City of Troy

# CITY COUNCIL REPORT

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services BPM MR

DATE: August 3, 2009

RE: STUDY SESSION – PROPERTY MAINTENANCE CODE

Following the July 6th City Council meeting, City Management met with Councilmember Cristina Broomfield to discuss the issues brought up regarding the Property Maintenance Code.

Ms. Broomfield suggested adding another point of redress in to the Property Maintenance Code, whereby the City Manager may hear complaints. It was also suggested that the City Manager provide a regular (perhaps quarterly) update to the City Council on the number and nature of property maintenance cases that come before the City Manager. City staff is reviewing options on how to implement the suggestion, and will likely have more information at the Study Session.

There was also concern that the Property Maintenance Code requires dead bolts on residential rental properties only. Ms. Broomfield's contention is that the question of dead bolts should apply equally to all residential units. Either the City requires them in all residential units, or doesn't require their use in any residential unit. City staff understands Ms. Broomfield's argument of equal application, and is amenable to the outcome of Council's direction on this matter.

# CITY COUNCIL REPORT

DATE: June 30, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Update of Chapter 82 of the Troy City Code
Property Maintenance Code

Background:

- The current provisions of the Troy Property Maintenance Code adopts, by reference, the 1993 Edition of the BOCA Property Maintenance Code.
- This document is no longer in print and is not available to the public.
- In August of 2008 the 2006 editions of the Michigan Building Codes went into effect.
- We have prepared for adoption an updated Property Maintenance Code that is based upon the 2006 edition of the ICC Property Maintenance Code.
- We are also proposing changes to the base document to address and consolidate other provisions of the Troy Ordinances.
- Because the length of the document is not too large, we are proposing to include the entire text of the ordinance rather than adopting by reference and just printing the amendments to the base document. We believe that this will result in an Ordinance that is easier to read, more coordinated, and more user friendly.
- Some of the highlights of the proposed changes include:
  - Updating to the latest versions of the referenced code documents.
  - Better coordination with Troy Municipal Civil Infractions Ordinance.
  - Including Dangerous Building provisions allowing for the deletion of Chapter 82A.
  - Including Weed provisions allowing for the deletion of Chapter 89.
  - Requiring for weed maintenance for right of way adjacent to County and City right of way.
  - Including Litter provisions allowing for the deletion of portions of Chapter 48.
  - Include provisions for Junk Vehicles allowing deletion of portions of Chapter 88.
  - Including new language regarding providing containers for personal property for evictions (crafted after similar provisions of City of Detroit Ordinance Language).
  - Better language for requiring exterior painting and addressing graffiti.
- If this new code is adopted, then accompanying changes to other ordinances should be adopted at the same time.
- We have included a copy of the existing text of Chapter 82 showing the text that will be deleted.

- We have included a copy of the current complete text of the 1993 BOCA Property maintenance Code that is the basis for the current Troy Property Maintenance Code for your reference.
- We have included a series of questions and answers that were raised at the June 15, 2009, City Council Meeting.
- We have also included some changes as a result of the comments raised at, and subsequent to, that meeting. These include:
    - Added documentation requirements to Section 102.8 on matters not covered by the code.
    - Changed the right of entry language in Section 104.4 to be identical to the language in the Michigan Building Code that is required to be enforced by State statute.
    - Modified the language for Modifications in Section 105.1.
    - Extended the time for compliance with an appeal order by Council for repairs to 60 days and eliminated the word "weather" from the provision for conditions for additional time.
    - Added a definition for "deadbolt" in the definitions section.
    - Identified the option for wireless interconnection of smoke detectors.
    - Added an exception for tree branches as rubbish in preservation and restoration areas.
    - Corrected formatting errors that were in the original document.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to adopt a Property Maintenance Code under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- City Council can adopt the new Property Maintenance Code
- City Council can retain the existing Property Maintenance Code.
- City Council can revise the provisions and adopt those provisions as the new Property Maintenance Code.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 82 revision memo 7-6-09

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 82 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 82, Property Maintenance Code, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82, Property Maintenance Code, shall be amended to read as follows:

## CHAPTER 1 ADMINISTRATION

### 101 GENERAL.

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code* of the City of Troy, hereinafter referred to as "this code."

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

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

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

### SECTION 102 APPLICABILITY

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

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

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the *Michigan Building Code, International Fuel Gas Code, Michigan Mechanical Code, Michigan Plumbing Code,* and the *Michigan Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any zoning provisions of *Chapter 39, Zoning Ordinance, of the Troy Code of Ordinances*.

**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 or unsanitary.

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

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

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

**102.8 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare shall be determined by the code official if not specifically covered by this code. The details of any such determination shall be recorded and entered in the department files.

## SECTION 103 BUILDING DEPARTMENT

**103.1 General.** The Building Department is hereby designated as the City of Troy enforcement division of this code and shall be known as the Department and the Director of Building and Zoning shall be known as the code official.

**103.2 Deputies.** In accordance with the prescribed procedures of the City of Troy, the City Manager shall have the authority to appoint or remove the code official, other related technical officers, inspectors and other employees.

**103.4 Liability.** The code official and fire official, while acting for the City of Troy, shall not thereby be rendered liable personally, and is 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 code official or fire official because of an act performed by that official in the lawful discharge of duties and under the provisions of this code shall be defended by the City Attorney or his/her designee until the final termination of the proceedings. The code official or fire official shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code. Any official of the department, 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, excluding acts which constitute gross negligence and/or intentional acts on the part of individual.

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set forth in *Chapter 60*, *Fees and Bonds Required, of the City of Troy Ordinances,* or by resolution of the Troy City Council.

## SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

**104.1 General.** The code official shall enforce the provisions of this code.

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

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

**104.3.1 Multiple Family Dwellings.** Structures with three or more dwelling units

are subject to periodic inspections to insure compliance with this code as set forth in *Chapter 82A, Rental and Dwelling Inspections and Enforcement, of the City of Troy Code of Ordinances.*

**104.4 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building 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 building official shall have recourse to the remedies provided by law to secure entry.

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

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

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

**SECTION 105 APPROVAL**

**105.1 Modifications.** Existing buildings or structures will not be subject to adhere to all or some of the Property Maintenance code requirements when the code officer determines that unique circumstances makes the strict enforcement of this code impractical, provided that such modification does not lessen health, life and fire safety requirements. The details of any such modifications shall be recorded and entered in the department files.

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

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not

conform to the requirements of this code, or when necessary to substantiate requests for alternative materials or methods, the code official shall have the authority to require tests in order to verify compliance. Any such required test shall be paid for by the person charged with demonstrating compliance, and shall not be charged to the City of Troy.

**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 which shall be performed by an approved agency.

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

**105.4 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. This section is not intended to limit the use of recycled materials.

## SECTION 106 VIOLATIONS AND PENALTIES

**106.1 Unlawful acts and prosecution of violations.** 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 violation of this ordinance shall be prosecuted as a municipal civil infraction, pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

**106.2 Separate offense and violation penalties.** Any person who violates a provision of this code, or fails to comply 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 a notice of violation has been issued can be deemed a separate offense. Penalties shall be assessed as provided in Chapter *100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

**106.3 Abatement of violation** The issuance of a Municipal Ordinance Violation Notice or a Municipal Ordinance citation or the imposition of penalties pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* shall not preclude the Troy City Attorney or his/her designee 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; or to take any other legal action or remedy as provided by law.

## SECTION 107 NOTICES AND CITATIONS

**107.1 Notice or Citation 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, a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation may be given to the person responsible for the violation in the manner prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances.*

**107.2 Form and Method of Service.** A Municipal Civil Infraction Notice or Municipal Civil Infraction Citation shall be in a form as prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and shall be served in a method prescribed in Chapter 100.

**107.3 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation or an order from the court requiring compliance, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person until the code violations have been corrected or there is compliance with an applicable court order. In the alternative, an owner can furnish the grantee, transferee, mortgagee or lessee with a true copy of any notice of violation issued by the code official or his/ her designee or a copy of any order of the court requiring compliance. The owner shall then furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation or order requiring compliance where such grantee, transferee, mortgagee or lessee fully accepts the responsibility, without condition, for making the corrections or repairs required by such notice of violation, or court order requiring compliance.

## SECTION 108 DANGEROUS BUILDINGS, UNSAFE STRUCTURES, UNSAFE EQUIPMENT AND DEMOLITION

**108.1 General.** The procedures set forth in this Section are established to secure the health and safety of the occupants of dwellings and structures and the general public. The code official shall enforce the provisions of this Section, and shall have jurisdiction to establish the inspection and violation procedures to implement enforcement. This Section does not preclude enforcement by any other governmental agency with jurisdiction over dangerous buildings, unsafe structures or unsafe equipment. This Section may be enforced by joint agreement between the City of Troy and any other governmental agency, if practical.

**108.1a Unlawful to maintain dangerous building, unsafe structure or unsafe equipment**. It is unlawful for any owner to keep or maintain any building, structure or equipment or part thereof in a dangerous or unsafe manner, as set forth in Section 108.1.1 or 108.1.2.

**108.1b Owners subject to ordinance**. All owners shall be subject to the provisions of this ordinance and shall be parties to all proceedings, actions, or prosecutions for dangerous buildings, unsafe structures and/or unsafe equipment.

**108.1.1 Dangerous or Unsafe Building or structure.** A dangerous or unsafe

building or 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. It does not provide 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 dangerous building or unsafe structure is a building or structure which has one or more of the following defects or satisfies one or more of the following conditions:

a. A door, aisle, passageway, stairway or other means of exit is not in compliance with the approved *Troy Fire Code*.

b. A portion of the building or structure is damaged by fire, wind, flood, or other cause in such a manner that the structural strength or stability of the building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the City of Troy Ordinances.

c. A portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required for new construction under the City of Troy Ordinances.

d. The building or structure or part of the building or structure is likely to partially or completely collapse, or become detached, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support or for other reason.

e. The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is intended to be used

f. The building or structure is vacant, dilapidated and open at any door or window leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; or otherwise becomes an attractive nuisance to children who might play in the building or structure to their danger; or becomes a harbor for vagrants, criminals or immoral persons or enables persons to use the building or structure in the commission of a nuisance or an unlawful or immoral act.

g. A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise is in a condition that the code official determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in or near the residence.

h. An owner has been previously notified of existing code violation(s), according to the provisions of the Troy Code of Ordinances and after said

notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days.

i. A building or structure is unfit for human occupancy such that the building or structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, it 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.

j. A building or structure found in whole or in part to be occupied by more persons than permitted under this code, or a building or structure that was erected, altered or occupied contrary to law.

**108.1.1.1 Notice of dangerous and unsafe building, structure or condition.** When the whole or part of any building or structure is found to be a dangerous or unsafe building or structure, the code official shall issue a notice declaring that the building or structure is a dangerous or unsafe building or structure. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish of the building or structure.

**108.1.1.2 Service of Notice**. The notice shall be served on the owner of record or the registered agent in the following manner:

1. Delivered personally; and
2. Sent by certified or first-class mail addressed to the owner's or resident agent's last known address.

   If the owner cannot be found, the notice may alternatively be served by posting it prominently and securely on the property and publishing it once a week for three (3) consecutive weeks in a newspaper authorized to provide service by publication. Service of notice under this provision shall supersede *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

**108.1.1.3 Contents of Notice**. The notice shall state that the owner or his/her authorized representative has the right to appeal the determination of the code official that the building or structure is dangerous or unsafe to the Troy City Council. The notice shall further state that any appeal under this Section shall be filed in writing to the code official within ten (10) days of service of the notice.

**108.1.1.4 Waiver of Hearing**. If a written appeal of the dangerous or unsafe building or structure determination is not received by the code official within ten (10) days of the date of service of the notice, then a public hearing will not be necessary. The matter shall be referred to the City Council for resolution.

