ORDINANCE 2016-05

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN TO AMEND CHAPTER 5, BUILDINGS, TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

PART I

The Council of the City of Stone Mountain hereby ordains that Chapter 5, Buildings, of the The Code of the City of Stone Mountain, Georgia be amended as follows:

1. Delete in its entirety Article I, Chapter 5, In General, and add new Article I, Chapter 5 which shall read as follows:

   ARTICLE I. TITLE

   Sec. 5-1. Title. The title of Chapter 5 shall be: BUILDING AND PROPERTY REGULATIONS

   Secs. 5-2 through 5-30. Reserved.

2. Add new Article VI entitled:

   ARTICLE VI. PROPERTY MAINTENANCE

   3. Reorganize the citation numbering for Division 4, Article IV, Nuisance Abatement Procedures by moving Division 4, Article IV, Nuisance Abatement Procedures to Division 9, Article VI, Nuisance Abatement Procedures and beginning with citation number Sec. 5-391.

   4. Delete in its entirety Divisions 1 through 3, Article IV, Property Maintenance, Chapter 5, and add new Divisions 1 through 4, Article IV, Chapter 5 which shall read as follows:

   ARTICLE IV. BUILDINGS AND BUILDING REGULATIONS

   Division 1. Generally

   Sec. 5-101. Definitions. Unless otherwise expressly stated the following terms shall, for the purposes of this chapter, have the meanings shown in this section:
   Approved means approved by the building official.
   Basement means that portion of a building which is partly or completely below grade.
   Bathroom means a room containing plumbing fixtures, including a bathtub or shower.
   Bedroom means any room or space used or intended to be used for sleeping purposes.
   Building official means the official who is charged with the administration and enforcement of this chapter or any duly authorized representative.
   Condemn means to adjudge unfit for occupancy.
   Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
Easement means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner of the property. The easement shall be permitted to be for use under, on or above a lot.

Exterior property means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places by:

1. Removing or making inaccessible to materials that serves as their food;
2. Poison spraying, fumigating, and trapping; or
3. Any other approved pest elimination methods.

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

Habitable space means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

Imminent danger means a condition which could cause serious or life-threatening injury or death at any time.

Infestation means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Inoperable motor vehicle means a vehicle which cannot be driven upon the public streets for reason including, but not limited to, being:

1. Unlicensed;
2. Wrecked;
3. Abandoned;
4. In a state of disrepair; or
5. Incapable of being moved under its own power.

Labeled means devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the labeled items listed in this definition and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Let for occupancy or let means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to:

1. A written or unwritten lease;
2. An agreement or license; or
3. A recorded or unrecorded agreement of contract for the sale of land.

Occupancy means the purpose for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building, or having possession of a space within a building.

Openable area means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner means the following:
(1) Any person, agent, operator, firm, partnership or corporation:
   a. having a legal or equitable interest in the property;
   b. recorded in the official records of the state, county or municipality as holding title
      to the property; or
   c. otherwise having control of the property.

(2) The term "owner" includes 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.

**Parts.** Whenever the term "dwelling unit," "dwelling," "premises," "building," "rooming house,
"rooming unit," "housekeeping unit" or "story" is stated in this code, it shall be construed as though
it was followed by the words "or any part thereof."

*Premises* means a lot, plot or parcel of land, easement or public way, including any structures
thereon.

*Public way* means 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 unit* means 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.

*Rooming house* means a building arranged or occupied for lodging, with or without meals, for
compensation and not occupied as a one- or two-family dwelling.

*Rubbish* means combustible and noncombustible waste materials, except garbage. The term
"rubbish" includes, but is not limited to, 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.

*Strict liability offense* means 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* means that which is built or constructed or a portion thereof.

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

*Terms defined in other codes.* Where terms are not defined in this code and are defined in the
Plumbing Code, International Mechanical Code, International Existing Building Code or the NEC
Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

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

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

*Ventilation* means the natural or mechanical process of supplying conditioned or unconditioned air
to, or removing such air from, any space.

*Workmanlike* means executed in a skilled manner (e.g., generally plumb, level, square, in line,
undamaged and without marring adjacent work).

*Yard* means an open space on the same lot with a structure.

Sec. 5-102. Penalty.

Any person who shall violate a provision of this chapter, or fail to comply therewith, or with
any of the requirements thereof, shall be subject to a fine or imprisonment, upon conviction in
the city municipal court, and each and every day that the premises shall remain in a condition in
violation of the terms of this article shall constitute a separate offense. This section shall be in
addition to the provisions of the abatement of said nuisance and the charge of the cost of the same against the owner of the premises by the city. A fine imposed under this code shall be no less than $50.00 and shall not exceed $1,000.00 per offense. A sentence of imprisonment under this article shall not exceed 60 days per offense. At the discretion of the municipal court judge, any sentence may be probated, altered or amended. Any owner, occupant or party of interest who violates any other property maintenance code within a 24-month period shall immediately be issued a citation and subject to a fine of not less than $500.00.

Secs. 5-3 through 5-30. Reserved.

Division 2. TECHNICAL CODES

Subdivision I. Codes adopted by reference.

Sec. 5-103. State minimum standards adopted.
(a) The city adopts, by reference, as if fully set forth herein, the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the state department of community affairs, as follows:
   (1) International Building Code;
   (2) International Fuel Gas Code;
   (3) International Mechanical Code;
   (4) International Plumbing Code;
   (5) National Electrical Code;
   (6) International Fire Code;
   (7) International Energy Conservation Code; and
   (8) International Residential Code for One- and Two-family Dwellings.
(b) The following codes, the latest editions as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied herein fully:
   (1) International Existing Building Code; and
   (2) International Swimming Pool and Spa Code.
(c) The most recent edition of the following code is adopted insofar as it does not conflict with the Georgia State Minimum Standard Codes: International Unsafe Building Abatement Code.
(d) Life Safety Code NFPA 101
(d) The city also adopts the state minimum standard codes as defined by O.C.G.A. § 8-2-20(9).
(e) For all permits granted or approved under earlier versions of Chapter 5, Buildings, it is hereby declared to be the intention of the city council to enforce this code under which the project was approved.
(f) The codes described in this section may also be referred to as the city "building codes," "construction codes," or "technical codes."
(g) The state minimum standards adopted in Sec. 5-103 shall prevail if a conflict occurs with any local code adopted in this chapter.

Secs. 5-104 through 5-108. Reserved.

