

VILLAGE OF  
**GLEN CARBON** *Illinois*

2013 Village of Glen Carbon Rental  
Property Maintenance and Occupancy  
Code





# TABLE OF CONTENTS

CHAPTER 1 SCOPE AND ADMINISTRATION.....	
2-17	
CHAPTER 2 DEFINITIONS .....	
. 18-22	
CHAPTER 3 GENERAL REQUIREMENTS .....	
23-31	
CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS .....	32-35
CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS .....	36-38
CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS .....	39-
42	
CHAPTER 7 FIRE SAFETY REQUIREMENTS.....	
43-45	
CHAPTER 8 REFERENCED STANDARDS .....	
. 46-47	
APPENDIX A.....	
.. 48-51	
INDEX .....	
... 52-69	

## CHAPTER 1

### SCOPE AND ADMINISTRATION

#### **SECTION 101 GENERAL**

**101.1 Title.** These regulations shall be known as the *2013 Rental Property Maintenance Code* of Village of Glen Carbon, hereinafter referred to as "this code."

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

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

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

## SECTION 102 APPLICABILITY

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

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

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*,

*International Residential Code*, *Illinois State Plumbing Code* and NFPA 70(NEC 2005). Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

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

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

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

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in [Chapter 8](#) and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

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

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

**102.7.2 Provisions in referenced codes and standards.** Where the extend of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

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

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

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

## **SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

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

### **103.2 Appointment.**

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

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

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

**103.5 Fees.** The fee for inspection by the Building Official, upon which an occupancy permit or temporary work compliance permit has been requested shall be Twenty-Five Dollars (\$25.00). The original inspection fee shall be valid for a second subsequent inspection, if necessary, for any reason to assure compliance or to issue a temporary work compliance permit. Any inspection after the second inspection shall require payment of the Twenty Dollar (\$20.00) inspection fee for each such inspection. The inspections shall be made by the Building Official, within twenty-four (24) hours of the notice required by Section 113.3. Inspections are conducted Monday – Friday. Inspections will not be made on weekends or on Holidays. A notice of non-compliance or a permit shall be issued within twenty-four (24) hours of the last necessary inspection. Payment shall be in the form and manner required by this Ordinance.

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

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

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

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

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

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

**104.6 Department records.** The *code official* shall keep official records of all business and

activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

## **SECTION 105 APPROVAL**

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

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

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

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

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

**105.4 Used material and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

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

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



## SECTION 106 VIOLATIONS

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

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

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

**106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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

## SECTION 107 NOTICES AND ORDERS

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

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

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

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

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

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

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

**107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT**

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

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

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

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

contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

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

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

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition

that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

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

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

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

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

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

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

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

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

## **SECTION 109 EMERGENCY MEASURES**

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

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

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

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

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action

against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

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

## **SECTION 110 DEMOLITION**

**110.1 General.** The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

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

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

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

## **SECTION 111 MEANS OF APPEAL**

**111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Village Administrator, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.2 Membership of board.** Village Administrator

**111.4 Opportunity to Applicant:** The applicant shall upon request have the opportunity to meet with the Village Administrator to state his or her case.

**111.6 Board decision.** The Village Administrator shall modify or reverse the decision of the Building Administrator at his sole discretion within 10 days after being presented the application for appeal. The final decision shall include a notice to the applicant stating the disposition and reasoning for the final decision.

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

**111.6.2 Administration.** The Building Administrator or his designee shall take immediate action in accordance with the decision of the board.

**111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

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

## **SECTION 112 STOP WORK ORDER**

**112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Building Administrator or his designee is authorized to issue a stop work order.

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

**112.3 Emergencies.** Where an emergency exists, the Building Administrator or his designee shall not be required to give a written notice prior to stopping the work.

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$75.00 dollars or more than \$750.00 dollars.

## SECTION 113 OCCUPANCY PERMIT REQUIRED

**113.1 Permit Required.** It shall be unlawful for any person to occupy or for any owner or agent to permit the occupation of any dwelling, dwelling units, multiple dwelling, rooming house or rooming units, including mobile homes, modular homes and any other structures, permanent, temporary or unit containing one or more dwelling units, other than a single family owner occupied dwelling, for any purpose until a Certificate of Occupancy has been issued and signed by the Building Administrator. A Certificate of Occupancy shall not be issued until inspections have been conducted by the Building Official or his designee, of the premises for which said Certificate of Occupancy has been requested. The Certificate of Occupancy so issued shall state that the occupancy complies with all the provisions of this code. The vacation of all persons from premises, or the immediate addition of one (1) or more persons to any dwelling unit or rooming unit, or the change of a premises from a single family owner occupied dwelling, shall cause the requirement of a Certificate of Occupancy. A Certificate of Occupancy may be issued for a multiple dwelling or rooming house, in its entirety, or may be withheld or revoked for any multiple dwelling or rooming house, for the failure of any one dwelling unit or rooming unit to meet the provisions of this code. A Certificate of Occupancy may be issued or revoked which designates only particular dwelling units or rooming units and excludes others. Determination for the type of certificate of occupancy issued for multiple dwellings or rooming houses shall depend on the reasonable judgments of the Building Official, taking into consideration the actual or potential deleterious effect on the residents or potential residents of any non-conforming dwelling unit or units or rooming unit or units to other multiple dwelling or rooming house. The Building Official may forego the inspection of any premises if such premises received an occupancy permit within one (1) year prior to a new occupancy. Multiple inspections for multiple dwellings or rooming houses within a one year period are not encouraged unless deemed necessary due to the premises condition. The burden of proof for such a waiver of inspection is upon the persons responsible for providing notice of a change in occupancy. The inspectors shall provide a written waiver upon request.

An occupancy permit properly issued will terminate:

1. Upon vacation of the dwelling unit by a tenant.
2. After five (5) years from the date of issuance of an occupancy permit, at which time the unit must be re-inspected and the deficiencies corrected within a thirty day period, after which a new occupancy permit shall be issued; except that in the case of an owner-occupied condominium unit, the permit would not expire as long as the owner occupies the dwelling unit.

**113.2 Occupancy Notification.** Except for single family owner occupied dwelling, prior to a change in occupancy, and in cases of first occupancy of a newly constructed or re-constructed or enlarged premises, the owner **or** designated agent shall notify in writing the Building Official of the expected occupancy, except for multiple dwellings, in which case the owner **and** intended occupant shall notify in writing the Building Official. Notification shall be made in accordance with the procedures established by the Building Official. It shall be a violation of this Code for any person not to provide the notice required. Notification may be provided by an agent of an owner or intended occupant. Notification in writing may be waived by the Building Official, but



the burden of proof of waiver shall be upon the person required to provide notice.

**113.3 Utilities.** It shall be unlawful for any residential property owner or tenant to receive a utility service, such as gas, water, electricity, oil or steam to provide its service to any premises for which a certificate of occupancy is required until the certificate has been issued. All utilities shall be required to notify the Building Official, of any said applications for utility service or change of responsible parties for utility service within two weeks of application. Notice shall be provided in the manner and method as the Building Official shall require.

**113.4 Written Notice to New Owners.** Every seller of a premises for which an occupancy permit is required pursuant to this Code, shall provide, prior to or at the time of contract, a notice to the new owner in writing that the property is subject to an occupancy inspection and permit prior to any change in occupancy, or the occupancy of a newly constructed or re-constructed or enlarged premises. A notice in the following terms is sufficient: "This property (description) is subject to the Village of Glen Carbon Rental Property Maintenance and Occupancy Code – Ordinance No. 2013-31 and the requirements of an occupancy inspection and permit." Notice may be provided by an agent of the seller.

**113.5 Temporary Work Compliance Permit Required.** Any person, firm or corporation may apply and obtain for the purpose of repairing, enlarging, remodeling, rebuilding, building or any other type of work which is required to make the structure acceptable under this ordinance, a temporary work compliance permit which must be signed by the Building Official is required. The permit when issued shall delineate the premises for which it is issued, the period of time for which it is valid and the reason for the permit. A temporary work compliance permit shall not be issued until an inspection has been conducted by the Building Official, of the premises for which the temporary work compliance permit has been requested. A temporary work compliance permits occupancy under the reasonable conditions of the permit without subjecting the owner or occupant to the penalties of this code. A temporary work compliance permit shall not exceed ninety (90) days. Each succeeding temporary work compliance permit may require an additional inspection, if determined necessary by the Building Official. Multiple successive permits are not encouraged. No more than three (3) successive work compliance permits shall be issued without approval of the Zoning Board of Appeals. Issuance of a work compliance permit is within the ground and reasonable discretion of the Building Official. There is no requirement that it be issued upon application instead of a notice pursuant to Section 113.16. A work compliance permit issued after the issuance of a notice pursuant to Section 113.16 but before compliance is required takes the place of the notice and replaces the time for compliance to the expiration of the permit. At that time, a violation of this Code maybe charged as an ordinance violation.

