



CITY COUNCIL REPORT

DATE: September 10, 2009

TO: John Szerlag, City Manager

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

SUBJECT: Proposed Updated/Corrected Language for
Chapter 82, of the Troy City Code
Property Maintenance Code

Background:

- In response to questions and comments received from members of Council after the study meeting of August 31, 2009, we have prepared the attached revisions to the text of the Troy Property Maintenance Code for your consideration.
- We are also seeking direction from Council on other provisions of the proposed language which we wish to discuss further in a study meeting format.
- The results of that direction will be a final version of the proposed language to be presented to Council for adoption at a future regular meeting.

Proposed Revision to the Property Maintenance Code for September 14, 2009

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.

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-are~~ 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.....(remaining unchanged)

105.1 Modifications. Existing buildings or structures will not be ~~subject to adhere to~~ ~~required to comply with~~ 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.

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.

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.

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~~ reasonable repair, and maintained free from hazardous conditions.

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.

Exception: The presence of squirrels or chipmunks on the exterior of a structure shall not constitute a rodent infestation.

307.4.1 Type of container. Upon eviction or involuntary removal, the tenant's or occupant's personal property shall be legally removed from the property or 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.

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