HOUSING AND NEIGHBORHOOD DEVELOPMENT

CITY OF BLOOMINGTON

PROPERTY MAINTENANCE CODE

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SECTION 100 ADMINISTRATION

PM 101 GENERAL

PM101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Bloomington, hereinafter referred to as "this code."

PM101.2 Scope. The provisions of this code shall apply to all existing residential rental units and their premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. These provisions shall be applicable to all residential units except as provided for in 16.12.030.

PM101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

PM101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

PM 102 APPLICABILITY

PM102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

PM102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

PM102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions locally adopted codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Bloomington Zoning Ordinance. If any provisions in this code can be construed to be in conflict with provisions of the City of Bloomington Zoning Code, the more restrictive provision shall apply.

PM102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

PM102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

PM102.6 Historic buildings. The provisions of this code may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

PM102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are adopted locally and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

PM102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

PM 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

PM103.1 General. The Housing and Neighborhood Development Department shall be responsible for the enforcement of this code and the Department Director shall be known as the code official.

PM103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

PM103.4 Restriction of employees. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the Board of Housing Quality Appeals as established in Title 2, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

PM103.5 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

PM 104 DUTIES AND POWERS OF THE CODE OFFICIAL

PM104.1 General. The code official shall enforce the provisions of this code.

PM104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

PM104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

PM104.4 Right of entry. The code official 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 code official is authorized to pursue recourse as provided by law.

PM104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

PM104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

PM104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained 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.

PM104.8 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code 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. Whenever an inspector

from any agency or department observes an apparent or actual violation of some provision of any local ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

PM 105 APPROVAL

PM105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

PM105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

PM105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

PM105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

PM105.3.2 Testing agency. All tests shall be performed by an approved agency.

PM105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

PM105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

PM 106 VIOLATIONS

PM106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

PM106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

PM106.3 Prosecution of violation. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

PM106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and subject to a fine not more than $100 per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

PM106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

PM 107 NOTICES AND ORDERS

PM107.1 Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3.

PM107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:
1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.

PM107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:
1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be Posted in a conspicuous place in or about the structure affected by such notice.

PM107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

PM107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

PM 108 UNSAFE STRUCTURES AND EQUIPMENT

PM108.1 General. The City of Bloomington Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code, which incorporates by reference Indiana Code 36-7-9-1 through 36-7-9-28, is hereby incorporated into this code in its entirety and made a part hereof, as fully as though set out in its entirety. Whenever the code official determines that a building or structure is unsafe within the meaning of Bloomington Municipal Code 17.16.040, the code official shall proceed in accordance with the provisions of said Chapter.

PM 109 EMERGENCY MEASURES

PM109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

PM109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

PM109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

PM109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

PM109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

PM 110 DEMOLITION

PM110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

PM110.2 Notices and orders. All notices and orders shall comply with Section 107.

PM110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

PM 111 MEANS OF APPEAL

PM111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Housing Quality Appeals. The appeal shall be the manner prescribed in Section 2.19.030 of the Bloomington Municipal Code and the established rules of Procedure for the Board. Provided, an appeal of the action or order taken or issued pursuant to the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code, shall be in accordance with the provisions of the said Unsafe Building Law.

SECTION 200 DEFINITIONS

PM 201 GENERAL

PM201.1 Scope. Unless otherwise expressly stated, the definitions of terms shown in PM 202 "General Definitions" shall be applicable throughout Title 16.

PM201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

PM201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the locally adopted codes, such terms shall have the meanings ascribed to them as in those codes.

PM201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

PM201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

PM 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

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

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

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

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

CONDEMN. To adjudge unfit for occupancy.

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

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

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

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

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

HAND DEPARTMENT. Housing and Neighborhood Development Department.

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

HOUSING CODE. The International Property Maintenance Code, First Edition, 2000, and all amendments thereto as adopted in Chapter 16.04 of the Bloomington Municipal Code.

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

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

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

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

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

MULTI FAMILY DWELLING. Three or more residential rental units in one building.

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

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

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

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

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the

property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. For the purposes of this code a person with a lease hold interest shall not be considered an owner.

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

PREMISES. A lot, plot or parcel of land including any structures thereon.

RESIDENTIAL RENTAL UNIT. Any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependant(s).

