CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS AGENDA

OCTOBER 9, 2017 - 1:00 P.M.
POSTED WITH LESS THAN 7 DAYS NOTICE DUE TO SCHEDULING

CITY HALL CONFERENCE ROOM
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

1. **AGENDA ADDITIONS/DELETIONS**

2. **PROPERTY MAINTENANCE CODE VIOLATIONS (CHAPTER 3 - GENERAL REQUIREMENTS, SECTION 304 - EXTERIOR STRUCTURE, 304.13 - WINDOW, SKYLIGHT AND DOOR FRAMES OF THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE) - APPEAL OF DECISION - 120 WEST WATER STREET *(EDWARD LARRIVEE)***

3. **ADJOURNMENT**

/DK
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\MISC-AGENDAS\CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS\10-09-2017 CPMCBOA AGENDA.WPD

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

City of Dover

October 3, 2017

Mr. Edward C. Larrivee
115 Fox Hall Drive
Dover, DE 19901

Re: Appeal of Property Maintenance Code Citation #17-00002294 - 120 West Water Street

Dear Mr. Larrivee:

I have received your request to appeal Citation #17-00002294 related to a violation of Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Section 22-221- Adopted, The International Property Maintenance (IPM) Code, 2009 - Chapter 3 - General Requirements, Section 304 - Exterior Structure, 304.13 - Window, Skylight and Door Frames at 120 West Water Street, Dover, Delaware.

SECTION 304 - EXTERIOR STRUCTURE

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

A meeting of the Construction and Property Maintenance Code Board of Appeals has been scheduled for Monday, October 9, 2017 at 1:00 p.m. in the City Hall Conference Room, 15 Loockerman Plaza, Dover, DE 19901 to hear your appeal. **Please contact me upon receipt of this letter at (302) 736-7008 or by email at cityclerk@dover.de.us to confirm your attendance.**

Please let me know if you have any questions or concerns regarding your appeal.

Sincerely,

Traci A. McDowell

Traci A. McDowell, MMC
City Clerk

TAM/dk
S:\APPEALS\2017\120 W. Water Street - Attic Window - Code Violation\Construction and Property Maintenance Code Board of Appeals - Receipt of Appeal - Property Code Violations - 120 W. Water Street.wpd

cc: David Hugg, Acting Director of Planning & Community Development
Nicholas Rodriguez, City Solicitor
William Pepper, Deputy City Solicitor
Ron Coburn, Code Enforcement Officer

From:	Edward Larrivee
To:	City Clerks Office
Subject:	Appeal of Case No. 17-00002294
Date:	Thursday, September 28, 2017 10:04:52 AM

We have been notified by Ronald Coburn that we are in violation of the City's International Property Building Management Code Section 304.13 for an attic window on our property at 120 West Water Street and wish to file an appeal of this decision.

About fifteen years ago, the bottom window sash was broken several times and birds got into the attic. In order to prevent this from happening again, the bottom half of the window was securely covered with plywood, and this condition has remained since that time and has alleviated the problem.

Below are the codes in regards to the maintenance and repairs to the windows.

- **Section 304.13 states every window shall be kept in sound condition, good repair and weather tight.** *The window is currently sound, in good repair and weather tight. The bottom is just covered so that the window will not be broken again.*
- **Section 304.13.1 states all glazing materials shall be maintained free from cracks and holes.** *There are no visible holes in the glass as it is covered.*
- **Section 102.5 Workmanship states repairs , maintenance work shall be executed in a workmanlike manner and installed with the manufacturers installation instructions.** ***T****he wood covering has been painted to match the siding so as not to detract from the façade*

Covering windows with wood, whether it is a closed shutter or plywood (even unpainted), can be found elsewhere in the City and is, in fact, currently visible on buildings within sight of our property. We respectfully request that the violation for this window be voided and the wood covering be allowed to remain.

Sincerely
Edward Larrivee
[redacted]

Coburn, Ron

From: Coburn, Ron
Sent: Tuesday, September 26, 2017 11:52 AM
To: 'Edward Larrivee'
Cc: Taraila, Tim
Subject: RE: Appeal - Case Number 17-00002294

Mr. Larrivee,

Below are the codes in regards to the maintenance and repairs to the windows.