**108.1.1.5 Public Hearing**. If the code official receives a written appeal of the

dangerous or unsafe building or structure determination within the allocated ten (10) day period, then a public hearing will be scheduled before the City Council as soon as administratively possible. At the public hearing, the City Council shall take the testimony from the code official and/or his/her authorized representatives and employees; testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous or unsafe building or structure, as defined by this section.

**108.1.1.6 City Council action**. If the City Council determines that the building or structure is a dangerous or unsafe building or structure, and that the building or structure should be demolished or made habitable, Council shall order either demolition within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days after the hearing and/or resolution, unless the City Council determines that the conditions justify a longer time period to complete the necessary repairs.

**108.1.1.7 Failure to demolish or repair**. If the ordered demolition or repairs are not completed within the allocated time period, as set forth in the resolution, City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the building or structure or any part of the building or structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real property upon which the building or structure is located and shall be a lien upon such real property. Such lien shall be enforced against the real property as a special assessment.

**108.1.1.8 Recovery of City's cost**. The owner or party in interest according to the last local tax assessment records, shall be notified of the cost of the necessary repairs or demolition by first class mail at the address shown on the local tax assessment records. If the owner or party in interest fails to pay the same within thirty (30) days after mailing by the Assessor of the notice of the amount due, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner and in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary repairs or demolition. If the City receives a favorable judgment, then the City shall have all rights and remedies under law to collect the amount of the judgment from the property owner(s) and/or parties in interest.

**108.1.8.2 Salvage materials.** When any building or structure has been ordered demolished and removed, the City of Troy shall have the right, but not the obligation, to sell the salvage and valuable materials at the highest price obtainable either through the City or through a contractor hired by the City. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted to the property owner with a report of such sale or transaction, including the items of expense and the amounts deducted. If there is no surplus, the report shall so state.

**108.1.1.10 Appeal to Circuit Court**. An owner aggrieved by any dangerous building final decision or order of the City Council may appeal the decision or order to the Circuit Court within twenty (20) days from the date of the decision.

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

**108.2 Closing of vacant buildings and structures.** If a building or 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 property upon which the structure is located and shall be a lien upon such real property and may be collected by any other legal resource.

**108.3 Posting Notice.** Whenever the code official has declared a building, structure or equipment dangerous or unsafe under the provisions of this section, notice shall be posted in a conspicuous place in or about the building or structure affected by such notice or placed on the unsafe equipment.

**108.4 Placarding.** The code official shall post on the premises or on defective equipment a placard bearing the words “Dangerous Building” or “Unsafe Building” or “Dangerous Structure” or “Unsafe Structure” or “Dangerous Equipment” or “Unsafe Equipment” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

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

**108.5 Prohibited occupancy.** Any occupied building or structure determined to be dangerous or unsafe and placarded by the code official shall be vacated as ordered by the 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 liable for the penalties provided by this code.

## SECTION 109 EMERGENCY MEASURES

**109.1 Imminent danger.** When, in the opinion of the code official or fire 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 building or 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 or fire official or designee are hereby authorized and empowered to order and require the occupants to vacate the premises immediately. At each entrance to such a building or structure, the code official or his/her designee shall post a notice declaring the building or structure unsafe and prohibiting occupancy. It shall be unlawful for any person to enter such building or structure except for the purpose of securing the building or structure, making the required repairs, removing the hazardous condition or of demolishing the building or structure.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever the code official determines that there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted. This necessary work could be to board up openings of the building or structure, or could be any other action that the code official deems necessary to address such emergency.

**109.2a Abating a nuisance**. The code official or fire official shall have the power to abate any public nuisance from any dangerous building or structure if immediate action is required to avoid a distinct hazard to life or property. Since this action is for public safety, the action can be taken without preliminary notice as is otherwise required in the City of Troy Code of Ordinances.

**109.3 Closing streets.** When necessary for public safety, the code official shall temporarily close buildings and structures. The code official can also close or order the closure of sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

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

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall initially be assumed by the City of Troy. The other costs of abating a public nuisance shall be charged against the owner(s) or occupant(s) of the premise. The owner(s) or occupant(s) shall be sent an invoice for the cost of abatement by the City of Troy Building Department. If payment is not made within thirty (30) days, the amount shall be collected in the same manner as set forth in Section 108.1.1.8.

**109.6 Hearing.** Owners or occupants must comply with orders for emergency measures. However, the owner or occupant can request relief from the order by filing a written petition with the Building Code Board of Appeals within twenty (20) days of the decision of the code official and in compliance with Section 111, as

set forth below.

**SECTION 110** Reserved

**SECTION 111 APPEAL TO BUILDING CODE BOARD OF APPEALS**

**111.1 Application for appeal.** Except for individuals filing an appeal under Section 108.1.1.5 – Public Hearing (Dangerous or Unsafe Buildings, Structures or Conditions)**,** any person directly affected by a decision of the code official or a notice of violation issued under this code shall have the right to appeal to the Building Code Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision or notice of violation was served. An application for appeal shall be based on a claim that the true intent of this code been incorrectly interpreted; the provisions of this code do not fully apply; or the requirements of this code have been adequately satisfied.

**111.2 Membership of Building Code Board of Appeals.** The authority, membership, procedures, and compensation of the Building Code Board of Appeals is set out in Section 116 of *Chapter 79, General Building Regulations, of the City of Troy Code of Ordinances*.

**111.3 Commission or Court Review.** Any interested person, whether or not a previous party of an appeal under this section, shall have the right to appeal the decision of the Building Code Board of Appeals. Appeals can be filed with the Michigan Construction Code Commission pursuant to MCL 125.1516, or with an appropriate court. Appeals shall be filed in the manner and time required by law.

**111.4 Stays of enforcement.** For all but emergency cases, appeals of notices and orders of the code official shall stay the enforcement of the notice and order until the appeal is heard and a final decision rendered by the Building Code Board of Appeals, the Michigan Construction Code Commission or an appropriate court of law.

**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 as set forth 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 includes the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *Michigan Building Code, Troy Fire Code, Troy Zoning Ordinance, Michigan Plumbing Code, Michigan Mechanical Code* or the *Michigan Electrical Code*, 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 taken in light of the context.

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

**SECTION 202 GENERAL DEFINITIONS**

**APPROVED.** Approved by the code official.

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

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

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

**CITY COUNCIL**. The Troy City Council.

**CODE OFFICIAL.** The code official charged with the administration and enforcement of this code is the City of Troy Director of Building and Zoning or his/her designee.

**COMMON PROPERTY.** Property commonly owned by a number of individuals in a condominium development (including site condominium), subdivision or other form of development with common areas, such as cul-de-sacs, traffic medians, boulevard, islands, parks, playgrounds, detention and retention areas, open space or other common areas.

**DEADBOLT.** A locking mechanism consisting of a bolt that when moved into the locked position cannot be retracted by end pressure on the bolt.

**DWELLING UNIT.** A residential structure, or portion thereof, permanently sited on a continuous frost-free masonry foundation, containing all required plumbing, heating and electrical systems attached to the available public utilities, designed for the occupancy of one (1) family with cooking facilities.

**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 or water source; by poison, spraying, fumigating, trapping or by any other approved pest elimination methods.

**FIRE OFFICIAL**. The fire official charged with the administration and

enforcement of this code is the City of Troy Fire Chief or his/her designee.

**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 a toilet, lavatory and bathtub or shower within such a unit.

**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 rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets. Inoperable vehicles include, but are not limited to those that are 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.

**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 owner, occupant, tenant, lessee, landlord, agent or person

who has charge, care, control or responsibility over a structure, premises or any private property which is let or offered for occupancy.

**OWNER.** Any person, partnership, association, agent, operator, firm or corporation and/or their legal successors and assigns 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 or responsibility over 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.

**PREMISE.** A lot, plot or parcel of land, easement or public way, including any structures thereon, also including such portions of any street dedicated for public use that would be attached to the owner's property upon vacation of the public rights to the street that are not otherwise paved or improved. Premise includes easements or rights-of-way owned by the City or the Road Commission of Oakland County.

**PRESERVATION OR RESTORATION AREA.** All or a portion of a premise managed to preserve or restore native Michigan grasses, native trees, shrubs, wildflowers, and aquatic plants, including but not limited to: indian grass (Sorghastrum nutans), prairie cordgrass (Spartina pectinata), prairie dropseed (Sporobolus heterolepis), rice cut grass (Leersia oryzoides), panic grass ( Panicum implicatum), switch grass (Panicum virgatum), riverbank wild-rye (Elymus riparius), purple love grass or tumble grass (Eragrostis spectabilis), fowl manna grass (Glyceria striata), bottlebrush grass (Hystrix patula), big bluestem (Andropogon gerardii), long-awned wood grass (Brachyelytrum erectum) and blue-joint grass (Calamagrostis canadensis); an oldfield succession of native and non-native plants; or a combination of these.

**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 residential lodging for compensation with or without meals 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 includes burnt wood, burnt coal, burnt coke and other combustible materials;-paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust,

residue and other similar materials.

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

**STORY.** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

**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.

**TURF GRASS**. Grass commonly used in regularly-cut lawns or play areas, including but not limited to: bluegrass, fescue, and ryegrass blends.

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

**WEEDS.** Noxious weeds as defined under Michigan law (MCL 247.62) including, but not limited to:

> Canada thistle (Circium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard and Indian mustard, species of Brassica or Sinapis), wild carrots (Daucus carota), bindweed (Convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (ambrosia elatior 1.); and poison ivy (rhustoxicodendron), and poison sumac (toxicodondron vernix).
>
> Any other varieties, species or plant growth designated by the City as poisonous, injurious and/or regarded as a common nuisance in the opinion of the City of Troy Public Works Director or his/her designee.

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

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

## CHAPTER 3 GENERAL REQUIREMENTS

### SECTION 301 GENERAL

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

**301.2 Responsibility.** The owner of a premise shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided in this code. A person shall not occupy as owner-occupant or permit another person to occupy a premise that is not in a sanitary and safe condition and which does 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 premise 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 that is occupied or controlled by that occupant 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, including but not limited to garden pools and swimming pools.

> **Exception:** Approved retention areas and reservoirs.

**302.3 Sidewalks and driveways.** The occupant or property owner is responsible to keep all sidewalks, walkways, stairs, driveways, parking spaces and similar areas in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Turf Grass, Weeds and Plant Growth.**

**302.4.1 Weeds and Grass**. The presence of turf grass and/or weeds exceeding ten (10) inches in height on any premises in the City is hereby declared to be a nuisance. The owner, occupant or any person having control or management of any premises is required to cut turf grass and weeds on the premises to a height that is ten (10) inches or less.

**Exceptions:**

1) Preservation or Restoration Areas are allowed to exceed ten (10) inches in height if those areas do not contain any turf grass and/or weeds.

2) Areas declared to be wetland or preservation areas by the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality are allowed to exceed ten (10) inches in height.

3) Cultivated flowers and gardens or fields devoted to growing any small grain crop such as wheat, corn, oats, barley or rye.

**302.4.2 Duty of Owner to abate**. It shall be the duty of the owner, occupant or any person having control or management of any premises within the City upon which weeds are found growing or standing, to cut and destroy or cause to be cut and destroyed all such weeds in such a manner as to prevent such weeds from perpetuating themselves or going to seed.

**302.4.3 Failure to abate**. Upon failure of the owner, occupant or any person having control or management of any premises to cut turf grass and/or weeds and to take action to prevent such weeds from perpetuating themselves; the owner, occupant or any person having control or management of the premises shall be subject to prosecution as set forth in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*. Additionally the City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds, treat weeds or otherwise abate the nuisance.

