by the work group was an increase in educational and outreach efforts to inform the community about opportunities for resolving property maintenance issues, as well as identify financial resources that might be available to prevent them from occurring. Several programs researched for this topic include a liaison who works to fulfill this need by facilitating communications between property owners, tenants, neighborhood residents, and local government staff. The City of Corvallis Housing Division staff are currently performing many of these tasks. However, the work group concluded that additional resources are necessary to respond to increasing needs within the community as rental housing becomes a greater portion of the overall housing supply.

### **Recommendations**

- 1. The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis:**
  - a. Implement a Property Maintenance Code that applies to all properties;**
  - b. Create, through subsequent political process, an equitable funding structure that gives consideration to demands on the complaint-response system;**
  - c. Provide staffing commensurate with the requirements of the code; and**
  - d. Utilize culturally and linguistically appropriate education and outreach strategies to engage community stakeholders to better understand and reduce barriers to complaints**

### **Basis for Recommendation**

Testimony to the Neighborhood Livability Work Group from community stakeholders and local experts has illuminated significant health, safety, and neighborhood livability concerns (e.g., overcrowding, mold, illegal housing units, inadequate exterior maintenance, and solid waste accumulation) that are not adequately addressed by existing, locally-enforced housing codes.

Testimony suggests that such conditions can be the result of tenant and/or landlord actions, and that impacts to neighborhood livability resulting from these conditions have increased over the past several years. In addition, testimony indicates that many community members do not utilize the current complaint-driven rental housing system due to fear of intimidation or eviction, language barriers, and/or lack of awareness.

A Property Maintenance Code (PMC), with adequate staffing and resources, would provide an important and immediate first step in addressing these concerns. Furthermore, culturally and linguistically appropriate, targeted education, outreach to and engagement with community stakeholders are essential in order to better understand and address barriers to the current complaint-driven system. A Neighborhood Liaison position has the potential to assist with these efforts. An equitable funding structure that gives consideration to resource demands on the complaint-response system should be determined by the City Council through subsequent political processes.

**2. The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis utilize a progressive enforcement strategy as part of the process for resolving complaints related to habitability and livability codes.**

Basis for Recommendation

Testimony provided to the work group from the community (including students, at-large renters, landlords, property managers, and City of Corvallis staff) reflects a divided argument between two positions. Renters believe there is a need for additional property maintenance oversight while property managers and landlords disagree. It is estimated that 30% of the approximately 13,000 rental housing units in Corvallis are in need of some type of improvement to comply with locally enforced safe housing codes, Oregon Landlord/Tenant Law, or requirements addressed through a typical Property Maintenance Code. At present, City Code Enforcement Staff are faced with a backlog of over 600 complaints, approximately 75% of which are estimated to be related to rental housing, and 20% are estimated to be associated with property owners who have multiple complaints. The maximum civil penalty for failure to comply with a Notice and Order under the existing Rental Housing Code is \$250 per day, while most violations of the Land Development Code are punishable by a maximum fine of \$500 per day. Staffing limitations aside, the current code enforcement process does not include a progressive enforcement strategy with increasing fines for repeat violations, which, if adopted, could act to diminish the prevalence of livability and habitability issues currently impacting Corvallis neighborhoods; particularly those within the Collaboration Corvallis Project Area.

**3. The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis:**

- a. Support collaborative efforts to seek additional information and input from diverse stakeholders to develop additional programs and policies to address concerns raised, and**

- b. Review options for additional policies or programs needed to address housing conditions (e.g, a rental licensing program with mandatory inspections, a performance-based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, self-monitoring by property managers) within two years of implementing a Property Maintenance Code.**

#### Basis for Recommendation

A number of solutions, such as a rental housing licensing program with mandatory inspections, a performance-based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, and a system of self-monitoring by property managers, have been proposed as responses to livability concerns. However, the work group believes further investigation and consideration are needed before adopting any particular approach beyond implementation of a Property Maintenance Code. Although qualitative data concerning the conditions of housing stock and barriers to utilizing a complaint-driven system exist and warrant action, more comprehensive, quantitative data are needed to fully understand the scope of these issues.

Therefore, during the first two years of implementation of a Property Maintenance Code accompanied by increased staffing and community outreach, additional information should be collected on: benefits and gaps of the new Property Maintenance Code, conditions of local housing stock, dynamics related to a complaint-driven system, and potential programmatic solutions. Furthermore, during this period of assessment, opportunities exist for continuing to engage diverse community stakeholders (e.g., property owners, managers, and brokers; student groups; housing experts; City and County staff; cultural groups; and the faith community) through participatory public processes (e.g., public meetings, work groups, and/or a health impact assessment) to better understand current conditions and seek solutions.

A commitment to review the issue within two years of implementation provides time to observe the impact of the Property Maintenance Code, seek additional information, work collaboratively with community stakeholders, and ensures that the City is committed to addressing these concerns.

**City of Corvallis**  
**Property Maintenance Code Advisory Group**  
**Notes for the meeting of August 27, 2013**

Meeting time: 4:00 p.m. Meeting location: Madison Avenue Meeting Room, 500 SW Madison Avenue

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Members present: Amy Harding, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich  
 Members absent: Allie Bircher, Charlyn Ellis  
 Staff present: Bob Loewen, Chris Westfall, Kent Weiss

- I. Introductions – Self introductions of members and staff.
- II. Overview of meeting packet – Chair Gibb provided a summary overview of the meeting packet, including a staff report entitled “Attachment 3 – Property Maintenance Code and Related Recommendations” that was distributed during the meeting.
- III. Discussion of work group operating protocols – a discussion of the protocols that will be used to conduct the work of the Advisory Group, concluding in consensus that:
  - A. Meetings will follow a “managed discussion” approach to achieve balanced participation. Members will wait to be recognized by the chair. Members are encouraged to share their perspectives with other Advisory Group members.
  - B. Tables and chairs will be arranged more appropriately to encourage face to face interaction of the Advisory Group members.
  - C. A public comment period of approximately ten minutes will be provided at the beginning of each meeting. A longer comment period may be provided at a later meeting if needed. Written comments from audience members will also be accepted.
  - D. Advisory Group members have been selected to represent certain community interests; all are encouraged to share information with and bring comments from those they represent.
  - E. Meeting notes capturing the gist of discussions will be kept by staff, and provided to Advisory Group members in subsequent meeting packets.
  - F. The recommendations of the Advisory Group will be arrived at via consensus.
  - G. Information pertinent to the topics of each meeting will be provided by staff in advance. Advisory group members may request specific information from staff, and staff will try to accommodate those requests as resources allow. Requests should be directed to Housing Division Manager Kent Weiss at [kent.weiss@corvallisoregon.gov](mailto:kent.weiss@corvallisoregon.gov).
  - H. Any e-mails sent to or by City staff are considered part of the public record.
  - I. The Chair will attempt to limit the duration of meetings to two hours.
  - J. Meeting dates, times and packets will be posted on the meeting calendar on the City’s Web site.
- IV. Next steps, questions and other business – Code Enforcement Supervisor Chris Westfall provided a brief overview of the International Property Maintenance Code (IPMC), the code that is envisioned as the basis for the Corvallis Property Maintenance Code. Although the overview was general, it was clarified that the Code applies to properties of all types, including residential, commercial, industrial, and vacant land. It was noted that in-depth discussions of the IPMC will occur during the next two Advisory Group meetings, on September 10 and September 24. It was also noted that future discussions will address tools to evaluate Corvallis Property Maintenance Code performance and community impacts, and how the new Code will either integrate or supplement existing City codes.
- V. Adjournment

**City of Corvallis**  
**Property Maintenance Code Advisory Group**  
**Notes for the meeting of September 10, 2013**

Meeting time: 4:00 p.m. Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

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Members present: Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb  
 Members absent: Allie Bircher, Rachel Ulrich  
 Staff present: Bob Loewen, Chris Westfall, Kent Weiss

- I. Visitor comments – None, but a question regarding where copies of the International Code Council’s 2012 International Property Maintenance Code (IPMC) are available. Staff explained that the copyrighted IPMC is available from the International Code Council, and from online sellers of published materials.
- II. Review August 27, 2013 meeting notes – Meeting notes were accepted as submitted.
- III. Overview of IPMC standards and provisions – Chair Gibb explained that staff will provide an overview of the IPMC over the course of two Advisory Group meetings. The overview will focus on portions of each chapter of the IPMC, and members are invited to ask questions. Questions that cannot be addressed quickly will be noted by staff so that they can be considered comprehensively later in the IPMC review process. He asked Advisory Group members to record questions and areas of interest for prioritization in advance of upcoming discussions about IPMC implementation protocols.

Code Enforcement Supervisor Westfall reviewed a matrix highlighting areas of current City of Corvallis code coverage and gaps relative to the IPMC. He then provided an overview of the IPMC standards found in Chapter 3 (General Requirements), Chapter 5 (Plumbing Facilities and Fixture Requirements), and Chapter 6 (Mechanical and Electrical Requirements). Westfall’s overview included explanations of many of the provisions, their intent, and the rationale for their inclusion. Several questions were asked and answered over the course of the presentation; several others, along with concerns about specific IPMC content, were raised with the understanding that further discussion will occur during future Advisory Group meetings. Questions and points raised for future consideration included:

- How will responsibility for the condition and repairs required for fences be determined and enforced?
- What standards will be used to evaluate the condition and need to address a building’s exterior paint?
- What assurances are there that current interpretations of Property Maintenance Code standards, and staff’s explanations of its intended approaches to enforcement, will be continued into the future as new staff take over implementation and enforcement responsibilities?
- Why should the City and its Property Maintenance Code be concerned about the condition of interior, non-load bearing walls (paint, plaster) in owner-occupied homes?
- Should indoor furniture being used and left outdoors be considered rubbish, and treated as such under the City’s Property Maintenance Code?
- Will the Code have provisions to allow residents to compost?

- Should the owner/landlord of a rental property be required to contract for garbage/rubbish removal? Can't that be required of a tenant through a property lease?
  - Will the Code stipulate a required frequency of garbage/rubbish removal?
  - If a tenant causes a pest infestation but does not address it before moving out, what redress does the property owner/landlord have?
  - Is it practical/realistic to expect that there will be no pests (e.g., fleas) in outdoor areas of a property?
  - Why should the Code be concerned with whether bathrooms/water closets have doors that lock?
- IV. Other business/next steps – The September 24 meeting of the PMC Advisory Group will continue discussion of the IPMC beginning with Chapter 7, then Chapter 4, and concluding with Chapter 1. Chair Gibb reminded Advisory Group members to continue recording their PMC questions and areas of interest for future discussion.
- V. Adjourn – The meeting was adjourned at 6:05 p.m.

**City of Corvallis**  
**Property Maintenance Code Advisory Group**  
**Notes for the meeting of September 24, 2013**

Meeting time: 4:00 p.m. Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

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Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Kari King, Ken Gibb,  
 Rachel Ulrich  
 Members absent: Karen Levy Keon  
 Staff present: Bob Loewen, Chris Westfall, Kent Weiss

- I. Visitor comments – Kent Daniels noted that many single family homes have been converted from owner occupancy to renter occupancy in the recent past. He expressed support for the implementation of a Property Maintenance Code (PMC), pointing out that it would address policies contained in the City’s Comprehensive Plan. He suggested that the final product of the PMC Advisory Group’s work be presented to the Planning Commission; he recommended that PMC complaints be accepted from anyone, not just tenants; he expressed support for increasing the fee per rental unit from \$12 to the mid-\$30s figure that was identified in discussions of the PMC during the Corvallis Collaboration’s Livability Work Group meetings.
- II. Review September 10, 2013 meeting notes – A change to the first question on page two of the notes was suggested and accepted. The question now reads “Should the owner/landlord of a rental property be required to contract for garbage/rubbish removal?”
- III. Overview of IPMC standards and provisions (continued) – Chair Gibb noted that staff would be reviewing main concepts found in the remaining chapters of the International Property Maintenance Code (IPMC). He asked Advisory Group members to record questions and areas of interest for prioritization in advance of future discussions about PMC implementation protocols.

Code Enforcement Supervisor Westfall provided an overview of the electrical requirements found in Chapter 6 (Mechanical and Electrical Requirements), and then reviewed Chapter 7 (Fire Safety Requirements), Chapter 4 (Light, Ventilation and Occupancy Limitations), and Chapter 1 (Scope and Application). His overview included explanations of many of the provisions, their intent, and the rationale for their inclusion in the IPMC. Questions about specific IPMC content were raised with the understanding that further discussion will occur during future Advisory Group meetings. Questions and points raised for future consideration included:

- How will the PMC address non-operational fireplaces?
- Should an electrical outlet in each bathroom be required? What if the current electrical system cannot accommodate an outlet in a bathroom – would the unit need to be rewired?
- Should smoke detectors be required both inside and outside of bedrooms? (Westfall explained that this requirement aligns with current building and fire codes.)
- Is it necessary to be so specific with PMC standards, for example, the requirement that rooms have glazing equivalent to 8% of their floor space? (Westfall explained that alternative, mechanical means to achieve this lighting requirement could be utilized.)
- What if a room has a dimension of less than 7 feet? Would that mean the room could not be used for sleeping? (Westfall noted that this conclusion is correct, the room could not be used for sleeping.)

- Are there bases for the IPMC's floor space requirements for sleeping rooms and living/dining rooms? (Westfall explained that sleeping room requirements are based on what is needed to accommodate furniture and safe egress; living/dining room requirements are based on resident needs for usable space outside of their sleeping rooms.)
- Should the IPMC be applied to non-residential properties?
- How will a code inspector handle a situation in which they inspect for one complaint issue but find other issues that do not comply with the PMC?
- Who can grant access to a property for purposes of inspection? (Westfall explained that the party in control of the space would need to grant access for a City inspection.)
- Could complaints by non-residents (e.g., neighbors) be limited to exterior conditions only?
- How will the prosecution of violations be handled? Would an owner who refuses to paint the exterior of their home be guilty of a misdemeanor? (Westfall and Gibb noted that this will be covered in more detail during the next PMC Advisory Group meeting when the topic of PMC implementation protocols is discussed.)

IV. Other business/closing visitor comments/next steps – Audience member John Wydronek shared his opinion that the PMC should only apply to issues that have been problems in the past, and that the per unit fee in the mid-\$30s would be too high.

Chair Gibb reminded Advisory Group members to continue recording their PMC questions and areas of interest for future discussion. The next meeting date has not yet been finalized, but should be by the end of the week and staff will notify Advisory Group members once it is.

V. Adjourn – The meeting was adjourned at 6:10 p.m.

**City of Corvallis**  
**Property Maintenance Code Advisory Group**  
**Notes for the meeting of October 23, 2013**

Meeting time: 4:00 p.m.      Location: Fire Station Meeting Room, 400 NW Harrison Avenue

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Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich

Staff present: Bob Loewen, Dan Carlson, Chris Westfall, Kent Weiss

- I. Visitor comments – Brian Serbu of Coldwell Banker Valley Brokers noted he is unfamiliar with the charge of the Advisory Group and expressed concern with where it is going. Chair Gibb explained that the charge is based on City Council direction to staff, and noted that staff will provide him background on the Advisory Group’s charge and the Collaboration Corvallis process.

Larry Kampfer of Kampfer Enterprises suggested the Property Maintenance Code should be placed on a ballot before adoption. He feels the Code is not supported by the general public, and fears that Corvallis property values will fall if it is implemented. Karen Levy Keon shared that she believes the Mayor has charged the Advisory Group with moving forward with a Code to protect the interests of those in the community who do not feel comfortable speaking for themselves.