Subdivision II. Administration and Enforcement

Sec. 5-109. Purpose.
The purpose of this division is to provide for the administration and enforcement of the state minimum standard codes for construction as adopted and amended by the state department of community affairs. Hereinafter, the state minimum standard codes for construction shall be referred to as "the construction codes."

Sec. 5-110. Code remedial.
(a) Generally. These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof (which are public safety, health, and general welfare) through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment, including alteration, repair, removal, demolition, use, and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems.
(b) Quality control. Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.
(c) Permitting and inspection. The inspection or permitting of any building, system, or plan under the requirements of the construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The city, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

Sec. 5-111. Scope.
(a) Applicability.
(1) Most restrictive controls; conflicts. Where, in any specific case, different sections of these construction codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. The state minimum standards adopted in Sec. 5-103 shall prevail if a conflict occurs with any local code adopted in this chapter.
(2) Building. The provisions of the International Building Code, as adopted and amended by the state department of community affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.
(3) Electrical. The provisions of the National Electrical Code, as adopted and amended by the state department of community affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
(4) Gas. The provisions of the International Fuel Gas Code, as adopted and amended by the state department of community affairs, shall apply to the installation of consumer's gas piping, gas appliances, and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one- and two-family dwellings.
(5) Mechanical. The provisions of the International Mechanical Code, as adopted and amended by the state department of community affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems, except in one- and two-family dwellings.

(6) Plumbing. The provisions of the International Plumbing Code, as adopted and amended by the state department of community affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances when connected to a water or sewerage system.

(7) Energy. The provisions of the International Energy Conservation Code, as adopted and amended by the state department of community affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating, and illumination systems and equipment that will enable the effective use of energy in new building construction.

(b) Federal and state authority. The provisions of the construction codes shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

c) Appendices. Appendices referenced in section 5-221(b) shall be considered an integral part of the construction codes.

d) Referenced standards. Standards referenced in the text of the construction codes shall be considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. The construction code provisions shall be enforced where construction code provisions conflict with a standard. Permissive and advisory provisions in a standard shall not be construed as mandatory.

e) Maintenance. All buildings, structures, electrical, gas, mechanical, and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his or her designated agent, shall be responsible for the maintenance of:

(1) Buildings;
(2) Structures; and
(3) The electrical, gas, mechanical, and plumbing systems.

Sec. 5-112. Existing buildings.

(a) Generally. Alterations, repairs, or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical, or plumbing system without requiring the building, structure, plumbing, electrical, mechanical, or gas system to comply with all the requirements of the construction codes; provided that the alteration, repair, or rehabilitation work conforms to the requirements of the construction codes for new construction. The building official shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

(b) Change of occupancy. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical, and plumbing systems shall be made to conform to the intent of the construction codes as required by the building official.
(c) Special historic buildings. The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within the fire districts.

Secs. 5-113 through 5-120. Reserved.

Subdivision III. Office of Building Administration

Sec. 5-121. Established.
(a) There is hereby established an Office of Building Administration and the person in charge shall be the City Manager or the City Manager’s designee. The duties of the Office of Building Administration may be contracted out in full or in part to a third-party entity.
(b) Restrictions on employees. Employees or third-party contractors working for the Office of Building Administration shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he or she is the owner of such. Employees or third-party contractors shall not engage in any other work which is inconsistent with his or her duties or conflicts with the interests of the Office of Building Administration.
(c) Records. The building official shall keep, or cause to be kept, a record of the business of the Office of Building Administration. The records of the Office of Building Administration shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.
(d) Liability. Any employee charged with the administration and enforcement of the construction codes, acting for the applicable governing authority in the discharge of his or her duties, shall not thereby render himself or herself personally liable, and is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer or employee or member because of such act performed by him or her in the administration or enforcement of any provision of the construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.
(e) Reports. The building official shall submit a report each year covering the work of the Office of Building Administration during the preceding year.

Sec. 5-122. Building official.
(a) Authority. The building official is hereby authorized and directed to enforce the provisions of the construction codes. The building official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose. The city may contract with a third party to assist the building official with the duties of the building official.
(b) Right of entry.
(1) Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous, or hazardous, the building official may enter
such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by these construction codes; provided that if such building or premises is occupied, he or she shall first present the proper credentials and request entry. If such building, structure, or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

(2) When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after a proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the construction codes.

c) Stop work orders. Upon notice from the building official or the building official’s designee, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the property owner, or to his or her agent, or to the person doing the work, and shall state the conditions under which the work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

d) Revocation of permits.

(1) Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of the construction codes, in a case where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(2) Violation of code. The building official may revoke a permit upon a determination by the building official that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.

e) Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to the existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems.

f) Requirements not covered by code. Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by this code or the construction codes, shall be determined by the building official.

g) Alternate materials and methods. The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate; provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.
Secs. 5-123 through 5-260. Reserved.

Subdivision IV. Permits

Sec. 5-161. Application.

(a) Required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make an application to the building official and obtain the required permit for the work. A permit shall not be issued to an owner who is neither a licensed contractor nor the occupant of a residential structure being altered.

(b) Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. Building:

   a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
   b. Fences not over 7 feet (2134 mm) high.
   c. Oil derricks.
   d. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
   e. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
   f. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
   g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
   h. Temporary motion picture, television and theater stage sets and scenery.
   i. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
   j. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
   k. Swings and other playground equipment accessory to detached one- and two-family dwellings.
   l. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
   m. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
(2) Electrical:
   a. Repairs and maintenance:
      1. Minor repair work, including the replacement of lamps or the
         connection thereto
      2. Approved portable electrical equipment
      3. Approved permanently installed receptacles.
   b. Radio and television transmitting stations:
      The provisions of this code shall not apply to electrical equipment used for
      radio and television transmissions, but do apply to equipment and wiring
      for a power supply and the installations of towers and antennas.
   c. Temporary testing systems:
      A permit shall not be required for the installation of any temporary system
      required for the testing or servicing of electrical equipment or apparatus.

(3) Gas:
   a. Portable heating appliance.
   b. Replacement of any minor part that does not alter approval of
      equipment or make such equipment unsafe.