**302.4.4 Published Notice**. It shall be the duty of the Public Works Director or his/her designee to give general notice to every owner, occupant, or person having control or management of any premises of the cutting and weed prevention requirements of this section. Such duty shall be satisfied if publication is made of the cutting and weed prevention requirements in the newspaper of record in the City during the month of March notifying the owners, occupants or persons having control or management of any premises that failure to cut turf grass or weeds or failure to prevent the perpetuation of weeds as required under this section during the period of May 1 to November 1 of each year, may result in the issuance of a Municipal Civil Infraction Notice or Citation under *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and/or the entry on the premises by the City to cut said turf grass and/or weeds or to prevent the perpetuation of weeds. The general notice shall also inform owners, occupants and persons having control or management of any premises that if the City is required to enter onto the premises to cut turf grass and/or weeds or to take an action to prevent the perpetuation of weeds, the property owner designated on the City assessment or tax rolls shall be assessed the cost, payable to the City, for each required abatement. The City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds or treat weeds and charge the cost to the property owner

for each such cutting or treatment. The City has the discretion to send via first class mail a ten (10) day notice to the last property owner of record and/or to attach a notice to the premises stating that the City intends to cut said turf grass and/or weeds or treat weeds, and if the turf grass and/or weeds are not cut or the weeds are not treated within ten (10) days from the date of the notice, the City may proceed to cut the turf grasses and/or weeds or treat the weeds. Failure to send such a warning notice does not in any way prevent the City from entering on the premises to cut turf grass and/or weeds or to treat weeds, as long as a general notice has been published, as set out herein.

**302.4.5 Recovery of Cost by City**. The Department of Public Works Director or his/her designee is hereby authorized and directed to keep accurate accounts of all reasonable expenses incurred by the City to abate a nuisance. The Public Works Director and/or his designee, is hereby authorized to include in its cost of recovery the following: wages, overtime wages, fringe benefits, cost of equipment, supplies, materials, and a ten (10) percent administration charge to cover the expense of administering the abatement work that is performed. The Public Works Director or his/her designee shall prepare an invoice of total charges for each premise and forward those invoices to the City Treasurer. Within ten (10) days after receipt of an invoice, the City Treasurer shall forward to the owner on the last local assessment or tax roll an invoice of the total charges assessed against each premises. Thirty (30) days from the date each statement was mailed, payment shall be made. If the invoice is not paid within thirty (30) days, the total amount charged shall become an assessment against the land and a lien against the property.

**302.4.6 Common Property**. If property is held as common property, such as, but not limited to: common areas of a condominium development (including a site condominium), subdivision, cul-de-sac, traffic medians, boulevards, islands, parks, playgrounds, detention and retention areas, open space or any other common area or other form of development for which the City is unable to determine the occupant or person having control or management over a common area with assessment or tax records, the City may enter onto the common property to abate any nuisance of a type set out in this Chapter. The costs incurred by the City for the nuisance abatement shall be pro-rated among each individual property owner in the condominium development, subdivision or other individual owner in a development with common property. The City Treasurer shall send a statement to each owner for their specific pro-rated portion. If the invoice is not timely paid, the total amount charged shall become an assessment against that particular property for that pro-rated share.

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

**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.** No person shall permit the accumulation of one or more inoperable vehicles outside of a completely enclosed building for a period of more than fourteen (14) days. Inoperable vehicles are those that are not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being MCL 257.1 through 257.925. These minimum conditions include, but are not limited to: an engine that runs, four wheels and four pneumatic tires capable of holding air, working battery, and current license plates. This prohibition applies to owners, tenants, managers of private property, last registered owners of motor vehicles or transferees on a bill of sale covering a vehicle.

> **Exception:** Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request and extension of the fourteen (14) day limitation above described by filing a timely request with Director of Building and Zoning. The Director of Building and Zoning may, after review of all of the circumstances, grant a reasonable extension of time for compliance.

**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. Owners of property bear the responsibility to remove or obliterate markings, carvings or graffiti from their property.

## 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 capable of holding water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches 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 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 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.

**304.2 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.

**304.3 Premise identification.** Buildings shall have approved address numbers as required by *Chapter 2 of the City of Troy Code of Ordinances*.

**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 April 1 to November 1, 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, 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 are employed, such as air curtains or insect repellent fans.

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

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

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

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

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. 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 above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

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

## SECTION 305 INTERIOR STRUCTURE

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

**305.2 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 HANDRAILS AND GUARDRAILS

**306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches 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 high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

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

## SECTION 307 RUBBISH AND GARBAGE

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

> **Exception:** Fallen trees and branches from trees on the premise in a preservation or restoration area.

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

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

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

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

**307.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or an approved, leak-proof, covered, outside garbage container.

**307.3.2 Containers.** The operator of every establishment producing garbage

shall provide, and at all times cause to be utilized, approved leak-proof containers with close-fitting covers for the storage of garbage until it is removed from the premise for disposal.

**307.4 Rubbish removal after eviction notice for landlord/tenant or foreclosure.** If a tenant or occupant has personal property on the premises at the time of an eviction or involuntary removal the owner or operator shall place a large movable container or receptacle on the private property which holds at least 6 cubic yards and can be mechanically emptied for disposal purposes of the tenant or occupant's personal property, such as but not limited to: household furniture, appliances, clothing, rugs, window treatments, books and paper products and personal goods. At no time shall any part of the container be placed on any public area adjacent to the private property.

**307.4.1 Type of container.** Upon eviction or involuntary the tenant's or occupant's personal property shall be placed and disposed of only in the large movable container as referenced above. The container shall be of the type which will allow access from its side as opposed to access solely through the top of the container.

**307.4.2 Removal of container.** The movable container and its contents shall be removed from the real property within forty-eight (48) hours of placement.

**307.4.3 Blight violation.** In the event that a moveable container is not used for disposal of the tenant's or occupant's personal property and that property is improperly placed elsewhere on the property, or the container is not properly removed, then the owner, operator or other person in violation of this Section is subject to immediate issuance of a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

**307.4.4 Cost Recovery.** In addition to any other penalties set out in the Troy Code of Ordinances, if the City of Troy incurs any costs to remove solid waste from property resulting from an eviction or foreclosure proceeding, the owner and the operator shall be billed by invoice sent by first class mail for the cost of the removal, including but not limited to: the cost of labor for removal of the solid waste and the cost of the use or rental of the container. If the owner or operator fails to pay the same within thirty (30) days after the invoice is mailed, the City shall add the amount to the next tax roll of the City of Troy, and it shall be collected in the same manner as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary expenses. If the City receives a favorable judgment, then the judgment may be assessed against all of the assets of the owner of the property, both real and personal, not just the real property where the removal of solid waste occurred.

## SECTION 308 EXTERMINATION

**308.1 Infestation.** All structures shall be kept free from rodent or pest infestation.

All structures in which rodents or pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**308.2 Responsibility.** The owner, occupant, or any person having control of any structure or premises shall be responsible for extermination.

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

## 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 *Michigan 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 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. 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 of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. 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 at floors, landings and treads.

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

## SECTION 403 VENTILATION

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

> **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. 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 re-circulated.

**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, hot plates, toaster ovens 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 re-circulated to any space.

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

## SECTION 404 OCCUPANCY LIMITATIONS

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

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

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

**Exceptions:**

1. In one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches 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 with not less than 6 feet 4 inches 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 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 or more shall be included.

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

**404.4.1 Room area.** Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.

**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 non-habitable spaces shall not be used for sleeping purposes.

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

facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

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

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

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. 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 in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

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

## CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION 501 GENERAL

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

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

### SECTION 502 REQUIRED FACILITIES

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

as a substitute for the required lavatory.

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

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

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

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

## SECTION 503 TOILET ROOMS

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

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

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. 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 from the employees' regular working area to the facilities.

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

## SECTION 504 PLUMBING SYSTEMS AND FIXTURES

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

All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

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

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, 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 *Michigan Plumbing Code*.

**505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in vacuum breaker or an approved permanently attached hose connection vacuum breaker.

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

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. 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

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

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

## SECTION 507 STORM DRAINAGE

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

## CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION 601 GENERAL

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

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

### SECTION 602 HEATING FACILITIES

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

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

**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 September 1 to June 1 to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

> **Exception:**
>
> 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 *Michigan Plumbing Code*.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to June 1 to maintain a temperature of not less than 65°F 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 above the floor near the center of the room and 2 feet 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 there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

**603.7 Portable cooking equipment** Unless otherwise approved, portable cooking equipment shall not be used on the interior of a structure in any area other than an area designated as a cooking room.

## SECTION 604 ELECTRICAL FACILITIES

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

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Michigan Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 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.

## SECTION 605 ELECTRICAL EQUIPMENT

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

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

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

## SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current 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.

**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

**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 *Fire Prevention Code of the City of Troy, Chapter 93 of the Troy Code of Ordinances*, hereafter referred to as the *Troy Fire Code.*

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

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

**702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

## SECTION 703 FIRE-RESISTANCE RATINGS

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

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

## SECTION 704 FIRE PROTECTION SYSTEMS

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

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

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

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *Troy Fire Code*.

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

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

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Such interconnection shall be permitted to be through wired or approved wireless methods. 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 |
|---|---|---|
| A17.1—2000 | Safety Code for Elevators and Escalators with A17.1a 2002 Addenda | 606.1 |

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

| Standard reference number | Title | Referenced in code section number |
|---|---|---|
| F1346—91 (2003) | Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs | 303.2 |

**DELEG** — Michigan Department of Energy Labor and Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, MI 48864

| Standard reference number | Title | Referenced in code section number |
|---|---|---|
| MEC—06 | Michigan Electrical Code | 102.3, 201.3, 604.2 |
| MBC—06 | Michigan Building Code | 102.3, 201.3, 401.3, 702.3 |
| IMC—06 | Michigan Mechanical Code | 102.3, 201.3 |
| IPC—06 | Michigan Plumbing Code | 102.3, 201.3, 505.1, 602.2, 602.3 |

| **City of Troy** | City of Troy<br>500 W. Big Beaver<br>Troy, MI 48084 | |
|---|---|---|
| Standard reference number | Title | Referenced in code section number |
| Charter | Charter of the City of Troy | 104.3 |
| Chapter 2 | Address Numbering and Street Naming | 304.3 |
| Chapter 39 | Troy Zoning Ordinance | 102.3, 201.3 |
| Chapter 60 | Fees and Bonds Required | 103.5 |
| Chapter 79 | General Building Regulations | 111.2 |
| Chapter 82A | Rental and Dwelling Inspection and Enforcement | 104.3.1 |
| Chapter 88 | Nuisances | 302.8 |
| Chapter 93 | Troy Fire Prevention Code | 108.1, 201.3, 702.1, 702.2, 704.1 704.2 |
| Chapter 100 | Municipal Civil Infractions | 106.1, 106.2, 106.3, 107.1, 107.2, 108.1.1.2, 302.4.3, 302.4.4, 307.4.3 |

| **ICC** | International Code Council<br>5203 Leesburg Pike, Suite 600<br>Falls Church, VA 22041 | |
|---|---|---|
| Standard reference number | Title | Referenced in code section number |
| IFGC-06 | International Fuel Gas Code | 102.3 |

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on August 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, City Clerk

**Changes to the proposed language of the Troy Property Maintenance Code from the language presented at the June 15, 2009, City Council meeting.**

**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 shall be determined by the code official if not specifically covered by this code. The details of any such determination shall be recorded and entered in the department files.

**104.4 Right of entry.** ~~The code official and his or her designated representatives are authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional and legal restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.~~ Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building 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 building official shall have recourse to the remedies provided by law to secure entry.

**105.1 Modifications.** ~~Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find~~ Existing buildings or structures will not be subject to adhere to all or some of the Property Maintenance code requirements when the code officer determines that unique circumstances makes the strict enforcement of this code impractical ~~and the modification is in compliance with the intent and purpose of this code and~~ , provided that such modification does not lessen health, life and fire safety requirements. The details of any such modifications shall be recorded and entered in the department files.

**108.1.1.6 City Council action**. If the City Council determines that the building or structure is a dangerous or unsafe building or structure, and that the building or structure should be demolished or made habitable, Council shall order either demolition within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days ~~by a specified time, which shall not exceed 21 days~~ after the hearing and/or resolution, unless the City Council determines that the ~~weather~~ conditions justify a longer time period to complete the necessary repairs.

**DEADBOLT.** A locking mechanism consisting of a bolt that when moved into the locked position cannot be retracted by end pressure on the bolt.