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

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

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

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

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

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

TENANCY AGREEMENT. Includes all agreements, written, oral or implied, and valid rules and regulation embodying the terms and conditions concerning the use and occupancy of a rental unit and premises.

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

TRANSIENT OCCUPANCY. Occupancy, which is less than two weeks duration in the same or similar units, owned by the same owner.

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

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

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

SECTION 300 GENERAL REQUIREMENTS

PM 301 GENERAL

PM301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

PM301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises, which they occupy and control.

PM301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

PM 302 EXTERIOR PROPERTY AREAS

PM302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies or controls, in a clean and sanitary condition.

PM302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. **Exception:** Approved retention areas and reservoirs.

PM302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

PM302.4 Weeds. All premises and exterior property shall be maintained free from weeds and plant growth in accordance with the Bloomington Municipal Code.

PM302.4.1 Trees. All trees on the premises shall be in good health and pose no danger to persons or building.

PM302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

PM302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

PM302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM302.7.1 Gates. Gates which are required to be self-closing and self-latching in accordance with the local building code shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

PM302.7.2 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

PM302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

PM302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

PM 303 EXTERIOR STRUCTURE

PM303.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

PM303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Where the Code Official has ordered the exterior of a structure to be painted, compliance shall be within a period of one year from the date the inspection report and order are mailed. 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. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

PM303.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) unless other wise directed by the fire code.

PM303.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM303.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

PM303.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

PM303.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

PM303.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

PM303.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM303.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

PM303.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM303.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

PM303.12.1 Handrails. Shall conform with the current, locally adopted building code. **Exception**: If the property had a current and valid Rental Occupancy Permit prior to (effective date of this code) handrails shall, at a minimum, conform to the following: Every stairwell and every flight of stairs, which is more than three risers high, shall have handrails or railings which shall be located as required by the building code, and every open portion of a stair, porch landing and balcony which is more than thirty inches above the floor or grade below shall have guardrails.

PM303.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

PM303.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

PM303.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. All openable windows shall have fixed secure locking mechanisms.

PM303.14 Insect screens. During the period from May 1st to October 15th, every door, window and other outside opening required for ventilation of habitable rooms shall be supplied with approved tightly fitting screens of not less than

16 mesh per inch (16 mesh per 25 mm) and every swinging screen door shall have a self-closing device in good working condition. **Exception:** If the property has central air-conditioning screen doors shall not be required.

PM303.15 Doors. 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 702.3.

PM303.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

PM303.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

PM 304 INTERIOR STRUCTURE

PM304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure, which they occupy or control, in a clean and sanitary condition. Every owner of a structure containing a rooming house, two or more dwelling units or a dwelling unit and nonresidential occupancy, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

PM304.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

PM304.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

PM304.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

PM304.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

PM304.5.1 Handrails. Shall conform with the current, locally adopted building code. **Exception:** If the property had a current and valid Rental Occupancy Permit prior to (effective date of this code) handrails shall, at a minimum, conform to the following: Every stairwell and every flight of stairs, which is more than three risers high, shall have handrails or railings which shall be located as required by the building code, and every open portion of a stair, porch landing and balcony which is more than thirty inches above the floor or grade below shall have guardrails.

PM304.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

PM 305 RUBBISH AND GARBAGE

PM305.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

PM305.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

PM305.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish in accordance with Title 6 of the municipal code, and the owner of the premises shall be responsible for the removal of rubbish.

PM305.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

PM305.3.1 Garbage facilities. The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container in accordance with Title 6 of the municipal code. Dumpster may be approved for multi-unit buildings and must be located/placed in accordance with all locally adopted codes and ordinances.

PM305.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

PM 306 EXTERMINATION

PM306.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

PM306.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

PM306.3 Single-family dwelling. (a) The occupant shall be responsible for extermination of insects, rodents, vermin or other pests in the structure on the premises where: 1. The first observable signs of infestation appear more than thirty (30) days after the occupant takes possession of the premises: or, 2. The first observable signs of infestation appear within thirty (30) days after the occupant takes possession of the premises, and the occupant fails to notify the owner of the infestation within the thirty (30) day period: or, 3. The owner, after being notified pursuant to the subsection (2) above, has undertaken extermination which eliminated infestation within forty-five days after the extermination began: or 4. Whenever the Code Official determines that the occupant's housekeeping led to the infestation regardless of when the infestation occurs or is reported to the owner. (b) The owner shall be responsible for extermination where: 1. The occupant notifies the owner of infestation within thirty (30) days of the occupant's occupancy: or 2. After the owner has been notified pursuant to subsection (1) above, infestation still exists forty-five (45) days after extermination was commenced: except that if the owner presents Code Official with proof that a satisfactory effort was made to control the infestation, then the occupant shall be responsible for further extermination if continued infestation is attributable to the occupant.