(4) Mechanical:
   a. Portable heating appliance
   b. Portable ventilation equipment.
   c. Portable cooling unit.
   d. Steam, hot or chilled water piping within any heating or cooling
      equipment regulated by this code.
   e. Replacement of any part that does not alter its approval or make it
      unsafe.
   f. Portable evaporative cooler.
   g. Self-contained refrigeration system containing 10 pounds (5 kg) or less
      of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(5) Plumbing:
   a. The stopping of leaks in drains, water, soil, waste or vent pipe,
      provided, however, that if any concealed trap, drain pipe, water, soil,
      waste or vent pipe becomes defective and it becomes necessary to remove
      and replace the same with new material, such work shall be considered as
      new work and a permit shall be obtained and inspection made as provided
      in this code.
   b. The clearing of stoppages or the repairing of leaks in pipes, valves or
      fixtures and the removal and reinstallation of water closets, provided such
      repairs do not involve or require the replacement or rearrangement of
      valves, pipes or fixtures.
   
   (c) Work authorized. A building, electrical, gas, mechanical, or plumbing permit shall carry
      with it the right to construct or install the work; provided the same are shown on the
      drawings and set forth in the specifications filed with the application for the permit. Where
      these are not shown on the drawings and covered by the specifications submitted with the
      application, separate permits shall be required.
   (d) Minor repairs. Ordinary minor repairs with a value of less than $1,000.00 may be made
      with the approval of the building official without a permit; provided that such repairs shall
      not violate any of the provisions of the construction codes.
(e) Contents. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his or her authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the building official.

(f) Time limitations. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application; provided the extension is requested in writing and justifiable cause is demonstrated.

Sec. 5-162. Drawings and specifications.

(a) Requirements. When required by the building official, two or more copies of specifications and drawings, drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific and the construction codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for the specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

(b) Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal.

(c) Design professional.

(1) The design professional shall be an architect or engineer legally registered under the state laws regulating the practice of architecture or engineering and shall affix his or her official seal to said drawings, specifications, and accompanying data, for the following:

a. All Group A, E, and I occupancies.

b. Buildings and structures three stories or more high.

c. Buildings and structures 5,000 square feet (465 m²) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

(2) Exception. Single-family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

(d) Structural and fire-resistance integrity. Plans for all buildings shall indicate how required structural and fire-resistance integrity will be maintained where a penetration of a required fire-resistance wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes, and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire-resistance floors intersect the exterior walls.
Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.

Hazardous occupancies. The building official may require the following:

1. General site plan.
   a. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all:
      1. Buildings;
      2. Exterior storage facilities;
      3. Permanent access ways;
      4. Evacuation routes;
      5. Parking lots;
      6. Internal roads;
      7. Chemical loading areas;
      8. Equipment cleaning areas;
      9. Storm and sanitary sewer accesses;
     10. Emergency equipment; and
     11. Adjacent property uses.
   b. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

2. Building floor plan.
   a. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate the following:
      1. Rooms;
      2. Doorways;
      3. Corridors;
      4. Exits;
      5. Fire-rated assemblies with their hourly rating;
      6. Location of liquid tight rooms; and
      7. Evacuation routes.
   b. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

Sec. 5-163. Examination of documents.
The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances.

Sec. 5-164. Issuing permits.

a. Action. The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he or she shall issue a permit to the applicant.

b. Refusal. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other
pertinent laws or ordinances, the building official shall not issue a permit, but shall return
the contract documents to the applicant with his or her refusal to issue such permit. Such
refusal shall, when requested, be in writing and shall contain the reason for refusal.
(c) Special foundation permit. When an application for permit to erect or enlarge a building
has been filed and pending issuance of such permit, the building official may, at his or her
discretion, issue a special permit for the foundation only. The holder of such a special permit
proceeds at his or her own risk without assurance that a permit for the remainder of the work
will be granted, or that corrections will not be required in order to meet provisions of the
construction codes.
(d) Public right-of-way. A permit shall not be given by the building official for the
construction of any building, or for the alteration of any building where said building is to be
changed and such change will affect the exterior walls, bays, balconies, or other appendages
or projections fronting on any street, alley, or public lane, or for the placing on any lot or
premises of any building or structure removed from another lot or premises, unless the
applicant has made an application at the office of the director of public works for the lines of
the public street on which he or she proposes to build, erect, or locate said building; and it
shall be the duty of the building official to see that the street lines are not encroached upon.

Sec. 5-165. Contractor responsibilities.
It shall be the duty of every contractor who shall make contracts for the installation or
repairs of buildings, structures, electrical, gas, mechanical, sprinkler, or plumbing systems,
for which a permit is required, to comply with state or local rules and regulations concerning
licensing which the applicable governing authority may have adopted. In such case that the
state requires a contractor to have obtained a state license before they are permitted to
perform work, the contractor shall supply the building official with their license number
before receiving a permit for work to be performed.

Sec. 5-166. Conditions of the permit.
(a) Intent. A permit issued shall be construed to be a license to proceed with the work and
not as authority to violate, cancel, alter, or set aside any of the provisions of the construction
codes, nor shall issuance of a permit prevent the building official from thereafter requiring a
correction of errors in plans, construction, or violations of the construction codes.
(1) Every permit issued shall become invalid unless the work authorized by such
permit is commenced within six months after its issuance, or if the work authorized
by such permit is suspended or abandoned for a period of six months after the time
the work is commenced.
(2) Notwithstanding the initiation of work pursuant to a building permit, a building
permit shall be subject to a utilization period of 24 months from date of issuance.
The permit shall expire and become invalid after the given utilization period has
elapsed. The utilization period begins on the date of permit issuance. The expiration
date for the building permit shall be specified on the permit. An exception to the 24-
month expiration may be granted in accordance with [subsection] (3) below.
(3) Upon request of the applicant for a building permit at the time of the initial
application, the building official may approve an expiration date exceeding the
utilization period if the applicant demonstrates that the complexity and size of the
project makes completion of the project within the utilization period unreasonable.
(4) A request for an extension of the utilization period may be submitted no later
than 20 calendar days prior to the expiration of the utilization period. The building
official may extend the building permit one time for a period up to and not exceeding
180 calendar days if the applicant shows that the work pursuant to the permit cannot
be completed within the utilization period due to circumstances beyond the applicant's control. The applicant's name, address, telephone number, the building permit number, site address and a description of the circumstances beyond the applicant's control which prevented completion of the work prior to the expiration date shall be submitted to the building official. If the project is less than 50 percent complete (as determined by the building official), the building official shall require a performance bond to be submitted prior to approval of the extension. If a performance bond is required, the amount of the bond shall be justified with a cost estimate from the applicant for the completion of the project.