**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.

> **Exception:** Fallen trees and branches from trees on the premise in a preservation or restoration area.

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Such interconnection shall be permitted to be through wired or approved wireless methods. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Questions and Answers on the Property Maintenance Code From the June 15, 2009 City Council Meeting

| Section # | Question | Answer |
|---|---|---|
| 106.2 | Clarification regarding code enforcement officer's discretion | The ordinance does identify each day that a violation exists to be a separate offence. However it has not been our practice to write multiple violations for the same offence because practice has shown that it does not result in any benefit when appearing in court. We do wish to retain the language however, so that in those rare cases where a “time sensitive” incentive is necessary, we can use the daily violations to motivate an owner to act more quickly. |
| 106.1 | Confirm spacing format | The comma (shown in red) in the fourth line is intended to be in the new text. |
| 107.3 | Confirm spacing format | The space between “violation” and “issued” in the seventh line is intended to be in the new text. |
| 108.1.1.6 | CC to have more discretion than 21 days; specifically for hardship cases (45 day option for appeal) (strike "the weather") | The 21 day time frame for an order for demolition comes from the Michigan Housing Law MCL 125.451. A 60 day time limit is permitted for an order to repair. |
| 202 | Dwelling Unit. Are mobile homes a part of this definition? | Yes, a properly installed mobile home would meet the definition of a dwelling unit. |
| 202 | Weeds. Include pictures for better understanding by the public | The preference of staff is to not put pictures within the enforceable provisions of the code. A picture guide for weeds will be developed or linked as part of a commentary on the Property Maintenance Code. |
| 301.3 | Define "clean, safe, sanitary" | Clean, safe, and sanitary are “as provided herein”. The text of Sections 302 through 308 would be used to define those terms. This section is necessary to make sure that vacant structures are not held to a lesser standard just because they are unoccupied. |
| 304.14 | Applied to food preparation areas only or every open area? | The requirement for screens applies to all windows that “are required for ventilation”. If fresh air ventilation is provided by the mechanical system, or if the windows are in excess of those required to meet the ventilation opening requirement, then screens would not be required. If no screens are available then the windows will not be used and the lack of fresh air may affect the health of occupants. |
| 404.4.1 & .2 | Impact on older homes built before the first building code was adopted | These are not unreasonable minimum standards and would not create violations on a vast majority of the existing housing stock in the city. Those rare instances could be looked at on a case by case basis under Sections 102.6, 105.1, 105.2, or 111. |

| Section # | Question | Answer |
|---|---|---|
| | Provision to provide a grandfather clause for older homes that don't meet ordinance requirements | The Property Maintenance Code is in many cases the ONLY code that regulates older structures. If they are exempted from the provisions of the Property Maintenance Code then there would be no regulation and no enforcement on these structures. |
| 105.1 | Does this section provide for code enforcement officers to find that improvements would be impractical? | The opening sentence states “Whenever there are practical difficulties involved in carrying out the provisions of this code”. This would require a “finding” of impracticality by the building official to accept alternative materials and methods. The details of the findings and the acceptance of the alternatives must be documented in the records. |
| 102.6 | Modify to also allow buildings built before building code was adopted | The Property Maintenance Code is in many cases the ONLY code that regulates older structures. If they are exempted from the provisions of the Property Maintenance Code then there would be no regulation and no enforcement on these structures. While there has been stated a public desire to retain historic structures (Chapter 13 of the Troy City Code) there has not been a public desire to retain ALL old structures. |
| | Add an additional section specifically for buildings built before building code was adopted | (see above) |
| 404.4.3 | How is each story defined for split-level homes in terms of water closet accessibility? | The definition of “story” is found in Section 202. In terms of a tri-level, bathrooms located on the highest level would be considered on an “adjacent story” to bedrooms located on the lowest level and visa-versa. |
| 404.5 | How is number of persons calculated? | The determination of “overcrowding” is more subjective and less formula driven in the new text. We do still have formula based standards found within the Housing Law of Michigan (MCL 125.483) that are available for guidance. However, we would also look for additional signs that the structure is overcrowded. Some of these signs could include; lack of clear egress aisles, use of “alternative” plumbing fixtures; overloading of structural systems; or illegal conversion of rooms or spaces for sleeping quarters. |
| 404.6 | Use 404.6 numeric format for 404.5 instead of relying on the code enforcement officer's discretion | The use of a numeric formula was one of the main sticking points that caused the failure of the adoption of the 2000 Property Maintenance Code in 2002. We believe that the new methodology provides a better way to address conditions while still giving us the ability to use formulas to determine maximum occupancy rates if we choose to do so. |

| Section # | Question | Answer |
|---|---|---|
| 404.5 | Literal enforcement may force large families to move; there is no provision that provides for a hardship situation | Under Section 105.1 an owner could obtain approval of a modification if they could show that there was a practical difficulty and that the resultant conditions met the intent and purpose and that an equivalent level of health and safety were maintained. They could also appeal the decision under the provisions of Section 111. |
| 704.2 | Define "Groups R-2, R-3, and R-4" | These are the Use Group Classifications from the Building Code. These are not Zoning Districts. R-2 Uses are apartments. R-3 Uses are Single Family Residences. R-4 Uses are small congregate care facilities. |
| 104.4 | Modify legal terminology by inserting more common language | The current text of the Michigan Building Code regarding Right of Entry states: "*Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building 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 building official shall have recourse to the remedies provided by law to secure entry".* This text must be used without amendment by State statute. If any change is proposed we may want to adopt identical text in the Property Maintenance Code. |
| 304.18.1 | Clarify which doors require a deadbolt lock; define deadbolt lock | This is new language that was added to the Property Maintenance Code in 2002. A copy of the code change document for code change PM13-02 is attached for your reference. The requirements for a deadbolt lock (one that can only be engaged when the door is in the closed position) is only required on dwellings, or portions of dwellings, that are rented or leased. |
| 305.3 | Strike "peeling, chipping, flaking" | Many of the structures that are regulated by this code are ones that were constructed before 1979 when lead based paint was in prevalent use. Health hazards to small children from the ingestion of lead paint chips is a significant health concern. |

| Section # | Question | Answer |
|---|---|---|
| | Copy of 1939 & 1966 Building Codes | A copy of the text of the 1993 BOCA National Property Maintenance Code is provided for your reference. This text needs to be combined with the amendments contained within the current text of Chapter 82 to form the current text of the Troy Property Maintenance Code. |
| | Outline appeal process | The appeals process of the provisions of the Property Maintenance Code Are as follows:<br>1. Request a modification to the code official under Section 105.1<br>2. Propose alternative materials and methods to the code official under Section 105.2<br>3. Appeal a decision of the code official to the Building Code Board of Appeals (BCBA) under Section 111.1<br>4. Appeal the BCBA decision to the State Construction Code Commission under Section 111.3<br>5. Appeal the decision of the BCBA or the Construction Code Commission to the Circuit Court under Section 111.3<br>(These steps do not all have to be taken in sequential order.) |

Existing Text of Chapter 82 that is proposed to be deleted

~~1. Adoption of Code by Reference. Pursuant to the provisions of Section 3 (K) of Act 279 of 1909, State of Michigan as amended, the B.O.C.A. National Property Maintenance Code/1993 and published by the Building Officials and Code Administrators International, Inc., is hereby adopted by reference by the City of Troy as in this Chapter modified for the purpose of establishing minimum standards governing the condition and maintenance of all structures and dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of structures, and the condemnation of dwellings unfit for human habitation and the demolition of such dwellings and structures; and fixing penalties for violation.~~

~~(Rev. 01-29-96)~~

~~2. Code on File. Complete printed copies of the B.O.C.A. National Property Maintenance Code/1993, herein adopted, are available for public use and inspection at the office of the City Clerk.~~

~~(Rev. 1-29-96)~~

~~3. Change in Code. The following Sections and Subsections the B.O.C.A. National Property Maintenance Code/1993 are hereby amended or deleted and additional sections or subsections are added as indicated. Subsequent section numbers used in this Chapter shall refer to like numbered sections of the B.O.C.A. National Property Maintenance Code/1993.~~

~~(Rev. 01-29-96)~~

~~4. Penalties for Violations: Except as otherwise provided by other sections of this Chapter, a violation of any section of Chapter 82 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 82 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.~~

~~(03-01-06)~~

~~PM-100.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Troy hereinafter referred to as the Property Maintenance Code or "this code".~~

~~(Rev. 07-13-92)~~

~~PM-105.1 General: It shall be the duty and responsibility of the Building Department, through its Building Official, his authorized representative and employees, hereinafter referred to as the code official, to enforce the provisions of this code as herein provided.~~
~~(Rev. 01-29-96)~~

~~PM-105.7 Thru PM-105.10 - Sections deleted.~~

~~(01-29-96)~~

~~PM-106.2 Section deleted.~~

~~(Rev. 01-29-96)~~

~~PM-107.4 Section deleted.~~

~~(01-29-96)~~

~~PM-110.1.1 Emergency: The Fire Chief or Building Official shall have the power to abate any public nuisance from any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this section. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment hereof shall be enforced as a special assessment as provided in section PM-110.4.~~

~~(Rev. 7-13-92)~~

~~PM-110.2 Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any, and shall include notice of the rights and limitations as provided in Section PM-110.2.1. It shall be served on the owner of record or his agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three (3) successive weeks in a newspaper authorized to provide service by publication.~~

~~(Rev. 01-29-96)~~

~~PM-110.2.1 Right of Appeal: The owner of a building or structure may appeal any such order to the City Council. The appeal shall be filed within ten (10) days of the date the order is served and a hearing shall be scheduled within fifteen (15) days of the date the appeal is filed.~~

~~(Rev. 01-29-96)~~

~~PM-110.2.2 Restraining Actions: Anyone aggrieved by a decision of the City Council shall within twenty (20) days after notification of such decision apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the order of the code official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.~~

~~(Rev. 01-29-96)~~

~~PM-110.3 Failure to Comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed whether through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(Rev. 01-29-96)~~

~~PM-110.5 Unreasonable Repairs: Wherever the code official determines that the cost of such repairs would exceed one hundred (100) percent of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option~~

~~on the part of the owner to repair.~~

~~(Rev. 01-29-96)~~

~~PM-111 Section deleted.~~

~~(Rev. 07-13-92)~~

~~PM-202.0 Applied Meaning of Words and Terms: The following words and terms are amended to read:~~

~~(Dwellings)~~

~~Boarding House, Lodging House, Tourist Home: a building arranged or used for lodging with or without meals, for compensation, by more than two (2) and not more than twenty (20) individuals.~~

~~One Family Dwelling: a building designed exclusively for occupancy by one (1) family.~~

~~Two Family Dwelling: a building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.~~

~~Family: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.~~

~~Rooming House: any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than two (2) persons, who are not members of the family.~~

~~(Rev. 01-29-96)~~

~~PM-301.2 Maintenance Responsibility: Owners of structures and land that remain vacant for a period of more than 60 days shall register with the City of Troy, Building Department the name, address and telephone number of a responsible person. This person shall be responsible for the maintenance of the structure and land in compliance with the provisions of this code. Failure to comply with a request for repair or maintenance of structures and land within a prescribed time shall be cause for the Building Official to arrange for the repair and maintenance thereof through a public agency or private contract. The cost of such repair or maintenance shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(Rev. 01-29-96)~~

~~PM-306.3.1 Garbage Storage Facilities: Every dwelling unit shall be supplied with an approved garbage disposal facility, which shall be any adequate mechanical garbage disposal unit (mechanical in-sink grinder). In existing dwelling units, an approved outside garbage container or containers, as required in Section PM-306.3.2 shall be sufficient to meet the needs of the occupants.~~

~~(Rev. 01-29-96)~~

~~PM-306.3.2 Containers: The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide and at all times cause to be used, leakproof~~

~~approved containers, provided with close fitting covers for the storage of such materials until removed from the premises for disposal, or have garbage disposal unit, as required in Section PM-306.3.1.~~