PM306.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

PM306.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. **Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

SECTION 400 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

PM 401 GENERAL

PM401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

PM401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall occupy or permit another person to occupy any premises that do not comply with the requirements of this chapter.

PM401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the locally adopted building code shall be permitted.

PM 402 LIGHT

PM402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room or as required by locally adopted building codes. **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2). The exterior glazing area shall be based on the total floor area being served.

PM402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm).

PM402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures and in accordance with locally adopted building codes.

PM 403 VENTILATION

PM403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1 or as required by locally adopted building codes. **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

PM403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

PM403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. **Exception:** Where specifically approved in writing by the code official.

PM403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

PM403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

PM 404 OCCUPANCY LIMITATIONS

PM404.1 Privacy. Dwelling units, and rooming units shall be arranged to provide privacy and be separate from other adjoining spaces.

PM404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

PM404.3 Minimum ceiling height. Minimum ceiling height shall comply with the locally adopted building code.

PM404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

PM404.4.1 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.

PM404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. **Exception:** Units that contain fewer than two bedrooms.

PM404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

PM404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

PM404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

PM404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5 or the Zoning Ordinance, whichever is more restrictive.

MINIMUM AREA REQUIREMENTS

	Minimum Area In Square Feet		
Space	1-2 occupants	3-5 occupants	6 or more occupants
Living room	No requirements	120	150
Dining room	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093m2
a. See Section 404.5.2 for combined living room/dining room/kitchen spaces.
b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

PM404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

PM404.5.2 Combined spaces. Where the living room, dining, and/or kitchen uses are combined in one room, that space shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room and kitchen.

PM404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

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

PM404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

SECTION 500 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

PM 501 GENERAL

PM501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

PM501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy or permit another person to occupy any structure or premises, which does not comply with the requirements of this chapter.

PM 502 REQUIRED FACILITIES

PM502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

PM502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

PM502.3 Fixture units. Every rental unit shall have at least one toilet, lavatory and tub/shower for every 5 occupants.

PM 503 TOILET ROOMS

PM503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

PM503.2 Location. Toilet rooms and bathrooms serving rooming units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

PM 504 PLUMBING SYSTEMS AND FIXTURES

PM504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

PM504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

PM504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

PM 505 WATER SYSTEM

PM505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the locally adopted building or plumbing code.

PM505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

PM505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

PM505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, except as allowed by the locally adopted code. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

PM 506 SANITARY DRAINAGE SYSTEM

PM506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

PM 507 STORM DRAINAGE

PM507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

PM507.2 Sump Pumps. Sump pumps shall not discharge into the sanitary sewer or in violation of any city ordinance.

SECTION 600 MECHANICAL AND ELECTRICAL REQUIREMENTS

PM 601 GENERAL

PM601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

PM601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy or permit another person to occupy any premises, which does not comply with the requirements of this chapter.

PM 602 HEATING FACILITIES

PM602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

PM602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

PM602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms. **Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the locally adopted building code.

PM602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

PM 603 MECHANICAL EQUIPMENT

PM603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

PM603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. **Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

PM603.3 Clearances. All required clearances to combustible materials shall be maintained.

PM603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

PM603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

PM603.7 Prohibited locations. Fuel-fired appliances shall not be located in or obtain combustion air from any of the following rooms or spaces:

1. Sleeping rooms
2. Bathrooms
3. Toilet Rooms
4. Closets used for storage of any combustibles
5. Under stairs

Except as allowed by current, locally adopted code(s).

PM 604 ELECTRICAL FACILITIES

PM604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

PM604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the locally adopted electrical code. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

PM604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

PM 605 ELECTRICAL EQUIPMENT

PM605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

PM605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. When a faulty receptacle is identified in a wet location is shall be replaced with a ground fault circuit interrupter. Any new receptacle in a wet location shall have ground fault circuit interrupter protection.

PM605.3 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.

PM 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

PM606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. 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.

PM606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

PM 607 DUCT SYSTEMS

PM607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

SECTION 700 FIRE SAFETY REQUIREMENTS

PM 701 GENERAL

PM701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

PM701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy or permit another person to occupy any premises that do not comply with the requirements of this chapter.

PM 702 MEANS OF EGRESS

PM702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

PM702.2 Aisles. The required width of aisles shall be unobstructed in accordance with the locally adopted fire code.

PM702.3 Locked doors. All 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 locally adopted building code.

PM702.4 Emergency escape openings. All sleeping rooms shall have emergency escape openings in accordance with the code at the time of construction or remodel. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the locally adopted building code 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. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704. Required window wells shall comply with the locally adopted building code. **Exception:** 1 & 2 Family dwellings built or altered prior to January, 1972, and Multi-Family Dwellings built or altered prior to January, 1973 shall, at a minimum, have emergency escape windows in every sleeping room that meet or exceed the following:

Minimum opening area, a minimum net clear opening of 3.75 square feet.
Minimum opening height shall be 22 inches.
Minimum opening width shall be 16 inches.
Minimum sill height, a minimum net sill height shall not be more than 48 inches above the finished floor.

PM 703 FIRE-RESISTANCE RATINGS

PM703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, draft stops, shaft enclosures, partitions and floors shall be maintained.

PM703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors and their approved hardware shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

PM 704 FIRE PROTECTION SYSTEMS

PM704.1 Smoke detectors. Existing Group R occupancies and all residential rental units not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.

PM704.2 Installation. Approved single-station smoke alarms shall be installed in existing dwelling units, congregate residences and all residential rental units. Installation shall be in accordance with the locally adopted fire code.

PM704.3 Fire extinguishers: Each rental unit shall have one fire extinguisher of approved size and location. Fire extinguishers shall be maintained and services in accordance with the locally adopted fire code.

HOUSING AND NEIGHBORHOOD DEVELOPMENT

CITY OF BLOOMINGTON

CHAPTER 16.12

HOUSING QUALITY

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16.12.010 Definitions. As used in this chapter, the following terms have the following meanings unless otherwise designated:

(a) "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.

(b) "Housing code" means the Building Officials and Code Administrators International Basic Property Maintenance Code, First Edition, 1978, and all amendments thereto as adopted in Chapter 16.04 of the Bloomington Municipal Code.

(c) "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(d) "Owner" means any person, agent, firm or corporation having a legal or equitable interest in the property.

(e) "Person" means a corporation or co-partnership as well as an individual.

(f) "Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

(g) "Rental building" means a building containing one or more rental units.

(h) "Rental dwelling unit" means a dwelling unit in a residential premises covered by a tenancy agreement.

(i) "Rental unit" means a rented dwelling unit or rooming unit.

(j) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(k) "Security deposit" means any advance or deposit of money, regardless of its denomination, the primary function of which is to secure the performance of a tenancy agreement for rental premises or any part thereof.

(l) "Tenant" means any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.

(m) "Tenancy agreement" includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit and premises.

(n) "Transient occupancy" means occupancy, which is less than two weeks duration in the same or similar units owned by the same owner. (Ord. 79-17 § 1 (part), 1979; Ord. 78-86 § 1--6, 1978; Ord. 78-56 § (part), 1978).

16.12.020 Purpose--Rules of construction. This chapter shall be liberally construed and applied to promote its underlying purpose, which is to encourage the maintenance and improvement of the quality of housing in the city. (Ord. 79-17 § 1 (part), 1979; Ord. 78-56§ 1 (part), 1978).

16.12.30 Compliance required--Application of chapter.

(a) No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this chapter.

(b) This chapter applies to rental units located within the city, including governmental or public agencies acting as landlords, but shall not apply to the following arrangements unless the arrangements are created to avoid the application of this chapter:

(1) Occupancy in a rental unit operated by the Indiana University Halls of Residence;

(2) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(3) Occupancy by the purchaser of a dwelling unit under a contract of sale;

(4) Transient occupancy in a hotel, motel or other similar lodgings;

(5) Owners who reside in a single-family dwelling unit but who wish to lease to individuals or a family while they are absent from the city for short periods of time, not to exceed one year, and who intend to return to their single-family dwelling unit at the expiration of the lease period;

(6) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with the tenant. (Ord. 86-19 § 16, 1986; Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.040 Inventory and damage lists--Security deposits.