(b) Issued on basis of affidavit.

(1) Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work.

(2) In addition, the architect or engineer shall be responsible for:
   a. Conformity with the permit;
   b. Providing copies of inspection reports as inspections are performed; and
   c. Upon completion make and file with the building official a written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes.

(3) In the event such architect or engineer is not available, the owner shall employ in his or her place a competent person or agency whose qualifications are reviewed by the building official.

(c) Plans. When the building official issues a permit, he or she shall enforce, in writing or by stamp, both sets of plans "reviewed for code compliance."

(1) One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant.

(2) The permitted drawings shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative.

Sec. 5-167. Fees.

(a) Required. A permit shall not be issued until the fees prescribed by the governing body have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, etc., has been paid.

(b) Work commencing before permit issuance; penalty. Any person who commences any work on a building, structure or electrical, gas, mechanical, or plumbing system before obtaining the necessary permits, shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.

(c) Accounting. The building official shall keep a permanent and accurate accounting of:

(1) All permit fees and other money collected; and
(2) The names of all persons upon whose account the same was paid, along with the date and amount thereof.

(d) Schedule. On all buildings, structures or electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing an application, in accordance with the fee schedules as set by the governing body.

(e) Building permit valuations.
(1) Denied if underestimated. If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical, or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official.

(2) Included in calculation. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment, and other systems, including materials and labor.

Sec. 5-168. Inspections.

(a) Existing buildings. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He or she shall inspect all buildings, structures or electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He or she shall make a record of every such examination and inspection and of all violations of the construction codes.

(b) Manufacturers and fabricators. When deemed necessary by the building official, he or she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the construction codes.

(c) Service. The building official may make, or cause to be made, the inspections required by subsection (f) of this section. He or she may accept reports of inspectors of recognized inspection services, provided that after investigation he or she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

(d) Prior to issuance of certificate of occupancy or completion. The building official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure or electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

(e) Posting of permit. Work requiring a permit shall not commence until the permit holder or his or her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such a position as to permit the building official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such a position by the permit holder until the certificate of occupancy or completion is issued by the building official.

(f) Required inspections. The building official upon notification from the permit holder or his or her agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical code:

   (1) Building.

   a. Foundation and foundation wall. To be made after trenches are excavated, the reinforcement is in place, and forms erected prior to the placing of concrete.

   b. Framing. To be made after the roof, all framing, fireblocking, bracing and fasteners are in place, all concealed wiring, all pipes, chimneys, ducts, and vents are complete.
c. Moisture barrier. To be made prior to the installation of the exterior finishing materials.
d. Final. To be made after the building is completed and ready for immediate occupancy.

(2) Electrical.
a. Underground. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
b. Rough-in. To be made after the roof, framing, fireblocking, and bracing is in place and prior to the installation of wall or ceiling membranes.
c. Final. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(3) Plumbing.
a. Underground. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
b. Rough-in. To be made after the roof, framing, fireblocking, and bracing is in place and all soil, waste, and vent piping is complete, and prior to the installation of wall or ceiling membranes.
c. Final. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

(4) Mechanical.
a. Underground. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
b. Rough-in. To be made after the roof, framing, fireblocking, and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
c. Final. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(5) Gas.
a. Rough piping. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
b. Final piping. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
c. Final. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to ensure compliance with all the requirements of the construction codes and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.

(6) Energy.
a. Foundation. To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
b. Frame. To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
c. Final. To be made after the building is completed and ready for occupancy. To verify the installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

(g) Written release. Work shall not be done on any part of a building, structure or electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

(h) Reinforcing steel, structural frames, insulation, plumbing, mechanical or electrical systems. Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

(i) Plaster fire protection. In all buildings where plaster is used for fire protection purposes, the permit holder or his or her agent shall notify the building official after all lathing and backing is in place. Plaster shall not be applied until the release from the building official has been received.

Sec. 5-169. Certificates.

(a) Certificate of occupancy.

(1) Building occupancy. A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the building official.

(2) Issuance. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

(3) Temporary/partial occupancy. A temporary/partial certificate of occupancy may be issued for a portion of a commercial building which, in the opinion of the building official, may safely be occupied prior to final completion of the building. The temporary/partial certificate of occupancy shall be forfeited if the certificate of occupancy is not issued within 90 days.

(4) Existing buildings. A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.

(b) Certificate of completion. Upon satisfactory completion of a building, structure or electrical, gas, mechanical, or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not
grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.
(c) Service utilities.

(1) Connections. No person shall make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the building official and a certificate of occupancy or completion is issued.
(2) Temporary connection. The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.
(3) Authority to disconnect. The building official shall have the power to authorize disconnection of utility service to the building, structure, or system regulated by the construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The building 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 disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

Sec. 5-170. Posting floor loads.
(a) Occupancy. An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial, or industrial purposes, by a specific business, when he or she is satisfied that such capacity will not thereby be exceeded.
(b) Storage and factory-industrial occupancies. It shall be the responsibility of the owner, agent, proprietor, or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Office of Building Administration.
(c) Signs required. In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the building owner.

Sec. 5-171. Tests.
The building official may require tests or test reports as proof of compliance. Required tests are to be made at the owner's expense, or his or her agent, by an approved testing laboratory or other approved agency.

Secs. 5-172 through 5-180. Reserved.

Subdivision V. Appeals

Sec. 5-181. Building official decisions.
The owner of a building, structure, or service system, or his or her duly authorized agent, may appeal a decision of the building official to the Mayor and City Council whenever any one of the following conditions are claimed to exist:

(1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
(2) The provisions of the construction codes do not apply to this specific case.
(3) That an equally good or more desirable form of installation can be employed in any specific case.
(4) The true intent and meaning of the construction codes or any of the regulations have been misconstrued or incorrectly interpreted.

Sec. 5-182. Notice.
A notice of appeal shall be in writing to the City Clerk and filed within 30 calendar days of the decision of the building official. Appeals shall be in a form acceptable to the building official.

Sec. 5-183. Unsafe or dangerous buildings or service systems.
In the case of a building, structure, or service system, which, in the building official's opinion, is unsafe, unsanitary, or dangerous, the building official may, in his or her order, limit the time for such notice of appeals to a shorter period.

Secs. 5-184 through 5-186. Reserved.