Section 304.13 states every window shall be kept in sound condition, good repair and weather tight.

Section 304.13.1 states all glazing materials shall be maintained free from cracks and holes.

Section 102.5 Workmanship states repairs , maintenance work shall be executed in a workmanlike manner and installed with the manufacturers installation instructions.

If you want to appeal it must be done through the Construction and property maintenance code board of appeals.

This is done by writing an appeal to the City Clerk's office and they would schedule a hearing.

The City Clerk's office can be contacted at 736.7008.

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010
rcoburn@dover.de.us

From: Edward Larrivee [mailto:[redacted]]
Sent: Monday, September 25, 2017 12:44 PM
To: Taraila, Tim <TTaraila@dover.de.us>; Coburn, Ron <RCoburn@dover.de.us>
Subject: Appeal - Case Number 17-00002294

Mr. Taraila and Mr. Coburn - I have reviewed the language in the section of the International Property Building Maintenance Code that was cited in the above violation and wish to appeal the decision to replace the broken or missing attic window pane.

About fifteen years ago, the bottom window sash was broken several times and birds got into the attic. In order to prevent this from happening again, the bottom half of the window was securely covered with plywood, and this condition has remained since then alleviating the problem. Given that the wood has remained on the window in a weathertight condition for over fifteen years, and has now been painted to match the siding, I wish to appeal the code violation, and ask that the current condition be allowed to remain in place.

Thank you.

Sincerely,
Ed Larrivee
[redacted]

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7011
Fax: (302) 736-4217

SECOND NOTICE

September 13, 2017

EDWARD C LARRIVEE
115 FOX HALL DR
DOVER DE 199046537

RE: Property Address: 120 W WATER ST
Tax Parcel Number: ED-05-077.09-03-630.000-000
Case Number: 17-00002294

Dear Mr. Larrivee:

On August 14, 2017, Code Enforcement Officer Ronald Coburn of the City of Dover, Department of Inspections conducted an inspection at 120 W WATER ST. The inspection revealed one or more City Code Violations on the property.

Attached is the violation found.

A follow up inspection was conducted and the violation still remains. Failure to have the property brought into compliance with the City Codes by *September 28, 2017* will result in a citation being issued. Fines may be as high as $1,000.00 per day for each day that the violation exists.

Please contact this office with a date and time to conduct your re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-7011.

Sincerely,

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 17-00002294
PROPERTY ADDRESS 120 W WATER ST

VIOLATION: 372 QUANTITY: 1
DESCRIPTION: 372 INSTALL WINDOW GLASS DATE: 8/14/17
LOCATION: TOP

NARRATIVE :
Replace the broken or missing attic window pane.

ORDINANCE DESCRIPTION :
SECTION PM 304.13 WINDOWS

CORRECTIVE ACTION REQUIRED :
INSTALL WINDOW GLASS IN WINDOW FRAME SO THAT IT IS WEATHER TIGHT


2017/09/13 10:15

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7011
Fax: (302) 736-4217

August 14, 2017

EDWARD C LARRIVEE
115 FOX HALL DR
DOVER DE 199046537

RE: Property address: 120 W WATER ST
Tax Parcel Number: ED-05-077.09-03-630.000-000
Case Number: 17-00002294

Dear Mr. Larrivee:

On August 14, 2017, Code Enforcement Officer Ronald Coburn of the City of Dover, Department of Inspections conducted an inspection at 120 W WATER ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by *September 13, 2017*, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-7011.

Sincerely,

Ronald L Coburn

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 17-00002294
PROPERTY ADDRESS 120 W WATER ST

VIOLATION: 227 QUANTITY: 1
DESCRIPTION: 227 PAINT EXTERIOR SURFACES DATE: 8/14/17
LOCATION: EXTERIOR

NARRATIVE :
Remove all peeling and flaking paint from exterior surfaces to include but not limited to siding, window, door trim and facia areas.