(a) The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement.

(b) The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur at the end of the tenant's occupancy and prior to the occupancy of the next tenant. Any damages to the rental unit shall be noted on the inventory and damage list, and the list shall thereupon be signed by the parties. If the parties can agree to the cost of repair, such portion as is due the tenant, shall be refunded within forty-five days.

(c) (1) The owner or his agent shall have a duty to initiate the joint inspections; however, both the owner or his agent and the tenant shall have an affirmative duty to make a good-faith effort in scheduling joint inspections. In the event the owner or his agent is unable to schedule an inspection with the tenant through contacting the tenant by telephone, personal message or personal contact, the owner or his agent may show compliance with this section by producing the following: a carbon copy of a letter to tenant stating the time and place of inspection; and, a normal business record showing that this letter was mailed to the tenant by first class mail at least two days prior to the date of the inspection.

(2) If the owner or owner's agent cannot arrange a joint inspection pursuant to the above procedures, the owner or agent shall complete the inspection, noting on a signed and dated inspection report any damages which exceed normal wear and tear.

(d) The owner's or agent's copy of all inspection reports shall be retained for a minimum of the present lease period and the two subsequent lease periods, or for a period of four years, whichever is less. (Ord. 90-51 § 2, 1990; Ord. 86-19 § 17, 1986; Ord. 81-97 § 1, 1981: Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (Part), 1978).

(e) The owner or owner's agent shall supply the Department of Housing and Neighborhood Development with a copy of the inventory and damage list in accordance with all the provisions of 16.12.040 upon its request.

16.12.050 Disclosure.

(a) A party signing a tenancy agreement as owner shall disclose therein or in a separate writing furnished to the tenant at or before the commencement of tenancy the name and usual address of each person who is:

(1) Authorized to manage the premises; and

(2) An owner of the premises or his agent who is authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving all notices and demands.

(b) In case of an oral tenancy agreement, the owner or his agent, upon written request, shall furnish the tenant with a written statement containing the information required by subsection (a) of this section.

(c) The information required by this section shall be kept current. The provisions of this section shall extend to and be enforceable against any successor owner or manager.

(d) In addition, the owner or owner's agent shall provide to each tenant, at or before the commencement of occupancy, a summary of the tenants' and owners' rights and responsibilities, in such form as shall be prescribed by the HAND Director or other Designee. The owner shall sign the summary, obtain the signatures of the tenants on the summary and shall provide a copy of that summary to the Housing and Neighborhood Development Department, upon its request.

(e) The HAND Department shall furnish, upon request, to each registered owner or owner's agent of rental property subject to this chapter a copy of the Bloomington Property Maintenance Code. The housing quality ordinance

and a sufficient number of copies of the summary required by subsection (d) of this section shall be provided to each owner or owner's agent to permit distribution of the summary to each rental unit. Owners shall contact the HAND Department for additional copies as needed. The HAND Department shall make available additional copies of the summary as owners need them. Owners who first register rental property after the effective date of this subsection shall be furnished the housing quality ordinance at the time of registration. Owners already registered on the effective date of this subsection shall be furnished the housing quality ordinance no later than the time of the next cycle inspection. (Ord. 88-40 § 1, 1988; Ord. 78-17 § (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.060 Registration of rental units required.

(a) No owner of real estate within the city shall use real estate for the purpose of erecting or maintaining a rental unit thereon without registering such property with the HAND Department of the city. Such registration shall be effected by furnishing to such department, upon a form furnished by the department, the following information:

(1) Name of owner;

(2) Address of owner;

(3) Street address of property;

(4) Brief description of type and number of rental unit(s); and

(5) Name and street address of agent, if any, authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any agent so designated shall be within the state. Any owner who does not reside in Indiana shall be required to designate such an agent.

(b) The registration form shall be signed by the owner.

(c) Whenever ownership of a rental unit changes, the new owner shall register the property.

(d) Notification of the owner or his agent at the address shown on the registration form shall constitute sufficient notice pursuant to any provision of this chapter.