Division 3. Trenching

Sec. 5-187. - Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Excavation means any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions as the result of the excavation. If installed forms or similar structures reduce the depth to width relationship, an excavation may become a trench.

OSHA means the Occupational Safety and Health Administration of the U.S. Department of Labor, or successor agency.

Supervisory personnel means any person who has the responsibility for layout, oversight, superintending, directing, or controlling an excavation or trench.

Trench means a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of the trench is not greater than 15 feet.

Sec. 5-140. Compliance with local, state and federal regulations required.
No person shall engage in any excavation or trenching except in compliance with the provisions of this division and in compliance with any applicable laws of the state or of the United States or any rules and regulations of the Occupational Safety and Health Administration or any other state or federal governmental entity or department promulgating rules and regulations applicable to excavating and trenching.

Sec. 5-188. Federal regulations adopted.
All safety and health regulations adopted by OSHA with regard to excavating and trenching operations, particularly part 1926, subpart P, Excavations, Trenching, and Shoring, and
section 1926.650 et seq. of the Code of Federal Regulations, as the same now exists or may be hereafter amended, are adopted as a part of this division the same as if quoted verbatim herein.

Sec. 5-189. Certificate required.
(a) No equipment operator or supervisory personnel shall participate in any excavation or trenching or in any way work in an excavation or trench unless such person holds a valid certificate evidencing satisfactory completion of a required educational program on safe trench/excavation practices. No other person shall participate in or work in any excavation or trenching site unless a certificate holder is present at the excavation or trench site where work is being performed.
(b) In the event any person who holds a valid certificate from the city is found to be in violation of the safety standards or requirements on any job site, the certificate may be revoked after notice and hearing as herein provided. In the event of revocation, the certificate may be reinstated one time upon repeat by the person of the educational program required for issuance of the initial certificate.

Sec. 5-190. Permit required.
(a) No excavation or trenching shall be performed until a permit or authorization for the same has been obtained from the city. Any applicant will be required to acknowledge receipt and understanding of the safety requirements before any permit will be issued. All such permits shall be conspicuously posted upon the job site.
(b) No permit or authorization shall be issued unless an authorized agent of the applicant holds a certificate.

Sec. 5-191. Inspections; violations.
The city shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permit, verify the existence of the required certificates, and verify compliance with the OSHA safety standards adopted in section 5-188. The inspectors may operate pursuant to a contract between the city and a third-party entity.

Sec. 5-192. Appeals.
Any person whose permit has been suspended or revoked may appeal according to the procedures of Article IV, Division 2, Subdivision V, Appeals.

Secs. 5-193 through 5-195. Reserved.


Sec. 5-196. Fire limits.
The city fire limits, for purposes of the building code, shall include all real property within the incorporated boundaries of the city.

Sec. 5-197. Overcrowding prohibited.
(a) Bedroom requirements.
(1) Area for sleeping purposes. Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof.
(2) Prohibited occupancy. Kitchens and non-inhabitable spaces shall not be used for sleeping purposes.

(b) Overcrowding specifications.

(1) Minimum occupancy area. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following table:

<table>
<thead>
<tr>
<th>Space</th>
<th>Minimum Area in Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-2 Occupants</td>
</tr>
<tr>
<td>Living room (a, b)</td>
<td>No requirements</td>
</tr>
<tr>
<td>Dining room (a, b)</td>
<td>No requirements</td>
</tr>
<tr>
<td>Kitchen (b)</td>
<td>50</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>Shall comply with subsection (a) of this section</td>
</tr>
</tbody>
</table>

Note—For SI: 1 square foot = 0.093 m².

Note a—See subsection (b) (3) of this section for combined living room/dining room spaces.

Note b—See subsection (b) (2) of this section for limitations on determining minimum occupancy area for sleeping purposes.

(2) Sleeping area. The minimum occupancy area required by the table contained in subsection (b) of this section shall not be included as sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with subsection (a) of this section.

(3) Combined spaces. Combined living room and dining room spaces shall comply with the requirements of the table contained in subsection (b)(1) of this section 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.

(c) Exception. Nothing in this section shall prohibit an efficiency dwelling unit meeting the following requirements:

(1) An efficiency unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. An efficiency unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by subsection (b)(1) of this section.

(2) The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.

(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.

Secs. 5-198 through 5-199. Reserved.
5. Reorganize the citation numbering for Division 5, Article IV, Foreclosure Registry by moving Division 5, Article IV, Foreclosure Registry to Division 10, Article VI, Foreclosure Registry and beginning with citation number Sec. 5-411.

6. Reorganize the citation numbering for Division 6, Article IV, Vacant Property Registry by moving Division 6, Article IV, Vacant Property Registry to Division 11, Article VI, Vacant Property Registry and beginning with citation number Sec. 5-421.

7. Add new Division 1, Article VI, Property Maintenance, which shall read as follows:

ARTICLE VI. PROPERTY MAINTENANCE

DIVISION 1. GENERALLY

Sec. 5-201. Scope.
(a) The provisions of this article shall apply to all existing residential and nonresidential and all existing premises.
(b) The provisions of this article shall constitute the minimum requirements and standards for:
   (1) 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;
   (2) The responsibility of owners, operators and occupants;
   (3) The occupancy of existing structures and premises; and
   (4) Administration, enforcement and penalties.

Sec. 5-202. Intent.
(a) This article shall be construed to secure its expressed intent, which is to ensure the public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.
(b) 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.
(c) Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the International Existing Building Code.

Sec. 5-203. Applicability.
(a) Generally. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in section 5-201 and section 5-202. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern. The state minimum standards adopted in Sec. 5-103 shall prevail if a conflict occurs with any local code adopted in this ordinance.
(b) Maintenance.
   (1) Equipment, systems, devices and safeguards required by this article or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order.
   (2) 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.
(3) The requirements of this code are not intended to provide the basis for the removal or abrogation of fire protection and safety systems and devices in existing structures.

(4) Except as otherwise specified herein, the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(c) 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 Existing Building Code. Nothing in this article shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

(d) Existing remedies. The provisions in this article shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

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

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

(g) Referenced codes and standards. The codes and standards referenced in this article shall be those that are listed in section 5-103 and considered part of the requirements of this article to the prescribed extent of each such reference. Where differences occur between provisions of this article and the referenced standards, the provisions of this article shall apply.

(h) Requirements not covered by article. The 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 article, shall be determined by the building official.