~~(Rev. 01-29-96)~~

~~PM-602.2 Residential buildings: Every owner of any structure who rents, leases, or lets one or more dwelling units or guest rooms on terms, either express of implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period of September 1 to June 1 to maintain a room temperature of not less than 70 degrees F. (21 degrees C.), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 65 degrees F. (18 degrees C.) during other hours. The temperature shall be measured at a point 3 feet (914mm) above the floor and 3 feet (914mm) from exterior walls.~~

~~Exception: When the exterior temperature falls below 0 degrees F. (-18 degrees C.) and the heating system is operating at its full capacity, a minimum room temperature of 65 degrees F. (18 degrees C.) shall be maintained at all times.~~

~~(Rev. 01-29-96)~~

~~PM-603.2 Cooking and Heating Equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited in any area other than an area designated as a cooking room.~~

~~(Rev. 01-29-96)~~

~~PM-702.3 Number of exits: Every story used for human occupancy shall be provided not less than two independent exits. Every story used for human occupancy totally below grade greater than 2,000 square feet (186m²) shall be provided not less than two independent exits.~~

~~EXCEPTIONS: A single exit is acceptable when:~~

~~1. The Building is provided an automatic fire suppression system and an automatic fire alarm system with smoke detectors located in all corridors, lobbies and common area, or:~~

~~2. The building is provided an automatic fire alarm system and the exit is a smokeproof enclosure or pressurized stairway, or;~~

~~3. An existing fire escape or slidescape conforming to the building code is provided in addition to the single exit, or;~~

~~4. Buildings permitted to have one exit as described in the B.O.C.A. Building Code.~~

~~(Rev. 01-29-96)~~

~~PM-702.10 Information signs: A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings shall be marked with approved signs reading as follows: Use Stairways in Case of Fire - Do Not Use Elevators.~~

~~(Rev. 01-29-96)~~

~~PM-705.3 Fire standpipes: All buildings having floors used for human occupancy located more than 40 feet (12192mm) above the grade shall be provided with standpipes according to the building code, except that an automatic water supply, hose, and cabinets are not required. The standpipes shall have an approved fire department connection with hose connections at each floor level.~~

~~(Rev. 01-29-96)~~

~~PM-705.5.4 Smoke and heat detection: Each recirculating air or exhaust system which serves more than one floor in buildings which exceed 40 feet (12192mm) in height shall be equipped with approved smoke and heat detection devices in accordance with the mechanical code. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or control system.~~

~~(Rev. 07-13-92)~~

~~PM-705.8 Use Group R-1 Structures: All buildings of Use Group R-1 as defined by the B.O.C.A. National Building Code shall be equipped with an approved quick response automatic fire suppression system. This requirement applied to all Use Group R-1 buildings that received an occupancy certificate before July 1, 1987.~~

~~(Rev. 01-29-96)~~

~~PM-705.9 Alarm and Communications Systems: All buildings of Use Group R-1; as defined by the B.O.C.A. National Building Code which have floors for human occupancy located more than 40 feet above the lowest level of fire department access shall be equipped with an approved alarm and communications system consisting of a voice alarm system, a public address system, and a fire department communications system. This requirement applies to all Use Group R-1 buildings that received an occupancy certificate before July 1, 1987.~~

~~(Rev. 01-29-96)~~

~~PM-706.1 Required: All buildings having three or more separate floor levels served by elevators shall have at least one elevator equipped with emergency controls and all elevators shall be equipped with car recall activated by a smoke detector in each lobby in accordance with the building code.~~

~~(Rev. 07-13-92)~~

~~SECTION PM-708.1. COMPLIANCE DATE~~

~~PM-708.1 Effective Date: All structures described in Section PM-705.8 and PM-705.9 shall comply with their provisions by having the retrofitting under contract within one year and completed within two years of the date that this amendment takes effect.~~

~~(Rev. 01-29-96)~~

**CHAPTER 1**

## ADMINISTRATION

## SECTION PM-101.0 GENERAL

**PM-101.1 Title:** These regulations shall be known as the Property Maintenance Code of [NAME OF JURISDICTION] herinafter referred to as “this code”.

**PM-101.2 Scope:** This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing *premises* by establishing 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; fixing the responsibility of *owners, operators and occupants;* regulating the *occupancy* of existing structures and *premises,* and providing for administration, enforcement and penalties.

**PM-101.3 Intent:** This code shall be construed to secure its expressed intent, which is to insure 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.

**PM-101.4 Referenced standards:** The standards referenced in this code and listed in Chapter 8 shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

**PM-101.5 Existing remedies:** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

**PM-101.6 Workmanship:** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner.

**PM-101.7 Application of other codes:** Any repairs, additions or alterations to a structure, or changes of *occupancy,* shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFiPA 70 listed in Chapter 8.

## SECTION PM-102.0 VALIDITY

**PM-102.1 Validity:** If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

**PM-102.2 Saving clause:** This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

## SECTION PM-103.0 MAINTENANCE

**PM-103.1 Required:** All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or *premises* when erected or altered shall be maintained in good working order. 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.

## SECTION PM-104.0 APPROVAL

**PM-104.1 Approved materials and equipment:** All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

**PM-104.2 Modifications:** Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the *owner* or the *owner's* representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

> **PM-104.2.1 Records:** The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

**PM-104.3 Material and equipment reuse:** Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

**PM-104.4 Alternative materials and equipment:** The provisions of this code are not intended to prevent the installation of any material or 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 when the code official finds that the proposed design is satisfactory and complies with the

intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fireresistance, durability and safety.

**PM-104.5 Research and investigations:** Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the attendant.

## SECTION PM-105.0 DUTIES AND POWERS OF CODE OFFICIAL

**PM-105.1 General:** The code official shall enforce all of the provisions of this code.

**PM-105.2 Notices and orders:** The code official shall issue all necessary notices or orders to ensure compliance with the code.

**PM-105.3 Right of entry:** The code official is authorized to enter the structure or *premises* at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the code official shall make a reasonable effort to locate the *owner* or other *person* having charge or control of the structure or *premises,* present proper identification and request entry. If requested entry is refused or not obtained, the code official shall pursue recourse as provided by law.

**PM-105.4 Access by owner or operator:** Every *occupant* of a structure or *premises* shall give the *owner* or *operator* thereof, or agent or employee, access to any part of such structure or its *premises* at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

**PM-105.5 Identification:** The code official shall carry proper identification when inspecting structures or *premises* in the performance of duties under this code.

**PM-105.6 Coordination of enforcement:** Inspection of *premises,* the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

**PM-105.7 Rule-making authority:** The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the

intent thereof and to designate requirements applicable because of local climatic or other conditions. 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 practice involving public safety.

**PM-105.8 Organization:** The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

**PM-105.9 Restriction of employees:** An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section PM-111.0, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of *construction documents* thereof, unless that *person* is the *owner* of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

**PM-105.10 Relief from personal responsibility:** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an 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 any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building 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.

**PM-105.11 Official records:** An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such record.

## SECTION PM-106.0 VIOLATIONS

**PM-106.1 Unlawful acts:** It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, *let* to another or occupy or permit another *person* to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

**PM-106.2 Penalty:** Any *person* who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than [AMOUNT] nor more than [AMOUNT] or imprisonment for a term not to exceed [NUMBER] days, or both, at the discretion of the court. Each day that a violation continues after due notice has been serviced shall be deemed a separate offense.

**PM-106.3 Prosecution:** In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-106.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the *person* responsible for the violation for the purpose of ordering that *person:*

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

## SECTION PM-107.0 NOTICES AND ORDERS

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

**PM-107.2 Form:** Such notice prescribed in Section PM-107.1 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the reason or reasons why the notice is being issued; and

4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

**PM-107.3 Method of service:** Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the *owner* personally; or (b) sent by certified or registered mail addressed to the *owner* at the last known address with return receipt requested. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the *owner's* agent or upon the *person* responsible for the structure shall constitute service of notice upon the *owner.*

**PM-107.4 Penalties:** Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2.

**PM-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 to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION PM-108.01 UNSAFE STRUCTURES AND EQUIPMENT

**PM-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.

**PM-108.1.1. Unsafe structure:** 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 likely.

**PM-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.

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

**PM-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.

**PM-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 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 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.

**PM-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 PM-107.3. The notice shall be in the form prescribed in Section PM-107.2.

**PM-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.

**PM-108.5 Prohibited occupancy:** 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.

**PM-108.6 Removal of placard:** The code official shall remove the *condemnation* placard whenever the defect or defects upon which the *condemnation* and placarding action were based 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.

## SECTION PM-109.0 EMERGENCY MEASURES

**PM-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.

**PM-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.

**PM-109.3 Closing streets:** When necessary for the 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.

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

**PM-109.5 Costs of emergency repairs:** Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. 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.

**PM-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 PM-110.0 DEMOLITION

**PM-110.01 General:** The code official shall order the *owner* of any *premises* upon which is located any structure, which in the code official's judgement is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or *occupancy,* and such that it is unreasonable to repair the structure, to raze 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 raze and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure.

**PM-110.2 Order:** All notices and orders shall comply with Section PM-107.0.

**PM-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 razed and removed, either through an available public agency or by contract or arrangement with private *persons,* and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**PM-110.4 Salvage materials:** When any structure has been ordered razed 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 razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## SECTION PM-111.0 MEANS OF APPEAL

**PM-111.1 Application for appeal:** Any *person* 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.

**PM-111.2 Membership of the board:** The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall service for five years or until a successor has been appointed.

**PM-111.2.1 Qualifications:** The board of appeals, shall consist of five individuals, one from each of the following professions or disciplines:

1. *Registered design professional* that is a registered architect; or a builder or superintendent of building construction with at least ten-years experience, five of which shall have been in responsible charge of work.

2. *Registered design professional* with structural engineering or architectural experience.

3. *Registered design professional* with mechanical or *plumbing* engineering experience; or a mechanical or *plumbing* contractor with at least ten-years experience, five of which shall have been in responsible charge of work.

4. *Registered design professional* with electrical engineering experience; or an electrical contractor with at least ten-years experience, five of which shall have been in responsible charge of work.

5. *Registered design professional* with fire protection engineering experience; or a fire protection contractor with at least ten-years experience, five of which shall have been in responsible charge of work.

**PM-111.2.2 Alternate members:** The chief appointing authority shall appoint 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 same qualifications required for board membership, and shall be appointed for five years or until a successor has been appointed.

**PM-111.2.3 Chairman:** The board shall annually select one of its members to serve as chairman.

**PM-111.2.4 Disqualification of member:** A member shall not hear an appeal in which that member has any personal, professional or financial interest.

**PM-111.2.5 Secretary:** The chief administrative officer shall designate a qualified clerk to service as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**PM-111.2.6 Compensation of members:** Compensation of members shall be determined by law.

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

**PM-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.

> **PM-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.

**PM-111.5 Postponed hearing:** When five members are 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.

**PM-111.6 Board decision:** The board shall modify or reverse the decision of the code official by a concurring vote of three members.

> **PM-111.6.1 Resolution:** The decision of the board shall be by resolution. Certified copies shall be furnished to appellant and to the code official.
>
> **PM-111.6.2 Administration:** The code official shall take immediate action in accordance with the decision of the board.

**PM-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.

**CHAPTER 2**

# DEFINITIONS

## SECTION PM-201.0 GENERAL

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

**PM-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.

**PM-201.3 Terms defined in other codes:** Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Chapter 8, such terms shall have the meanings ascribed to them as in those codes.