Debra Weaver of the Willamette Association of Realtors said she believes the Mayor and some City Councilors think the Property Maintenance Code would apply only to rental units. Jerry Duerksen stated that the Advisory Group has been aware that the Code would apply to all properties, but that others in the community are probably not aware. Gibb noted that the model International Property Maintenance Code that is the starting point for the Advisory Group’s discussions applies to all properties. Amy recalled earlier Advisory Group discussion that applying the Code to all properties would avoid creating different classes/subclasses of people.

- II. Gibb thanked visitors for comments. He asked for comments or corrections regarding the September 24, 2013 Advisory Group meeting notes. No comments or corrections were offered.
- III. Gibb introduced Housing Division Manager Weiss to provide a brief overview of the organizational structure of the Community Development Department and the proposed changes that would create a Housing and Neighborhood Services Division from what is currently the Housing Division. He added that Weiss would then provide an overview of the Property Maintenance Code (PMC) protocols that staff have developed for use in program implementation.

Weiss provided an overview of an organizational chart depicting the Housing Division changes, noting that in addition to continuing to deliver federal programs for affordable housing and community development activities, the new Housing and Neighborhood Services Division will expand to include Property Maintenance Code (PMC) compliance, and outreach and education services for neighborhoods, OSU, tenants and landlords, and the community at large. He noted that the outreach and education topic will be covered during the Advisory Group’s October 29 meeting.

Weiss then provided an overview of seven PMC program implementation protocols, explaining that at this point they are a reflection of staff’s conceptual thinking as to how the program will operate. He noted that more specifics will be added to the protocols over time as the Advisory Group completes its

work and the PMC discussion moves on to the City Council. A copy of the protocols as outlined is attached.

Protocol 1 - Complaints: Weiss explained that on the recommendation of the Collaboration Corvallis Neighborhood Livability Work Group the PMC will operate as a complaint based program. Currently the City's Rental Housing Program requires that complainants identify themselves; the Development Services Code Enforcement program does not require complainant identification. As envisioned the PMC will not accept anonymous complaints; complainants may request to remain confidential, but must identify themselves.

Amy asked whether the number of complaints filed by specific individuals could be tracked. Weiss answered that reporting is not currently done in this way, but that the software system used to enter and track complaint responses could do so. Rachel asked if there would be penalties in place for people who file invalid complaints. Weiss said that had not been considered, but shared his opinion that if that were the case a potential complainant might fear bringing a complaint forward if they thought there would be a penalty if they were wrong and it was proved to be invalid.

Protocol 2 – renter-occupied units. Weiss explained that the timing of responses to complaints would be based on the severity of the issue being raised. He clarified that Code Compliance staff would verify resolution of all complaints in renter-occupied units. He noted that for less serious issues the current Rental Housing Program has had a ten-day response timeframe based on allowing three days for mailing, but given the predominant use of electronic communication staff wonders whether that time frame should be shortened to seven days. The group's consensus was that because the use of mail for communication is still common ten days seems appropriate.

Weiss went on to explain that the Rental Housing Code approach to achieving compliance is to require that a tenant first attempt to resolve a problem through direct communication with their landlord, and if the landlord fails to address the problem the City then gets involved. Development Services does not have such provisions in their approach to code enforcement, and responds directly to complaints with no additional tenant/landlord communication required. Weiss noted that staff are seeking feedback on the question of whether the Rental Housing Code requirement for tenants to contact landlords should carry over to the PMC.

Housing Program Specialist Loewen offered that the Rental Housing Code approach has been effective from his perspective. However feedback from underrepresented tenants suggests they have difficulty with this because they are fearful of repercussions if they complain directly to their landlord. Code Enforcement Supervisor Westfall added that in his experience entire neighborhoods have had fear of filing a complaint about specific property owners or residents.

Much discussion followed regarding a requirement that a tenant communicate first with their landlord before the City would accept their complaint, with no clear consensus emerging. Gibb noted that this question will be added to the list of topics to be discussed in more detail beginning with the Advisory Group's October 29 meeting.

Protocol 3 – owner-occupied residences and other building/property types. Weiss explained that based on earlier comments received from the Advisory Group, staff intends that for complaints in these property types they will follow the same time frame protocols outlined for renter-occupied properties, but that complaints for issues falling under the second and third priority levels, letters outlining a complaint and the Code standard that applies would be provided along with direction/instruction to correct the violation within a specified time frame. In these cases staff would not inspect the correction

unless a subsequent complaint(s) for the same issue was received. Karen asked whether the City could provide information about resources available to help building owners carry out repairs; Weiss agreed that in cases where the City is aware of such resources it would pass that information along.

Protocol 4 – scope of investigations. Weiss again referenced earlier Advisory Group discussions and concerns about staff investigating and taking action on issues that were not included in an original complaint. He explained that staff’s intent will be to investigate only the issue(s) forming the basis of a complaint, and not to conduct a comprehensive inspection of a unit once they arrive. However, if in the course of investigating that complaint something hazardous, such as dangerous/exposed wiring, is in plain sight, staff will have to address that issue as well. He also clarified that if multiple issues are included in a complaint, the investigation will be correspondingly broad. Charlyn asked how the City would keep its response narrow if a faulty water heater was reported but it turns out the home’s wiring is inadequate. Westfall clarified that in such cases the City could look at the capacity of a home’s wiring, gas piping and ventilation in order to determine why the water heater is faulty and how it should be addressed.

Protocols 5 and 6 – progressive enforcement. Weiss outlined the approach the City will take once a PMC complaint has been validated, noting that the City will provide a notice and order to undertake repairs within a specified time frame; if there is no response, a second notice and order and response time frame will be provided, and will state the City’s intent to proceed to legal action if the situation is not addressed. If at the end of the specified time frame there is no action to address the violation, the City will proceed to legal action.

Weiss continued, noting that comments provided to the Collaboration Corvallis Steering Committee and Livability Work Group suggested the City should implement increasingly severe penalties for repeat violators. In response the protocols include staff’s intent to develop and utilize a Code Compliance matrix to tailor responses based on the severity of violations, as well as the frequency of occurrences of the same violation in the same property or multiple properties under the same ownership. Westfall explained the concept of utilizing a civil citation and hearings officer process to give the City more flexibility to progressively address violations through civil rather than or in addition to criminal sanctions.

Protocol 7 – appeals. Weiss explained that in cases where someone feels a complaint about their property is in error they could appeal the notice and order. The City’s current appeal process would be utilized. Development Services Division Manager Carlson described the appeal process and the membership of the Board of Appeals, and noted that the Board currently hears appeals related to the Building Code, the Rental Housing Code, and the Fire Code.

- IV. Next steps. Gibb provided an overview of the next meeting (October 29), noting that it will begin with a discussion of PMC-related outreach and education, to be followed by a discussion of the questions, issues and concerns that have been raised by Advisory Group members. He asked that members review the list of questions/concerns raised to date (included in the October 23 meeting packet) and let staff know by noon on October 24 if they would like to add items for discussion on October 29. Staff will provide brief responses/explanations for the items currently on the list, to be included in the packet for the October 29 meeting. The packet for that meeting will go out October 25; Gibb asked that Advisory Group members review the list of questions/responses before the next meeting, and then communicate their top five issues back to staff to provide a prioritized framework for the next discussion. Members may also add new items to this “top five” list.
- V. Other business. Gibb referenced the responses to Amy’s questions about current code enforcement programs raised following the September 24 meeting; there was no additional discussion of the

responses. He then handed out the City of Albany Property Maintenance Code, noting that it is based on the International Property Maintenance Code. He cautioned that based on input from the Corvallis City Attorney's office, Corvallis would not follow Albany's approach of including the word "should," rather than "shall," where compliance standards are described in the PMC.

VI. Visitor comments. John Wydronek offered support for the City implementing the PMC with progressive enforcement provisions. He noted his concern in the case of rental properties about the City being notified before a landlord has a chance to resolve an issue, and asked that this aspect be looked at carefully.

VII. Adjournment. The meeting was adjourned at 6:03 p.m.

**City of Corvallis**  
**Property Maintenance Code Advisory Group**  
**Notes for the meeting of October 29, 2013**

Meeting time: 4:00 p.m. Location: Corvallis Library Main Meeting Room, 645 NW Monroe Avenue

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Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich

Staff present: Bob Loewen, Dan Carlson, Chris Westfall, Kent Weiss

- I. Visitor comments – Don Barstaad stated that many homes in Corvallis are in need of repair, adding that if repairs are going to be carried out a licensed, bonded and insured contractor should be hired.

Stanley Rich noted that he believes current City codes cover all necessary building standards. He added that OSU students have access to legal services when needed. He suggested that any additional code enforcement staffing resulting from the upcoming levy be focused on ensuring buildings meet current codes.

Kenny Davidson stated that he feels a rental inspection program should be put in place, and opined that property owners with nothing to hide would have no reason to fear it. He called for transparency about housing conditions so the community will have better awareness.

- II. Chair Gibb thanked visitors for comments. He asked for comments or corrections regarding the October 23, 2013 Advisory Group meeting notes. None were offered.

- III. Gibb introduced Housing Program Specialist Loewen to provide an outline of staff's thoughts on an approach to outreach and education efforts related to the Property Maintenance Code (PMC). Loewen provided an outline of current outreach efforts he undertakes in conjunction with delivery of the City's Rental Housing Program, noting the many organizations and entities he works with to deliver or coordinate the delivery of information. He then listed several groups that the City could reach out to in order to expand on current efforts, including neighborhood associations, tenant groups, advocates for underrepresented groups, OSU through Corvallis Collaboration-driven enhancements to student services, and housing providers.

Loewen noted that new materials will be prepared to inform people about the PMC, and that to ensure cultural sensitivity they will be translated into languages other than English. An increased Web presence will also be implemented, but will not be the only tool used given that some who will seek assistance will not have access to that technology. Loewen noted his anticipation that creating awareness of the PMC's existence will be a major early challenge.

Kari expressed a desire for educational tools to help tenants from other cultures understand how to be a good renter, and also to give them a basic understanding of appliances and how to use them. Loewen stated that OSU's INTO program for international students does some of this already, and he sees potential for the City to help enhance this effort once OSU's expanded student services programs are in place.

Amy suggested that the City work with the Corvallis School District to offer family education and outreach about how to be a good renter, and about assistance programs that exist in the

community. Jerry added that much of this type of information, targeted to students, will be coming from OSU.

Karen suggested that a key to engaging certain subpopulations will be to build trust, which requires that the outreach and education program be both consistent and sustainable. If not enough time or financial resources are invested, the program will not be sustainable and trust will be lost.

Charlyn expressed a desire for OSU to provide a direct point of contact for neighbors having issues with student renters. Kari suggested that neighbor-to-neighbor contact can also be an effective way to deal with students who may be causing problems, and that perhaps neighborhood associations could facilitate this approach. Amy agreed this could be helpful, but also noted that neighbors who feel intimidated should not have to try to resolve situations themselves. Charlyn agreed, stating that neighbors should only try a direct contact approach once if they are comfortable, and that if the situation is not resolved they should contact the police.

Code Enforcement Supervisor Westfall noted that in his code enforcement work in Oxford, Ohio he had been involved with an organized, annual outreach effort for students conducted jointly by Miami University and local government representatives. The program was intended to enhance civility by sharing information about how to be a good neighbor.

General discussion about the Corvallis Police Department's Special Response Notice program followed, with agreement that more outreach to landlords as problem rentals are identified would be helpful and appreciated.

Kari suggested that a household manual describing how to be a good renter could be created, and could stay with a unit over time to help tenants on an ongoing basis.

- IV. Before beginning a discussion about prioritized, PMC-related issues that have been raised to date by the Advisory Group, Gibb offered a reminder that the Group was formed following City Council direction to staff to carry out PMC program design work with input from stakeholders. The question of whether or not to implement a PMC is not under consideration at this point; rather, the question being considered is what that PMC should or should not contain.

Gibb then asked Housing Division Manager Weiss to provide an overview of prioritized PMC issues. Weiss began by reiterating a discussion that began on October 23 related to whether the PMC should require that a tenant contact their landlord with a request to address a PMC-related issue prior to contacting the City to seek assistance. He reminded the Advisory Group that some had felt this should be required because many leases require such contact, as well as to give landlords an opportunity to do what is needed without the City becoming involved. Others had suggested that some tenants feel too intimidated to contact their landlord because of fear of retribution, and that going to the City directly would be a better option for them.

Gibb asked Loewen about his experience with this issue in delivery of the City's Rental Housing Program. Loewen stated that he does hear from tenants who fear retribution and do not want to contact their landlord. Amy restated her earlier position that tenants should go first to their landlord to have a repair made, but also understands why some tenants may fear doing so. Kari pointed out that a tenant would be in violation of the lease she uses if they did not contact her prior to complaining to the City. She feels that most property managers use a lease with similar provisions. Amy questioned whether such a lease provision could legally prevent a tenant from contacting the City.

Jerry suggested that perhaps property managers should not be concerned if the City is the first point of contact. He recalled that both Loewen and Westfall had contacted him in the past to relay complaints about City code issues in units he manages, and that he was appreciative of this approach. He does not feel that it should be a problem for the City to be contacted.

Amy suggested that the City's outreach and education efforts should communicate that tenants should first attempt to get resolution of PMC issues by contacting their landlord, and then if that does not work they should contact the City. Weiss suggested that the City's PMC operating procedures could have code compliance staff ask if the tenant has communicated with their landlord about a complaint issue when first contact with the City is made, and if they haven't, recommend that they do. If the tenant has already contacted the landlord with no resolution of the issue, or is not comfortable making contact, the City would move forward with the complaint process. Allie asked if the same approach could be used when a landlord has been given a list of complaint items but has only responded to a few; Weiss agreed that this seems to fit within the model he was outlining. Gibb noted that it appears there is an Advisory Group consensus that this approach would be acceptable.

Moving to the next priority issue for additional Advisory Group consideration, Weiss reviewed an earlier discussion about the PMC requirement that all Corvallis properties contract for garbage/rubbish removal, and in the case of residential rental properties, that the landlord contract for this service. Westfall clarified that in these cases the landlord is responsible for contracting for services and providing an appropriate container, and the tenant is responsible for depositing their garbage/rubbish in the container(s). In response to a question regarding the scope of the problem, Westfall explained that the City currently receives about 100 garbage-related complaints each year.

Kari stated her opposition to requiring landlords to contract for services on behalf of their tenants. She suggested that the City put the charge for services on each property's utility bill. Gibb stated that these services are billed directly by Republic Services, which operates independently of the City. Amy asked what the required time frame for waste collection would be. Westfall explained that Republic Services provides weekly pickup but that on-call service is also available for customers using large containers (dumpsters).

Charlyn stated that it seems some residences do not currently have waste removal services, as garbage at some properties continues to pile up. Westfall stated that the PMC would address this issue. Jerry suggested that leases for rental properties should require tenants to contract for waste removal services, and if the City receives a complaint the landlord should be contacted, and it will get resolved. Amy noted that code complaint data provided by staff at the last meeting shows garbage complaints accounting for a large proportion. Amy agreed that all properties should be required to have garbage service, as it is part of living in the community. Requiring service would help with the perception that the City doesn't address this problem when it arises.

Amy asked who would be responsible for getting waste containers to the curb on collection day. Westfall explained that the tenant is responsible for getting waste into the containers, and the expectation is that they will take the container to the curb. If they do not, however, it would be the landlord's responsibility under the PMC. Jerry suggested that leases could require tenants to take the container to the curb, and include a financial penalty for the tenant if it is not done.