(e) It shall be a violation of this chapter for any owner to maintain a rental unit, which has not been registered in accordance with this section. (Ord. 79-17 § 1 (part), 1979: Ord. 78-56 § 1 (part), 1978).

16.12.070 Inspection--Right of entry--Fees.

(a) (1) Each rental unit and premises within the city shall be inspected by the HAND Department immediately prior to the expiration of its occupancy permit, to establish the compliance with the property maintenance code. Occupancy permits shall be issued for three, four or five year periods, as determined by sub-sections (b), (c), (d), and (e) of this section.

(2) No rental unit having a current occupancy permit shall be inspected in good faith more often than is required for the renewal of the occupancy permit, unless a request for inspection is made as provided in subsection (e) of this section. When a rental unit passes a regularly scheduled cycle inspection, or a complete off-cycle inspection it shall receive an occupancy permit according to the plan and criteria below:

(b) Three-year Permit. A unit shall receive a three-year occupancy permit if any of the subsections below applies:

(1) If the unit has received life-safety variances;

(2) If the owner fails to schedule a cycle inspection prior to the expiration of the unit's occupancy permit;

(3) If a unit has been inspected and the HAND inspector has issued a report citing violations, and the owner fails to have the unit reinspected and found in compliance with the property maintenance code within sixty days after the inspection report citing violations was mailed to the owner or agent;

(4) If the owner fails to satisfy all outstanding fee assessments within thirty days from the date of billing.

(c) Four-year permit. A unit shall receive a four-year permit if both of the conditions below apply:

(1) The inspection uncovers no violations, or all violations cited on a cycle inspection report are satisfactorily corrected within sixty days after the report was mailed to the owner or agent, and

(2) The owner satisfies all outstanding fee assessments within thirty days from the date of billing. However, if the unit qualifies under subsection (d)(2) below, a five-year permit shall be issued.

(d) Five-year permit. A unit shall receive a five-year permit if:

(1) The rental unit is new construction and the inspection uncovers no violations or all violations cited on a cycle inspection report are satisfactorily corrected within sixty (60) days after the report was mailed to the owner or agent, and the owner satisfies all outstanding fee assessments within thirty days from the date of billing, and HAND has issued a rental occupancy permit prior to occupancy of the unit; or

(2) The unit's occupancy permit at the time of reinspection for permit renewal had been a four-year permit, and the reinspection uncovers no violations or all violations cited on the reinspection report, excluding exterior painting requirements, are satisfactorily corrected within sixty days after the report was mailed to the owner or agent, and the owner satisfies all outstanding fee assessments within thirty days from the date of billing.

(e) Off-cycle inspections may be done at the discretion of the HAND Director or other designee, upon the written, signed request of any resident of the city, any governmental agency, or the rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent. HAND shall attempt to notify the owner or owners agent of such inspection. An off-cycle inspection shall be confined to the defects complained of, if any, by the person requesting the inspection unless the HAND Director or other designee determines that the condition of the rental unit or premises has deteriorated since the last cycle inspection to such an extent that a complete inspection is required to effectuate the purposes of the property maintenance code, in which case a complete new inspection of the entire rental unit and premises may be performed. If a complete off-cycle inspection is performed, a new occupancy permit shall be issued upon compliance. Such permit shall be for a four-year period, provided all violations excluding exterior painting are satisfactorily completed, and the unit reinspection within sixty days after the receipt of the inspection report by the owner or owner's agent. Such permit shall be for a three-year period if the owner or agent fails to have the unit reinspected and found in compliance with the inspection report, excluding exterior painting, within sixty days after such report is mailed to the owner or agent.

(f) All cycle inspections and complete off-cycle inspections shall be charged an inspection fee to be determined by the schedule in subsection (g). Complaint and limited off-cycle inspections shall not be charged an inspection fee. An administrative fee or three times the inspection fee shall be assessed in addition to the inspection fee for any rental properties subject to this code and operating without a valid Rental Occupancy Permit. First reinspections, and reinspections necessary to obtain information for appeals to the Board of Housing Quality Appeals shall not be charged an inspection fee. The fee for each subsequent reinspection that requires entry to the rental unit after the first reinspection shall be fifty dollars ($50.00) per rental unit. The failure or a property owner or his appointed representative to meet the inspector(s) at a confirmed scheduled appointment when the failure results in the inspector being unable to complete the inspection, shall cause an assessment of a No-show fee of thirty-five dollars ($35.00). Inspectors shall be required to remain at the property until fifteen (15) minutes past the appointed time. All fees shall be paid by the owner or his agent prior to the issuance of an occupancy permit. All fees are to be paid within thirty (30) days of assessment or any long-term Occupancy Permit will revert to a three-year permit.