**PM-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.

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

## SECTION PM-202.0 GENERAL DEFINITIONS

**Approved:** Approved by the code official.

***Basement*:** See Section PM-302.0.

***Bathroom*:** See Section PM-502.0.

**Building:** Any structure occupied or intended for supporting or sheltering any *occupancy.*

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

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

***Condemn:*** To adjudge unfit for *occupancy.*

***Construction documents:*** All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

**Dwellings:** (See Section PM-201.5)

> ***Dormitory:*** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associate rooms, for *persons* not members of the same *family* group.
> ***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.
> ***Hotel:*** Any building containing six or more guestrooms, intended or designed to be occupied, for sleeping purposes by guests.
> ***One-family dwelling:*** A building containing one *dwelling unit* with not more than five lodgers or boarders.
> ***Rooming house:*** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a *one-family dwelling* or a *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.
> ***Two-family dwelling:*** A building containing two *dwelling units* with not more than five lodgers or boarders per *family.*

***Exterior property:*** See Section PM-302.0.

***Extermination:*** See Section PM-302.0.

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

***Garbage:*** See Section PM-302.0.

***Habitable space:*** See Section PM-402.0.

***Infestation:*** See Section PM-302.0.

***Let for occupancy or let:*** See Section PM-302.0.

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

***Occupant:*** See Section PM-302.0.

***Openable area:*** See Section PM-402.0.

***Operator:*** See Section PM-302.0.

***Owner:*** See Section PM-302.0.

***Person:*** See Section PM-302.0.

***Plumbing:*** See Section PM-502.0.

***Plumbing fixture:*** See Section PM-502.0.

***Premises:*** See Section PM-302.0.

***Public nuisance:*** See Section PM-302.0.

***Registered design professional:*** An architect or engineer, registered or licenses to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

***Rubbish:*** See Section PM-302.0.

***Structure:*** That which is built or constructed or a portion thereof.

***Toilet room:*** See Section PM-502.0.

***Ventilation:*** See Section PM-402.0.

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

***Yard:*** See Section PM-302.0.

**CHAPTER 3**

## GENERAL REQUIREMENTS

## SECTION PM-301.0 GENERAL

**PM-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.*

**PM-301.2 Responsibility:** The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided in Sections PM-306.0 and PM-307.0. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which do not comply with the requirements of this chapter.

**PM-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 PM-302.0 DEFINITIONS

**PM-301.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings show herein.

> ***Basement:*** That portion of a structure which is partly or completely below grade.
>
> ***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 and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
>
> ***Infestation:*** The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.
>
> ***Let for occupancy or let:*** To permit possession or *occupancy* of a dwelling, *dwelling unit, rooming unit,* building 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.

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

***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 including any structures thereon.

***Public nuisance:*** Includes the following:

1. The physical condition or *occupancy* of any *premises* regarded as a public nuisance at common law; or
2. Any physical condition or *occupancy* of any *premises* or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, *basements,* excavations and unsafe fences or structures; or
3. Any *premises* that has unsanitary sewerage or *plumbing* facilities; or
4. Any *premises* designated as unsafe for human habitation; or
5. Any *premises* that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property; or
6. Any *premises* from which the *plumbing,* heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any *premises* that is unsanitary, or that is littered with *rubbish* or *garbage,* or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the *premises.*

***Rubbish:*** Combustible and noncombustible waste materials, except *garbage;* 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.

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

## SECTION PM-303.0 EXTERIOR PROPERTY AREAS

**PM-303.1 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.

**PM-303.2 Grading and drainage:** All *premises* shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

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

**PM-303.3 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. Stairs shall comply with the requirements of Section PM-304.10 and PM-702.9.

**PM-303.4 Weeds:** All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 10 inches (254mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

**PM-303.5 Rat harborage:** All structures and *exterior property* shall be kept free from rat *infestation.* Where rats are found, they shall be promptly *exterminated* by approved processes which will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *reinfestation.*

**PM-303.6 Exhaust vents:** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**PM-303.7 Accessory structures:** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**PM-303.8 Motor vehicles:** Except as provided for in other regulations, not more than one currently unregistered or uninspected 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.

**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.

## SECTION PM-304.0 EXTERIOR STRUCTURE

**PM-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.

**PM-304.2 Street numbers:** Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) and ½ inch (13 mm) stroke.

**PM-304.3 Structural members:** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**PM-304.4 Foundation walls:** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

**PM-304.5 Exterior walls:** All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**PM-304.6 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 water shall not be discharged in a manner that creates a *public nuisance*.

**PM-304.7 Decorative features:** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with property anchorage and in a safe condition.

**PM-304.8 Overhang extensions:** All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**PM-304.9 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.

**PM-304.10 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.

**PM-304.11 Window and door frames:** Every window, door and frame shall be kept in sound condition, good repair and weather tight.

> **PM-304.11.1 Glazing:** All glazing materials shall be maintained free from cracks and holes.
>
> **PM-304.11.2 Openable windows:** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**PM-304.12 Insect screens:** During the period from [DATE] to [DATE], every door, window and outside opening utilized or required for *ventilation* purposes serving any structure containing *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 and every swinging door shall have a self-closing device in good working condition.

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

**PM-304.13 Doors:** All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units, rooming units* and guestrooms shall tightly secure the door.

**PM-304.14 Basement hatchways:** Every *basement* hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

**PM-304.15 Guards for basement windows:** Every *basement* window that is openable shall be supplied with ratproof shields, storm windows or other approved protection against the entry of rats.

## SECTION PM-305.0 INTERIOR STRUCTURE

**PM-305.1 General:** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every *occupant* shall keep that part of the structure which such *occupant* occupies or controls in a clean and sanitary condition. Every *owner* of a structure containing a *rooming*

*house,* a *hotel,* a *dormitory,* two or more *dwelling units* or two or more nonresidential *occupancies,* shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property.*

**PM-305.2 Structural members:** The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

**PM-305.3 Interior surfaces:** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

**PM-305.4 Lead-based paint:** Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

**PM-305.5 Stairs and railings:** All interior stairs and railings shall be maintained in sound condition and good repair.

**PM-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.

## SECTION PM-306.0 RUBBISH AND GARBAGE

**PM-306.1 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.*

**PM-306.2 Disposal of rubbish:** Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in approved containers.

> **PM-306.2.1 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.*

**PM-306.3 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.

> **PM-306.3.1 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.

**PM-306.3.2 Containers:** The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, leakproof approved containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

## SECTION PM-307.0 EXTERMINATION

**PM-307.1 Infestation:** All structures shall be kept free from insect and rat *infestation.* All structures in which insects or rats are found shall be promptly *exterminated* by approved processes that will not be injurious to human health. After *extermination,* proper precautions shall be taken to prevent *reinfestation.*

**PM-307.2 Owner:** The *owner* of any structure shall be responsible for *extermination* within the structure prior to renting or leasing the structure.

**PM-307.3 Single occupancy:** The *occupant* of a structure containing a single *dwelling unit* or of a single nonresidential structure shall be responsible for *extermination* on the *premises*.

**PM-307.4 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 *occupants* shall be responsible for *extermination.*

**PM-307.5 Occupant:** The *occupant* of any structure shall be responsible for the continued ratproof condition of the structure, and if the *occupant* fails to maintain the ratproof condition, the cost of *extermination* shall be the responsibility of the *occupant.*

## CHAPTER 4

## LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### SECTION PM-401.0 GENERAL

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

**PM-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.

**PM-401.3 Alternative devices:** In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *building code* listed in Chapter 8 shall be permitted.

### SECTION PM-402.0 DEFINITIONS

**PM-402.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

> ***Habitable space:*** Space in a structure for living, sleeping, eating or cooking. *Bathrooms,* toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
>
> ***Openable area:*** That part of a window or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.
>
> ***Ventilation:*** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

### SECTION PM-403.0 LIGHT

**PM-403.1 Habitable spaces:** Every *habitable space* shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every *habitable space* shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the *building code* listed in Chapter 8. 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.

**PM-403.2 Common halls and stairways:** Every common hall and stairway, other than in *one-* and *two-family dwellings,* shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 $m^2$) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

**PM-403.3 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 PM-404.0 VENTILATION

**PM-404.1 Habitable spaces:** Every *habitable space* shall have at least one openable window. The total *openable area* of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section PM-403.1.

**PM-404.2 Bathrooms and toilet rooms:** Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section PM-404.1, except that a window shall not be required in spaces equipped with a mechanical *ventilation* system that complies with the following:

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

**PM-404.3 Cooking facilities**: Unless approved through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or *dormitory* unit, and a cooking facility or appliance shall not be permitted to be present in a *rooming unit* or *dormitory* unit.

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

**PM-0404.4 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.

**PM-404.5 Clothes dryer exhaust:** Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

## SECTION PM-405.0 OCCUPANCY LIMITATIONS

**PM-405.1 Privacy:** *Dwelling units, hotel* units, *rooming units* and *dormitory* units shall be arranged to provide privacy and be separate from other adjoining spaces.

**PM-405.2 Access from sleeping rooms:** Sleeping rooms shall not constitute the only means of access to other sleeping rooms or *habitable spaces.*

**Exception:** *Dwelling units* that contain fewer than two bedrooms.

**PM-405.3 Area for sleeping purposes:** Every room occupied for sleeping purposes by one *occupant* shall contain at least 70 square feet (7 $m^2$) of floor area, and every room occupied for sleeping purposes by more than one *person* shall contain at least 50 square feet (5 $m^2$) of floor area for each *occupant* thereof.

**PM-405.4 Water closet accessibility:** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

**PM-405.5 Overcrowding:** *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum *occupancy* area requirements of Table PM-405.5.

**Table PM-405.5**
**MINIMUM OCCUPANCY AREA REQUIREMENTS**

Minimum occupancy area in square feet[b]

| Space | 1 – 2 occupants | 3-5 occupants | 6 or more |
|---|---|---|---|
| | | | |
| Living room[a] | No requirements | 120 | 150 |
| Dining room[a] | No requirements | 80 | 100 |
| Kitchen | 50 | 50 | 60 |
| Bedrooms | Shall comply with Section PM-405.3 | | |

**Note a.** See Section PM-405.6 for combined living room/dining room spaces.
**Note b.** 1 square foot = 0.093 $m^2$

**PM-405.6 Combined spaces:** Combined living room and dining room spaces shall comply with the requirements of Table PM-405.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**PM-405.7 Prohibited occupancy:** Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

**PM-405.8 Minimum ceiling heights:** *Habitable spaces,* other than kitchens, shall have a clear ceiling height of not less than 7 feet 4 inches (2235 mm). Hallways, corridors, laundry areas, *bathrooms, toilet rooms* and kitchens shall have a clear ceiling height of not less than 7 feet (2134 mm).

**Exceptions**

1. Beams or girders spaced not less that 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height, provided that the minimum clear height is not less than 6 feet 8 inches (2033 mm).
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than 7 feet (2134 mm) in height.
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.
4. *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.

**PM-405.9 Minimum room widths:** A *habitable* room, other than a kitchen, shall not be less than 7 feet (2133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**PM-405.10 Food preparation:** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## CHAPTER 5

## PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION PM-501.0 GENERAL

**PM-501.1 Scope:** The provisions of this chapter shall govern the minimum *plumbing* facilities and *plumbing fixtures* to be provided.

**PM-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 PM-502.0 DEFINITIONS

**PM-502.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

***Bathroom:*** A room containing *plumbing fixtures* including a bathtub or shower.

***Plumbing:*** The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code listed in Chapter 8.

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

***Toilet room:*** A room containing a water closet or urinal but not a bathtub or shower.

### SECTION PM-503.0 REQUIRED FACILITIES

**PM-503.1 Dwelling units:** Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

**PM-503.2 Rooming houses:** At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units.*

**PM-503.3 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.*

**PM-503.4 Employee's facilities:** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

> **PM-503.4.1 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 room* or *bathrooms.*

## SECTION PM-504.0 TOILET ROOMS

**PM-504.1 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.

**PM-504.2 Location:** *Toilet rooms* and *bathrooms* serving *hotel* units, *rooming units* or *dormitory* units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**PM-504.3 Location of employee toilet facilities:** Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular 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 public customer facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, and 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.

## SECTION PM-505.0 PLUMBING FIXTURES

**PM-505.1 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.

**PM-505.2 Fixture clearances:** *Plumbing fixtures* shall have adequate clearances for usage and cleaning.

## SECTION PM-506.0 WATER SYSTEM

**PM-506.1 General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other *plumbing fixture* shall be property connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

**PM-506.2 Contamination:** The water supply shall be maintained free from contamination, and all water inlets for *plumbing fixtures* shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**PM-506.3 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.