**113.6 Approval for Occupancy Permit.** An occupancy permit shall be granted or revoked only upon the written approvals or decisions of the Building Official and in the case of a dispute, the permit grant or revocation shall be subject to the decision of the Zoning Board of Appeals upon appeal by any aggrieved person or Building Official. Determination of aggrieved person shall be liberally construed.

**113.7 Inspection and Occupancy Permit Fee.** The fee for inspection by the Building Official, upon which an occupancy permit or temporary work compliance permit has been requested shall be Twenty-Five Dollars (\$25.00). The original inspection fee shall be valid for a second subsequent inspection, if necessary, for any reason to assure compliance or to issue a temporary work compliance permit. Any inspection after the second inspection shall require payment of the Twenty Dollar (\$20.00) inspection fee for each such inspection. The inspections shall be made by the Building Official, within twenty-four (24) hours of the notice required by Section 113.3. Inspections are conducted Monday – Friday. Inspections will not be made on weekends or on Holidays. A notice of non-compliance or a permit shall be issued within twenty-four (24) hours of the last necessary inspection. Payment shall be in the form and manner required by this Ordinance.

**113.8 Occupancy Permit.** The occupant of all property subject to this Ordinance shall obtain an occupancy permit, when no inspection is required there is no charge for an occupancy permit.

**113.9 Temporary Work Compliance Permit.** The fee for a temporary work compliance permit shall be no charge.

**113.10 Records of Occupancy.** Owners of all premises subject to this Ordinance shall maintain a record which shall list for a period of no less than three (3) prior years all occupants' names and their dates of occupancy, including beginning and ending dates of occupancy. The record shall be made available for inspection at all reasonable times by the Building Official. Failure to maintain the log shall be considered a violation of this code.

**113.11 False Statements.** It shall be a violation of this code for any person to knowingly make any false statement in his application for an occupancy permit or temporary work compliance permit as to the names, ages, relationships or numbers of occupants who will occupy the premises or the reasons for which the respective permit is requested.

**113.12 Term of Permit-Suspension.** Any occupancy permit issued shall become invalid if the occupancy is not commenced within thirty (30) days after issuance of the permit for that specific unit.

**113.13 Emergency Measures.** When any premises has become so damaged by fire, wind, or other causes, or has become so unsafe, unhealthful or unsanitary, that in the opinions of the Building Official, life or health is immediately endangered, or in imminent peril, by the occupation of the premises, the Building Official is authorized and empowered to revoke without any notice any occupancy permits for any premises and to order and require the occupants to vacate the same forthwith and to order the owner or agent to proceed immediately with the corrective work and repairs required to make any premises temporarily safe and fit for human habitation, whether or not a notice or violation has been given as described in this code, and whether or not other legal procedures described by any ordinance or statute has been instituted. It shall be a violation of this code for any person to fail to comply with any emergency order. An emergency order not complied with may be charged as an ordinance violation immediately.

**113.14 Non-Compliance Notice to be Given.** Whenever the Building Official determines there are reasonable grounds to believe there exists a violation of any provision of this code, he, or any other Village employee designated by the Building Official, will give notice of such alleged violation to any owner, agent, or occupant, whether person, firm or corporation which shall:

- a. Be in writing.
- b. Contain a statement of the reason or reasons for its issuance.
- c. Allow a reasonable time for the performance of any act required to abate any and all violation, if the violation is abatable.
- d. Be served upon the owner, agent or occupant.
- e. Contain an outline of remedial action which if taken will effect compliance with the provisions of this code.

Notice required by subsection 113.4 (d) above shall be deemed to be properly served upon the owner, agent or occupant, if a copy thereof is:

1. Served upon him personally.
2. Sent by certified mail to his last known address after due and diligent inquiry as to the last known address.
3. Posted in a conspicuous place in or about the premises affected by the notice.

Service in form of subparagraph (3) above shall be effective only if a last known address cannot be ascertained after due and diligent inquiry and personal service cannot be effected after due diligence. If service in any form is intentionally refused or obstructed, then the time period for compliance in conformity with Section 113-14 shall begin with the first day of the period being the day of refusal or obstruction.

**113.15 Non-Compliance with Code Remedy of Defects.** The owner of any premises shall have thirty (30) days from the issuance of the notice provided for in Section 113.14 in which to remedy the condition specified, except when emergency conditions shall require immediate action as provided in Section PM-112-13, provided, however, that the Building Official, may, at his reasonable discretion, extend the time for compliance with any such notice. It shall be a violation of this code for any person to fail to comply with any order of the Building Official contained in the notice described in Section PM-113.14. The burden of proof of any extension shall be the responsibility of the owner, occupant or agent. An ordinance violation may be charged after the thirty (30) day compliance period, or after any extension of that period. The period of compliance shall begin with the day of service of the notice being the first day of any specified period.

**113.16 Condemned Buildings.** If any premises covered by this code shall be found to be unfit for human habitation and the cost of repair or alteration shall be deemed prohibitive by the Building Official, then he shall proceed with demolition of such building as provided in the Village ordinance.

**113.17 Vacated Dwelling to be Made Secure.** The owner of any premises which is declared “unfit for human habitation” shall make the premises safe and secure under the terms and conditions necessary, as noticed by the Building Official, so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant premises with open doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fore- hazard, a public nuisance, and imminent peril to life and property within the meaning of

this provision and code. Notwithstanding any ordinance or statute to the contrary, temporary boarding of such building, dwelling or rooming unit, as per the reasonable requirements of the Building Official, shall be a permissible method of securing the premises.

**113.18 Non-Compliance with Article-Transfer of Ownership of Non-Complying Building.**

It shall be unlawful for the owner, agent, or occupant of any premises who has received a compliance order, or upon whom a notice of violation has been served, to sell, transfer, mortgage, rent, 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 to the grantee, transferee, mortgagee, renter or lessee a true copy of any compliance order or notice of violation, and shall furnish to the respective issuing health officer, or respective designee, a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of making the corrections or repairs required by such compliance order or notice of violation.

## **CHAPTER 2 DEFINITIONS**

### **SECTION 201 GENERAL**

**201.1 Scope:** Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this article.

**201.0 Interchangeability:** Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**201.3 Terms defined in other codes:** Where terms are not defined in this article and are defined in the building, plumbing or mechanical codes listed in Appendix A, they shall have the same meanings ascribed to them as in those codes.

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

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

## **SECTION 202 GENERAL DEFINITIONS**

**ANCHORED.** Secured in a manner that provides positive connection.

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

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

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

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

**BUILDING CODE.** The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designed by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use 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*.

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

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

**DORMITORY.** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

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

**FAMILY.** One person, or two or more persons related by blood, marriage, or legal adoption, or not more than three (3) unrelated persons, maintaining a common household in a dwelling unit.

**HOTEL.** Any building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

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

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

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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

**MULTIPLE FAMILY DWELLING.** A building containing more than two dwelling units and not classified as a one or two family dwelling.

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

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

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

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

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

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

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

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

**PLUMBING.** The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances with the scope of the plumbing code listed in Appendix A.

**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 used 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.

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

**PUBLIC NUSANCE.** Includes the following:

1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, excavations and unsafe fences or structures; or
3. Any premises which has unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation or use; or
5. Any premises which is manifestly unsafe or insecure as to endanger life, limb or property; or
6. Any premises from which the plumbing, heating and/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 which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or;
8. Any structure or building 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.

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

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

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

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

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

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

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

**Supplied.** Shall mean paid for, furnished, or provide by or under the control of, the owner or operator.

**TEMPORARY HOUSING.** Shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities systems on the same premises for more than 30 consecutive days.

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

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

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

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

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

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



## **CHAPTER 3 GENERAL REQUIREMENTS**

### **SECTION 301 GENERAL**

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

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

**301.3 Vacant structures and land.** All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to

cause a blighting problem or adversely affect the public health or safety.

## **SECTION 302 EXTERIOR PROPERTY AREA**

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

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

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

**302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 8". All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

**302.4.1 Tree Maintenance and Removal.** Tree Maintenance And Removal: The maintenance, upon private property, of dead or dying tree or tree limbs or branches which, by reason of their location, size or state of deterioration, constitute a danger to the public health, safety or welfare, or the maintenance upon private property of trees which are infected with Dutch Elm or other contagious disease or blight, dangerous to persons, animals, other trees, or plant life, is declared to be a nuisance and must be removed. The stumps shall be removed to grade level.