(g) The fee for inspecting a single-unit dwelling shall be sixty-two dollars ($62.00). The fee for inspecting a rooming house shall be fifty dollars per building, plus twelve dollars per bathroom/toilet facilities in the building. The fee for inspecting all other unit/building configurations shall be fifty dollars per building, plus twelve dollars per unit in the building.

(h) It shall be the responsibility of the owner or his agent to schedule all required inspections and reinspections. The owner or owners agent shall notify the tenant(s) of all scheduled inspections and reinspections. The owner or his agent shall be responsible for granting access to the inspector. If the tenant refuses entry for inspection the HAND Department shall not inspect without first obtaining a search warrant.

(i) Exception to sixty day (60) compliance deadline: An exception to the 60 day compliance deadline shall be granted when exterior painting or other exterior repairs, that in the judgement of the HAND Director or Designee, are weather sensitive. This exception shall not exceed one year and is at the discretion of the HAND Director or Designee.

16.12.080 Occupancy permits.

(a) No occupancy permit shall be issued by the HAND Department until the rental unit and premises have been inspected pursuant to section 16.12.070 and found not to be in violation of the property maintenance code and until all provisions of Chapter 16.12 have been met. Upon registration of a rental unit, not previously used as such, the HAND Department shall issue a temporary occupancy permit which shall be in effect until the unit has been inspected and either an occupancy permit has been issued or the temporary permit is revoked as provided in subsection (d) of this section.

(b) All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit.

(c) The owners of rental units and premises found to be in violation of the property maintenance code shall be notified in writing of the reason for disapproval and the reasonable time period during which compliance with the property maintenance code is expected.

(d) At the end of the time period specified in the notice described in subsection (c), any rental unit or premises found to be in violation of the property maintenance code shall be reinspected by the city at the request of the owner or his agent after such owner or agent has effected those corrections and additions required by the city as a result of any previous inspection, and upon such reinspection such rental unit and premises shall be approved or disapproved for an occupancy permit. If reinspection is not requested by the owner or his agent at the end of the time period specified in the notice described in subsection (c), or upon reinspection the unit and premises is not approved, any occupancy permit shall be revoked.

(e) It shall be a violation of this chapter for any owner to maintain a rental unit without an occupancy permit. (Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.090 Retaliatory eviction prohibited.

It shall be a violation of this chapter for any owner or his agent to bring or threaten to bring an action for possession for the purpose of retaliating against a tenant for requesting an inspection as provided for in subsection (c) of Section 16.12.070. (Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.100 Penalty.

Any person, firm or corporation who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine of not more than one hundred dollars and other penalties provided in Section 1.01.130 of the Bloomington Municipal Code. Each day that a violation continues shall be deemed a separate offense. In addition, the HAND Director or other Designee may:

(a) Declare a rental unit to be unsafe as provided by the Housing Code in Section 105.0, entitled "Unsafe Building Law"; and

(b) Issue an emergency order where immediate action is required to protect the health and safety of the public or of the occupants of the rental unit as provided by the property maintenance code in Section 108.0, entitled "Emergency Orders"; and

(c) Seek any of the additional remedies provided by the housing code in Section 109.3, which provides for an appropriate action or proceeding at law or in equity against the person responsible for the violation for the purpose of ordering him to:

(1) Restrain, correct or remove the violation or refrain from any further execution of work,

(2) Restrain or correct the erection, installation, or alteration of such structure,

(3) Require the removal of work in violation, or

(4) Prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued. (Ord. 86-19 § 19, 1986; Ord. 79-19 § 1 (part), 1979; Ord. 78-86 § 8, 1970: Ord. 78-56 § 1 (part), 1978).

(d) Notwithstanding the preceding provisions, the fine for violations of 16.12.040(e) and 16.12.050(d) shall be twenty-five dollars ($25.00). HAND shall present the owner or his agent with written notice of said violation, and such violation shall be payable through the Ordinance Violation Bureau established in BMC 2.27.010.

16.12.110 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. (Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).