ORDINANCE DESCRIPTION :
SECTION PM 304.2 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
PREPARE & PAINT EXTERIOR METAL/WOOD SURFACES

VIOLATION: 372 QUANTITY: 1
DESCRIPTION: 372 INSTALL WINDOW GLASS DATE: 8/14/17
LOCATION: TOP

NARRATIVE :
Replace the broken or missing attic window pane.

ORDINANCE DESCRIPTION :
SECTION PM 304.13 WINDOWS

CORRECTIVE ACTION REQUIRED :
INSTALL WINDOW GLASS IN WINDOW FRAME SO THAT IT IS WEATHER TIGHT


Shimmy's Alterations
Custom Alterations & Repairs 677-1905
Alterations
& Repairs
302 677 1905
2017/08/14 09:59


2017/08/14 09:59


2017/08/14 09:59

DOVER, DE CODE OF ORDINANCES

CHAPTER 22 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 22-1. - Construction and property maintenance code board of appeals.

(a) *Established; composition; appointment.* There shall be a committee to be referred to as the "construction and property maintenance code board of appeals," consisting of five members. The council president shall appoint three elected city officials and the mayor shall appoint one city resident generally selected as a representative of homeowners and one representative of the local real estate industry association. Members shall serve one-year terms unless sooner removed. All appointments are subject to confirmation by the city council at its second regular meeting in May. The construction and property maintenance code board of appeals shall elect one of its members as chairperson.

(b) *Appeals* . Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

(c) *Notice; hearing* . Upon receipt of such an appeal, the construction and property maintenance code board of appeals shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction and property maintenance code board of appeals shall be final in all cases.

(Code 1981, § 5-3; Ord. of 4-25-1994; Ord. No. 2016-19 , 8-22-2016)

Sec. 22-2. - Housing authority created; purpose.

Created; purpose. There shall be a housing authority as provided in 31 Del. C.

(Ord. of 4-10-2006(1))

Secs. 22-3—22-30. - Reserved.

DOVER, DE CODE OF ORDINANCES

CHAPTER 22 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE VII. - PROPERTY MAINTENANCE CODE[4]

Footnotes:

--- (**4**) ---

Charter reference— Power of city to regulate buildings, subpart A, §§ 20, 22.

Sec. 22-221. - Adopted.

(a) A certain document, three copies of which are on file in the licensing and permitting office of the city, being marked and designated as "The International Property Maintenance Code, 2009" as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Dover, in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

SECTION 111 MEANS OF APPEAL See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

Section 304.14 Insect screens. Insert "March 1st to November 30th" in place of "[date] to [date]".

Section 602.3 Heat supply. Insert "September 15th to May 1st" in place of "[date] to [date]".

Section 602.4. Occupiable work spaces. Insert "September 15th to May 1st" in place of "[date] to [date]".

(b) It shall be unlawful for any person to violate any of the provisions of the publication adopted in subsection (a).

(Code 1981, § 10-1; Ord. of 7-10-1989; Ord. of 4-25-1994; Ord. of 1-27-1997; Ord. of 3-13-2000; Ord. of 4-11-2005(7); Ord. of 4-14-2008; Ord. No. 2010-02, 5-10-2010; Ord. No. 2016-19 , 8-22-2016)

Sec. 22-222. - Definitions.

(a) Whenever the word "municipality" or "city" is used in the publication adopted by this article, it shall be construed to mean the City of Dover, Delaware.

(b) Whenever the term "corporation counsel" or "city attorney" is used in the publication adopted by this article, it shall mean the city solicitor.

(c) Whenever, in the publication adopted by reference in this article, a term is used which is also defined in the city's zoning ordinance as set forth in appendix B to this Code, such term shall have the meaning provided in such appendix B.

(Code 1981, § 10-2; Ord. of 7-10-1989)

Sec. 22-223. - Conflicting provisions.

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of state law, this Code or any other ordinance, rule or regulation, the provisions of state law, this Code or such other ordinance, rule or regulation shall prevail and be controlling.

(Code 1981, § 10-3; Ord. of 7-10-1989)

Sec. 22-224. - Enforcement.

The city planner shall enforce the provisions of the publication adopted by reference in this article.

(Code 1981, § 10-4; Ord. of 7-10-1989; Ord. of 4-14-2008)

Sec. 22-225. - Reserved.