Secs. 5-204 through 5-220. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 5-221. Established.

(a) There is hereby established within the Office of Building Administration the Office of Property Maintenance. The duties of the Office of Property Maintenance may be contracted out in full or in part to a third-party entity.

(b) Restrictions on employees. Employees or third-party contractors working for the Office of Property Maintenance shall be subject to the same restrictions found in Article IV, Division 2, Subdivision III, Section 5-121 (b).

Sec. 5-222. Authority of building official to appoint.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint:

(1) Other related technical officers;
(2) Inspectors;
(3) Code enforcement officers; and
(4) Other employees.
Sec. 5-223. Liability for damage while discharging official duties.
   (a) The building official, officer or employee charged with the administration or
       enforcement of this article, while acting for the jurisdiction, shall not thereby be rendered
       liable personally, and is hereby relieved from all personal liability for any damage accruing
       to persons or property as a result of an act required or permitted in the discharge of official
duties.
   (b) 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 article
       shall be defended by the legal representative of the jurisdiction until the final termination of
       the proceedings. The building 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 article; and
       any officer of the Office of Property Maintenance, acting in good faith and without malice,
       shall be free from liability for acts performed under any of its provisions or by reason of any
       act or omission in the performance of official duties in connection therewith.

Secs. 5-224 through 5-231. Reserved.

DIVISION 3. DUTIES AND POWERS OF THE BUILDING OFFICIAL

Sec. 5-232. - Enforcement of this article.
The building official or his or her designee shall administer and enforce this article.

Sec. 5-233. Authority to adopt rules and procedures.
   (a) The building official shall have the authority, as necessary, in the interest of the public
       health, safety and general welfare to:
       (1) Adopt and promulgate rules and procedures;
       (2) Interpret and implement the provisions of this article;
       (3) Secure the intent thereof; and
       (4) Designate requirements applicable because other conditions.
   (b) Such rules shall not have the effect of waiving structural or fire performance
       requirements specifically provided for in this article, or of violating accepted engineering
       methods involving public safety.

Sec. 5-234. Inspections.
   (a) Required. The building official or his or her designee shall make all of the required
       inspections, or shall accept reports of inspection by approved agencies or individuals.
   (b) Reports. 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.
   (c) Expert opinion. The building 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 mayor and council.

Sec. 5-235. Authorized right of entry.
The building official or his or her designee is authorized to enter the structure or premises at
reasonable times to inspect, subject to constitutional restrictions on unreasonable searches
and seizures. If entry is refused or not obtained, the building official or his or her designee is
authorized to pursue recourse as provided by law.

Sec. 5-236. Proper identification required.
The building official or his or her designee shall carry proper identification when inspecting structures or premises in the performance of duties under this article.

Sec. 5-237. Notices and orders.
The building official or his or her designee shall issue all the necessary notices or orders to ensure compliance with this article.

Sec. 5-238. Official records required to be kept.
The building official shall keep official records of all business and activities of the Office of Building Administration specified in the provisions of this article. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

Sec. 5-239. Coordination of inspections.
(a) Whenever, in the enforcement of this article or another code or ordinance, the responsibility of more than one building official of the jurisdiction is involved, it shall be the duty of the building officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.
(b) Whenever an inspector from any city office or department observes an apparent or actual violation of some provision of law, ordinance or code not within the inspector’s authority to enforce, the inspector shall report the findings to the building official.

Sec. 5-240. Approval.
(a) Modification criteria and procedure. Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases; provided the building official shall first find that a special individual reason makes the strict letter of this article impractical and the modification is in compliance with the intent and purpose of this article and that such modification does not lessen the health, life and fire safety requirements. The details of the action granting modifications shall be recorded and entered in the files of the Office of Building Administration.
(b) Alternative materials, methods and equipment to be approved by building official. 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 building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this article, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in:

(1) Quality;
(2) Strength;
(3) Effectiveness;
(4) Fire resistance;
(5) Durability; and
(6) Safety.
(c) Required testing. Whenever there is insufficient evidence of compliance with the provisions of this article, or evidence that a material or method does not conform to the requirements of this article, or in order to substantiate claims for alternative materials or
methods, the building official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(1) 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 building official shall be permitted to approve appropriate testing procedures performed by an approved agency.

(2) Reports. Reports of tests shall be retained by the building official for the period required for retention of public records.

(d) Material and equipment reuse. Materials, equipment and devices shall not be reused unless:

(1) Such elements are in good repair or have been reconditioned and tested when necessary;
(2) Placed in good and proper working condition; and
(3) Approved.

Sec. 5-241. Unsafe structures and equipment.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Structure unfit for human occupancy shall have the same meaning as provided in article IV of this chapter.

Unlawful structure means a structure:

(1) Found in whole or in part to be occupied by more persons than permitted under this Code; or
(2) Erected, altered or occupied contrary to law.

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 the equipment is a hazard to the life, health, property or safety of the public or occupants of the premises or structure.

Unsafe structure means:

(1) 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 the minimum safeguards to protect or warn occupants in the event of fire;
(2) Because such structure contains unsafe equipment; or
(3) Is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condemnation finding. When a structure or equipment is found by the building official or his or her designee 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 Article V [editor’s note – this is our current nuisance abatement reference] of this chapter.

Secs. 5-242 through 5-265. Reserved.

DIVISION 4. - GENERAL REQUIREMENTS

Sec. 5-266. Applicability.

(a) Scope. The provisions of this division shall govern the minimum conditions and the responsibilities of persons for the maintenance of structures, equipment and property.

(b) Owner/occupant responsibility to maintain premises. 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 any 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.

(c) Vacant structures and land to be maintained in safe, secure and sanitary condition. 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.

Sec. 5-267. Exterior property requirements.

(a) Keep exterior premises in clean, safe and sanitary condition. 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.

(b) Maintain grading and drainage to prevent soil erosion and stagnant water. 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. Excepted from this subsection are approved retention areas and reservoirs.

(c) Keep sidewalks and driveways repaired and free of hazardous conditions. 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.

(d) Weeds; definition; assessment.

(1) All premises and exterior property, including both developed and undeveloped lots in platted subdivisions, shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited.

    a. The term "weeds" means all grasses, annual plants and vegetation, other than trees or shrubs.

    b. The term "weeds" does not include cultivated flowers and gardens.

(2) Upon the failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, he or she shall be subject to prosecution in accordance with article IV of this chapter and as prescribed by the authority having jurisdiction.