**PM-506.4 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 that 110 degrees F. (43 degrees 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 property installed and maintained on water heaters.

## SECTION PM-507.0 SANITARY DRAINAGE SYSTEM

**PM-507.1 General:** All *plumbing fixtures* shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**PM-507.2 Maintenance:** Every *plumbing* stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

## SECTION PM-508.0 STORM DRAINAGE

**PM-508.1 General:** Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a *public nuisance.*

## CHAPTER 6

## MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION PM-601.0 GENERAL

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

**PM-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 PM-602.0 HEATING FACILITIES

**PM-602.1 Facilities required:** Heating facilities shall be provided in structures as required by this section.

**PM-602.2 Residential buildings:** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all *habitable* rooms, *bathrooms* and *toilet rooms* based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

> **PM-602.2.1 Heat supply:** Every *owner* and *operator* of any building who rents, leases or *lets* one or more *dwelling unit, rooming unit, dormitory* or guestroom on terms, either express or implied, to furnish heat to the *occupants* thereof shall supply sufficient heat during the period from [DATE] to [DATE] to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.
>
> **PM-602.2.2 Room temperature exception:** When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Chapter 8, the *owner* or *operator* shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

**PM-602.3 Nonresidential structures:** Every enclosed occupied work space shall be supplied with sufficient heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

**Exceptions**

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

**PM-602.4 Room temperature measurement:** The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

## SECTION PM-603.0 MECHANICAL EQUIPMENT

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

**PM-603.2 Cooking and heating equipment:** All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

**PM-603.3 Flue:** 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.

**PM-603.4 Clearances:** All required clearances to combustible materials shall be maintained.

**PM-603.5 Safety controls:** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**PM-603.6 Combustion air:** A supply of air for complete combustion of the fuel and for *ventilation* of the space shall be provided for the fuel-burning equipment.

**PM-603.7 Energy conservation devices:** Devices purporting 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 PM-604.0 ELECTRICAL FACILITIES

**PM-604.1 Facilities required:** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section PM-605.0.

**PM-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 NFiPA 70 listed in Chapter 8. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

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

## SECTION PM-605.0 ELECTRICAL EQUIPMENT

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

**PM-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. Every *bathroom* shall contain at least one receptacle.

**PM-605.3 Lighting fixtures:** Every public hall, interior stairway, water closet compartment, *bathroom,* laundry room and furnace room shall contain at least one electric lighting fixture.

## SECTION PM-606.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

**PM-606.1 General:** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

**PM-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.

**CHAPTER 7**

## FIRE SAFETY REQUIREMENTS

## SECTION PM-701.0 GENERAL

**PM-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.

**PM-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 PM-702.0 MEANS OF EGRESS

**PM-702.1 General:** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

**PM-702.2 Exit capacity:** The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the *building code* listed in Chapter 8.

**PM-702.3 Number of exits:** In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all *occupants* shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.

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

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the *building code* listed in Chapter 8 is provided in addition to the single exit.
4. Where permitted by the *building code* listed in Chapter 8.

**PM-702.4 Arrangement:** Exits from *dwelling units, rooming units,* guestrooms and *dormitory* units shall not lead through other such units, or through *toilet rooms* or *bathrooms.*

**PM-702.5 Exit signs:** All means of egress shall be indicated with approved "Exit" signs where required by the *building code* listed in Chapter 8. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

**PM-702.6 Corridor enclosure:** All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

**Exceptions**

1. Corridors in *occupancies* in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in *occupancies* in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code listed in Chapter 8, are not required to be self-closing.
3. Corridors in *occupancies* in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the *building code* listed in Chapter 8.

**PM-702.7 Dead-end travel distance:** All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

**PM-702.8 Aisles:** Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in *occupancies* in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the *building code* listed in Chapter 8. In all other *occupancies,* aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

**PM-702.9 Stairways, handrails and guards:** Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the 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 or balcony.

**PM-702.10 Information signs:** A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be marked with approved signs in accordance with the requirements for new buildings in the *building code* listed in Chapter 8.

> **Exception:** The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the *building code* listed in Chapter 8.

**PM-702.11 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 as provided for in Section PM-702.11.1.

> **PM-702.11.1 Locks permitted:** Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:
> 1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove *occupants* safely in case of fire or other emergency.
> 2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
> 3. Where the door hardware conforms to that permitted by the *building code* listed in Chapter 8.

**PM-702.12 Emergency escape:** Every sleeping room located in a *basement* in an *occupancy* in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

> **Exception:** Buildings equipped throughout with an automatic fire suppression system.

## SECTION PM-703.0 ACCUMULATIONS AND STORAGE

**PM-703.1 Accumulations:** *Rubbish, garbage* or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

**PM-703.2 Hazardous material:** Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible *rubbish*, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage

complies with the applicable requirements of the *building code* and the *fire prevention* code listed in Chapter 8.

## SECTION PM-704.0 FIRERESISTANCE RATINGS

**PM-704.1 General:** The fireresistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

**PM-704.2 Maintenance:** All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

## SECTION PM-705.0 FIRE PROTECTION SYSTEMS

**PM-705.1 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 properly maintained.

**PM-705.2 Fire suppression system:** Fire suppression systems shall be in proper operating condition at all times.

> **PM-705.2.1 Valves:** Control valves shall be in the fully open position.
>
> **PM-705.2.2 Sprinklers:** Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.
>
> **PM-705.2.3 Piping:** Piping shall be properly supported and shall not support any other loads.

**PM-705.3 Standpipe systems:** Standpipe systems shall be in proper operating condition at all times.

> **PM-705.3.1 Valves:** Water supply control valves shall be in the fully open position.
>
> **PM-705.3.2 Hose connections:** Hose connections shall be identified and have ready access thereto.
>
> **PM-705.3.3 Hose:** Where provided, the hose shall be properly packed, dry and free from deterioration.

**PM-705.4 Fire extinguishers:** All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

**PM-705.5 Smoke detectors:** A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in *occupancies* in Use Groups R-1 and I-1, and in *dwelling units* in the immediate vicinity of the bedrooms in *occupancies* in Use Groups R-2 and R-3. In all residential *occupancies,* smoke detectors shall be required on every story of the *dwelling unit*, including *basements*. In *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke detector 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.

> **PM-705.5.1 Installation:** All detectors shall be installed in accordance with the *building code* listed in Chapter 8. When actuated, the smoke detectors shall provide an alarm suitable to warn the *occupants* within the individual room or *dwelling unit.*
>
> **PM-705.5.2 Power source:** The power source for smoke detectors shall be either an AC primary power source or a monitorized battery primary power source.
>
> **PM-705.5.3 Tampering:** Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

**PM-705.6 Fire protective signaling systems:** Fire protective signaling systems shall be in proper operating condition at all times.

> **PM-705.6.1 Control panel:** The “power on” indicator shall be lit. Alarm or trouble indicators shall not be illuminated.
>
> **PM-705.6.2 Manual fire alarm boxes:** All manual fire alarm boxes shall be operational and unobstructed.
>
> **PM-705.6.3 Automatic fire detectors:** All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

**PM-705.7 Records:** A complete written record of all tests and inspections of fire protection systems shall be maintained on the *premises* by the *owner* or *occupant* in charge of said *premises.*

## SECTION PM-706.0 ELEVATOR RECALL

**PM-706.1 Required:** All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 8.

## SECTION PM-707.0 MECHANICAL EQUIPMENT CONTROL

**PM-707.1 Smoke and heat detection:** Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

# CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Amendments to Chapter 48 of the Troy City Code
Litter Ordinance

Background:

- With the adoption of the new Property Maintenance Code certain provisions of the existing Litter Ordinance will no longer be necessary.
- Section 6.107 will be covered by Section 302.1 of the Property Maintenance Code.
- Other current text of the Litter Ordinance will still be necessary to address issues of litter placed upon public property or streets.
- We have attached the current text of the Litter Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Litter Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- Once the new Property Maintenance Code is adopted the existing text of portions of the Litter Ordinance can be deleted.
- Council can retain the existing text of the Litter Ordinance.

- Council can adopt revised text of the Litter Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 48 revision memo 6-15-09

The text of Chapter 48, Litter, Shall be amended as follows:

6.107 ~~Owner to Maintain Premises Free of Litter~~ Enforcement.
The Public Works Director is hereby charged with the enforcement of this Chapter. ~~The owner or person in control of any private premises shall at all times maintain the premises free of litter; Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.~~

~~6.108 Enforcement - Notice to Abate~~.

~~The City Superintendent of Public Works is hereby charged with the enforcement of this Chapter. No person being the owner or person in charge of or occupant of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by him in a manner prohibited by the provisions of this Chapter. When any litter shall be accumulated or permitted to accumulate on any private premises in a manner prohibited by this Chapter, the enforcing officer shall notify the owner, person in control or occupant of such private premises to remove the litter and clear said private premises within a time limited in the notice, such time not to be less than two (2) days nor more than ten (10) days from the time said notice is served. Such notice shall be served as provided in section 1.11 of this Code.~~

~~If the owner, person in charge or occupant of any premises notified to abate a nuisance consisting of the accumulation of litter on any private premises shall fail to abate the same within the time limited in said notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate said nuisance by removing said litter and clearing said private premises. The cost of abating such nuisance plus an additional fifteen (15%) percent for overhead and other expenses shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such charges is rendered, such charges may be collected as a single lot assessment against said premises in the manner provided by the City Charter or in any other manner authorized for the collection of debts owed the City.~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 48 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 48, Litter, of the Code of the City of Troy.

Section 2. Amendment

Chapter 48, Litter, shall be amended as follows:

Section 6.107 shall be amended to read as follows:

6.107 Enforcement

The Public Works Director is hereby charged with the enforcement of this Chapter.

Section 6.108 Enforcement – Notice to Abate, shall be deleted in its entirety.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

_____

Louise E. Schilling, Mayor

_____

Tonni L. Bartholomew, City Clerk

# CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Amendments to Chapter 82-B of the Troy City Code
Dangerous Buildings Ordinance

Background:

- With the adoption of the new Property Maintenance Code the current provisions of the Dangerous Buildings Ordinance will no longer be necessary.
- Dangerous Buildings will be covered by Section 108 of the Property Maintenance Code.
- We have attached the current text of the Dangerous Buildings Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to delete the Dangerous Buildings Ordinance under the Housing Laws of the State of Michigan, the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- Once the new Property Maintenance Code is adopted the existing text of the Dangerous Buildings Ordinance can be deleted.
- Council can retain the existing text of the Dangerous Buildings Ordinance.
- Council can adopt revised text of the Dangerous Buildings Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 82B revision memo 6-15-09

# ~~DANGEROUS BUILDINGS~~

~~1. Purpose and Reference to State Act~~

~~The procedures set forth in this Chapter are established in the public interest, to secure the health and safety of the occupants of dwellings, structures, and the general public.~~

~~This Chapter is enacted pursuant to the Housing Law of Michigan, found at Michigan Compiled Laws §125.401 et. seq., and is to be construed in conjunction therewith and interpreted to comply with the language of said law and any subsequent amendments.~~

~~2. Designation of Enforcement Body~~

~~The Director of Building and Zoning, his authorized representatives and employees, shall enforce the provisions of this Chapter, and shall have jurisdiction to establish the inspection and violation procedures to implement said enforcement.~~

~~3. Joint Implementation~~

~~This Chapter may be enforced by any other governmental agency by joint agreement where joint enforcement is practicable.~~

~~4. Dangerous Building, Prohibition.~~

~~It is unlawful for any owner or agent thereof to keep or maintain any structure or part thereof which is a dangerous building as defined in Section 5 (3).~~

~~5. Definitions.~~

~~(1) "City Council" shall mean the legislative body to hear appeals at the local level.~~