As discussion of this item wrapped up there was consensus that all properties should be required to contract for garbage/rubbish removal services. However, there was no consensus regarding who should be required to contract for the services for residential rental properties. Gibb noted that staff will poll other cities to see how they have handled this issue.

Weiss introduced the Advisory Group's third priority discussion item, regarding whether there should be a minimum space requirement for bedrooms. He directed the group's attention to an area taped out on the meeting room floor representing a 7'x10' room – the minimum space that would meet the PMC requirement for the room to be used for sleeping. Westfall explained that this space requirement is considered the minimum suitable to handle a bed and furnishings and still allow safe movement through the space for safe use and egress. In response to questions from the group, Westfall responded that he has seen very few spaces that were originally built as bedrooms that are smaller than 7'x10', but that he does see rooms that have been created by modifying larger spaces, or by repurposing smaller ones, that are smaller than 7'x10'.

Kari suggested that if someone agrees to sleep in a room that is smaller than 7'x10' it should be allowed. Charlyn stated that people may not be agreeing to live in those conditions, but instead may feel they have no choice. Kari pointed out that if the Benton County Assessor says a home has three bedrooms and one of them is smaller than the minimum, it should be considered acceptable for sleeping. Westfall stated that the Assessor considers only how a room is used, and does not apply any standards when they classify it for assessment purposes.

Kari and Jerry both stated they had seen a few bedrooms smaller than 7'x10'. Kari suggested that historic homes may have been built with bedrooms smaller than this standard. Westfall reiterated that in most cases these are probably conversions of other spaces, but that the Code Official would have the latitude to render an interpretation that could find a space smaller than 7'x10' acceptable. Rachel stated that she feels strongly that 7'x10' is the minimum space that should be allowed for a bedroom. It was suggested again that if a tenant agrees to a bedroom that is smaller than 7'x10' it should not be considered a violation. Allie stated her support for the 7'x10' minimum, and pointed out that she and others she knows have lived in rentals with bedrooms smaller than the standard, but that they were unaware of the size because they were not given an opportunity to inspect the unit before signing a lease and moving in. She stated that this is a common practice; Loewen agreed that he has heard from tenants who were not given an opportunity to see a unit prior to signing a lease.

Wrapping up discussion on this issue, Gibb noted that it sounds like there is general consensus among Advisory Group members that a 7'x10' minimum space requirement for bedrooms is acceptable as long as there is an exception process built into the PMC and its implementation procedures that would allow smaller spaces if they were originally built that way, and are otherwise safe and suitable for use as a bedroom.

V. Adjournment. The meeting was adjourned at 6:32 p.m.

**City of Corvallis**  
**Property Maintenance Code Advisory Group**  
**Notes for the meeting of November 12, 2013**

Meeting time: 4:00 p.m.      Location: Corvallis Library Main Meeting Room, 645 NW Monroe Avenue

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Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb  
 Members absent: Rachel Ulrich  
 Staff present: Dan Carlson, Chris Westfall, Kent Weiss

- I. Visitor comments – None to begin the meeting; visitor comments were offered prior to meeting close (see VII. below).
- II. Chair Gibb asked for comments or corrections regarding the October 29, 2013 Advisory Group meeting notes. None were offered.
- III. Overview of anticipated Property Maintenance Code Compliance and Neighborhood Outreach/Education program budget and staffing. Gibb noted that the session would begin with a staffing and budget overview of the proposed Property Maintenance Code Compliance and Neighborhood Outreach/Education program, followed by a continued discussion of the remaining priority issues Advisory Group members had identified in advance of the October 29 meeting. He introduced Housing Division Manager Weiss to provide an outline of a draft budget for the PMC Compliance and Neighborhood Outreach/Education program.

Weiss began by noting that his budget overview would attempt to address two of the remaining Advisory Group priority issues – program costs and how to pay them, and the City’s capacity to act in the role of “first responder” for the proposed code compliance portion of the program. He referred to a draft budget handout, explaining that it reflects two full-time staff assigned to code compliance work, one full-time staff for the community, neighborhood, and landlord/tenant outreach and education element, and pieces of four other staff positions for administration and program oversight which add up to just under one FTE, bringing the total for the program to roughly four FTE. The total projected budget for personnel costs is \$400,000. Non-personnel costs would include a projected \$78,000 for costs of operation (overhead, materials, vehicle and equipment operations and reserves, supplies, training, etc.); \$10,000 for an abatement reserve fund (to provide funds for boarding up and/or demolishing dangerous buildings); \$30,000 for casual code compliance staff (part-time, on-call staff that would be utilized to help manage workflows in times of higher service demand); and \$10,000 for re-initiating the Neighborhood Empowerment Program, which would only occur if a specific future request to the City Council to fund that program is approved.

Weiss referred back to the expenditures just summarized, noting that staff feel they will be able to operate effectively with that budget in the “first responder” role that the Advisory Group has identified by 1) implementing the operating protocols discussed during the Group’s October 23 meeting, in which a scaled approach to complaint responses was described; and 2) making efficient use of casual employees to balance compliance capacity with demand. Weiss then identified a set of projected first-year, one-time expenditures for a vehicle, computer equipment, phones, and office setup that would be incurred, but for which no funding source has yet been identified. The projected amount, \$42,000, might be covered through a one-time surcharge on program fees,

through a direct allocation of funds by the City Council, through a combination of those sources, or through some other means.

Turning to the sources (revenues) portion of the draft program budget, Weiss explained that in line with City Council direction to staff for approaching program funding, a combination of General Fund (property tax) and fee-based resources is being identified. The \$130,000 in General Fund funding currently directed to Code Enforcement in Development Services would be applied to the PMC budget; an additional \$37,000 in recently-approved five-year levy funding for code enforcement would also be applied. The \$10,000 reflected in the budget for the Neighborhood Empowerment Program is being proposed for funding by the City Council. The balance of funding needed to cover expenditures, approximately \$351,000, would be generated through application of a fee assessed on rental properties much like the current Rental Housing Program fee. To cover the \$351,000, the fee would increase from the current level of \$12 per unit to a projected level of \$30 per unit. Weiss noted that earlier projections had estimated this number at \$35 per unit. This projection presumes the definition of "unit" remains unchanged, and is based on an estimated 13,000 units and a collection rate of 90%. Weiss closed, noting that in this funding projection, 34% of program costs would be borne by property taxes, and the remaining 66% would be supported by fees on rental units.

Amy asked why fees would apply only to rental properties if all properties would be covered by the Property Maintenance Code. Gibb explained that the balance between property tax support and unit fee support ties roughly back to the recent average of approximately 70% of code enforcement actions occurring in rental properties, and 30% in owner-occupied or non-residential properties. Amy asked what would happen with fees if the demand for code compliance remains flat or declines; Gibb answered that staff will plan to evaluate program costs prior to proposing an increase for City Council approval.

Jerry asked whether the current Rental Housing Program (RHP) provides reports on a periodic basis. Weiss responded that the Housing Division provides annual reports on the RHP to the City's Human Services Committee, which is a City Council subcommittee. Jerry suggested that reports on the Property Maintenance Code be similarly provided going forward.

Karen asked whether the budget includes progressive financial penalties that might be charged for repeated violations of the PMC. Gibb responded that the budget does not include those revenues. Staff are still discussing how civil penalties will be assessed; he cautioned that staff would be reluctant to show significant funding coming from this source, given that the program's goal will be to achieve compliance, not assess fines, and that experience in this area will be needed to get a better sense of how much revenue will be generated through fines/civil penalties.

Kari asked how many units are currently being billed through the Rental Housing Program. Weiss responded that approximately 13,000 units were billed for FY 13-14. In response to Kari's observation that the increasing number of rental units should be generating increased revenues, Weiss agreed, noting that this has helped offset the need for more frequent or larger increases in the Rental Housing Program fee. Kari asked about the basis for the current fee. Weiss responded that it is based on the presence of rental agreements, with fees charged to owners based on the number of agreements they hold versus some other means such as the number of bedrooms in a unit. He noted that Amy had made an earlier suggestion that the fee be based on numbers of bedrooms; Amy added that she had suggested this as one potential approach, another would be to assess the fee on a square footage basis.

Kari asked if units with HUD Section 8 tenants are still exempted from paying the RHP fee. Weiss responded that they are, as are units that have long-term commitments to providing low income/affordable housing. Kari suggested that because of the amount of time it must take to track units with Section 8 assistance, the City might look at ending the fee exemption. She then asked when the new fee is expected to be in place. Weiss responded that at this point it will most likely be put in place next fiscal year, and that the same or a similar billing cycle to that used for the RHP fee will be applied.

Discussion returned to the idea of changing the fee calculation from a per unit basis to a per bedroom basis. Amy, Jerry and Charlyn agreed this approach would be fairer and more logical. Jerry asked Weiss how many rental bedrooms there are in the City. Weiss said he is not sure, but would estimate, at an average of about three bedrooms per unit, there would be roughly 39,000. Using this number as the basis for billing would lower the annual cost for smaller units, and increase the cost for larger units. Weiss also stated that while the City has a good deal of data to determine numbers of bedrooms in units, it is incomplete and sometimes inaccurate. Jerry suggested that property managers could help improve the accuracy as they receive and process billings. Amy suggested that the City consider applying a cap to the total per unit billing amount.

Gibb summarized the conversation on billing, noting that it appears there is consensus that moving to a per bedroom basis is favored over the current per unit basis; he also reiterated that staff providing regular reports on the PMC's activities and effectiveness will be important. Karen noted that the Advisory Group has identified that data tracking and reporting will be important for evaluating success and needs for modifications. She suggested that tools 1) to monitor that the balance of funding to program costs remains appropriate, 2) to measure the impacts of the program, and 3) to provide dashboard indicators, be developed. Gibb agreed that these would be helpful, and noted that future survey work might also help evaluate effectiveness.

Amy asked for clarification of the costs for staffing and operating the new program. Weiss stated that the total projected personnel cost is \$400,000, and non-personnel costs add another \$128,000, for a total of \$528,000. Two existing staff members (Housing Program Specialist Loewen and Code Enforcement Supervisor Westfall) would move into the PMC/neighborhood outreach program. Westfall would focus on code compliance work, Loewen would focus on neighborhood outreach and education work. One new staff person would be hired to perform code compliance work. Portions of time spent by four other existing support/administrative staff would also continue, and would be borne by the program. Added up, the total FTE will be just under four. Funding supporting the two current staff and their program costs will transfer into the PMC program: roughly \$140,000 from the Rental Housing Program (the amount generated by the current \$12 per unit annual fee at a 90% collection rate), and \$130,000 in General Fund support from Code Enforcement. After applying the resulting \$270,000, the balance to get to \$528,000 is \$258,000, to be filled by new resources. This gap would be covered through the addition of \$37,000 in General Fund resources from the five-year levy, \$10,000 from a to-be-requested City Council allocation for Neighborhood Empowerment, and through the marginal increase in the annual per rental unit fee which would go from \$12 per unit to \$30 per unit (using the current basis of calculation). After applying the \$37,000 in levy funding and \$10,000 in Council funding for Neighborhood Empowerment to the \$258,000 gap, the balance is \$211,000; the \$18 per unit increase in the annual per unit fee (from \$12 to \$30), multiplied by 13,000 units (and then reduced to a presumed 90% collection rate), provides that \$211,000.

- IV. Continued discussion of prioritized issues related to Corvallis Property Maintenance Code content, standards and applicability. After confirming Advisory Group understanding of the proposed program budget, Gibb turned to a discussion of the remaining priority PMC issues. He noted that an October 29 Advisory Group discussion regarding responsibilities for contracting for garbage service had not reached consensus, and that staff have spent more time discussing the issue. Weiss reminded the group that an area of concern was a proposed requirement that landlords both provide approved garbage containers, and contract with Republic Services for the removal of garbage. As discussed the tenant would be responsible for placing garbage in the approved/ provided containers. He suggested that staff would be comfortable with an approach that would not require the landlord to contract for garbage removal services as long as the Code is clear that in the end, if it is not removed as required, the landlord will be responsible. Westfall clarified that the model International Property Maintenance Code, as written, does not specifically require contracting for garbage service, but that it does require the landlord/property owner to provide approved containers and ensure that garbage is removed. Given this, there would be flexibility to allow landlords to write their leases such that tenants must contract for garbage service.

Kari asked for clarification about approved containers, stating that the only containers Republic Services will empty are the ones they provide. Westfall pointed out that if an owner or tenant does not want to contract with Republic, they currently may remove garbage themselves, in support of which the Code could be modified to define "approved containers" relatively broadly. Gibb suggested that Code language could be written to require landlords to provide approved containers, or require in their leases that tenants contract for garbage removal service. Kari supported this compromise. Amy pointed out that nearly half of the complaints the City receives through its code enforcement services deal with garbage. She has concern that if an owner is not required to contract for removal service, a tenant will choose to stop service and garbage will build up and become a problem. Westfall stated that in such cases it would ultimately be the landlord's responsibility to remove the garbage if the tenant failed to do so. Charlyn pointed out that the current system does not prevent garbage accumulation, and that is a serious issue in her neighborhood. Amy agreed, noting that garbage may often sit for weeks after a complaint is filed, before it gets removed. If the landlord is required to contract for removal services this problem could be resolved more quickly.

Gibb summarized that it appears there is Advisory Group consensus that the owner/property manager of a rental should ultimately be responsible for the removal of garbage, but no consensus on whether owners/managers should be required to contract for garbage removal service. He stated that staff will continue to work on this and bring a summary recommendation to the December 17 Advisory Group meeting.

Weiss summarized the status of discussion on the first two of the Advisory Group's four remaining priority Code issues on the list attached to the meeting packet: the program budget and staffing, and the City's "first responder" capacity. He asked for any further questions on budget or staffing, and there were none. He reiterated that the City will use a measured response approach to deal with Code complaints under which only more severe cases will receive immediate, in-person responses. Less severe cases may receive a letter that provides the appropriate Code standard and direction to address the violation in line with that standard. Capacity to respond will also be achieved through the use of temporary/casual employees as demand for code compliance services increases. Finally, he stated that staff anticipate and acknowledge that there will be a period of time after the new Code is implemented when numbers of complaints will exceed the City's capacity to

address them, but that there is an expectation that by applying the two remedies above and allowing time to catch up, the City should be able to overcome large/long term backlogs.

Gibb began a discussion of the final two PMC priority items, reminding the Advisory Group that the model PMC covers all properties, including owner and renter residential properties, commercial and industrial properties, and vacant property. He asked Westfall to circulate a handout containing photographs of owner-occupied residential properties and other property types with severe condition issues. Westfall provided an overview of the photos, noting that in most cases the City had no Code tool to arrest the deterioration of the properties, and instead had to wait until they reached a point of failure to apply the Dangerous Building Code. Amy asked if deterioration may result from an owner's inability to afford repairs, or from other issues such as mental illness. Westfall agreed this is sometimes the case, and that owner abandonment is also a common cause for deterioration. He suggested that the PMC will help the City move in more quickly in the future to address issues, and to connect owners with assistance resources where that is possible. Amy agreed that early intervention would be helpful.

Amy asked about a picture of peeling paint on a commercial building, and why the Code should find that to be a problem. Westfall pointed out that the paint in the picture contained lead, and as it deteriorated and peeled it caused a lead hazard on the sidewalk below. In response to Amy's question he clarified that interim repair measures could be applied in cases like these if a longer-term, more thorough plan to address the deterioration is in place. This approach would apply whether or not lead is/may be present in the paint.

Gibb stated that he hoped the protocols discussion during a previous Advisory Group meeting had helped demonstrate that staff will apply a reasonable approach to its code compliance efforts in determining how to pursue violations. Staff will look to elected officials to provide overall guidance on these matters. Kari agreed that having better tools to address serious problems is important, but expressed concern that there are minor issues staff could choose to pursue aggressively but inappropriately. Weiss reiterated that the current approach would address health and life safety issues aggressively, but that less aggressive tools (e.g., letters to property owners) would be used for minor issues. Amy also has concerns that the Code will be used inappropriately by people who want to use it to harass a neighbor they don't get along with. Westfall stated that he sees these instances on occasion, and while he would plan to send compliance letters in such cases, he would also provide resources related to mediation if it seems warranted.

In response to Kari's restatement of concern about minor compliance issues being contained in the Code, Westfall pointed to the Administrative Provisions of the Code, under which the Code Official has the ability to use professional judgment in their approach to gaining compliance, and that when conditions are not unsafe, alternative approaches to compliance may be approved. Kari stated that she still feels there are areas of the Code that should be softened.

- V. Next steps. Gibb stated that staff will consider the Advisory Group's discussion and consensus items related to the PMC and neighborhood outreach/education program, and will plan to bring a general outline of the program, including provisions and implementation protocols, back for the Advisory Group's final meeting on December 17. Following that meeting, staff will again consider the input of the group as it prepares materials to bring forward for consideration by the City Council.
- VI. Other business. There was no other business.

VII. Visitor comments. Debra Weaver stated concern about City staff entering owner-occupied homes to perform inspections of permitted work and then going beyond the scope of those inspections to identify Property Maintenance Code violations. Gibb noted that the program's protocols have been written to limit the likelihood of that occurring in cases other than those in which life safety issues exist.

John Wydronek recommended that the Code not include minor violation issues. He stated that he would like the Code to include progressive fines for repeat violations/violators. He opined that there may be legal issues for the City if the Code is applied differently among property types. He asked for a clearer explanation of the PMC/neighborhood outreach program's budget, and stated his opposition to the program's inclusion of the Neighborhood Empowerment program. Gibb noted that Neighborhood Empowerment would be an add-on that if included, would be funded with resources provided by the City Council, not through the per-rental unit fee. Wydronek then stated his opposition to including supervisory code compliance staff, and to a one-FTE neighborhood liaison position, noting that he does not feel the proposed staffing is justified.

Tom Jensen stated support for applying the Code's standards to both renter- and owner-occupied properties. He feels owners should also be charged to support the program. He expressed concern that where expensive repairs are required, people may be priced out of their homes.

VIII. Adjournment. The meeting was adjourned at 6:38 p.m.

**City of Corvallis**  
**Property Maintenance Code Advisory Group**  
**Notes for the meeting of December 17, 2013**

Meeting time: 4:00 p.m. Location: Corvallis Library Main Meeting Room, 645 NW Monroe Avenue

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Members present: Amy Harding, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich  
 Members absent: Allie Bircher, Charlyn Ellis  
 Staff present: Dan Carlson, Chris Westfall, Bob Loewen, Kent Weiss

Chair Gibb provided opening remarks, noting that this will be the final meeting of the Advisory Group (AG) and thanking members for their assistance over the last few months as staff has begun work to develop a property maintenance code (PMC) and neighborhood/community outreach program. He noted that the group's input has been quite helpful, and that he recognizes that the resulting package that will go forward for consideration by the City Council will not necessarily reflect what each member wants to see as a result of the process. He stated that while unanimity of members was never anticipated, he is pleased that consensus had been reached on a number of items. Once staff have completed the package for Council consideration it will be forwarded to the AG for purposes of information. Members will be welcome to share their thoughts with the Council as the process moves forward.

- I. Visitor comments – Kent Daniels informed the AG about his role in the City's newly formed Public Participation Task Force, thanking them for their service to the City and inviting them to participate in a forum on public participation on January 13.

Richard Berger, representing Willamette Association of Realtors, spoke in opposition to the implementation of a property maintenance code, and provided written testimony in support of that position.

Kevin Dwyer, Executive Director of the Corvallis Chamber of Commerce, spoke in opposition to the implementation of a property maintenance code, and also provided written testimony in support of his position.

John Wydronek provided several written questions and additional written information related to the City's current Code Enforcement activities.

Deborah Weaver expressed concern about peoples' ability to carry out required property repairs, about the size and cost of the Property Maintenance Code and Community/Neighborhood Outreach program, and expressed her opinion that the PMC would be intrusive.

- II. Chair Gibb asked for comments or corrections regarding the November 12, 2013 Advisory Group meeting notes. None were offered.
- III. Housing and Neighborhood Services Division reorganization chart. Weiss referred to two organizational charts contained in the meeting packet – the first representing the current structure of the Community Development Department's Housing Division, and the second a revised structure for the proposed Housing and Neighborhood Services Division. He explained the roles and responsibilities of staff in the current Division structure, and then how those responsibilities would change as the code compliance program and an expanded approach to community, neighborhood, and landlord/tenant outreach are implemented. He noted that the new Division structure adds a

Code Compliance Supervisor, a Code Compliance Officer, and casual Code Compliance positions, with the latter to be filled as needed in times of high demand. He clarified that one of the two current Housing Program Specialists would become a Community Relations Specialist (tentative title), and would no longer focus on housing code-related work but instead be responsible for the City's expanded outreach and education efforts.

- IV. Updated outreach and education program approaches and tools. Loewen provided an overview of the changes made to the outreach and education outline that had been considered by the AG during an earlier meeting. Notable additions include increased interactions with OSU, and an intent to coordinate education resources to help tenants understand how to succeed as renters. Kari asked whether Loewen's position in the Division would continue to provide information and referral services for landlords and tenants; Loewen and Weiss confirmed that this service will continue within the responsibilities of the Community Relations Specialist position.
- V. Updated program budget. Weiss explained that the budget contained in the meeting packet had not changed in terms of the amounts of its sources or uses of funding. Referencing a request from prior meetings, he noted that staff had calculated a potential rental housing fee amount based on the number of rental bedrooms in Corvallis, which Loewen has estimated at 26,000. If a per-bedroom fee basis was implemented, the rate under the current budget assumptions would be \$15, with a zero- or one-bedroom unit paying that amount each year and a five-bedroom unit paying \$75 per year. He added that staff have discussed these numbers and have some concern about the equitability of charging \$15 for one type of unit and \$75 for another type. Experience suggests that dealing with issues in a larger unit does not require significantly more time, if any, than dealing with issues in a smaller unit. If an inspection-based program approach was going to be implemented this fee structure would make more sense, but at this point staff feel the per-unit based approach currently used for the Rental Housing Program will be more appropriate. Amy suggested that staff look at a more complex fee structure rather than trying to keep the approach simple.

In response to questions, Weiss explained that of the total \$528,000 in sources and uses contained in the draft budget, all but about \$210,000 would come from sources already identified, which includes General Fund resources and the amount currently generated by the Rental Housing Program fee. That additional \$210,000 would be generated by increasing the fee per rental unit from \$12 per year to \$30 per year.

- VI. Updated PMC operating protocols. Weiss provided an overview, noting that changes relative to the version of the document originally presented to the AG have been summarized for each protocol. The first significant change is in the second protocol, which describes how compliance issues for residential rental properties will be addressed. The earlier version of the protocol included a statement that the City would only accept a complaint from a tenant after that tenant had notified their landlord of a code-related deficiency. In response to staff's sense of the AG's thoughts on the issue, the revised protocol does not make that contact a requirement, but states that staff will encourage tenants to work with their landlords prior to filing a complaint. Kari expressed concern that the City's protocol might encourage a tenant to violate their lease. Jerry recalled that staff had suggested they would contact landlords in such cases directly, in order to resolve issues. Rachel stated that she did not believe this to be the case. Weiss stated that there might be cases where this would occur, but that if a tenant asked that their landlord not be notified, the City would intend to honor that request. A script will be developed to explain to tenants that they should review their lease to make sure they're following its terms for requesting repairs. Amy stated that she does not

believe the City should be addressing any code compliance issues that are not of a relatively serious nature.

Weiss then explained changes to the third protocol, noting that it has been modified to reflect that the PMC standards will apply to owner-occupied residences and non-residential properties on a more limited basis, focusing on exterior issues and life/safety/dangerous building issues. Amy stated that she believes the same property standards should apply to all property types. Kari asked for confirmation that the City Attorney feels a difference in the application of code standards will be legal; Weiss confirmed that this is the case.

Weiss then explained that changes to the remaining protocols were for the most part very minor, and made for grammatical purposes. The one exception was the removal of language that referred to the potential implementation of a civil citation/hearings officer process for addressing unresolved PMC violations. He noted that staff's current intent will be to have violations considered within the Municipal Court system. Fines for unresolved PMC violations will be set and imposed within this system.

- VII. Outline of changes/additions/deletions relative to the model International Property Maintenance Code (IPMC). Westfall began with an overview of the changes to the IPMC that staff will propose for City Council consideration. The first change (IPMC Section 101/Paragraph 1.102 - Scope and Application, and others as appropriate) will be modified so that properties that do not fall under a residential rental use type will be subject only to the PMC's exterior provisions. Jerry stated that he feels the PMC should be applied equally to all property types.

Section 102/Paragraph 102.6 – Applicability, will be broadened to include any legally conforming buildings or structures fifty years of age or older, in addition to those that are designated as historic. Kari asked for clarification of the term “legally conforming,” which Westfall explained to mean lawful according to the codes in force at the time of construction.

Section 106/Paragraph 106.3 – Violations, will be modified so that violations that are not serious offenses (e.g., violations of dangerous building code provisions) will be considered infractions rather than misdemeanors.

Section 308, Rubbish and Garbage, will reflect an added PMC definition of “approved containers” for the containment of rubbish and garbage, which will allow for containers other than/in addition to those provided by Republic Services. Westfall reminded AG members that the IPMC language does not stipulate that either owners or renters must contract for the removal of rubbish and garbage; rather, it states that owners must provide approved containers, and are responsible for the removal of rubbish and garbage. Owners of rental properties may require, via a lease, that tenants contract for the removal of rubbish and garbage, but if the tenants fail to do so and/or these materials are not removed from the property, the owner will remain responsible for their removal.

Section 111, Appeals, will integrate language to reflect that the Municipal Code-stipulated process used currently for appeals of building codes and the Rental Housing Code will be applied to the Property Maintenance Code.

Moving to PMC additions that staff will propose, Westfall stated that Section 308, Rubbish and Garbage, will include added provisions allowing for active composting of appropriate materials.

Section 602, Heating Facilities, will be expanded to include language preventing the use of temporary heat sources (e.g., space heaters) to permanently replace a failed furnace or other permanent type of heat source.

New language will be added to define “indoor furniture,” and to prohibit storage of indoor furniture outdoors. Gibb explained that this will not prevent people from bringing their indoor furniture outdoors on a temporary basis, but it will prevent them from bringing and then leaving it outdoors.

Westfall then described two IPMC paragraphs that will be deleted from the Corvallis Property Maintenance Code. The first, Paragraph 302.8 - Motor Vehicles, will be deleted, as the Land Development Code and Corvallis Municipal Code currently provide the City with the ability to deal with issues involving inoperative vehicles.

The second paragraph that will be removed, 404.4.2 – Access from bedrooms, prohibits having one bedroom as the only means of access to another bedroom. Staff feel that current building codes adequately address the use of and access to habitable space in buildings.

Westfall then outlined other IPMC provisions the Advisory Group had discussed at some length during prior meetings, and that staff will recommend be retained as currently written. The first, Paragraphs 309.3 and 309.4 of Section 309 – Pest Elimination, require that pest infestations be eliminated from both interiors and exteriors of properties. The second, Paragraph 503.1 of Section 503 – Toilet Rooms, requires that shared bathrooms and toilet rooms in multiple dwellings have doors with interior locks. The City has had complaints about both of these issue types, and thus staff will recommend retaining them in the PMC. Amy and Jerry stated that the bathroom door lock requirement should also apply to single family rental properties; Kari disagreed, stating that single family rentals should remain exempt.

Gibb again thanked Advisory Group members for their participation in this review process, and for the guidance and suggestions they have provided for staff. He asked whether members had additional comments before moving to a discussion about next steps. Amy expressed her concern about the need for a Property Maintenance Code, asking if moving forward now with implementation isn't putting the cart before the horse. She referenced an e-mail to the group from Jerry in which he stated that conditions have been improving in the community since the Collaboration Corvallis process related to this topic was completed. Jerry agreed. Gibb stated that while noise and tenant behavior issues may have improved, data for the current year relative to last year shows that the number of Rental Housing Code issues and complaints are up.

Kari stated that she feels the PMC is too intrusive, and does not think it is what the Collaboration's Livability Work Group intended. Karen stated that as a member of the Livability Work Group (LWG) she believes this is what was intended, adding that some members of the LWG wanted to implement a mandatory rental licensing and inspection program, but that the complaint-based approach had come forward as a compromise.

VIII. Next steps. Gibb explained that staff will now begin preparing a final outline and overview of the Property Maintenance Code, and will bring the information to the City Council and then to a Council standing committee in January or February. The Council and committee processes will be public, and

opportunities for public comment will be provided. He noted that staff will plan to share with the Advisory Group the packet of information that is prepared for Council.

IX. Other business. There was none.

X. Visitor comments. Gibb asked if any visitors wished to make comments. Phillip Gebhart asked what landlords will get from this program. He stated that he feels he has not been kept in the loop. He believes problems with rental units can be solved if police officers contact landlords when they are called to a property.

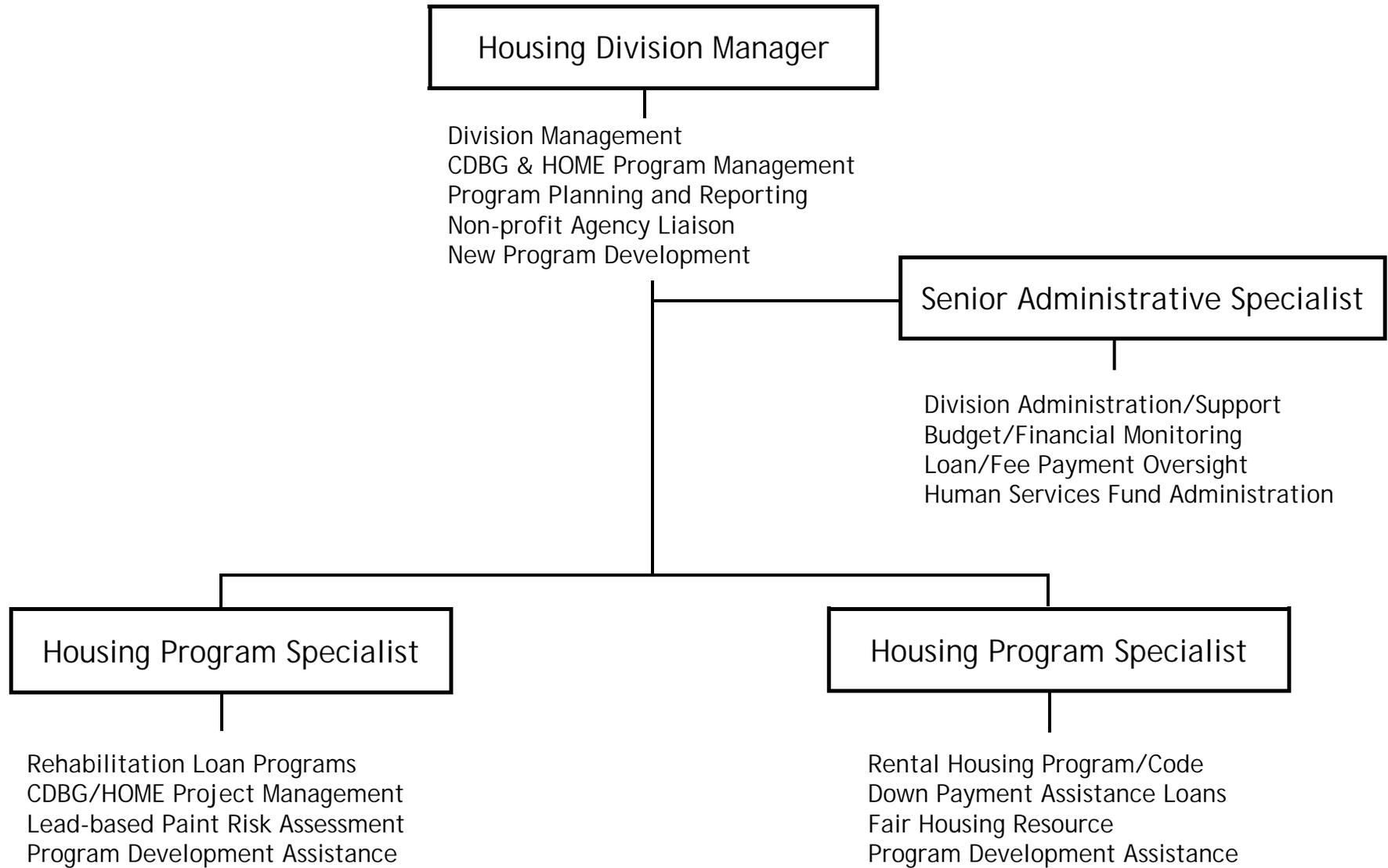
Samantha Alley asked whether a tenant could invite the City to enter their rental unit without first contacting their landlord. Westfall responded that current building code violation complaints are handled in this way, and that while tenants would be advised to contact their landlord, it would not be a requirement. Loewen added that staff will develop a script to be used to encourage tenants to contact their landlord, and to check their lease to see if such contact is required. Ms. Alley stated that she is a Realtor, and that if the PMC is implemented she will advise her clients not to purchase property in Corvallis.

Deborah Weaver stated her concern about the public getting City Council meeting packets so close to the meeting dates.

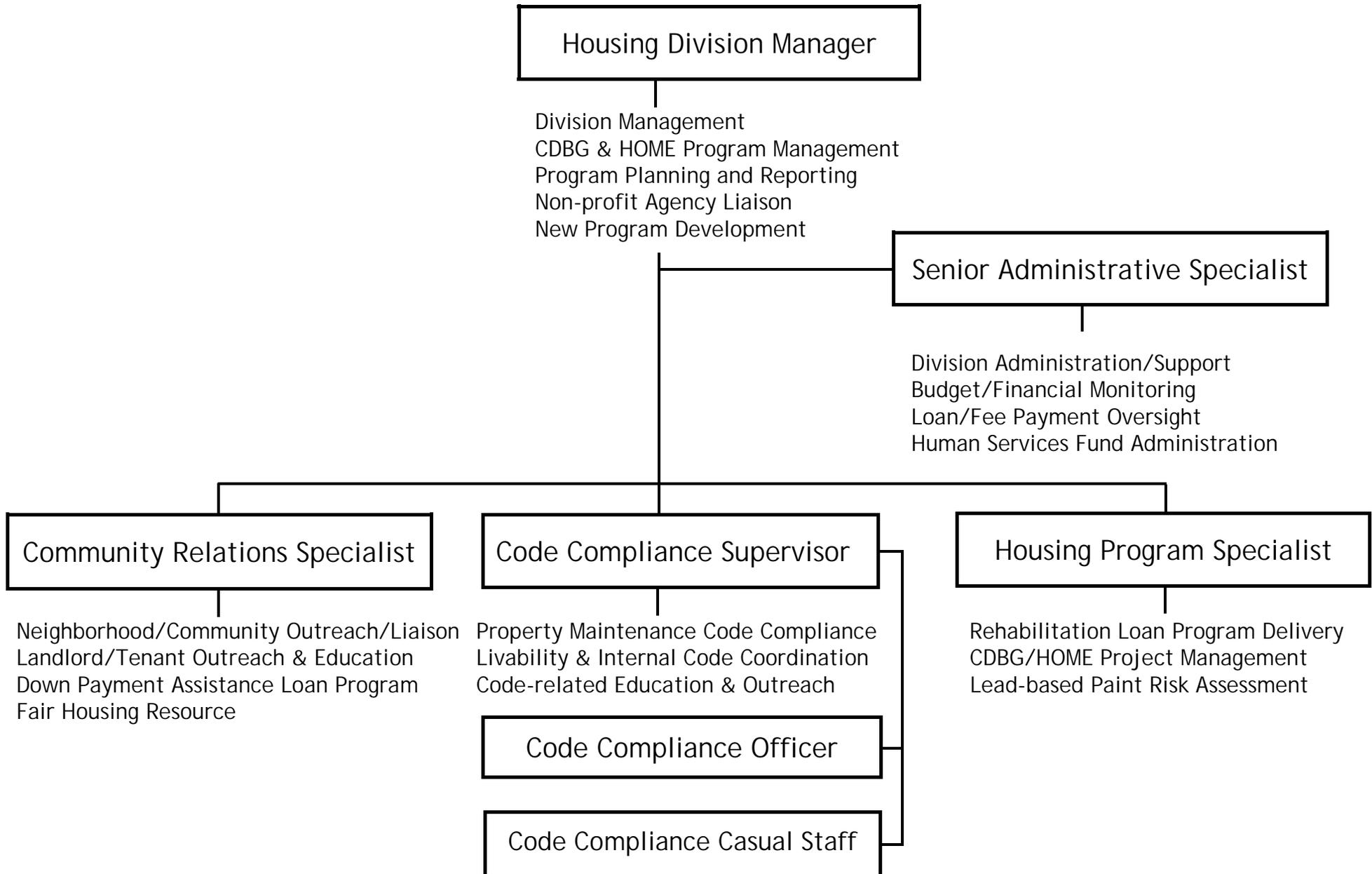
John Wydronek noted concern about hiring another City employee as part of the implementation of the PMC and community/neighborhood outreach programs. He suggested that the City consider contracting for these services. He suggested that e-mail be used to inform landlords about this and other rental housing related issues. He asked for a definition of "life safety," which Carlson described as anything that would fall under the definition of a dangerous building violation such as structural or exterior building deterioration.

XI. Adjournment. The meeting was adjourned at 6:27 p.m.

# Housing Division Organization Chart - FY 13-14 (Current) Structure/Functions



# Proposed Housing and Neighborhood Services Division Organizational Structure/Functions



***Property Maintenance Code/Neighborhood/Community Outreach and Education Outline  
(revised December 12, 2013)***

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- I. Current/ongoing outreach activities
  - Property management/landlord meetings
  - Realtor meetings
  - OSU graduate and international student orientations
  - OSU Connect Program
  - OSU Housing Committee
  - Community organizations (as requested)
  
- II. Program implementation audience/partners
  - Tenants
  - Property owners/managers
  - Linn-Benton Rental Housing Association
  - Neighborhood associations/residents
  - Home Owner Associations
  - Commercial/other property owners/associations
  - OSU
  - City/County departments
  - Benton County Health Department
  - Corvallis School District
  - Advocates
  - Housing assistance providers
  - Attorneys
  
- III. Oregon State University Education/outreach
  - ASOSU Legal Offices
  - University Housing & Dining
  - OSU graduate and international student orientations
  - OSU Connect Program
  - OSU Housing Committee
  
- IV. Outreach materials - program information
  - Program description
  - How the program works
  - What the program does/doesn't cover
  - How to access information
  - How to file a complaint
  - Tenant education

- V. Program Awareness
  - Partner network
  - City Web site
  - Social media
  - Staff presentations
  - Neighborhood association/community meetings
  - Brochure/other printed materials

To the degree possible, program materials will be designed and produced to be linguistically and culturally appropriate.

**Estimated budget for a complaint-based Property Maintenance Code Compliance and Neighborhood Outreach/Education Program**

<b>USES</b>	<u>First-year operating</u>	<u>First-year one-time</u>
Personal services (total compensation) costs (includes two FTE code compliance staff, one FTE community/ neighborhood/landlord liaison staff, and shares of four administrative staff, altogether representing approximately 4 FTE)	\$ 400,000	
Total personal services costs	\$ 400,000	
Non-personal services costs		
Operating costs (equipment, vehicles, supplies, training outreach, printing, other overhead)	78,000	42,000
Abatement fund/reserve	10,000	
Casual code compliance staff	30,000	
Neighborhood Empowerment Program (proposed)	10,000	
Total non-personal services costs	\$ 128,000	\$ 42,000
Total program costs	\$ 528,000	\$ 42,000

**SOURCES**

Ongoing property tax support	\$ 130,000
Five-year levy support	37,000
Add-on for Neighborhood Empowerment (proposed)	10,000
Total property tax-based	\$ 177,000
Balance	\$ 351,000
Projected revenue from annual per-rental unit charge (presumes 90% collection efficiency on 13,000 units)	at \$30/unit: \$ 351,000
Percent of program funded by:	
Property taxes	34%
Rental unit fees	66%

**Corvallis Property Maintenance Code Implementation Protocols (updated 12/12/2013)**

1. As recommended to the City Council by the Collaboration Corvallis Steering Committee, the Corvallis Property Maintenance Code will operate using a complaint-based approach rather than an inspection-based approach:

- Anonymous complaints will not be accepted.
- Complainants must identify themselves, but may request to remain confidential. Confidentiality will be maintained to the extent legally possible.

*Reference to the types of complaints that will be accepted has been removed from this section, and clarified in sections 2. and 3. below.*

2. Complaints for residences that are renter-occupied:

- PMC will pertain to interior and exterior conditions.
- Intended time frame for and type of response by Code Compliance staff will be determined based on the potential severity of the complaint description:
  - Life/safety/dangerous building issues will receive priority response (ex: dangerous wiring, no smoke detectors).
  - Next priority - health/ livability issues with a targeted 48-hour response (ex: lack of water/hot water, complete lack of heat, rodent harborage).
  - Other issues will receive a targeted 7- to 10-day response (ex: inadequate heat, exterior door locks).
- Tenant complainants will be asked if they have contacted their landlord, and if not Code Compliance staff will suggest that they do. Such contact will not be a required precursor to the filing of a complaint.

*The original version of the final bullet above required a tenant to notify their landlord about a potential violation that would be subject to the 48-hour or 7- to 10-day response timeframes. Based on input from the Advisory Group the requirement has been removed but the intent that tenants will be encouraged to work directly with their landlord prior to seeking City assistance is retained.*

3. Complaints for owner-occupied residences, commercial, and other building/property types:

- PMC will only pertain to exterior conditions and dangerous building provisions for these use types.
- Follow timeframes above for exterior manifestations of life/safety/dangerous building compliance responses.
- In-person staff response for life/safety, dangerous building, or health issues.
- For other exterior-related issues that do not meet PMC standards but have not yet reached a point of structural deterioration, send a letter noting the reported complaint, providing the applicable Code standard, and providing direction/instruction to reach compliance within a stated timeframe.

*This section has been changed to reflect that the PMC standards will apply to owner-occupied and other non-residential uses on a more limited basis than originally described based on the International Code Council's model IPMC.*

## 4. Scope of investigations:

- Investigations of complaints regarding specific, limited conditions would not be used as an opportunity to conduct comprehensive property inspections; complaints alleging a broader scope of concerns may require a correspondingly broad response.
- Issues of a life/safety nature that are identified in the course of a complaint investigation would be addressed.

*No changes have been made to this section.*

## 5. Achieving compliance:

- In situations that receive in-person responses but are not deemed to be dangerous buildings Code compliance will be achieved through a series of violation notices. Example of possible scenario:
  - First notice directs compliance and a call for inspection within a stated timeframe.
  - Second notice to be provided if there is no call for inspection or if mitigation is determined to be incomplete. Second notice will 1) direct compliance and call for inspection within a stated timeframe, and 2) state City's intent to initiate legal action if compliance is not achieved within that timeframe.
  - If no call for inspection or for failure to comply with second notice, initiate legal action.

*Changes to this section are grammatical or for clarification purposes only.*

## 6. Progressive enforcement - currently investigating additional approaches to be considered:

- Evaluate the use of a Code Compliance matrix that implements a response based on the severity of the violation, the frequency of recurrence of the violation on the subject property, and the frequency of the violation occurring on other properties under the control of the same owner or responsible party.

*Changes to the bullet that remains here are for language/clarification purposes. A bullet referencing the investigation of a civil citation/hearings officer process has been removed, as it is anticipated that violations will be considered within the Municipal Court system.*

## 7. Appeals:

- Code compliance system to provide an avenue for appeal of a determination of violation.
- Appeal process will follow the current Development Services Division and Rental Housing Program policies/practices.
- Appeals will be heard by the City's Board of Appeals.

*Changes to this section are for clarification purposes only.*

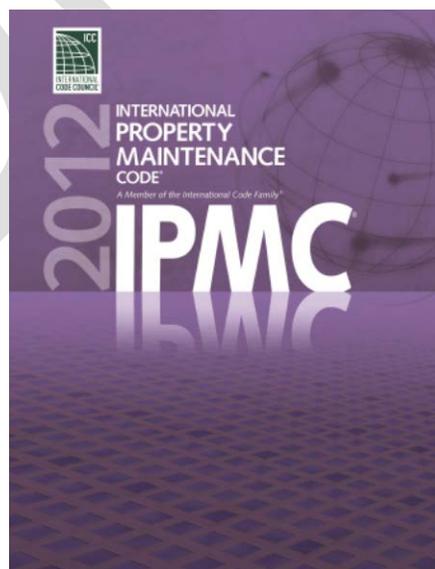


# City of Corvallis, Oregon Property Maintenance Code *Draft Version 1 – January 29, 2014*

**PLEASE NOTE THAT THIS DRAFT DOCUMENT REFLECTS THE UNALTERED BASE CODE STANDARDS AND LANGUAGE CONTAINED IN THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE. THOSE STANDARDS HAVE NOT YET BEEN ADAPTED FOR CORVALLIS. ADAPTATION OF LANGUAGE AND STANDARDS WILL OCCUR COMPREHENSIVELY FOLLOWING CONSIDERATION OF THIS DOCUMENT BY THE CITY'S ADMINISTRATIVE SERVICES COMMITTEE AND CITY COUNCIL.**

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*Adapted from:*



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# 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*<sup>®</sup>, in this 2012 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 2012 edition is fully compatible with all of the *International Codes*<sup>®</sup> (I-Codes<sup>®</sup>) published by the International Code Council (ICC)<sup>®</sup>, including the *International Building Code*<sup>®</sup>, *International Energy Conservation Code*<sup>®</sup>, *International Existing Building Code*<sup>®</sup>, *International Fire Code*<sup>®</sup>, *International Fuel Gas Code*<sup>®</sup>, *International Green Construction Code*<sup>™</sup> (to be available March 2012), *International Mechanical Code*<sup>®</sup>, *ICC Performance Code*<sup>®</sup>, *International Plumbing Code*<sup>®</sup>, *International Private Sewage Disposal Code*<sup>®</sup>, *International Residential Code*<sup>®</sup>, *International Swimming Pool and Spa Code*<sup>™</sup> (to be available March 2012), *International Wildland-Urban Interface Code*<sup>®</sup> and *International Zoning Code*<sup>®</sup>.

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 2012 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 2010. 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 xiii 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 noncompliance 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.

## Code Development Committee Responsibilities (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 International 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 is maintained by another code development committee in accordance with the following:

[A] = Administrative Code Development Committee;

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee; and

[B] = International Building Code Development Committee (IBC—Fire Safety, General, Means of Egress or Structural);

Note that, for the development of the 2015 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years. The groupings are as follows:

Group A Codes (Heard in 2012, Code Change Proposals Deadline: January 3, 2012)	Group B Codes (Heard in 2013, Code Change Proposals Deadline: January 3, 2013)
International Building Code	Administrative Provisions (Chapter 1 all codes except IRC and ICC PC, administrative updates to currently referenced standards, and designated definitions)
International Fuel Gas Code	International Energy Conservation Code
International Mechanical Code	International Existing Building Code
International Plumbing Code	International Fire Code
International Private Sewage disposal Code	International Green Construction code
	ICC Performance Code
	International Property Maintenance Code
	International Residential Code
	International Swimming Pool and Spa Code
	International Wildland-Urban Interface Code
	International Zoning Code

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees will meet in different years, it is possible that some proposals for this code will be heard by a committee in a different year than the year in which the primary committee for this code meets.

For instance, Section 502.1 is designated as the responsibility of the International Plumbing Code Development Committee, along with most of the provisions in Chapter 5. This committee will meet in 2012 to consider all code change proposals to the *International Plumbing Code* and any portions of other codes that it is responsible for, including Section 502.1 and most of the provisions of Chapter 5 (designated with [P] in front of those sections.) Therefore, any proposals to Section 502.1 in Chapter 5 will be needed to be submitted by January 3, 2012, for consideration in 2012 by the International Plumbing Code Committee.

Note that every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, and that committee is part of the Group B portion of the hearings. This committee will hold its code development hearing in 2013 to consider all code change proposals for Chapter 1 of this code and proposals for Chapter 1 of all I-Codes except the *International Residential Code* and *ICC Performance Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2013.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code

change proposal. For further information on the code development committee responsibilities, please visit the ICC web site at [www.iccsafe.org/scoping](http://www.iccsafe.org/scoping).

## **Marginal Markings**

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2009 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.

DRAFT

# 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 Scope and 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.

# LEGISLATION

The *International Codes* are designed and promulgated to be adopted by reference by legislative action. Jurisdictions wishing to adopt the 2012 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

## SAMPLE LEGISLATION FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE NO. \_\_\_\_\_

A[N] [ORDINANCE/STATUTE/REGULATION] of the [JURISDICTION] adopting the 2012 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/STATUTE/REGULATION] No. \_\_\_\_\_ of the [JURISDICTION] and all other ordinances or parts of laws 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*, 2012 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 legislation, 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/STATUTE/REGULATION]** No. \_\_\_\_\_ of **[JURISDICTION]** entitled **[FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION]** and all other ordinances or parts of laws in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this legislation 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 law, 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 legislation 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 law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

**Section 6.** That the **[JURISDICTION'S KEEPER OF RECORDS]** is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation 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 law 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.

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# CHAPTER 1

## SCOPE AND ADMINISTRATION

### PART 1 — SCOPE AND APPLICATION

#### SECTION 101 GENERAL

**[A] 101.1 Title.**

These regulations shall be known as the *International Property Maintenance Code* of **THE CITY OF CORVALLIS, OREGON**, hereinafter referred to as “this code.”

**[A] 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.

**[A] 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.

**[A] 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

**[A] 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.

**[A] 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*.

**[A] 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 Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

**[A] 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.

**[A] 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 instructions.

**[A] 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.

**[A] 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 and as further regulated in Sections 102.7.1 and 102.7.2.

**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.

**[A] 102.7.1 Conflicts.**

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**[A] 102.7.2 Provisions in referenced codes and standards.**

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**[A] 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*.

**[A] 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.

**[A] 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**

**[A] 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*.

**[A] 103.2 Appointment.**

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

**[A] 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*.

**[A] 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.

**[A] 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

### [A] 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.

### [A] 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.

### [A] 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.

### [A] 104.4 Identification.

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

### [A] 104.5 Notices and orders.

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

### [A] 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

### [A] 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.

**[A] 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.

**[A] 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.

**[A] 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*.

**[A] 105.3.2 Test reports.**

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

**[A] 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*.

**[A] 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.

**[A] 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

**[A] 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.

**[A] 106.2 Notice of violation.**

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

**[A] 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.

**[A] 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.

**[A] 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

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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*.

**[A] 107.5 Penalties.**

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

**[A] 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 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

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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

**[A] 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 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 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.

**[A] 110.2 Notices and orders.**

All notices and orders shall comply with Section 107.

**[A] 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.

**[A] 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**

### **[A] 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.

### **[A] 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.

#### **[A] 111.2.1 Alternate members.**

The chief appointing authority shall appoint a minimum of two 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.

#### **[A] 111.2.2 Chairman.**

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

#### **[A] 111.2.3 Disqualification of member.**

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

#### **[A] 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.

#### **[A] 111.2.5 Compensation of members.**

Compensation of members shall be determined by law.

### **[A] 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.

### **[A] 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 a minimum of two-thirds of the board membership.

**[A] 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.

**[A] 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.

**[A] 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.

**[A] 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*.

**[A] 111.6.2 Administration.**

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

**[A] 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.

**[A] 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

**[A] 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.

**[A] 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.

**[A] 112.3 Emergencies.**

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

**[A] 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.

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# 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 Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning 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.

**[A] 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*.

**[A] 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.

**[Z] 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.

**[B] 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.

**[B] 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.

**[A] 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 recorded or unrecorded agreement of contract for the sale of land.

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

**[A] 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*.

**[A] 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.

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

**[A] 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,

bags, 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.

**[A] 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.

**[M] 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.

**[Z] 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 a minimum of 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.

**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) in height 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 minimum 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, operator systems if provided, 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 minimum lock throw of 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.

**304.19 Gates.**

All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

## 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 *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. 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* or the *International Existing 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) in height or more than 42 inches (1067 mm) in height 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) in height 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 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 a minimum of 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

#### 402.2 Common halls and stairways.

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

#### 402.3 Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance

of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

## SECTION 403 VENTILATION

### 403.1 Habitable spaces.

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

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m<sup>2</sup>). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

### 403.2 Bathrooms and toilet rooms.

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

### 403.3 Cooking facilities.

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

**404.2 Minimum room widths.**

A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 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 minimum clear ceiling height of 7 feet (2134 mm).*

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 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 minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) 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 minimum clear ceiling height of 7 feet (2134 mm) over a minimum of 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 minimum clear ceiling height of 5 feet (1524 mm) 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 m<sup>2</sup>) and every bedroom shall contain a minimum of 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

**404.4.2 Access from bedrooms.**

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

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

**404.4.3 Water closet accessibility.**

Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at

least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

**404.4.4 Prohibited occupancy.**

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

**404.4.5 Other requirements.**

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

**404.5 Overcrowding.**

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

**TABLE 404.5  
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a,b</sup>	120	120	150
Dining room <sup>a,b</sup>	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.093 m<sup>2</sup>.

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

**404.5.1 Sleeping area.**

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

**404.5.2 Combined spaces.**

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

**404.6 Efficiency unit.**

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

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two *occupants* shall have a

minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 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.

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# 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.

## SECTION 502 REQUIRED FACILITIES

### [P] 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.

### [P] 502.2 Rooming houses.

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

### [P] 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*.

### [P] 502.4 Employees' facilities.

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

#### [P] 502.4.1 Drinking facilities.

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

### [P] 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*.

## SECTION 503 TOILET ROOMS

### [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.

### [P] 503.2 Location.

*Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

### [P] 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 a maximum of 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.

### [P] 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

### [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.

### [P] 504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

### [P] 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 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 minimum temperature of 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.

## SECTION 506 SANITARY DRAINAGE SYSTEM

### [P] 506.1 General.

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

### [P] 506.2 Maintenance.

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

### [P] 506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

**SECTION 507  
STORM DRAINAGE**

**[P] 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.

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# 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, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

**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 minimum temperature of 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 minimum temperature of 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 NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 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 a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
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 grounding-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. All

receptacle outlets shall have the appropriate faceplate cover for the location.

### **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. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

### **605.4 Wiring.**

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

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

### **606.1 General.**

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A 17.1. 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 A 17.1, 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.

### SECTION 702 MEANS OF EGRESS

#### [F] 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*.

#### [F] 702.2 Aisles.

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

#### [F] 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*.

#### [F] 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

### [F] 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.

### [F] 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

### [F] 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*.

#### [F] 704.1.1 Automatic sprinkler systems.

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

### [F] 704.2 Smoke alarms.

Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 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.

### [F] 704.3 Power source.

In Group R or I-1 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.

**[F] 704.4 Interconnection.**

Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R or I-1 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. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. 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.

### ASME

American Society of Mechanical Engineers  
Three Park Avenue  
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A 17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

### ASTM

ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code Section number
F 1346—91 (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

Standard reference number	Title	Referenced in code section number
IBC-12	International Building Code <sup>®</sup>	102.3, 201.3, 401.3, 702.3
IEBC—12	International Existing Building Code <sup>®</sup>	305.1.1, 306.1.1
IFC—12	International Fire Code <sup>®</sup>	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC-12	International Fuel Gas Code <sup>®</sup>	102.3
IMC-12	International Mechanical Code <sup>®</sup>	102.3, 201.3

IPC-12	International Plumbing Code <sup>®</sup>	201.3, 505.1, 602.2, 602.3
IRC-12	International Residential Code <sup>®</sup>	201.3
IZC-12	International Zoning Code <sup>®</sup>	102.3, 201.3

## NFPA

National Fire Protection Association  
 1 Batterymarch Park  
 Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
25-11	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	704.1.1
70-11	National Electrical Code	102.4, 201.3, 604.2

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# 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  $\frac{1}{2}$ -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*.

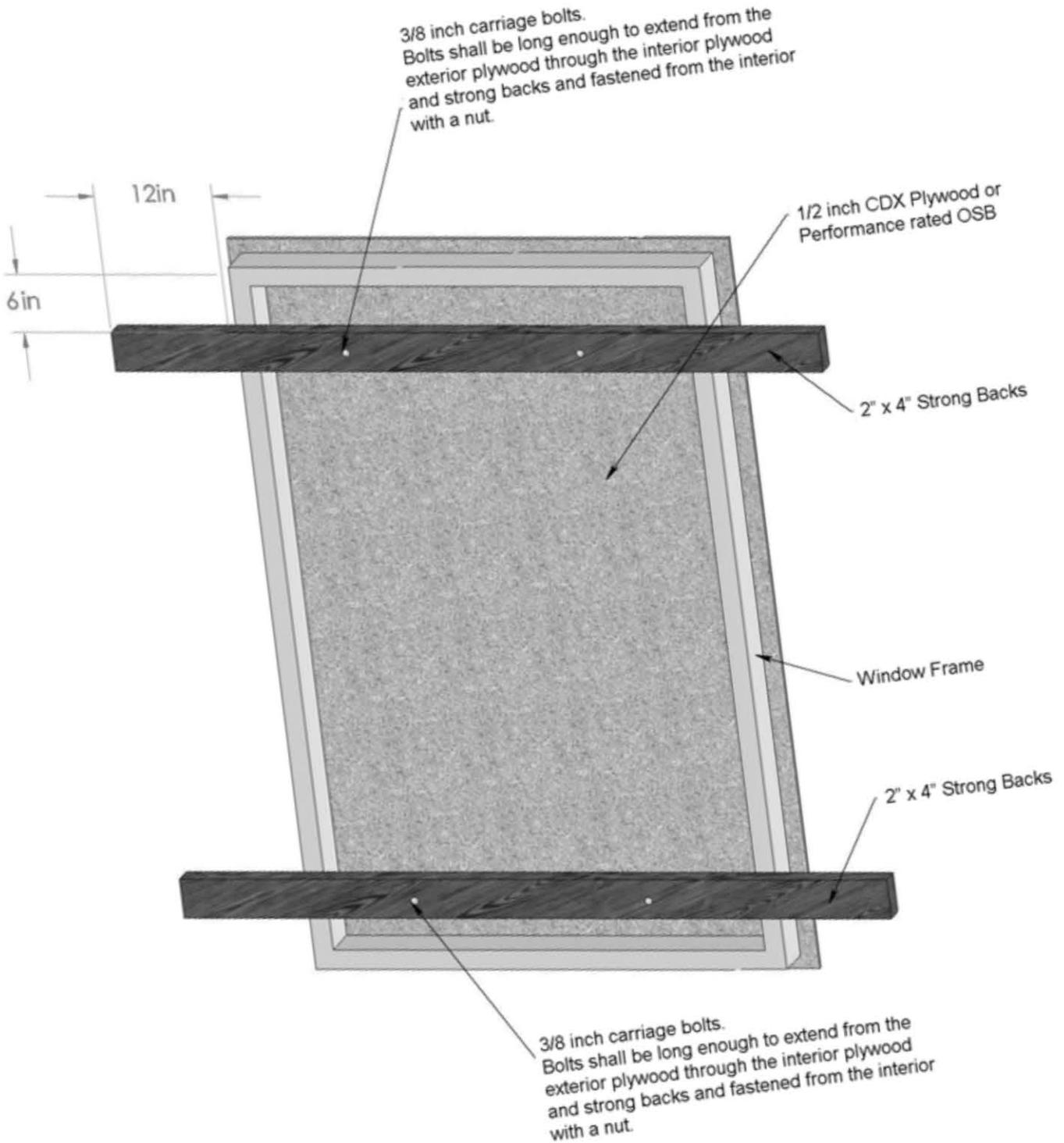
#### A102.3 Boarding fasteners.

Boarding fasteners shall be minimum  $\frac{3}{8}$ -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*.