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

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

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

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

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

**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

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

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

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

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

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

public nuisance.

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

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

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

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

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

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

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

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

**304.14 Insect screens.** During the period from April 1st to December 1st, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

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

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

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

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

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

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

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

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

## **SECTION 305 INTERIOR STRUCTURE**

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

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

**Exceptions:**

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

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

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

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

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

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

## **SECTION 306 COMPONENT SERVICEABILITY**

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

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

1. Soils that have been subjected to any of the following conditions:
  - 1.1. Collapse of footing or foundation system;
  - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - 1.4. Inadequate soil as determined by a geotechnical investigation;

- 1.5. Where the allowable bearing capacity of the soil is in doubt; or
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1. *Deterioration*;
  - 2.2. *Ultimate deformation*;
  - 2.3. Fractures;
  - 2.4. Fissures;
  - 2.5. Spalling;
  - 2.6. Exposed reinforcement; or
  - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
  - 3.1. *Deterioration*;
  - 3.2. Corrosion;
  - 3.3. Elastic deformation;
  - 3.4. *Ultimate deformation*;
  - 3.5. Stress or strain cracks;
  - 3.6. Joint fatigue; or
  - 3.7. *Detached*, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
  - 4.1. *Deterioration*;
  - 4.2. *Ultimate deformation*;
  - 4.3. Fractures in masonry or mortar joints;
  - 4.4. Fissures in masonry or mortar joints;
  - 4.5. Spalling;
  - 4.6. Exposed reinforcement; or
  - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
  - 5.1. *Deterioration*;
  - 5.2. Elastic deformation;
  - 5.3. *Ultimate deformation*;
  - 5.4. Metal fatigue; or
  - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
  - 6.1. *Ultimate deformation*;
  - 6.2. *Deterioration*;
  - 6.3. Damage from insects, rodents and other vermin;
  - 6.4. Fire damage beyond charring;
  - 6.5. Significant splits and checks;
  - 6.6. Horizontal shear cracks;
  - 6.7. Vertical shear cracks;
  - 6.8. Inadequate support;
  - 6.9. *Detached*, dislodged or failing connections; or
  - 6.10. Excessive cutting and notching.

**Exceptions:**

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

## **SECTION 307 HANDRAILS AND GUARDRAILS**

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

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

## **SECTION 308 RUBBISH AND GARBAGE**

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

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

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

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

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

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

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



## SECTION 309 PEST ELIMINATION

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

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

**309.3 Single occupant.** The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises*. Free of infestation. Accordingly, the code official should cite the occupant for rodent or insect infestations.

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

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

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

### **Bibliography**

The following resource materials were used in the preparation of the commentary for this chapter of the code:

IBC-2012, International Building Code. Washington, D.C.: International Code Council, 2011.

IRC-2012, International Residential Code. Washington, D.C.: International Code Council, 2011.

## CHAPTER 4

### LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

#### SECTION 401 GENERAL

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

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

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

#### SECTION 402 LIGHT

**402.1 Habitable spaces.** Every *habitable space* shall have at least one window of *approved* size

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

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

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

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

## SECTION 403 VENTILATION

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

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

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

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

**Exceptions:**

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

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

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

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

## SECTION 404 OCCUPANCY LIMITATIONS

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

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**404.3 Minimum ceiling heights.** *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

### Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

**404.4 Bedroom and living room requirements.** Every *bedroom* and living room shall comply with the requirements of [Sections 404.4.1](#) through [404.4.5](#).

**404.4.1 Room area.** Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain a minimum of 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by

more than one person shall contain a minimum of 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

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

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

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

**404.4.4 Prohibited occupancy.** Kitchens and 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.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5 MINIMUM AREA REQUIREMENTS**

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

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

a. See [Section 404.5.2](#) for combined living room/dining room spaces.

b. See [Section 404.5.1](#) for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1 Sleeping area.** The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with [Section 404.4](#).

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

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

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

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

## 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 each four *rooming units*.

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

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

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

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

## SECTION 503 TOILET ROOMS

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

**503.2 Location.** *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing a maximum of 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 a maximum of one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

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

**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 *International Plumbing Code*.

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

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

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



## **SECTION 506 SANITARY DRAINAGE SYSTEM**

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

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

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

## **SECTION 507 STORM DRAINAGE**

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

# **CHAPTER 6**

## **MECHANICAL AND ELECTRICAL REQUIREMENTS**

### **SECTION 601 GENERAL**

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

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

### **SECTION 602 HEATING FACILITIES**

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

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of

maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

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

**602.3 Heat supply.** Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 1<sup>st</sup> to April 30<sup>th</sup> to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

**Exceptions:**

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

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

## **SECTION 603 MECHANICAL EQUIPMENT**

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

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

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

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

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

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

equipment.

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

## SECTION 604 ELECTRICAL FACILITIES

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

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

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

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

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

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

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;

10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

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

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

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

## SECTION 605 ELECTRICAL EQUIPMENT

**605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved *workmanlike* 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 receptacle within 6 feet of ANY water source or wet location as defined by NFPA 70 must have ground fault circuit interrupter protection. **EXCEPTION:** Dedicated outlets are allowed for Refrigerators, Freezers, Sump Pumps and Sewage Lift Grinders/Pumps. All receptacle outlets shall have the appropriate faceplate cover for the location.

**605.3 Luminaires.** Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

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

## SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

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

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

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

## SECTION 607 DUCT SYSTEMS

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

# CHAPTER 7 FIRE SAFETY REQUIREMENTS

## SECTION 701 GENERAL

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

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

## SECTION 702 MEANS OF EGRESS

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

*International Fire Code.*

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

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

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

## **SECTION 703 FIRE-RESISTANCE RATINGS**

### **703.1 Fire-resistance-rated assemblies.**

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

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

## **SECTION 704 FIRE PROTECTION SYSTEMS**

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

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

**704.2 Smoke alarms.** Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

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

**704.3 Power source.** In Group R or I-1 occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

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

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

**Exceptions:**

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

## CHAPTER 8

### REFERENCED STANDARDS

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

American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990	
<b>ASME</b>	
Standard reference number	Referenced  in code
Title	



		section number
A17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

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

Standard reference number	Title	Referenced in code section number
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F 1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
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**ICC**      International Code Council  
 500 New Jersey Avenue, NW  
 6th Floor  
 Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—12	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC—12	International Existing Building Code®	305.1.1, 306.1.1
IFC—12	International Fire Code®	201.3, 604.3.1.1,

		604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC—12	International Fuel Gas Code®	102.3
IMC—12	International Mechanical Code®	102.3, 201.3
IPC—12	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IRC—12	International Residential Code®	201.3
IZC—12	International Zoning Code®	102.3, 201.3

	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269	
<b>NFPA</b>		
Standard reference number	Title	Referenced in code section number
25—11	Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.1.1
70—11	National Electrical Code	102.4, 201.3, 604.2