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

(f) 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 vent.

(g) Accessory structures to be maintained. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(h) Motor vehicles.

(1) Prohibited. 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.
(2) 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.

(i) Defacement of property.

(1) Prohibited. 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.

(2) Owner's responsibility to restore and maintain. It shall be the owner's responsibility to restore said surface to an approved state of maintenance and repair.

Sec. 5-268. Swimming pools, spas and hot tubs.

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

(b) Enclosures specifications.

(1) Private swimming pools, hot tubs and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool.

(2) Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate.

(3) Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost.

(4) No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Sec. 5-269. Exterior structure requirements.

(a) Maintained in good repair. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) Protective treatment.

(1) 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.

(2) 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.

(3) 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 watertight.

(4) 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.

(5) Surfaces designed for stabilization by oxidation are exempt from this requirement.

(c) Premises identification. (Reserved).
(d) Structural members to be capable of load support. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
(e) Foundation walls to prevent entrance by rodents and other pests. 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.
(f) Exterior walls to be weatherproof. 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.
(g) 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.
(h) Decorative features. All cornices, belt courses, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
(i) 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.
(j) 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.
(k) 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.
(l) 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.
(m) Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
   (1) Glazing. All glazing materials shall be maintained free from cracks and holes.
   (2) Openable windows. Every window, other than a fixed window, shall be easy to open and capable of being held in position by window hardware.
(n) Insect screens.
   (1) Specifications. During the period from May 1 to August 31 of each year, or as otherwise provided by the city council, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16
mesh per 25 mm) and every swinging door shall have a self-closing device in good
working condition.
(2) Exception. Screens shall not be required where other approved means, such as
air curtains or insect repellent fans, are employed.

(o) Doors and locks. All exterior doors, door assemblies and hardware shall be maintained
in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms
shall tightly secure the door. Locks on means of egress doors shall be in accordance with
section 5-369(c).

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

(q) Rodent 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.

(r) Building security specifications. 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.

(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 meeting
specifications set forth herein.
   a. Such deadbolt locks shall be operated only by the turning of a knob or a
      key and shall have a lock throw of not less than one inch.
   b. For the purpose of this section, a sliding bolt shall not be considered an
      acceptable deadbolt lock.
   c. Such deadbolt locks shall be installed according to the manufacturer's
      specifications and maintained in good working order.
   d. All deadbolt locks required by this section shall be designed and installed
      in such a manner as to be operable inside of the dwelling unit, rooming unit
      or housekeeping unit without the use of a key, tool, combination thereof or
      any other special knowledge or effort.

(2) Windows. Operable windows located in whole or in part within six feet (1,828
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 window sash locking devices.

(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.

Sec. 5-270. Interior structure.

(a) Introduction.

(1) The interior of a structure and equipment therein shall be maintained in good
repair, structurally sound and in a sanitary condition.

(2) Occupants shall keep that part of the structure which they occupy or control in a
clean and sanitary condition.

(3) 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.

(b) Structural members shall be load supporting. All structural members shall be maintained
structurally sound, and be capable of supporting the imposed loads.
(c) 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.

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

(e) 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.

(f) 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.

Sec. 5-271. Handrail and guardrail requirements.

(a) The following specifications apply to handrails and guardrails:

(1) The 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.

(2) Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (107 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

(3) Guardrails shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

(b) Exception. Guards shall not be required where exempt by the adopted building code.

Sec. 5-272. Rubbish and garbage requirements.

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

(b) 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.

(1) 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.

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

(c) 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.

(1) Garbage facilities. The owner of every dwelling shall supply one of the following:

a. An approved mechanical food waste grinder in each dwelling unit;
b. An approved incinerator unit in the structure available to the occupants in each dwelling unit; or
c. An approved leak proof, covered, outside garbage container.

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

Sec. 5-273. Extermination.
(a) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
(b) Owner's responsibility prior to leasing. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
(c) Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
(d) Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.
(e) Occupant.
   (1) Responsibility. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
   (2) Exception. Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Secs. 5-274 through 5-292. Reserved.

DIVISION 5. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

Sec. 5-293. Applicability.
(a) Scope. The provisions of this division shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
(b) Owner's 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 division.
(c) Alternative devices permitted. 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.

Sec. 5-294. Lighting requirements.
(a) Habitable spaces.
   (1) Specifications. 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 eight 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 three 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.
   (2) 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 eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.
(b) Common halls and stairways.
(1) Residential. 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 lightbulb for each 200 square feet (19 m²) of floor area or equivalent illumination; provided that the spacing between lights shall not be greater than 30 feet (9,144 mm).

(2) Nonresidential. In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times; provided the building space served by the means of egress is occupied with a minimum of one foot candle (11 lux) at floors, landings and treads.

(c) 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.

Sec. 5-295. Ventilation requirements.

(a) Habitable spaces.

(1) Specifications. 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 5-294(a).

(2) 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 eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(b) Bathrooms and toilet rooms.

(1) Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection (a) of this section, except that a window shall not be required in such spaces equipped with a mechanical ventilation system.

(2) Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(c) Cooking facilities.

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

(2) Exception. An exception is where cooking is specifically approved in writing by the building official.

(d) 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.

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

Sec. 5-296. Occupancy limitations.

(a) Privacy required. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(b) Minimum room widths.
(1) Habitable room. A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension.

(2) Kitchen. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(c) Minimum ceiling heights.

(1) Specifications. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

(2) Exceptions.

a. In one-family and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.

b. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.

c. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

(d) Bedroom requirements. Every bedroom shall comply with the requirements of this section.

(1) Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

(2) Access from bedrooms.

a. Other means of access required. 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.

b. Exception. Units that contain fewer than two bedrooms.

(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.

(4) Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(5) Other requirements.

a. Bedrooms shall comply with the applicable provisions of this article including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section;

b. The plumbing facilities and water heating facilities requirements of sections 5-317 and 5-320(d);

c. The heating facilities and electrical receptacle requirements of sections 5-343 and 5-346(b); and

d. The smoke detector and emergency escape requirements of section 5-371.

(e) Overcrowding.
(1) Minimum occupancy area. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following table:

<table>
<thead>
<tr>
<th>Space</th>
<th>1-2 occupants</th>
<th>3-5 occupants</th>
<th>6 or more occupants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Living room (a, b)</td>
<td>No requirements</td>
<td>120 min. sq. ft.</td>
<td>150 min. sq. ft.</td>
</tr>
<tr>
<td>Dining room (a, b)</td>
<td>No requirements</td>
<td>80 min. sq. ft.</td>
<td>100 min. sq. ft.</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>Shall comply with subsection 5-296(d)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note—For SI: 1 square foot = 0.093 m².

Note a—See subsection (e)(3) of this section for combined living room/dining room spaces.
Note b—See subsection (e)(2) of this section for limitations on determining the minimum occupancy area for sleeping purposes.

(2) Sleeping area. The minimum occupancy area required by the table contained in subsection (e)(1) of this section shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with subsection (d) of this section.

(3) Combined spaces. Combined living room and dining room spaces shall comply with the requirements of the table contained in subsection (e)(1) of this section if:

a. The total area is equal to that required for separate rooms; and
b. The space is located so as to function as a combination living room/dining room.

(f) Efficiency unit. Nothing in this subsection shall prohibit an efficiency living unit from meeting the following requirements:

(1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by subsections (f) (2) and (3) of this section.

(2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this division 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.

(g) Food preparation.

1. 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.

2. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Secs. 5-297 through 5-315. Reserved.

DIVISION 6. - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS
Sec. 5-316. Applicability.
(a) Scope. The provisions of this division shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
(b) Owner's 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.

Sec. 5-317. - Required facilities.
(a) Dwelling units.
(1) 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.
(2) 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.
(3) A kitchen sink shall not be used as a substitute for the required lavatory.
(b) Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
(c) 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.
(d) Employees' facilities.
(1) A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
(2) Drinking facilities defined.
a. The term "drinking facilities" means a drinking fountain, water cooler, bottled water cooler with pre-disposable cups next to a sink or water dispenser.
b. Drinking facilities shall not be located in toilet rooms or bathrooms.

Sec. 5-318. - Toilet rooms.
(a) Privacy required. 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.
(b) Location.
(1) No more than one floor. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
(2) For employees.
a. Specifications. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.
b. 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.

c) Floor surface for other than dwelling units. 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.

Sec. 5-319. Plumbing systems and fixtures.

(a) Generally. 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.

(b) Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

(c) Plumbing system hazards to be corrected. 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, backspohonage, improper installation, deterioration or damage or for similar reasons, the building official shall require the defects to be corrected to eliminate the hazard.

Sec. 5-320. Water system.

(a) Generally.

(1) 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.

(2) 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.

(b) Contamination.

(1) 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.

(2) 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.

(c) 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.

(d) Water heating facilities.

(1) Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius).

(2) 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.

(3) An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
Sec. 5-321. Sanitary sewerage system.
(a) Generally. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
(b) Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Sec. 5-322. Storm drainage not to create nuisance.
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.

Secs. 5-323 through 5-341. Reserved.

DIVISION 7. MECHANICAL AND ELECTRICAL REQUIREMENTS

Sec. 5-342. Applicability.
(a) Scope. The provisions of this division shall govern the minimum mechanical and electrical facilities and equipment to be provided.
(b) Owner's 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 division.

Sec. 5-343. Heating facilities.
(a) Required. Heating facilities shall be provided in structures as required by this section.
(b) Residential occupancies.
   (1) Specifications. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) 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 to provide space heating to meet the requirements of this section.
   (2) Exception. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius), a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.
(c) Supply.
   (1) Specifications. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 1 and to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.
   (2) Exceptions.
      a. 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 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.
b. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(d) Occupiable work spaces.
   (1) Specifications. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to April 30 of each year, or as otherwise provided by the city council, to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.
   (2) Exceptions.
      a. Processing, storage and operation areas that require cooling or special temperature conditions.
      b. Areas in which persons are primarily engaged in vigorous physical activities.

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

Sec. 5-344. Mechanical equipment.
(a) 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.
(b) Removal of combustion products.
   (1) Connected to approved chimney or vent. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.
   (2) Exception. Fuel-burning equipment and appliances which are labeled for unvented operation.
(c) Clearances. All required clearances to combustible materials shall be maintained.
(d) Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.
(e) 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.
(f) Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

Sec. 5-345. Electrical facilities.
(a) Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 5-346.
(b) Service.
   (1) The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code.
   (2) Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
(c) Electrical system hazards to be corrected. 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 building official shall require the defects to be corrected to eliminate the hazard.

Sec. 5-346. Electrical equipment.
(a) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
(b) Receptacles.
(1) Habitable space. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets.
(2) Laundry area. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter.
(3) Bathroom. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
(c) Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

Sec. 5-347. Elevators, escalators and dumbwaiters.
(a) Generally.
(1) Maintained to safely handled loads. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.
(2) Display of current certificate of inspection required. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.
(b) Elevators.
(1) Minimum one working elevator for occupied building. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.
(2) Exception. Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Sec. 5-348. Duct systems to be free of obstructions and perform properly.
Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Secs. 5-349 through 5-367. Reserved.

DIVISION 8. FIRE SAFETY REQUIREMENTS

Sec. 5-368. Applicability.
(a) Generally. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.
(b) Scope. The provisions of this division 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.
(c) Owner's 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 does not comply with the requirements of this division.

Sec. 5-369. Means of egress.

(a) Generally. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. The means of egress shall comply with the NSPA Life Safety Code 2010 and the International Building Code.

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

(c) 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.

(d) 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:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

2. 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.

Sec. 5-370. Fire-resistance ratings.

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

(b) Opening protectives required to be maintained. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition.

Sec. 5-371. Fire protection systems.

(a) Generally. 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.

(b) Smoke alarms.

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

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

   b. In each room used for sleeping purposes.

   c. 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.

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

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

(2) 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.

(d) Interconnection.

(1) Specifications. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Groups R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(2) Exceptions.

a. Interconnection is not required in buildings which are not undergoing:

   1. Alterations;
   2. Repairs; or
   3. Construction of any kind.

b. 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.

Secs. 5-372 through 5-390. Reserved.

PART II

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.
PART IV

This ordinance shall become effective on March 14, 2016.

This ordinance was proposed by Council Member Chukwu Johnson with a motion to adopt. Thereafter, the motion was seconded by Council Member Susan Poletto. 5 Council Members voted in favor of the motion and 0 Council Members voted against the motion.

Mayor Patricia Wheeler

Chaquie Thornton, City Clerk

Approved as to form:

City Attorney Joe Fowler

February 15, 2016
First Read

March 1, 2016
Second Read