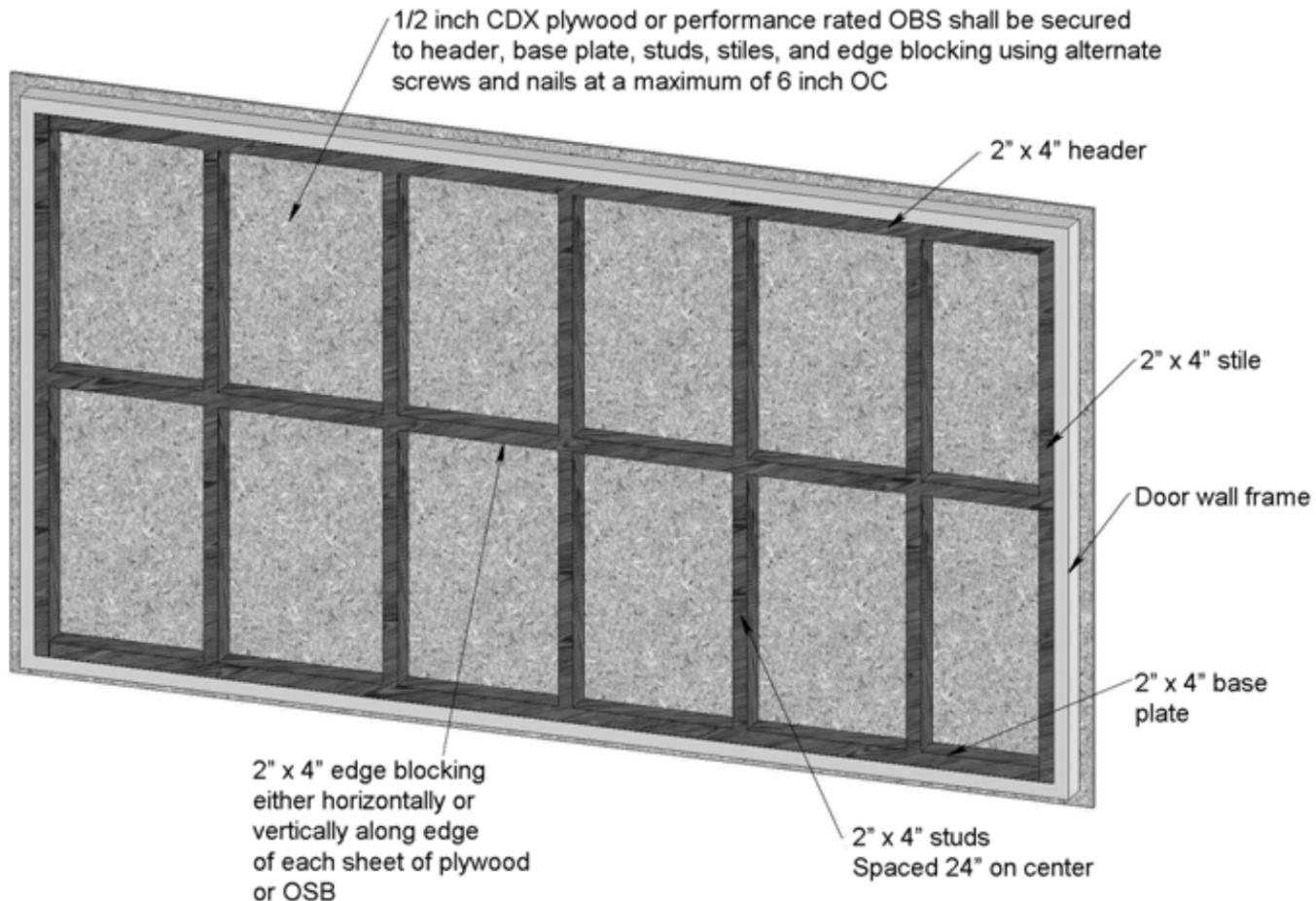
### A103 INSTALLATION

#### 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.



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



**FIGURE A103.1(2)  
BOARDING OF DOOR WALL**

**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 a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 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.

**A104  
REFERENCED STANDARDS**

IBC—12

International Building Code

A102.1, A102.2, A102.3

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***Suggested Changes/Additions/Deletions to a Corvallis Property Maintenance Code relative to the International Code Council's model International Property Maintenance Code***

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December 12, 2013

At the request of the Corvallis City Council, the Corvallis Property Maintenance Code Advisory Group began discussing detailed elements of the International Code Council's model International Property Maintenance Code (IPMC) in August 2013. Those discussions considered various sections and standards of the IPMC with the intent of evaluating the Code's overall "fit" for Corvallis. Through the course of these discussions the Advisory Group has made several suggestions about particular Code elements and whether they should be changed, if not deleted from the Property Maintenance Code recommendation that will go forward to the City Council for its consideration following the conclusion of the Advisory Group's work.

The lists of items that follow represent Code elements staff would recommend changing, adding or deleting relative to the IPMC's standards, based on the Advisory Group's discussions and suggestions, and are presented in that order.

***Changes/Clarifications:***

Section 101, Scope and Application. Paragraph 1.102 of this section (and others as may be appropriate) will be modified to state that residential rental properties will be subject to all applicable provisions of the Property Maintenance Code, but that all other property types, including owner-occupied residential properties, will only be subject to the Code's exterior provisions, and to provisions that address life safety, or dangerous building issues. The Corvallis City Attorney has confirmed the legality and feasibility of this approach.

Section 102, Applicability. Paragraph 102.6, which discusses applicability of the PMC to designated historic buildings or structures, will be expanded to apply to "older buildings and structures," which will include legally conforming buildings or structures fifty years of age or older, as well as those that are designated historic under the Land Development Code.

Section 106, Violations. Paragraph 106.3 will be modified to reflect that violations, other than those that would be considered serious offenses, e.g., violations of dangerous building code provisions and/or repeat offenses by one or more responsible parties, will be considered infractions rather than misdemeanors.

Section 308, Rubbish and Garbage. Staff have clarified in prior discussions with the Advisory Group that this section does not require property owners to contract for the removal of rubbish and garbage, but that owners are responsible for providing for the containment of rubbish and garbage in approved

containers, and for removing those materials from their premises. Thus, owners of rental properties will be able to require that their tenants contract for the removal of rubbish and garbage; in such cases the owners will remain responsible for the removal of rubbish and garbage in the event their tenants fail to do so. A definition of “approved containers” will be provide in order to allow containers other than/in addition to those provided by Republic Services.

Section 111, Appeals. This section will be changed to provide for the alignment of the Property Maintenance Code appeals process with the existing provisions of the Municipal Code, consistent with current Building and Rental Housing code processes.

***Additions:***

Section 308, Rubbish and Garbage. Provisions that will allow for active composting of appropriate materials will be added to this section.

Section 602, Heating Facilities. Provisions will be added such that in the event a permanent source of heat fails, temporary heat sources such as space heaters may not serve to replace them other than on a temporary basis while the permanent heat source is being repaired or replaced.

New language relative to exterior property areas, in a section/paragraph to be identified. Provisions will be added to define indoor furniture, and to prohibit the storage of indoor furniture outdoors.

***Deletions:***

Section 302, Exterior Property Areas. Paragraph 302.8, Motor Vehicles, will be deleted. The Land Development Code and Corvallis Municipal Code provide the City with the ability to compel the removal or screening of inoperative vehicles.

Section 404, Occupancy Limitations. Paragraph 404.4.2, Access from bedrooms, will be deleted. This paragraph prohibits having one bedroom as the only means of access to another bedroom. Provisions for access to habitable spaces are adequately covered in applicable building codes.

***Other:***

Other IPMC provisions were discussed by the Advisory Group during the course of its meetings, but are not being recommended for deletion or modification:

Section 309, Pest Elimination. Paragraphs 309.3 and 309.4 require that pest infestations be eliminated from the premises of all properties, which includes exterior areas. This is being retained based on complaints having been received about pests from one property infesting those surrounding it.

Section 503, Toilet Rooms. Paragraph 503.1 requires that shared bathrooms and toilet rooms in multiple dwellings (dwellings larger than single family) have doors with interior locks. Because the PMC's interior standards will not apply to owner-occupied or non-residential structures, this standard will apply only to residential rental properties. The City has received complaints from renters about this issue in the past, so staff will propose that this requirement be retained.

The Bookmark on the left provides a link to a native, unaltered version of the International Code Council's [2012 International](#) Property Maintenance Code.



**BRIEFING:**

**Corvallis Neighborhood  
Outreach/Property Maintenance  
Code Program**

*Corvallis Administrative Services Committee  
February 5, 2014*

# Background

- Program concept developed during the Collaboration Corvallis/Neighborhood Livability Work Group process in late 2012/2013
- Livability Work Group's conclusion was that current codes are not sufficient to address property maintenance, housing conditions and livability concerns

# Background (cont.)

Property Maintenance Code Coverage/Gaps by General Category					
Code Coverage *	IPMC	Exist Rental Housing Code	Municipal Codes	Fire Code	Building Code
Occupancy Limits	Area Basis		LDC Flat Number		
Fire Safety	All Occupancies, all Systems	Smoke Detectors		Triples +	
Building Alteration	Complaint Based			Occasional Inspection, Triples +	Complaint Basis
<b>Interior Maintenance</b>	All Occupancies safe, sound, good repair	Plumbing, Heat, Security, Structurally Sound	Sanitation	Limited to Fire Hazard Conditions	**
Light	All Occupancies, all spaces				
Ventilation	All Occupancies; all habitable space				
Electrical System	All elements safe; dwellings 3 wire service only			Limited to Fire Hazard Conditions	**
Plumbing System	All Elements, i.e. approved systems; no leaks or obstructions; P & G	Installed and maintained; no leaks or obstructions	Connected to approved discharge		
Heating	68 F. @ center/ 2' in from exterior all habitable, work spaces, bath & toilet rooms	68 F. @ center all habitable rooms			
Sanitation	All Spaces clean, sanitary & good repair		No Public Nuisance		**
Security	Egress-type Deadbolt, windows, basement, harb	Door Locks, window latches			
<b>Exterior Maintenance</b>	Structurally Sound & Good Repair, sanitary; vacant lots		Solid Waste Removal	Limited to Fire Hazard Conditions	**
Weather & Water Proofing	Weather proof from wind, water, snow	On y water infiltration			
Exterior Sanitation	All Areas, clean & sanitary		Rat Harborage Abatement		
Solid Waste Removal	Required for All Occupancies		Removal Required, but not Service	Limited to Fire Hazard Conditions	
Accessory Bldg Maintenance	All				**
* Coverage under general categories; not intended as an all-inclusive summary ** Enforcement under the Dangerous Building Code is applicable to buildings already in failure mode, beyond routine maintenance					

## Background (cont.)

- Based on comparator research, the Work Group identified a property maintenance code with rental housing licensing and inspection as a potential solution
- Work Group process provided extensive public comment opportunities
- Three potential programmatic options were identified for final consideration

# Options Considered

- Three programmatic options considered by the Neighborhood Livability Work Group:
  - Implement a property maintenance code with rental licensing and proactive rental housing inspections, with commensurate staffing
  - Implement a complaint-based property maintenance code approach, also with commensurate staffing
  - Maintain existing City codes and staffing

# Work Group/Steering Committee Recommended Approach

- Neighborhood Livability Work Group and Collaboration Steering Committee recommendations to City Council:
  - Implement a property maintenance code to apply to all Corvallis properties in order to close current code gaps
  - Create an equitable funding structure to support a complaint-based system
  - Provide staffing commensurate to program need

# Work Group/Steering Committee Recommended Approach (cont.)

- Recommendations to City Council (continued):
  - In implementing the property maintenance code, utilize culturally and linguistically appropriate education and outreach strategies
  - Develop a progressive enforcement strategy
  - Support collaborative efforts to engage stakeholders in a review of future options for additional programs/policies (within two years of property maintenance code implementation)

# Basis for Work Group/Steering Committee Recommendations

- Health, safety and neighborhood livability concerns
- Property maintenance code a key first step to addressing them
- A more comprehensive outreach and education program is needed to engage landlords, tenants and community/neighborhood interests
- Progressive enforcement with increasing penalties will be effective
- Additional measures may be necessary following evaluation of initial effectiveness

# City Council Consideration and Direction to Staff

- Council received the Work Group/Steering Committee recommendation in May 2013 and directed staff to initiate development of an expanded outreach/property maintenance code program
- Staff proposed the formation of an advisory group with broad stakeholder representation to assist in outlining the program

# Property Maintenance Code Advisory Group

- The Advisory Group's charge was to assist Community Development staff with program design
- The Group met seven times, from August to December 2013
- Advisory Group meetings provided public comment opportunities

# Property Maintenance Code Advisory Group (cont.)

- The Advisory Group provided valuable feedback on approaches to program outreach and code development
- Consensus was reached on some but not all of the items considered by the Advisory Group
- Where consensus was not reached, staff considered various points of view in developing current set of recommendations

# Model International Property Maintenance Code

- Developed by the International Code Council as part of a family of codes (e.g., building, plumbing, etc.)
- Intended to establish minimum maintenance standards for equipment, light, ventilation, sanitation and fire safety
- Used as a base document for property maintenance codes by hundreds of local jurisdictions around the U.S.

# Model International Property Maintenance Code (cont.)

## *Document Format:*

- Scope and Administration
  - Procedures, violations, notices and appeals
  - Dangerous buildings provisions
- Definitions
- General Requirements
  - Drainage, weeds, rodent harborage and other sanitation issues
  - Exterior structural maintenance
  - Interior structural maintenance

# Model International Property Maintenance Code (cont.)

- Light, Ventilation and Occupancy Limitations
  - Standards for windows/provision of light
  - Minimum ventilation requirements
  - Occupancy limits, e.g. minimum bedroom sizes
- Plumbing Facilities and Fixture Requirements
  - Minimum standards for installation, maintenance and location of plumbing facilities
- Mechanical and Electrical Requirement
  - Minimum standards for HVAC, water heaters, cooking equipment, electrical service and equipment

# Model International Property Maintenance Code (cont.)

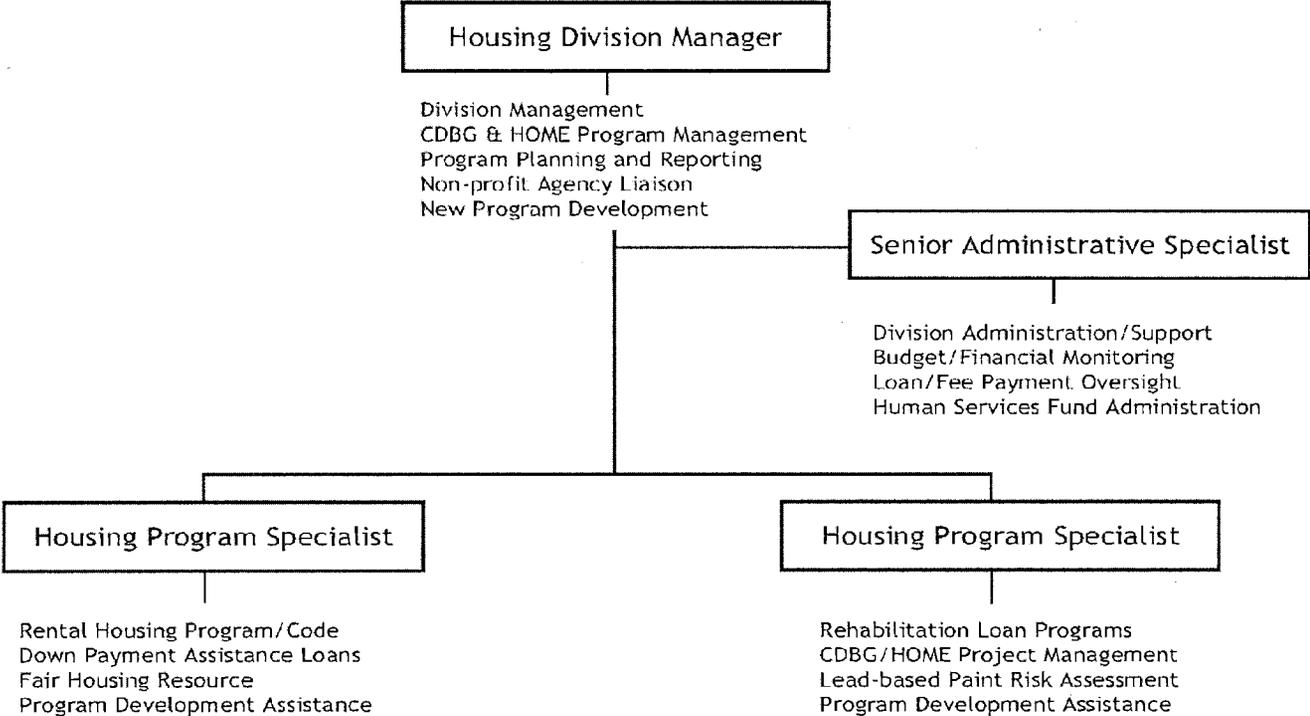
- Fire Safety Requirements
  - Minimum requirements for egress in existing buildings – windows, doors, emergency escapes
  - Standards for fire protection systems/smoke alarms
- Referenced Standards
  - Ties to materials and construction methods, e.g., International Fire Code, Building Code, Plumbing Code, etc.