## APPENDIX “A”

### A101 GENERAL

#### A101.1 General.

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

### A102 MATERIALS

#### A102.1 Boarding sheet material.

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

#### A102.2 Boarding framing material.

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

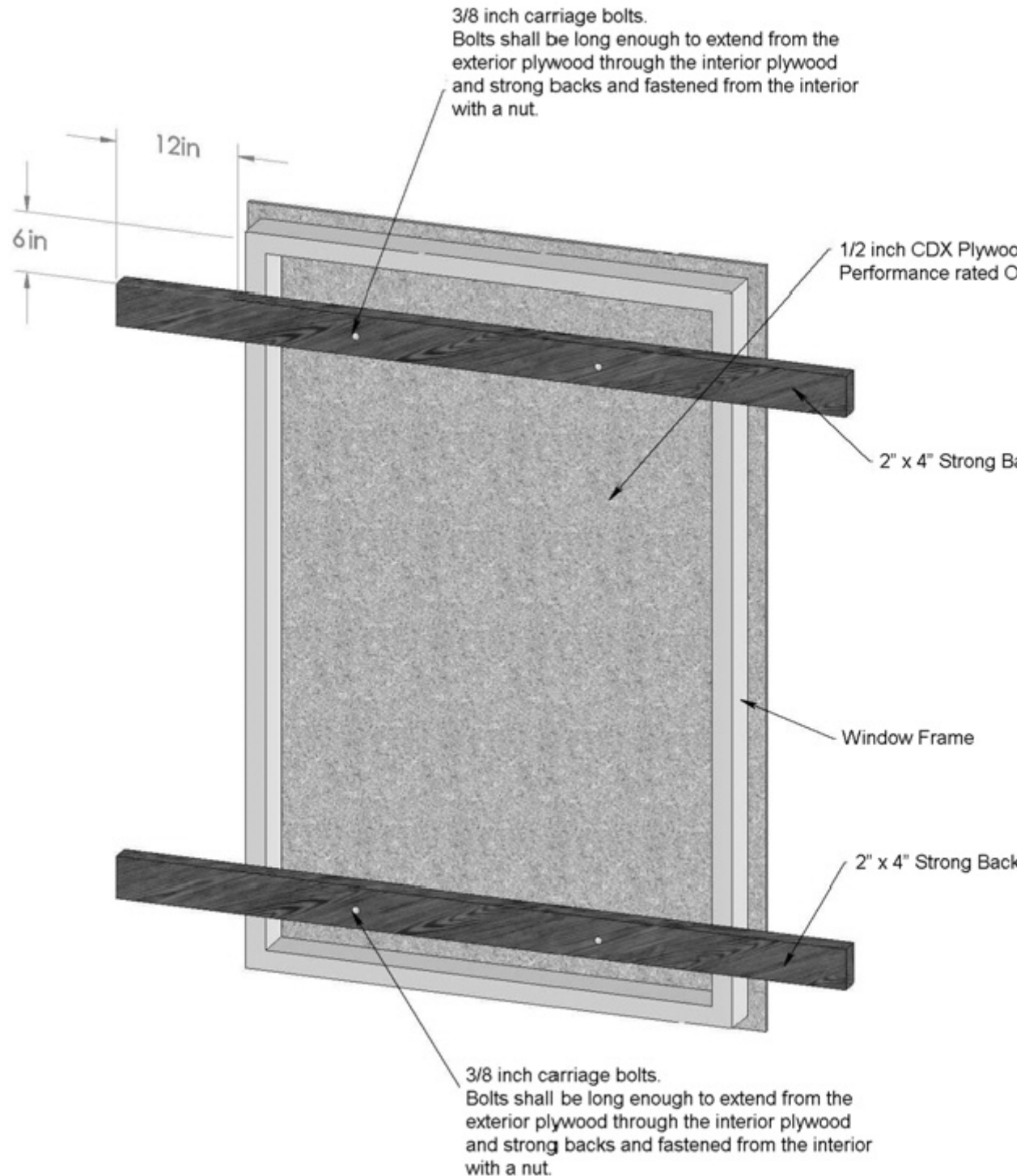
#### A102.3 Boarding fasteners.

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

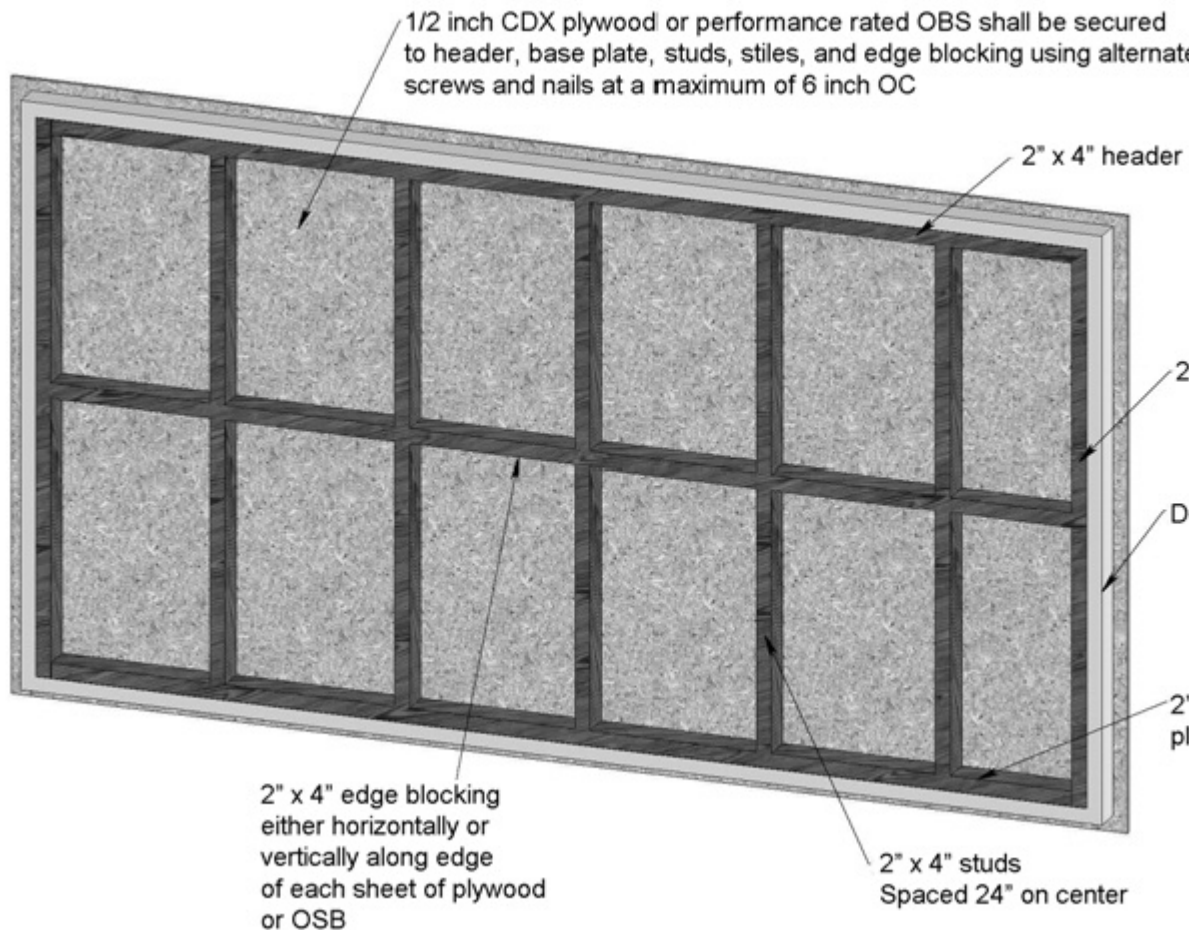
Washers and nuts shall comply with the *International Building Code*.

**A103.1 Boarding installation.**

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



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



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

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

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

**A103.4 Door walls.** The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

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

## **A104 REFERENCED STANDARDS**

IBC—12 International Building Code      A102.1, A102.2, A102.3

**INDEX****A****ACCESS**

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

**ADJACENT**

Privacy (hotel units, rooming units). . . . .	404.1
---	-------

**ADMINISTRATION**

Scope . . . . .	101.2
-----------------	-------

**AGENT (See also OPERATOR, OWNER)**

Definition. . . . .	202
---------------------	-----

**AIR**

Combustion air . . . . .	.603.5
--------------------------	--------

**AISLES**

Minimum width . . . . .	.702.2
-------------------------	--------

**ALTERATION**

Applicability of other codes. . . . .	102.3
Inspection . . . . .	104.2
Prosecution. . . . .	106.3
Unlawful acts . . . . .	106.1

**ANCHOR**

Anchored, definition . . . . .	202
Architectural trim. . . . .	304.8
Signs, marquees and awnings . . . . .	304.9
Unsafe conditions . . . . .	304.1.1

**APPEAL**

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

**APPLIANCE**

Cooking . . . . .	403.3, 602.2
Mechanical . . . . .	.603.1

**APPLICABILITY**

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

**APPROVAL**

Alternatives . . . . .	105.2
Authority . . . . .	104.1, 105.2

Modifications . . . . .	105.1
Research reports . . . . .	105.6
Used material and equipment . . . . .	105.4
<b>APPROVED</b>	
Alternative materials, methods and equipment . . . . .	105.2
Definition. . . . .	202
Energy conservation devices . . . . .	603.6
Garbage storage facilities . . . . .	308.3.1
Modifications. . . . .	105.1
Used materials and equipment . . . . .	105.4
<b>ARTIFICIAL</b>	
Lighting of habitable rooms. . . . .	401.3
Lighting of other spaces . . . . .	402.3
<b>AUTOMOBILE</b>	
Motor vehicles. . . . .	302.8
<b>AWNING</b>	
Signs, marquees and awnings . . . . .	304.9
<b>B</b>	
<b>BALCONY</b>	
Handrails and guardrails . . . . .	304.12
<b>BASEMENT</b>	
Definition. . . . .	202
Hatchways . . . . .	304.16
Windows . . . . .	304.17
<b>BATHROOM</b>	
Common bathrooms . . . . .	502.3, 503.1
Hotels . . . . .	502.3
Lighting . . . . .	605.3
Locks. . . . .	503.1
Outlets required . . . . .	605.2
Privacy . . . . .	503.1
Ventilation . . . . .	403.2
<b>BATHTUB</b>	
Dwelling units . . . . .	502.1
Rooming houses. . . . .	502.2
Sewage system. . . . .	506.1
Water-heating facilities . . . . .	505.4
Water system . . . . .	505.1
<b>COMMENTARY</b>	
<b>BOARDING</b>	
Boarding standard . . . . .	Appendix A
<b>BOILER</b>	
Unsafe equipment . . . . .	108.1.2
<b>C</b>	
<b>CAPACITY</b>	
Heating facilities. . . . .	602.2, 602.3, 602.4
<b>CAR (See AUTOMOBILE)</b>	
<b>CEILING</b>	
Basement rooms . . . . .	404.3
Fire-resistance ratings . . . . .	703.1
Interior surfaces . . . . .	305.3
Minimum height . . . . .	404.3
Sleeping rooms . . . . .	404.3
<b>CHANGE, MODIFY</b>	
Application of other codes . . . . .	102.3

<b>CHIMNEY</b>	
Exterior structure . . . . .	304.11
Flue . . . . .	603.2, 603.3
<b>CLEANING</b>	
Access for cleaning . . . . .	504.2
Disposal of garbage. . . . .	308.3
Disposal of rubbish . . . . .	308.2
Interior and exterior sanitation . . . . .	308.1
Interior surfaces . . . . .	305.3
Plumbing facilities, maintained . . . . .	504.1
Required plumbing facilities. . . . .	502
Responsibility of persons. . . . .	305.1
Trash containers . . . . .	308.3.2
Vacant structures and land . . . . .	301.3
<b>CLEARANCE</b>	
Heating facilities. . . . .	603.3
Plumbing fixtures . . . . .	504.2
<b>CLOSING</b>	
Streets . . . . .	109.3
Vacant structures. . . . .	108.2
<b>CLOTHES DRYER</b>	
Exhaust . . . . .	403.5
<b>CODE OFFICIAL</b>	
Condemnation . . . . .	108.1
Demolition . . . . .	110
Duties. . . . .	104
Emergency order . . . . .	109
Enforcement authority . . . . .	104.1
Failure to comply with demolition order . . . . .	110.3
Identification. . . . .	104.3
Inspections. . . . .	104.2
Liability, relief of personal . . . . .	103.4
Membership of board of appeals . . . . .	111.2
Notice of violation . . . . .	104.5, 107
Notices and orders . . . . .	107
Official records . . . . .	104.6
Personal liability . . . . .	103.4
Placarding . . . . .	108.4
Prosecution . . . . .	106.3
Removal of placard . . . . .	108.4.1
Right of entry . . . . .	104.3
Transfer of ownership . . . . .	107.6
Vacant structures . . . . .	108.2
Voting of appeals board . . . . .	111.2, 111.6
<b>COMBUSTION</b>	
Combustion air . . . . .	603.5
<b>COMPONENT SERVICEABILITY</b>	
Unsafe conditions. . . . .	306.1.1
<b>CONDEMNATION</b>	
Closing of vacant structures. . . . .	108.2
Failure to comply . . . . .	110.3
General . . . . .	108.1
Notices and orders . . . . .	108.2, 108.3
Placarding . . . . .	108.4
Removal of placard . . . . .	108.4.1
<b>CONFLICT</b>	



Conflict of interest . . . . .	111.2.3
Violations . . . . .	106.1
<b>CONNECTION</b>	
Sewage system . . . . .	506.1
Water heating. . . . .	505.4
Water system. . . . .	505.1
<b>CONSTRUCTION</b>	
Existing structures . . . . .	101.2
<b>CONTAINER</b>	
Garbage . . . . .	308.3.2
Rubbish storage. . . . .	308.2.1
<b>CONTINUOUS</b>	
Unobstructed egress . . . . .	702.1
<b>CONTROL</b>	
Rodent control . . . . .	302.5, 304.5
Safety controls . . . . .	603.4
Weed . . . . .	302.4
<b>COOLING</b>	
Cooling towers . . . . .	304.11
<b>CORRIDOR</b>	
Accumulation of rubbish. . . . .	308.1
Light . . . . .	402.2
Lighting fixtures . . . . .	605.3
Obstructions. . . . .	702.1, 702.2
Ratings maintained . . . . .	703
<b>D</b>	
<b>DAMP, DAMPNES</b>	
Roofs . . . . .	304.7
Window, door frames . . . . .	304.13
<b>DANGEROUS, HAZARDOUS</b>	
Condemnation . . . . .	108.1
Demolition. . . . .	110
Electrical hazards . . . . .	604.3, 604.3.1
Existing remedies . . . . .	102.4
Imminent danger. . . . .	202
Unsafe equipment . . . . .	108.1.2
Unsafe structures or premises . . . . .	108.1.5
<b>DECKS</b>	
Handrails and guardrails. . . . .	304.12
Maintenance . . . . .	304.2, 304.10
<b>DEMOLITION</b>	
Existing remedies . . . . .	102.4
Failure to comply . . . . .	110.3
General . . . . .	110
Order . . . . .	110.2
Salvage materials . . . . .	110.4
<b>DETECTORS</b>	
Smoke . . . . .	704
<b>DETERIORATION</b>	
Components of systems . . . . .	306.1.1
Definition. . . . .	202
Exterior structure . . . . .	304.1.1
Exterior walls . . . . .	304.6
<b>DIRECT</b>	
Egress . . . . .	702.1
<b>DISPOSAL</b>	

Disposal of garbage . . . . .	308.3
Disposal of rubbish . . . . .	308.2
<b>DOOR</b>	
Exit doors . . . . .	702.3
Fire . . . . .	703.2
Hardware . . . . .	304.15
Insect screens . . . . .	304.14
Interior surfaces . . . . .	305.3
Locks . . . . .	304.15, 702.3
Maintenance . . . . .	304.13, 304.15
Weather tight . . . . .	304.13
Window and door frames . . . . .	304.13
<b>DORMITORY (ROOMING HOUSE, HOTEL, MOTEL)</b>	
Locked doors . . . . .	702.3
Privacy . . . . .	503.1, 503.2
<b>DRAIN, DRAINAGE</b>	
Basement hatchways . . . . .	304.16
Plumbing connections . . . . .	506
Storm drainage . . . . .	507
<b>DUCT</b>	
Exhaust duct . . . . .	304.9
Duct systems . . . . .	607
<b>DUST</b>	
Process ventilation . . . . .	403.4
<b>DWELLING</b>	
Cleanliness . . . . .	305.1, 308.1
Definition. . . . .	202
Electrical . . . . .	604.1
Heating facilities . . . . .	602
Required facilities . . . . .	502
<b>E</b>	
<b>EGRESS</b>	
Aisles . . . . .	702.2
Emergency escape . . . . .	702.4
General . . . . .	702.1
Lighting . . . . .	402.2
Locked doors . . . . .	702.3
Obstructions prohibited. . . . .	702.1
Stairs, porches and railings. . . . .	304.10, 305.4, 305.5, 307.1
<b>ELECTRIC, ELECTRICAL EQUIPMENT</b>	
Abatement of hazards, fire exposure . . . . .	604.3.2
Abatement of hazards, water exposure . . . . .	604.3.1
Condemnation. . . . .	108.1
Electrical equipment . . . . .	604.3.1.1
Facilities required . . . . .	604.1
Hazards. . . . .	604.3
Installation. . . . .	605.1
Lighting fixtures. . . . .	605.3
Receptacles . . . . .	604.3, 605.2
Responsibility . . . . .	601.2
Service . . . . .	604.2
<b>ELEVATOR, ESCALATORS, DUMBWAITERS</b>	
Condemnation. . . . .	108.1
General . . . . .	606.1
Maintenance . . . . .	606.1, 606.2

<b>EMERGENCY</b>	
Emergency escape openings . . . . .	702.4
Emergency measures. . . . .	109
Emergency orders. . . . .	109.1
<b>ENFORCEMENT</b>	
Duties and powers . . . . .	104
Scope . . . . .	101.2
<b>EQUIPMENT</b>	
Alternative. . . . .	105.2
Combustion air . . . . .	603.5
Condemnation. . . . .	108.1.2, 108.3
Electrical installation . . . . .	605.1
Emergency order . . . . .	109.1
Energy conservation devices . . . . .	603.6
Installation. . . . .	603.1
Interior structure. . . . .	305.1
Placarding . . . . .	108.4, 108.5
Prohibited use . . . . .	108.5
Responsibility. . . . .	601.2
Safety controls . . . . .	603.4
Scope. . . . .	101.2
Scope, mechanical and electrical . . . . .	601.1
Support, definition . . . . .	202
Unsafe . . . . .	108.1.2
Used . . . . .	105.4
<b>EXHAUST</b>	
Clothes dryer . . . . .	403.5
Exhaust ducts . . . . .	304.9
Process ventilation. . . . .	403.4
<b>EXISTING</b>	
Remedies. . . . .	102.4
Scope. . . . .	101.2
Structural members . . . . .	304.1.1, 304.4
Structures . . . . .	101.3
<b>EXTERIOR</b>	
Decorative features . . . . .	304.8
Exterior structure . . . . .	304
Exterior walls . . . . .	304.6
Painting . . . . .	304.2, 304.6
Rodent harborage . . . . .	302.5, 304.5
Sanitation. . . . .	304.1
Scope. . . . .	301.1
Stair . . . . .	304.10
Street numbers . . . . .	304.3
Unsafe conditions . . . . .	304.1.1
Weather tight . . . . .	304.13
<b>F</b>	
<b>FAN</b>	
Exhaust vents . . . . .	302.6
<b>FEES, EXPENSES, COST</b>	
Closing vacant structures . . . . .	108.2
Demolition . . . . .	110.1, 110.3, 110.4
Extermination. . . . .	309.2, 309.3, 309.4, 309.5
General . . . . .	103.5
Relief from personal liability. . . . .	103.4
<b>FENCE</b>	

Accessory . . . . .	302.7
Maintenance . . . . .	304.2
<b>FIRE</b>	
Automatic sprinkler systems . . . . .	704.1.1
Fire-resistance-rated assemblies. . . . .	703.1
Fire protection systems . . . . .	704
Responsibility, fire safety . . . . .	701.2
Scope. . . . .	101.2
Scope, fire safety . . . . .	701.1
Smoke alarms . . . . .	704.2
<b>FLAMMABLE LIQUID</b>	
Containers . . . . .	108.1.2
<b>FLOOR, FLOORING</b>	
Area for sleeping purposes . . . . .	404.4.1
Fire-resistance ratings . . . . .	703.1
Interior surfaces . . . . .	305.1, 305.3
Space requirements . . . . .	404.4.1, 404.6
<b>FOOD PREPARATION</b>	
Cooking equipment . . . . .	403.3
Sanitary condition. . . . .	305.1, 404.7
Ventilation . . . . .	403.4
<b>FOUNDATION</b>	
Condemnation . . . . .	108.1.1
Foundation walls . . . . .	304.5
Unsafe conditions. . . . .	304.1.1, 305.1.1
<b>FRAME</b>	
Window and door frames . . . . .	304.13
<b>G</b>	
<b>GAS</b>	
Energy conservation devices . . . . .	603.6
Exhaust vents. . . . .	302.6
<b>GLAZING</b>	
Materials. . . . .	304.13.1
<b>GRADE</b>	
Drainage. . . . .	302.2, 507
<b>GUARD</b>	
Anchorage and maintenance . . . . .	304.12
Basement windows . . . . .	304.18.2
Definition . . . . .	202
<b>H</b>	
<b>HABITABLE</b>	
Definition . . . . .	202
Light . . . . .	402
Minimum ceiling height. . . . .	404.3
Minimum room width . . . . .	404.2
Required plumbing facilities . . . . .	502
Residential heating facilities. . . . .	602.2, 602.3
Space requirements . . . . .	404.4.1
Ventilation . . . . .	403
<b>HANDRAILS AND GUARDRAILS</b>	
Handrails . . . . .	304.12, 305.5, 307.1
Stairs and porches . . . . .	304.10
<b>HARDWARE</b>	
Door hardware . . . . .	304.15, 702.3
Openable windows. . . . .	304.13.2
<b>HAZARDOUS (See DANGEROUS, HAZARDOUS)</b>	

<b>HEAT, HEATING</b>	
Energy conservation devices . . . . .	603.6
Fireplaces . . . . .	603.1
Heating . . . . .	603.1
Mechanical equipment . . . . .	603.1
Required capabilities . . . . .	602
Residential heating . . . . .	602.2, 602.3
Supply. . . . .	602.3
Water heating facilities . . . . .	505.4
Water system . . . . .	505
<b>HEIGHT</b>	
Minimum ceiling height . . . . .	404.3
<b>HOT (See HEAT, HEATING)</b>	
<b>HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS</b>	
Definition. . . . .	202
Locked doors . . . . .	702.3
Required facilities . . . . .	502
Toilet rooms . . . . .	503
<b>HOUSEKEEPING UNIT</b>	
Definition. . . . .	202
<b>I</b>	
<b>IDENTIFICATION</b>	
Code official . . . . .	104.4
<b>INFESTATION</b>	
Condemnation . . . . .	108.1.3
Definition. . . . .	202
Insect and rodent . . . . .	302.5, 304.14, 309.1
<b>INSECTS</b>	
Infestation . . . . .	309.1
Insect screens . . . . .	304.14
Pest elimination . . . . .	309
<b>INSPECTIONS</b>	
General . . . . .	104.2
Right of entry . . . . .	104.3
<b>INSPECTOR</b>	
Identification . . . . .	104.4
Inspections . . . . .	104.2
Records . . . . .	104.6
<b>INTENT</b>	
Code . . . . .	101.3
<b>INTERIOR</b>	
Interior structure . . . . .	305
Interior surfaces . . . . .	305.3
Means of egress . . . . .	702
Sanitation . . . . .	305.1
Unsafe conditions . . . . .	305.1.1
<b>J</b>	
<b>JURISDICTION</b>	
Title . . . . .	101.1
<b>K</b>	
<b>KITCHEN</b>	
Electrical outlets required . . . . .	605.2
Minimum width . . . . .	404.2
Prohibited use. . . . .	404.4.4
Room lighting . . . . .	605.3

Water heating facilities . . . . . 505.4

**L**

**LANDING**

Handrails and guards . . . . . 304.12,  
305.5, 306.1

Maintenance . . . . . 304.10, 305.4

**LAUNDRY**

Room lighting . . . . . 605.3

Water-heating facilities . . . . . 505.4

**LAVATORY**

Hotels . . . . . 502.3

Required facilities . . . . . 502

Rooming houses . . . . . 502.2

Sanitary drainage system . . . . . 506

Water-heating facilities . . . . . 505.4

Water system . . . . . 505

**LEASE (SELL, RENT)**

Heat supplied . . . . . 602.3

Salvage materials . . . . . 110.4

Transfer of ownership . . . . . 107.6

**LIEN**

Closing of vacant structures . . . . . 108.2

Demolition . . . . . 110.3

Failure to comply . . . . . 110.3

**LIGHT, LIGHTING**

Common halls and stairways . . . . . 402.2, 605.3

General . . . . . 402

Habitable rooms . . . . . 402.1

Kitchen . . . . . 605.3

Laundry rooms . . . . . 605.3

Luminaires . . . . . 605.3

Other spaces . . . . . 402.3

Responsibility . . . . . 401.2

Scope . . . . . 101.2

Toilet rooms . . . . . 605.3

**LIVING ROOM**

Room area . . . . . 404.4.1

**LOAD, LOADING**

Elevators, escalators and dumbwaiters . . . . . 606.1

Handrails and guardrails . . . . . 304.12, 305.5

Live load . . . . . 304.4, 305.2

Stairs and porches . . . . . 304.10, 305.2

Structural members . . . . . 304.4, 305.2

**M**

**MAINTENANCE**

Required . . . . . 102.2

**MATERIAL**

Alternative . . . . . 105.2

Salvage . . . . . 110.4

Used . . . . . 105.4

**MEANS OF EGRESS (See EGRESS)**

**MECHANICAL**

Installation . . . . . 603.1

Responsibility . . . . . 601.2

Scope . . . . . 601.1

Ventilation, general . . . . . 403

Ventilation, toilet rooms . . . . .	403.2
<b>MINIMUM</b>	
Ceiling height . . . . .	404.3
Room area . . . . .	404.4.1
Room width . . . . .	404.2
<b>MODIFICATION</b>	
Approval. . . . .	105.1
<b>MOTEL (See HOTELS)</b>	
<b>MOTOR VEHICLES</b>	
Inoperative . . . . .	302.8
Painting . . . . .	302.8
<b>N</b>	
<b>NATURAL</b>	
Lighting . . . . .	401.3, 402
Ventilation . . . . .	401.3, 403
<b>NOTICES AND ORDERS</b>	
Appeal . . . . .	111.1
Form . . . . .	107.2
Method of service . . . . .	107.3
Orders . . . . .	107
Owner, responsible person . . . . .	107.1
Penalties . . . . .	107.5
Placarding of structure. . . . .	108.4
Transfer of ownership . . . . .	107.6
Unauthorized tampering . . . . .	107.4
Vacating structure . . . . .	108.2
<b>NOXIOUS</b>	
Process ventilation. . . . .	403.4
Weeds . . . . .	302.4
<b>NUISANCE</b>	
Closing of vacant structures. . . . .	108.2
<b>O</b>	
<b>OBSTRUCTION</b>	
Light . . . . .	402.1
Right of entry . . . . .	104.3
<b>OCCUPANCY (See USE)</b>	
<b>OPENABLE</b>	
Locked doors . . . . .	702.3
Windows. . . . .	304.13.2, 403.1
<b>OPERATOR</b>	
Definition . . . . .	202
<b>ORDER (See NOTICE)</b>	
<b>ORDINANCE, RULE</b>	
Applicability . . . . .	102
Application for appeal. . . . .	111.1
<b>OUTLET</b>	
Electrical. . . . .	605.2
<b>OWNER</b>	
Closing of vacant structures. . . . .	108.2
Definition . . . . .	202
Demolition . . . . .	110
Failure to comply . . . . .	110.3
Insect and rat control . . . . .	302.5, 309.2, 309.4
Notice. . . . .	107.1, 108.3
Pest elimination . . . . .	309.2
Placarding of structure . . . . .	108.4

Responsibility . . . . .	301.2
Responsibility, fire safety . . . . .	701.2
Responsibility, light, ventilation . . . . .	401.2
Responsibility, mechanical and electrical. . . . .	601.2
Responsibility, plumbing facilities. . . . .	501.2
Right of entry . . . . .	104.3
Rubbish storage. . . . .	308.2.1
Scope. . . . .	101.2
Transfer of ownership . . . . .	107.6

**P**

**PASSAGEWAY**

Common hall and stairway. . . . .	402.2
Interior surfaces . . . . .	305.3
Toilet rooms, direct access . . . . .	503.1

**PENALTY**

Notices and orders . . . . .	107.5
Placarding of structure . . . . .	108.4
Prohibited occupancy. . . . .	108.5
Removal of placard . . . . .	108.4.1
Scope. . . . .	101.2
Violations . . . . .	106.4

**PEST ELIMINATION**

Condemnation . . . . .	108.1
Definition. . . . .	202
Insect and rodent control 302.5, 304.5, 304.14, 309.1	
Pest elimination . . . . .	309.1
Responsibility of owner. . . . .	301.2, 309.2
Responsibility of tenant-occupant.309.3, 309.4, 309.5	

**PLACARD, POST**

Closing . . . . .	108.2
Condemnation . . . . .	108.1
Demolition. . . . .	110
Emergency, notice . . . . .	109.1
Notice to owner. . . . .	107.1, 108.3
Placarding of structure . . . . .	108.4
Prohibited use. . . . .	108.5
Removal . . . . .	108.4.1

**PLUMBING**

Clean and sanitary . . . . .	504.1
Clearance . . . . .	504.2
Connections . . . . .	505.1
Contamination . . . . .	505.2
Employee's facilities . . . . .	503.3
Fixtures. . . . .	504.1
Required facilities . . . . .	502
Responsibility . . . . .	501.2
Sanitary drainage system. . . . .	506
Scope . . . . .	501.1
Storm drainage . . . . .	507
Supply. . . . .	505.3
Water heating facilities . . . . .	505.4

**PORCH**

Handrails . . . . .	304.12
Structurally sound. . . . .	304.10

**PORTABLE (TEMPORARY)**



Cooking equipment. . . . .	603.1
<b>PRESSURE</b>	
Water supply. . . . .	505.3
<b>PRIVATE, PRIVACY</b>	
Bathtub or shower . . . . .	503.1
Occupancy limitations. . . . .	404.1
Required plumbing facilities . . . . .	502
Sewage system . . . . .	506.1
Water closet and lavatory . . . . .	503.1
Water system . . . . .	505.1
<b>PROPERTY, PREMISES</b>	
Cleanliness . . . . .	304.1, 308.1
Condemnation . . . . .	108
Definition. . . . .	202
Demolition. . . . .	110
Emergency measures. . . . .	109
Exterior areas . . . . .	302
Failure to comply. . . . .	110.3
Grading and drainage . . . . .	302.2
Pest elimination, multiple occupancy . . . . .	302.5, 309.4
Pest elimination, single occupancy. . . . .	302.5, 309.3
Responsibility . . . . .	301.2
Scope . . . . .	301.1
Storm drainage . . . . .	507
Vacant structures and land . . . . .	301.3
<b>PROTECTION</b>	
Basement windows. . . . .	304.17
Fire protection systems. . . . .	704
Signs, marquees and awnings . . . . .	304.9
<b>PUBLIC</b>	
Cleanliness . . . . .	304.1, 305.1
Egress. . . . .	702.1
Hallway . . . . .	502.3
Sewage system. . . . .	506.1
Toilet facilities . . . . .	502.5, 503
Vacant structures and land . . . . .	301.3
Water system . . . . .	505
<b>PUBLIC WAY</b>	
Definition. . . . .	202
<b>R</b>	
<b>RAIN (PREVENTION OF ENTRY INTO BUILDING EXTERIOR ENVELOPE)</b>	
Basement hatchways . . . . .	304.16
Exterior walls. . . . .	304.6
Grading and drainage . . . . .	302.2
Roofs. . . . .	304.7
Window and door frames . . . . .	304.13
<b>RECORD</b>	
Official records . . . . .	104.6
<b>REPAIR</b>	
Application of other codes. . . . .	102.3
Chimneys . . . . .	304.11
Demolition . . . . .	110.1
Exterior surfaces. . . . .	304.1
Intent . . . . .	101.3
Maintenance . . . . .	102.2

Signs, marquees and awnings . . . . .	304.9
Stairs and porches . . . . .	304.10
Weather tight. . . . .	304.13
Workmanship . . . . .	102.5
<b>REPORTS</b>	
Test reports. . . . .	105.3.2
<b>RESIDENTIAL</b>	
Pest elimination. . . . .	309
Residential heating . . . . .	602.2
Scope . . . . .	101.2
<b>RESPONSIBILITY</b>	
Pest elimination . . . . .	309
Fire safety . . . . .	701.2
Garbage disposal. . . . .	308.3
General . . . . .	301.2
Mechanical and electrical . . . . .	601.2
Persons . . . . .	301.1
Placarding of structure. . . . .	108.4
Plumbing facilities . . . . .	501.2
Rubbish storage. . . . .	308.2.1
Scope. . . . .	101.2, 301.1
<b>REVOKE, REMOVE</b>	
Demolition . . . . .	110
Existing remedies . . . . .	102.4
Removal of placard . . . . .	108.4.1
Rubbish removal . . . . .	308.2.1
<b>RIGHT OF ENTRY</b>	
Duties and powers of code official . . . . .	104.3
Inspections. . . . .	104.2
<b>RODENTS</b>	
Basement hatchways. . . . .	304.16
Condemnation . . . . .	108
Foundations . . . . .	304.5
Guards for basement windows . . . . .	304.17
Harborage . . . . .	302.5
Insect and rodent control . . . . .	309.1
Pest elimination . . . . .	302.5, 309
<b>ROOF</b>	
Exterior structure . . . . .	304.1
Roofs . . . . .	304.7
Storm drainage . . . . .	507
<b>ROOM</b>	
Bedroom and living room. . . . .	404.4
Cooking facilities . . . . .	403.3
Direct access . . . . .	503.2
Habitable . . . . .	402.1
Heating facilities. . . . .	602
Light . . . . .	402
Minimum ceiling heights . . . . .	404.3
Minimum width. . . . .	404.2
Overcrowding. . . . .	404.5
Prohibited use . . . . .	404.4.4
Temperature . . . . .	602.5
Toilet . . . . .	503
Ventilation . . . . .	403
<b>ROOMING HOUSES (See DORMITORY)</b>	

<b>RUBBISH</b>	
Accumulation . . . . .	308.1
Definition . . . . .	202
Disposal . . . . .	308.2
Garbage facilities . . . . .	308.3.1
Rubbish storage. . . . .	308.2.1
<b>S</b>	
<b>SAFETY, SAFE</b>	
Fire safety requirements . . . . .	701, 702, 703, 704
Safety controls . . . . .	603.4
<b>SANITARY</b>	
Cleanliness. . . . .	304.1, 305.1
Disposal of garbage . . . . .	308.3
Disposal of rubbish. . . . .	308.2
Exterior property areas. . . . .	302.1
Exterior structure . . . . .	304.1
Food preparation . . . . .	404.7
Furnished by occupant. . . . .	302.1
Grease interceptors . . . . .	506.3
Interior surfaces . . . . .	305.3
Plumbing fixtures . . . . .	504.1
Required plumbing facilities . . . . .	502
Scope. . . . .	101.2
<b>SCREENS</b>	
Insect screens . . . . .	304.14
<b>SECURITY</b>	
Basement hatchways . . . . .	304.18.3
Building . . . . .	304.18
Doors . . . . .	304.18.1
Vacant structures and land . . . . .	301.3
Windows. . . . .	304.18.2
<b>SELF-CLOSING SCREEN DOORS</b>	
Insect screens . . . . .	304.14
<b>SEPARATION</b>	
Fire-resistance ratings . . . . .	703
Privacy . . . . .	404.1
Separation of units . . . . .	404.1
<b>SERVICE</b>	
Electrical. . . . .	604.2
Method . . . . .	107.3
Notices and orders . . . . .	107.1, 108.3
Service on occupant. . . . .	108.3
<b>SEWER</b>	
General . . . . .	506.1
Maintenance. . . . .	506.2
<b>SHOWER</b>	
Bathtub or shower . . . . .	502.1
Rooming houses . . . . .	502.2
Water-heating facilities. . . . .	505.4
Water system. . . . .	505
<b>SIGN</b>	
Signs, marquees and awnings . . . . .	304.9
Unauthorized tampering . . . . .	107.4
<b>SINGLE-FAMILY DWELLING</b>	
Extermination . . . . .	309
<b>SINK</b>	

Kitchen sink . . . . .	502.1
Sewage system . . . . .	506
Water supply. . . . .	505.3
<b>SIZE</b>	
Efficiency unit . . . . .	404.6
Habitable room, light. . . . .	402
Habitable room, ventilation . . . . .	403
Room area . . . . .	404.4.1
<b>SMOKE</b>	
Alarms . . . . .	704.2
Interconnection . . . . .	704.4
Power source . . . . .	704.3
<b>SPACE</b>	
General, light . . . . .	402
General, ventilation. . . . .	403
Occupancy limitations. . . . .	404
Privacy . . . . .	404.1
Scope . . . . .	401.1
<b>STACK</b>	
Smoke . . . . .	304.11
<b>STAIRS</b>	
Common halls and stairways, light . . . . .	402.2
Exit facilities . . . . .	305.4
Exterior property areas . . . . .	302.3
Handrails . . . . .	304.12, 305.5
Lighting . . . . .	605.3
Stairs and porches . . . . .	304.10
<b>STANDARD</b>	
Referenced . . . . .	102.7
<b>STOP WORK ORDER</b>	
Authority . . . . .	112.1
Emergencies. . . . .	112.3
Failure to comply . . . . .	112.4
Issuance . . . . .	112.2
<b>STORAGE</b>	
Food preparation . . . . .	404.7
Garbage storage facilities. . . . .	308.3
Rubbish storage facilities . . . . .	308.2.1
Sanitation . . . . .	308.1
<b>STRUCTURE</b>	
Accessory structures . . . . .	302.7
Closing of vacant structures . . . . .	108.2
Definition. . . . .	202
Emergency measures. . . . .	109
General, condemnation . . . . .	110
General, exterior . . . . .	304.1
General, interior structure . . . . .	305.1
Placarding of structure . . . . .	108.4
Scope . . . . .	301.1
Structural members. . . . .	304.4, 305.2
Vacant structures and land . . . . .	301.3
<b>SUPPLY</b>	
Combustion air . . . . .	603.5
Public water system . . . . .	505.1
Water-heating facilities . . . . .	505.4
Water supply. . . . .	505.3

Water system . . . . .	505
<b>SURFACE</b>	
Exterior surfaces. . . . .	304.2, 304.6
Interior surfaces . . . . .	305.3
<b>SWIMMING</b>	
Enclosure . . . . .	303.2
Safety covers . . . . .	303.2
Swimming pools . . . . .	303.1
<b>T</b>	
<b>TEMPERATURE</b>	
Nonresidential structures . . . . .	602.4
Residential buildings. . . . .	602.2
Water-heating facilities . . . . .	505.4
<b>TENANT</b>	
Scope . . . . .	101.2
<b>TEST, TESTING</b>	
Agency . . . . .	105.3.1
Methods . . . . .	105.3.1
Reports . . . . .	105.3.2
Required . . . . .	105.3
<b>TOXIC</b>	
Process ventilation . . . . .	403.4
<b>TRASH</b>	
Rubbish and garbage . . . . .	308
<b>TREES</b> . . . . .	302.4.1
<b>U</b>	
<b>UNOBSTRUCTED</b>	
Access to public way. . . . .	702.1
General, egress . . . . .	702.1
<b>UNSAFE STRUCTURES AND EQUIPMENT</b>	
Abatement methods . . . . .	108.6
Dangerous structure or premises . . . . .	108.1.5
Equipment. . . . .	108.1.2
Existing remedies . . . . .	102.4
General, condemnation. . . . .	108, 110
General, demolition. . . . .	110
Notices and orders . . . . .	107, 108.3
Record . . . . .	108.7
Structures . . . . .	108.1.1
<b>USE</b>	
Application of other codes . . . . .	102.3
General, demolition . . . . .	110
<b>UTILITIES</b>	
Authority to disconnect . . . . .	108.2.1
<b>V</b>	
<b>VACANT</b>	
Abatement methods. . . . .	108.6
Authority to disconnect service utilities . . . . .	108.2.1
Closing of vacant structures . . . . .	108.2
Emergency measure . . . . .	109
Method of service . . . . .	107.3, 108.3
Notice to owner or to person responsible. . . . .	107, 108.3
Placarding of structure. . . . .	108.4
Record . . . . .	108.7
Vacant structures and land . . . . .	301.3

<b>VAPOR</b>	
Exhaust vents . . . . .	302.6
<b>VEHICLES</b>	
Inoperative . . . . .	302.8
Painting . . . . .	302.8
<b>VENT</b>	
Plumbing hazard . . . . .	504.3
Exhaust vents . . . . .	302.6
Flue . . . . .	603.2
<b>VENTILATION</b>	
Clothes dryer exhaust . . . . .	403.5
Combustion air. . . . .	603.5
Definition . . . . .	202
General, ventilation . . . . .	403
Habitable rooms. . . . .	403.1
Process ventilation. . . . .	403.4
Recirculation . . . . .	403.2, 403.4
Toilet rooms . . . . .	403.2
<b>VERMIN</b>	
Condemnation . . . . .	108
Insect and rodent control . . . . .	302.5, 309
<b>VIOLATION</b>	
Condemnation . . . . .	108
General . . . . .	106
Notice. . . . .	107, 108.3
Penalty . . . . .	106.4
Placarding of structure. . . . .	108.4
Prosecution . . . . .	106.3
Strict liability offense . . . . .	106.3, 202
Transfer of ownership . . . . .	107.6
<b>W</b>	
<b>WALK</b>	
Sidewalks . . . . .	302.3
<b>WALL</b>	
Accessory structures . . . . .	302.7
Exterior surfaces . . . . .	304.2, 304.6
Exterior walls . . . . .	304.6
Foundation walls . . . . .	304.5
General, fire-resistance rating . . . . .	703.1
Interior surfaces . . . . .	305.3
Outlets required . . . . .	605.2
Temperature measurement . . . . .	602.5
<b>WASTE</b>	
Disposal of garbage . . . . .	308.3
Disposal of rubbish. . . . .	308.2
Garbage storage facilities . . . . .	308.3.1
<b>WATER</b>	
Basement hatchways . . . . .	304.16
Connections . . . . .	506.1
Contamination . . . . .	505.2
General, sewage . . . . .	506
General, storm drainage . . . . .	507
General, water system . . . . .	505
Heating. . . . .	505.4
Hotels. . . . .	502.3
Kitchen sink . . . . .	502.1

Required facilities. . . . .	502
Rooming houses . . . . .	502.2
Supply . . . . .	505.3
System . . . . .	505
Toilet rooms . . . . .	503
Water-heating facilities. . . . .	505.4
<b>WEATHER, CLIMATE</b>	
Heating facilities. . . . .	602
<b>WEEDS</b>	
Noxious weeds. . . . .	302.4
<b>WIDTH</b>	
Minimum room width . . . . .	404.2
<b>WINDOW</b>	
Emergency escape . . . . .	702.4
Glazing. . . . .	304.13.1
Guards for basement windows. . . . .	304.17
Habitable rooms . . . . .	402.1
Insect screens . . . . .	304.14
Interior surface . . . . .	305.3
Light . . . . .	402
Openable windows. . . . .	304.13.2
Toilet rooms . . . . .	403.2
Ventilation . . . . .	403
Weather tight . . . . .	304.13
Window and door frames . . . . .	304.13
<b>WORKMANSHIP</b>	
General . . . . .	102.5