~~(2) "Owner" means any person, firm, partnership, association or corporation and/or their legal successors. All proceedings, actions, or prosecutions hereunder in which the owner of any building, structure, or part thereof, shall be subject to the provisions of this ordinance.~~

~~(3) "Dangerous Building" means a building or structure which has one or more of the following defects or is in one or more of the following conditions:~~

~~(a) A door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the City of Troy.~~

~~(b) A portion of the building is damaged by fire, wind, flood, or other cause in such a manner that the structural strength or stability of the building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the City of Troy ordinances.~~

~~(c) A portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required for new construction under the City of Troy ordinances.~~

~~(d) The building or structure or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support or for other reason, is likely to partially or completely collapse, or become detached, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.~~

~~(e) The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is intended to be used.~~

~~(f) The building or structure is vacant, dilapidated and open at any door or window leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or otherwise becomes an attractive nuisance to children who might play in the building or structure to their danger, or 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 or immoral act.~~

~~(g) A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise is in a condition that the Director of Building and Zoning or his authorized representatives or employees determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in the residence.~~

~~(h) An owner has been previously notified of existing code violation(s), according to the provisions of this Chapter and after said notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days, then the structure shall be declared a dangerous building.~~

~~3. Notice of Dangerous and Unsafe Condition, Issuance, Recipient, Contents, Filing, Form, Service; City Council~~

~~(1) When the whole or any part of any building or structure is found to be in a dangerous building the Director of Building and Zoning or his authorized representatives or employees shall issue a notice declaring that the building or structure is a dangerous building. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish the building or structure.~~

~~(2) The notice shall be served on the owner of record or the registered agent and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or holder of an encumbrance of record cannot be found, the notice may be served by posting it on the main entrance of the building and publishing it once a week for three (3) successive weeks in a newspaper authorized to provide service by publication.~~

~~(3) The notice shall specify the right of the owner to appeal to City Council the dangerous building determination of the Director of Building and Zoning or his authorized representatives or employees. The notice shall also set forth the administrative appeal procedure, including the requirement that any appeal under this section shall be filed in writing to the Director of Building and Zoning or his authorized representatives or employees within ten days of service of the notice.~~

~~4. Waiver of Hearing; Testimony; Determination to Close Proceedings or Order Building Demolished or Made Safe, Compliance, Hearing, Cost of Compliance As Lien Collection.~~

~~(1) If a written appeal of the dangerous building determination is not received within ten days of the date of service of the notice, as described in section 3, then a public hearing will not be necessary, and the matter shall be referred to the City Council for resolution.~~

~~(2) If a written appeal of the dangerous building determination is received within the allocated ten day period, then a public hearing will be scheduled before City Council as soon as administratively possible. At the public hearing, the City Council shall take the testimony from the Director of Building and Zoning and/or his authorized representatives and employees, testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous building pursuant to this Chapter.~~

~~(3) If it is determined by the City Council that the building or structure is a dangerous building and therefore should be demolished or made habitable, Council shall order the demolition or necessary repairs be completed. The repairs shall be ordered to be completed by a specified time, which shall not exceed 21 days after the hearing and/or the resolution.~~

~~(4) If the ordered demolition or repairs are not completed within the allocated time period, as set forth in section (3), City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the structure or any part of the structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(5) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the the cost of the necessiated repairs or demolition by first class mail at the address shown on the records. If the owner fails to pay the same within thirty (30) days after mailing by the Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessitated demolition and/or repair. If the City receives a favorable judgment, then said judgment may be assessed against all of the assets of the owner of the property, not just the real estate that is the subject of the dangerous building determination.~~

~~5. Appeal to Circuit Court.~~

~~An owner aggrieved by any final decision or order of the City Council, made pursuant to this Chapter, may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.~~

~~(4-17-00)~~

~~6. Emergency:~~

~~The Fire Chief or Director of Building and Zoning or his authorized representatives or employees shall have the power to abate any public nuisance from any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this section. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment hereof shall be enforced as a special assessment.~~

~~(4-17-00)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 82-B
OF THE CODE OF THE
CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 82-B, Dangerous Buildings, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82-B, Dangerous Buildings, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

# CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Amendments to Chapter 88 of the Troy City Code
Nuisance Ordinance

Background:

- With the adoption of the new Property Maintenance Code certain provisions of the existing Nuisance Ordinance will no longer be necessary.
  - Section 9.2, and 9.3, of the Nuisance Ordinance on Dangerous Buildings will now be covered by Section 108 of the Property Maintenance Code.
  - Section 9.4, of the Nuisance Ordinance on Emergency Abatement will now be covered by Section 109 of the Property Maintenance Code.
  - Section 9.14 of the Nuisance Ordinance is already covered by the provisions of the Sign Ordinance.
  - Section 9.17 on Privies and Cesspools is already covered by Section 19.03 of the Sanitary Sewer Service Ordinance.
  - Section 9.18 on Drainage of Premises will be covered by Section 302.2 of the Property Maintenance Code.
  - Section 9.20 on Junk Cars will be covered by Section 302.8 of the Property Maintenance Code.
- We have attached the current text of the Nuisance Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Nuisance Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I)

Options:

- Once the new Property Maintenance Code is adopted the existing text of portions of the Nuisance Ordinance can be deleted.
- Council can retain the existing text of the Nuisance Ordinance.
- Council can adopt revised text of the Nuisance Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 88 revision memo 6-15-09

The following text is proposed to be deleted from Chapter 88 – Nuisances, of the Troy City Code.

~~9.2 Dangerous Structures. No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.~~

~~9.3 Disregarding Notice or Orders.~~

~~(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this Code to give such notice or order shall be guilty of a violation of this Code.~~

~~(b) The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice given, as provided for in this Code, shall be guilty of a violation of this Code.~~
~~(Rev. 03-26-79)~~

~~9.4. Dangerous Structures - Emergency Abatement. The Fire Chief or Building Official shall have the power to abate any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this Chapter. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment thereof shall be enforced through special assessment as provided in the Charter.~~
~~(Rev. 04-12-82)~~

~~9.14 Billposting. No person shall himself or by another post, attach, place, print, paint or stamp any placard, circular, show bill or advertisement of any description whatever, except such as what may be expressly authorized by law, on any street, or sidewalk, or upon any election booth or other public place or object, with the exception of legally permitted billboards, in the City, or upon any fence, building or property belonging to the City, or upon any telegraph pole, telephone pole, electric light pole, or tower, or bridge or curb stone in any public street or alley in the City; provided, however, that a service, religious or charitable organization may make application to the Board of Appeals for the erection of a sign upon City property, and the Board of Appeals may in their discretion grant such application and designate the size, type and place at which said sign is to be erected, and shall be removed upon written notice at the discretion of the City Council; provided further that the Engineering Department shall first make a recommendation on the location, type and size of signs.~~
~~(Rev. 03-26-79)~~

~~PRIVIES AND CESSPOOLS~~

~~9.17 Privies, Vaults, Regulations.~~

~~(1) No person shall construct or cause to be constructed a privy, outhouse, cesspool or privy vault within the City if there be a public sewer within one hundred and fifty feet of the property line. Nothing herein contained shall prevent the construction of privies on property with the nearest lot line more than one hundred and fifty (150) feet from a public sewer.~~

~~(2) Privies shall at all times be kept by the owner or occupant of the premises upon which it is located in a condition not offensive to the public or to any person.~~

~~(3) Any privy or cesspool that emits any foul or offensive odor is hereby declared a nuisance and the health officer and/or building inspector shall abate the same, and no owner or occupant of any premises shall permit any privy to become a nuisance, emitting any foul or offensive odor, or shall permit any open or exposed privy vault or cesspool to exist on any premises owned or occupied by him.~~

~~9.18. Drainage of Premises. If any lands, excavations, cellar, vault, sewer, drain, place or premises within the City shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the health officer and/or building inspector may require the same to be drained, filled, up, cleansed or purified by the owner or occupant, or person in charge of such lot, premises or place.~~

~~9.20. Junk Cars. Unless otherwise permitted, no person or corporation whether he be the owner, tenant or manager of private property, or whether he be the last registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the accumulation on private property of one or more vehicles which do not meet the following conditions:~~

~~(a) Any motor vehicle must be in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code being MCL 257.1 through 257.925; provided that any such vehicle will be permitted not to comply with these requirements for any period not to exceed fourteen (14) days.~~

~~(b) These minimum conditions, except for any fourteen (14) day period will include, but are not limited to, an engine that runs, four wheels and four pneumatic tires capable of holding air working battery., current license plates, and~~

~~c) Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request and extension of the fourteen (14) day limitation above described by filing a timely request with the Office of the Police Chief or Director of Building and Zoning who may, after review of all of the circumstances, grant a reasonable extension of time for compliance.~~
~~(Rev. 07-12-99)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 88 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 88, Nuisances, of the Code of the City of Troy.

Section 2. Amendment

Chapter 88, Nuisances, shall be amended by deleting the following sections in their entirety:

Section 9.2 Dangerous Structures

Section 9.3 Disregarding Notice or Orders (including subparagraphs a and b)

Section 9.4 Dangerous Structures – Emergency Abatement

Section 9.14 Billposting

Section 9.17 Privies, Vaults, Regulations (including subparagraphs 1, 2, and 3)

Section 9.18 Drainage of Premises

Section 9.20 Junk Cars (including subparagraph a, b, and c)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in

full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, City Clerk

# CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Deletion of Chapter 89 of the Troy City Code
Weed Control Ordinance

Background:

- With the adoption of the new Property Maintenance Code the existing provisions of the Weed Control Ordinance will no longer be necessary.
- Weed control will now be regulated by Section 302.4 of the Property Maintenance Code.
- We have attached the current text of the Weed Control Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Weed Control Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- Once the new Property Maintenance Code is adopted the existing text of the Weed Control Ordinance can be deleted.
- Council can retain the existing text of the Weed Control Ordinance.
- Council can adopt revised text of the Weed Control Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 89 revision memo 6-15-09

The text of Chapter 89, Weed Control, shall be amended by deleting the chapter in its entirety.

~~CHAPTER 89 WEED CONTROL~~

~~9.21 Commissioner of Noxious Weeds. Pursuant to the provisions of Act 359, Public Acts of 1941 (Michigan Compiled Laws of 1948, Sections 247.61 - 247.72), there is hereby created the office of "Commissioner of Noxious Weeds". Said Commissioner of Noxious Weeds shall be appointed by the City Manager in accordance with the provisions of the aforesaid Act 359 of the Public Acts of 1941, and shall possess all rights and be subject to all duties as prescribed in said Act.~~

~~9.22 Definition of Noxious Weeds. For the purpose of this Chapter, "Noxious Weeds" shall include~~
~~Canada thistle (circium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard and Indian mustard, species of Brassica or Sinapis), wild carrot (Daucus Carota), bindweed (convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (ambrosia elatior 1.) and poison ivy (rhus toxicondendron), poison sumac (toxicondendron vernix) or other plant which, in the opinion of the City Council, is regarded as a common nuisance.~~

~~9.23 Destruction of Noxious Weeds. It shall be the duty of all owners of land on which noxious weeds are found growing within one hundred (100) feet of any occupied building, or within 100 feet of a platted subdivision, or within the boundaries of any subdivision in which buildings have been erected on thirty percent (30%) of the lots included in that subdivision, or within 100 feet of any major road, to destroy the same before they reach a seed-bearing state and to prevent such weeds from perpetuating themselves or to prevent such weeds from becoming a detriment to the public health.~~

~~In case owner, agent or occupant fails or refuses to comply with the provisions of this Ordinance, the Commissioner of Noxious Weeds will enter upon the land and destroy the weeds as many times as necessary during the growing season, not to exceed four cuttings.~~
~~(Rev. 5-12-80)~~

~~9.24 Exemptions. Nothing herein shall apply to fields devoted to the growing of small grain crops such as corn, wheat, oats or rye.~~
~~(Rev. 4-21-69)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 89 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 89, Weed Control, of the Code of the City of Troy.

Section 2. Amendment

Chapter 89, Weed Control, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk