

**CHAPTER 29**  
**MINIMUM PROPERTY STANDARDS**  
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## Article I. – ADMINISTRATION

### **29.101 GENERAL**

#### 29.101.1 Title.

This chapter shall be known as the Minimum Property Standards code (throughout herein referred to as “code” or “chapter.”) for the City of Ashland (throughout this chapter referred to as “City”).

#### 29.101.2 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 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.

#### 29.101.3 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.

#### 29.101.4 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.

### **29.102 APPLICABILITY**

#### 29.102.1 General.

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 29.101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

#### 29.102.2 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, tenant 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.

#### 29.102.3 Application of other chapters.

Nothing in this code shall be construed to cancel, modify or set aside provision of the City's other codes or future ordinances.

#### 29.102.4 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 unsanitary.

#### 29.102.5 Workmanship.

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

#### 29.102.6 Historic buildings.

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

#### 29.102.7 Compliance.

The responsibility for compliance with the provisions of this chapter rests jointly and severally with the tenant of the property and with the property owner, regardless of whether all or portions of said property is rented or leased; and regardless of whether said owner inhabits said property. (Council Bill No. 2008-023 4-15-08)

#### 29.102.8 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 chief code official.

### **29.103 CHIEF CODE OFFICIAL, DEPUTY**

#### 29.103.1 General.

For the purpose of this code, the city's administrator shall hereby serve as chief code official; and the city's chief of police shall serve as deputy to the chief code official.

#### 29.103.3 Deputies.

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

#### 29.103.4 Liability.

The chief code official, or designee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The chief code official

or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

#### 29.103.5 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.

*– No Fees At This Time –*

The chief code official shall have the ongoing authority to recommend the institution/revision/deletion of a fee or fees to the City’s Board of Aldermen, which shall have sole authority to enact/reject/modify said recommendations.

### **29.104 – DUTIES AND POWERS OF THE CHIEF CODE OFFICIAL**

#### 29.104.1 General.

The chief code official shall enforce the provisions of this code.

#### 29.104.2 Rule-making authority.

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

#### 29.104.3 Inspections.

The chief code official or his/her designee shall make all of the required inspections, or shall accept reports of inspection by approved designees 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 chief 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.

#### 29.104.4 Right of entry.

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

#### 29.104.5 Identification.

The chief code official and/or designee(s) shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

#### 29.104.6 Notices and orders.

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

#### 29.104.7 Department records.

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

### **29.105 – APPROVAL**

#### 29.105.1 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the chief code official or approved designee shall have the authority to grant modifications for individual cases, provided the chief 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.

#### 29.105.2 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 chief 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.

#### 29.105.3 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 chief code official shall have the authority to require tests to be made as evidence of compliance. The cost of testing leading to a conclusion of non-compliance shall be borne by the owner of the non-compliant property.

##### 29.105.3.1 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 chief code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

##### 29.105.3.2 Test reports.

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

#### 29.105.4 Material and equipment reuse.

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

## **29.106 VIOLATIONS, PENALTIES**

### 29.106.1 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.

### 29.106.2 Notice of violation.

The chief code official shall serve a notice of violation or order in accordance with Section 29.107.

### 29.106.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 29.107 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 chief 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.

### 29.106.4 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.

Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined in the sum of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) each day that a violation continues after due notice has been served shall be deemed a separate offense.

### 29.106.5 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.

## **29.107 – NOTICES AND ORDERS**

### 29.107.1 Notice to person responsible.

Whenever the chief 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 29.107.2 and 29.107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 29.108.3.

### 29.107.2 Form.

Such notice prescribed in Section 29.107.1 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 29.106.3.

### 29.107.3 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.

#### 29.107.4 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 29.106.4.

#### 29.107.5 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the chief code official and shall furnish to the chief 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. See sections 29.106.3, 29.108.2 and 29.110.3 regarding liens.

### **29.108 – UNSAFE STRUCTURES AND EQUIPMENT**

#### 29.108.1 General.

When a structure or equipment is found by the chief 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.

##### 29.108.1.1 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 occupants, 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.

##### 29.108.1.2 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.

#### 29.108.1.3 Structure unfit for human occupancy.

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

#### 29.108.1.4 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.

#### 29.108.2 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 chief 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 chief 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.

#### 29.108.3 Notice.

Whenever the chief 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 29.107.3. 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 29.107.2.

#### 29.108.4 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the chief 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.

##### 29.108.4.1 Placard removal.

The chief 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 chief code official shall be subject to the penalties provided by this code.

#### 29.108.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the chief code official shall be vacated as ordered by the chief code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be in violation of this chapter and subject to all penalties provided for herein.

### **29.109 – EMERGENCY MEASURES**

#### 29.109.1 Imminent danger.

When, in the opinion of the chief 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 chief code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The chief 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 Chief 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.

29.109.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the chief code official, there is imminent danger due to an unsafe condition, the chief 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 chief code official deems necessary to meet such emergency.

29.109.3 Closing streets.

When necessary for public safety, the chief 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.

29.109.4 Emergency repairs.

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

29.109.5 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.

29.109.6 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.

## **29.110 – DEMOLITION**

### 29.110.1 General.

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

### 29.110.2 Notices and orders.

All notices and orders shall comply with Section 29.107.

### 29.110.3 Failure to comply.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the chief 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.

### 29.110.4 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.

## **29.111 – MEANS OF APPEAL**

### 29.111.1 Application for appeal.

Any person directly affected by a decision of the chief 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.

### 29.111.2 Board of Adjustment to also Serve as Board of Appeals.

For the purpose of this section, the City's board of adjustment shall also serve as the board of appeals. The chief code official may advise the appeals board but shall have no vote on any matter before the board.

### 29.111.2.3 Disqualification of member.

No appeals board member shall hear an appeal nor vote on an appeal in which that member has a personal, professional or financial interest.

### 29.111.3 Notice of meeting.

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

### 29.111.4 Open hearing.

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

### 29.111.5 Postponed hearing.

When a quorum of the board is not present, the hearing shall be rescheduled to a reasonable date and time.

### 29.111.6 Board decision.

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

29.111.6.1 Records and copies.

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

29.111.6.2 Administration.

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

29.111.7 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.

29.111.8 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.

## ARTICLE II. –DEFINITIONS

### **29.201 GENERAL**

#### 29.201.1 Scope.

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

#### 29.201.2 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.

#### 29.201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in cited codes, such terms shall have the meanings ascribed to them as stated in those codes.

#### 29.201.4 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.

#### 29.201.5 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.”

### **29.202 GENERAL DEFINITIONS**

**APPROVED.** Approved by the chief 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, 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.

**NUISANCE.** A nuisance shall be defined as an unlawful act, or omitting to perform a duty, or condition or things to be or exist, which act, omission, condition or thing either: injures or endangers the comfort, repose, health or safety of others, offends decency, is offensive to the senses, unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage any public or private stream, ditch or drain, in any way renders other persons insecure in life or in use of property or essentially interfere with the comfortable enjoyment of life and property, or tends to depreciate the value of property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE III. – GENERAL REQUIREMENTS

### **29.301 GENERAL**

#### 29.301.1 Scope.

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

#### 29.301.2 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 code. 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.

#### 29.301.3 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.

### **29.302 – EXTERIOR PROPERTY AREAS**

#### 29.302.1 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.

#### 29.302.2 Grading and drainage. (Also see: City Code, Nuisances, Chapter 28, 28.010)

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. For the purpose of this section, stagnant water shall be any accumulation found in an improperly drained pool, pond, or collector

Exception: Approved retention areas and reservoirs.

No cellars, vaults, private drains, pools, privies, sewers, cisterns or sinkholes upon any premises shall become foul, offensive, hazardous, or injurious to the public health. All areas shall be covered by lawn or vegetation and treated to prevent dust or the blowing and scattering of dust particles into the air. Any altered surface of the ground which would be liable to deposit mud or harmful silt, or create erosion or damage on public property shall be prohibited.

29.302.3 Sidewalks and driveways. (Also see: City Code, Nuisances, Chapter 28, 28.010)  
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, including, but not limited to any obstruction such as dirt, mud, snow, ice, excessive vegetation or filth, caused or permitted on any sidewalk to the danger of the public.

29.302.4 Weeds, Trees, Shrubbery (Also see: City Code, Nuisances, Chapter 28, 28.010)  
All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 (twelve) inches in height. 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 29.106.3 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.

Trees, shrubbery, bushes, or vegetation on private property, including easements, shall be trimmed as specified in the following subsections to prevent obstruction of the view and movements of vehicles and pedestrians.

- 1) A vertical clearance of at least seven (7) feet above any paved sidewalk, walkway, or public right-of-way used by the public as indicated by a worn path, or a walkway on a public easement.
- 2) A vertical clearance of at least ten (10) feet beyond the edge of the street and fourteen (14) feet above the center of any traffic lane.
- 3) To provide a clear line of sight for at least seventy-five (75) feet on the approach side for all traffic signals or traffic control postings.
- 4) To a height of not more than twenty-four (24) inches as to provide a visually clear triangular space at street intersections, determined by a diagonal line connecting two points measuring twenty-five (25) feet equidistant from the intersection or edge of the intersecting streets. To provide easy and clear visibility, operation, and use of a fire hydrant or other utility or structure.

Dead trees, limbs or shrubs, which are hazardous or injurious to the public shall be removed.

Trees or shrubbery interfering with the operation or visibility of a fire hydrant shall be removed.

29.302.5.1 Rodent harborage. (Also see: City Code, Nuisances, Chapter 28, 28.010)

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. No lot or land shall have the presence of debris of any kind including, but not limited to those previous enumerated in this ordinance, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material that may endanger the public safety or any material which is unhealthy or unsafe and declared to be public nuisance. Stones, dirt, garbage, filth, vegetable matter or other articles shall not be allowed to remain on or in any street, alley, sidewalk or other public place or on any public premise.

29.302.5.2 Insect harborage. (Also see: City Code, Nuisances, Chapter 28, 28.010)

All structures and exterior property shall be kept free from insect harborage and infestation. Where insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate insect harborage and prevent reinfestation. No lot or land shall have the presence of debris of any kind including, but not limited to those previous enumerated in this ordinance, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, tires, rims, buckets, barrels, broken furniture, any flammable material that may endanger the public safety or any material which is unhealthy or unsafe and declared to be public nuisance.

29.302.6 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.

29.302.7 Accessory structures.

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

29.302.8 Motor vehicles. (Also see: City Code, Traffic, Chapter 20, 20.1210)

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.

29.302.9 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.

29.302.10 Wells, Cisterns (From City Code, Nuisances, Chapter 28, 28.040)

It shall be unlawful for any person owning real estate property within the corporate limits to abandon or discontinue the use of any well or cistern located on his property, unless such well or cistern is completely sealed with concrete or metal or some other material of a durable nature which is securely fixed in place over the top of such well or cistern.

29.302.11 Barbed-wire fences (From City Code, Nuisances, Chapter 28, 28.045)

Any person who shall erect or cause to be erected, maintain or cause to be maintained, upon, across, along or adjoining any street of the city, any fence, wall or other obstruction, any part of which is built or composed of barbed wire, and any person who shall stretch or place along the building line of any property adjoining or abutting on any street, alley, avenue or other public thoroughfare any barbed wire, whether used for fencing or for other purposes, shall be deemed guilty of a misdemeanor.

(State Law Reference 77.510. RSMo)

Exception: Livestock or agricultural fencing as the top wire of a woven wire or board fence on lots or tracts where, on the subject property and on the adjoining lots or tracts, the housing density averages one home per 2.5 acres or greater.

29.302.12 Yard decorations, outdoor furniture and appliances

It shall be unlawful for any person to place on the exterior of the property any wood, plastic, ceramic, fabric, metal or other material, parts or pieces of such types, quantities and conditions that shall be deemed a nuisance by the chief code official subject to the means of appeal set out in Section 29.111. All furniture placed on the exterior of the property shall be of the type and design for such outdoor use. No interior type furniture, including but not limited to sofas,

recliners, beds, etc., nor parts of interior furniture shall be left on the exterior of the property. No appliances designed for use indoors, including but not limited to washers, dryers, refrigerators, freezers, dishwashers, televisions, etc. shall be placed on the exterior of the property.

### **29.303 – SWIMMING POOLS, SPAS AND HOT TUBS**

#### 29.303.1 Swimming pools.

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

#### 29.303.2 Enclosures.

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

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

Exception: Temporary (inflatable or molded plastic) pool not capable of holding water more than 75 square feet in area nor more than 24 inches in depth shall be exempt from the provisions of this section.

### **29.304 – EXTERIOR STRUCTURE**

#### 29.304.1 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.

#### 29.304.2 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.

#### 29.304.3 Premises identification.

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

#### 29.304.4 Structural members.

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

#### 29.304.5 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.

#### 29.304.6 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.

#### 29.304.7 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.

29.304.8 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.

29.304.9 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, 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 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.

29.304.10 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.

29.304.11 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.

29.304.12 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.

29.304.13 Window, skylight and door frames.

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

29.304.13.1 Glazing.

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

29.304.13.2 Openable windows.

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

29.304.14 Insect screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

29.304.15 Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 29.702.3.

29.304.16 Basement hatchways.

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

29.304.17 Guards for basement windows.

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

29.304.18 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.

#### 29.304.18.1 Doors.

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

#### 29.304.18.2 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.

#### 29.304.18.3 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.

### **29.305 – INTERIOR STRUCTURE**

#### 29.305.1 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.

#### 29.305.2 Structural members.

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

#### 29.305.3 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.

29.305.4 Stairs and walking surfaces.

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

29.305.5 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.

29.305.6 Interior doors.

1) 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.

2) Hotel/Motel guestroom entrance/exit doors shall lead into a common, enclosed central corridor. Hotel/Motel guestroom entrance/exit doors directly exiting to the building's exterior are prohibited, except where required by code.

3) Hotel/Motel guestroom entrance/exit doorframes shall be made of steel.  
(amended 10-16-07 Council Bill No. 2007-046 adding 2 and 3.)

**29.306 – HANDRAILS AND GUARDRAILS**

29.306.1 General.

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

high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

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

## **29.307 – RUBBISH AND GARBAGE**

### 29.307.1 Accumulation of rubbish or garbage.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage as defined in Section 29.202.

### 29.307.2 Disposal of rubbish, as defined in Section 29.202.

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

#### 29.307.2.1 Rubbish storage facilities.

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

#### 29.307.2.2 Refrigerators.

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

### 29.307.3 Disposal of garbage.

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

#### 29.307.3.1 Garbage facilities.

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

#### 29.307.3.2 Containers.

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

#### 29.3073.3 Greasetraps

The operator of every establishment that commercially prepares food shall have a greasetrap installed to meet the applicable building code and shall maintain said grease trap to prevent grease from entering the sanitary sewer system.

### **29.308 – EXTERMINATION**

#### 29.308.1 Infestation.

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

#### 29.308.2 Owner.

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

#### 29.308.3 Single occupant.

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

#### 29.308.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

#### 29.308.5 Occupant.

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

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

## ARTICLE IV. – LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### 29.401 GENERAL

#### 29.401.1 Scope.

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

#### 29.401.2 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 code.

#### 29.401.3 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.

### 29.402 – LIGHT

#### 29.402.1 Habitable spaces.

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

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

#### 29.402.2 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 foot-candle (11 lux) at floors, landings and treads.

#### 29.402.3 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.

### **29.403 – VENTILATION**

#### 29.403.1 Habitable spaces.

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 29.402.1.

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

#### 29.403.2 Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 29.403.1, 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.

#### 29.403.3 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 chief code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

#### 29.403.4 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.

#### 29.403.5 Clothes dryer exhaust.

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

### **29.404 – OCCUPANCY LIMITATIONS**

#### 29.404.1 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.

#### 29.404.2 Minimum room widths.

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

#### 29.404.3 Minimum ceiling heights.

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

Exceptions:

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

#### 29.404.4 Bedroom and living room requirements.

Every bedroom and living room shall comply with the requirements of Sections 29.404.4.1 through 29.404.4.5.

##### 29.404.4.1 Room area.

Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).

##### 29.404.4.2 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.

##### 29.404.4.3 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.

##### 29.404.4.4 Prohibited occupancy.

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

#### 29.404.4.5 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 code; the plumbing facilities and water-heating facilities requirements of Article 5; the heating facilities and electrical receptacle requirements of Article 6; and the emergency escape requirements of Article 7.

#### 29.404.5 Overcrowding.

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

#### 29.404.6 Efficiency unit.

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

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

#### 29.404.7 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.

## ARTICLE V. – PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### **29.501 GENERAL**

#### 29.501.1 Scope.

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

#### 29.501.2 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 code.

### **29.502 – REQUIRED FACILITIES**

#### 29.502.1 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.

#### 29.502.2 Rooming houses.

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

#### 29.502.3 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.

#### 29.502.4 Employees' facilities.

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

#### 29.502.4.1 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.

### **29.503 – TOILET ROOMS**

#### 29.503.1 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.

#### 29.503.2 Location.

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

#### 29.503.3 Location of employee toilet facilities.

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

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

#### 29.503.4 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.

## **29.504 – PLUMBING SYSTEMS AND FIXTURES**

### 29.504.1 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.

### 29.504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

### 29.504.3 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 chief code official shall require the defects to be corrected to eliminate the hazard.

## **29.505 – WATER SYSTEM**

### 29.505.1 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.

### 29.505.2 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.

### 29.505.3 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.

#### 29.505.4 Water heating facilities.

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

### **29.506 – SANITARY DRAINAGE SYSTEM**

#### 29.506.1 General.

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

#### 29.506.2 Maintenance.

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

### **29.507 – STORM DRAINAGE**

#### 29.507.1 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.

#### 29.507.2 Drainage into the sanitary sewer system.

Drainage from roofs, gutters, downspouts, stairwell drains, sump pumps, or stormwater from any source shall not be directed into the sanitary sewer system.

## ARTICLE VI. – MECHANICAL AND ELECTRICAL REQUIREMENTS

### **29.601 GENERAL**

#### 29.601.1 Scope.

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

#### 29.601.2 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 code.

### **29.602 – HEATING FACILITIES**

#### 29.602.1 Facilities required.

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

#### 29.602.2 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.

#### 29.602.3 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, *is* to furnish a functioning heating facility of appropriate size for the space to be heated to the occupants thereof during the period from October 15 to March 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

#### 29.602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with acceptable means for heat during the period from October 15 to March 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

29.602.5 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.

**29.603 – MECHANICAL EQUIPMENT**

29.603.1 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.

29.603.2 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.

29.603.3 Clearances.

All required clearances to combustible materials shall be maintained.

29.603.4 Safety controls.

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

29.603.5 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.

29.603.6 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.

## **29.604 – ELECTRICAL FACILITIES**

### 29.604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 29.605.

### 29.604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Dwelling units shall be served by at least a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

### 29.604.3 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 chief code official shall require the defects to be corrected to eliminate the hazard.

## **29.605 – ELECTRICAL EQUIPMENT**

### 29.605.1 Installation.

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

### 29.605.2 Receptacles.

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

have ground fault circuit interrupter protection.

#### 29.605.3 Luminaires.

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

### **29.606 – ELEVATORS, ESCALATORS AND DUMBWAITERS**

#### 29.606.1 General.

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

#### 29.606.2 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.

### **29.607 – DUCT SYSTEMS**

#### 29.607.1 General.

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

## ARTICLE VII. – FIRE SAFETY REQUIREMENTS

### **29.701 GENERAL**

#### 29.701.1 Scope.

The provisions of this code 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.

#### 29.701.2 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 code.

### **29.702 – MEANS OF EGRESS**

#### 29.702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

#### 29.702.2 Aisles.

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

#### 29.702.3 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.

#### 29.702.4 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.

### **29.703 – FIRE-RESISTANCE RATINGS**

#### 29.703.1 Fire-resistance-rated assemblies.

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

#### 29.703.2 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.

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