**BRIEFING:**  
Corvallis Neighborhood  
Outreach/Property Maintenance  
Code Program

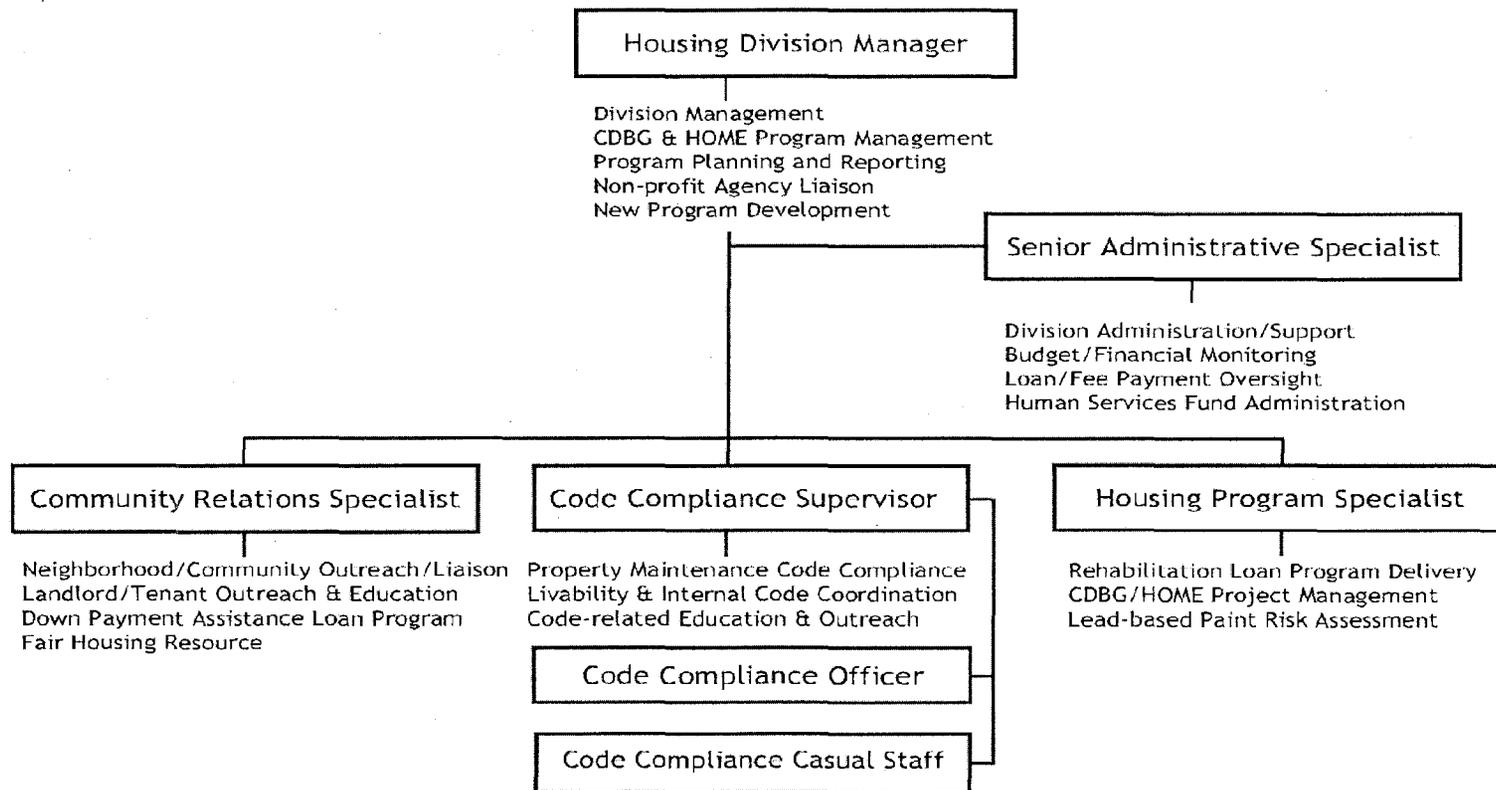
# Current Corvallis Housing Division

*Housing Division Organization Chart - FY 13-14 (Current) Structure/Functions*



# Proposed Housing and Neighborhood Services Division

*Proposed Housing and Neighborhood Services Division Organizational Structure/Functions*



# Expanded Neighborhood and Community Outreach and Education

- Maintain information and referral services for landlords and tenants
- Implement a more proactive program for neighborhood and community outreach
- Become a point of contact and information for neighborhood associations
- Create a PMC-related outreach and education program element
- Improve integration of City outreach services with expanding OSU student-focused services

# PMC Operating Protocols

- Complaint-based rather than inspection-based approach to compliance
- Anonymous complaints will not be accepted
- Interior and exterior conditions will be addressed in residential rental properties
- Only exterior and dangerous building conditions for owner residential and non-residential properties

# PMC Operating Protocols (cont.)

- Unlike current Rental Housing Code protocol, tenants will be encouraged but not required to communicate with their landlord before filing a complaint
- Response approach and time frames will be tied to the severity of compliance issues
- Investigation of a single complaint issue will not be intended to become the basis for a comprehensive property inspection

# PMC Operating Protocols (cont.)

- Municipal Court citation process to be utilized for failure/refusal to achieve compliance
- City's current Board of Appeals will hear appeals related to the Property Maintenance Code
- Anticipate annual program reviews by a City Council subcommittee

# Corvallis Property Maintenance Code Standards

- The International Code Council's International Property Maintenance Code is being used as the starting point for local Code development
- Initial modifications have been identified/proposed as a result of the Advisory Group process
- Proposed refinements:
  - Vary Code applicability by property and occupancy type
  - Expand flexibility to treat older and historic properties similarly
  - Treat situations not constituting a dangerous building or life safety violation as infractions rather than misdemeanors
  - Clarify language related to rubbish/garbage containment and removal provisions
  - Align the appeals process with current City practice

# Corvallis Property Maintenance Code Standards (cont.)

- Proposed additional standards/provisions:
  - Allow composting of appropriate materials
  - Disallow provision of a temporary heat source to permanently replace a failed permanent heat source in rentals
  - Define indoor furniture and prohibit its storage outdoors
- Provisions proposed for deletion:
  - Remove language related to standards or requirements covered in other City codes (e.g., inoperative motor vehicles, means of bedroom access)
- These and future modifications and refinements to Code language will be detailed if/when City Council direction is provided to staff, after completion of the review by Administrative Services Committee

# Draft Operating Budget – Expenditures

- Annual program operating expenditures approximately \$530,000
- Staffing includes three FTE for outreach and code compliance, with portions of other positions combining into a fourth FTE
- Funding for casual code compliance staff
- Initiate a reserve fund for abatement of dangerous buildings
- Reinitiate the Neighborhood Empowerment Program (funding request to be forwarded to City Council separately)

# Draft Operating Budget – Revenues

- \$130,000 in ongoing General Fund support
- \$37,000 from recently passed property tax levy
- \$10,000 to be requested separately for the Neighborhood Empowerment Program
- Balance needed (~\$350,000) to be generated through an increase in the rental housing fee from the current \$12/unit/year to ~\$30/unit/year

# Draft Operating Budget – Revenues (cont.)

- General Fund/property tax support equates to about 34% of budget; rental unit fees represent about 66%
- Funding balance approximates the current and anticipated focus of program resources between residential rental and other property types

# Program Consideration Process

- February 5 Administrative Services Committee briefing
- February 25 ASC meeting – public comment opportunity (5:00 p.m., Library Main Meeting Room)
- Future: additional ASC meetings to continue discussion in March; outcome will be the development of a recommendation for consideration by the full City Council



**BRIEFING:**  
**Corvallis Neighborhood Outreach/Property  
Maintenance Code Program**

*Staff report available at:*

[http://www.corvallisoregon.gov/index.aspx?page=553&recordid=2797  
&returnURL=%2findex.aspx](http://www.corvallisoregon.gov/index.aspx?page=553&recordid=2797&returnURL=%2findex.aspx)

## Kevin Dwyer

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**To:** Kevin Dwyer  
**Subject:** PMC Discussion

Comments on the Property Management Code from the Corvallis Chamber of Commerce

### **Why does the City of Corvallis need to adopt International Code Council of International Property Maintenance Code Standards?**

From our view, there does not seem to be an overarching need to impose these highest high, model city standards. All the indices we've seen indicate that Corvallis properties already are being regulated to the highest standards with the existing codes and code enforcement in place.

This new approach a bit over the top, a bit capricious, and one might ascertain, perhaps, a bit punitive.

Further, we are a bit disturbed by that there is no real cost-benefit-analysis associated with this program. In other words, what is the real economic impact on Corvallis businesses and consumers when initiatives such as this one are imposed?

Finally, if this does go forward, it seems unfair to us that roughly 2/3's of the half-million dollar annual price tag for this program should come out of rental property fees when the program is covering all Corvallis properties – rental, residential and commercial. Shouldn't a more equitable fee structure be considered?

This feels a lot like one of those "if it ain't broke, don't fix it" scenarios. May be it's better to tweak the existing code and go forward, instead of re-inventing the wheel.

Sincerely,

kd

Kevin Dwyer  
Executive Director  
Corvallis Chamber of Commerce  
(541) 757-1505  
[www.corvallischamber.com](http://www.corvallischamber.com)  
420 NW 2<sup>nd</sup> Street  
Corvallis, OR. 97330

# WILLAMETTE

Association of REALTORS®

February 5, 2014

**TO: Administrative Services Committee**

**FR: Sue Long, 2014 President  
Willamette Association of REALTORS®**

Richard Berger, Government Affairs  
RFBConsulting@yahoo.com  
503-569-1346

**RE: Proposed Property Maintenance Code (PMC)**

On behalf of the Willamette Association of REALTORS®, thank you for the opportunity to comment regarding the proposed Property Maintenance Code (PMC). We have followed this process closely over the last year and have given input on several occasions. We believe that adoption of the proposed property maintenance code is bad public policy and should not be adopted by the Council.

The current proposal would require an entirely new set of regulations that affects all property in the City. The PMC affects residential property, commercial property, industrial property, and even vacant land. It affects rental property and personal residences. Under the proposal different provisions of the code would impact different ownership arrangements but all property would be affected.

This proposal will increase the cost of living in the City. Homeowners will be required to perform sometime expensive work on their personal residence whether or not it fits their personal improvement plans, their timeframe, or their budget. The proposal includes additional fees for rental properties and uses scarce tax dollars to support a lavish budget including expanding city staff. In a time where the City is struggling to keep fire stations open and police on the streets, it doesn't make sense for the City to add staff to investigate chipped paint on fences.

The City is at a crisis point where school enrolment is declining due to families not being able to afford housing in Corvallis. This is not the time to adopt a new set of regulations and expand City staff to make Corvallis even less affordable.

The City of Corvallis already has land use regulations, a rental housing code, a fire code, a nuisance code, a building code, and miscellaneous other municipal codes. These codes ensure homes are habitable and maintain public safety. This proposed PMC would add a long complex set of regulation that resembles an invasive government-funded homeowners association instead of reasonable public policy.

The Willamette Association of REALTORS® supports the proposal for better public outreach and education for landlords and tenants. We believe that more measured proposals will go further to prevent negligent property ownership than the proposed PMC and will not be a burden on responsible property owners or the City's budget.

Thank you for your time and consideration.

Willamette Association of REALTORS®  
541-924-9267 Phone 541-924-9268 Fax . Email: [realtors@waor.org](mailto:realtors@waor.org)

(Representing Members in Benton and Linn Counties)

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**From:** Gibb, Ken  
**Sent:** Monday, February 03, 2014 8:51 AM  
**To:** Weiss, Kent  
**Subject:** FW: attached email  
**Attachments:** OSUCity Collaboration Jan. 29th meeting comments-1-2.doc

-----Original Message-----

**From:** Kenton Daniels [mailto:kentonofbenton@  
**Sent:** Sunday, February 02, 2014 8:24 PM  
**To:** Gibb, Ken  
**Subject:** attached email

Hi Ken. Can you please assure that the Admin. Services Committee members (I believe that it is Biff, Hal and Joel) receive the attached letter that I sent to Eric Adams about a year ago after the OS/City Livability work group had their public meeting at the library? I would just like them to have some awareness of what happened at that meeting. Share with your star as well, if you wish to do so. Thanks,

Kent Daniels

February 5, 2013

To: Eric Adams

From: Kent Daniels

RE: January 29th Collaboration Corvallis Neighborhood Livability Forum

Eric, I wanted to take the time to thank you, city and OSU staff, and members of the Livability Workgroup for putting on the forum on rental housing inspections at the library last Tuesday evening. However, to me, you all also deserve an apology from a fair number of the attendees representing the real estate and rental property ownership or management segment of our community. In my view, the meeting was more or less a "hostile takeover" by that small segment of our community.

Verbally attacking speakers they did not agree with, interrupting the proceedings out of turn by standing up in the audience and trying to take over the floor, making rude and unpleasant comments about what others were trying to say, cheering and applauding those with whom they agreed, and verbally attacking some staff, are all boorish and uncalled for behaviors and should not occur in an open community forum. This behavior did achieve one result, however: it created an adversarial and hostile atmosphere for anyone testifying who had a different point of view, and I am sure did result in intimidating some attendees and discouraging them from testifying when they had planned to do so.

I sincerely hope that the biased, self-interested and often uninformed testimony (talk about the fox wanting to guard the chicken coop) you all received from some speakers who own or manage rental property doesn't deter you and the city from continuing to look at the need for a rental inspection program. I would like to suggest the following:

- \* Consider holding some additional forums specifically oriented towards students and non-student renters. You need to elicit their testimony and involvement, in my opinion. And you won't get that in a room full of property owners, landlords and rental managers.
- \* Have the chairs set some "meeting behavior" standards before any future collaboration forums or meetings that will make it clear that the kind of rude behavior exhibited at the form last week will not be tolerated. Also, ask for alternating testimony of pros and cons when that makes sense.
- \* With regard to current conditions at rental properties, until we actually do a first round of inspections at all rentals, no one will really know what the conditions are, and how many units need repairs or improvements. And just because an owner or manager does what he or she thinks is a good job of maintaining rentals does not necessarily mean that there are no problems or that unseen or unnoticed deterioration in conditions isn't occurring as units or buildings age.
- \* There are a number of options that could reduce the costs of an inspection program after initial inspections, such as lengthening the time period between inspections for

units that pass the first time to 3-4 years; doing incentives for units that are repaired and pass re-inspections, to next inspections 2-3 years in the future; or reducing the costs/fees for larger multi-units when economies of scale for inspections make it easier to do them all at once. I'm sure there are many other ways to reduce costs and burdensomeness of an inspection program.

Again, I would like to thank you and the members of the Livability Workgroup for everything you have done over the last year. I look forward to positive improvements coming to our community in the future from the work you all are doing. Please forward this letter to the workgroup members, OSU and City staff and to the Collaboration Steering Committee.

Sincerely,

Kent Daniels