Editor's note— Ord. No. 2016-19 , adopted August 22, 2016, repealed § 22-225. Former § 22-225 pertained to property maintenance board of appeals and derived from the Code of 1981; Ord. of 7-10-1989; and Ord. of 4-10-2000.

Secs. 22-226—22-250. - Reserved.

Chapter 1: Scope and Administration

General Comments

The law of building regulation is grounded on the police power of the state. This power is the source of all authority to enact building regulations. In terms of how it is used, police power is the power of the state to legislate for the general welfare of its citizens. This power enables the passage of laws such as a property maintenance code. It is from the police power delegated by the state legislature that local governments are able to enact building regulations. If the state legislature has limited this power in any way, the municipality may not exceed these limitations. While the municipality may not further delegate its police power (e.g., by delegating the burden of determining code compliance to the building owner, contractor or architect), it may turn over the administration of building regulations to a municipal official, such as a code official, provided that he or she is given sufficient criteria to clearly establish the basis for decisions as to whether or not a proposed building conforms to the code.

Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the provisions contained in the body of the code. Only through careful observation of the administrative provisions can the code official reasonably hope to demonstrate that "equal protection under the law" has been provided. While it is generally assumed that the administrative and enforcement sections of a code are geared toward the responsibilities of the code official, the provisions also establish the rights and privileges of the design professional, contractor and building owner.

Purpose

Chapter 1 establishes the necessary legal basis for enforcement of the code by the authority having jurisdiction. All of the police powers inherent in enforcing minimum standards for the use and maintenance of buildings must follow the line of authority, from the U.S. Constitution to the state to the actual enforcer. Chapter 1 defines the role and responsibilities of the authority having jurisdiction. To protect all parties from an unfair enforcement action, this chapter also sets forth the due process that requires corrective actions to be accomplished in a constitutional manner. Police powers are not unlimited, and this chapter identifies those limitations.

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

❖ This section sets forth the scope and intent of the code as it applies to existing structures

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

❖ The purpose of this section is to identify the adopted regulations by inserting the name of the adopting jurisdiction into the code.

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

❖ This section establishes the broad purpose of the code—to protect the public health, safety and welfare in both existing residential and nonresidential structures and on all existing premises.

Four specific areas are addressed in greater detail in subsequent sections:

- Establishing minimum maintenance standards for such elements as basic equipment, light, ventilation, heating, sanitation and fire safety.
- Fixing responsibility among owners, operators and occupants for following the code.
- Regulating the use of existing structures and premises.
- Providing for administration, enforcement and penalties.

These four categories provide communities with the tools to reduce risks created by deteriorated or unsafe buildings and help communities upgrade and maintain other existing structures.

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

❖ The code is intended to provide requirements addressing the public health, safety and welfare as they relate to the use and maintenance of existing structures and premises. The code requires existing structures and premises that are not in compliance with the code to be altered or repaired to meet the code. The code requirements are intended to represent the minimum acceptable level of public health and safety. As required in Section 102.3, repairs and alterations need to comply with several *International Codes*® (I-Codes®), including the *International Building Code*® (IBC®).

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

❖ Only invalid sections of the code (as established by the court of jurisdiction) can be set aside. This is essential to safeguard the application of the code text to situations whereby a provision of the code is declared illegal or unconstitutional. This section would preserve the legislative action that put the legal provisions in place.

SECTION 102
APPLICABILITY

❖ This section sets forth the administrative provisions for applying the code to various conditions related to its application.

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

❖ The most restrictive requirement is to apply where there may be different requirements in the code for a specific situation. In cases where the code establishes a specific requirement for a certain condition, that requirement is applicable even if it is less restrictive than a general requirement mentioned elsewhere in the code.

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

❖ This section contains general maintenance requirements. The code specifically prohibits the disconnection of any required utilities for an occupied dwelling. This helps to safeguard persons who have a physical condition and are dependent on these systems. Some examples of this include: a person who has to have electricity to power a kidney dialysis machine; a patient who is on an oxygen system full time; or someone with particularly bad allergies who needs to have an air- conditioning system to help filter the air. Any safety system that exists in a building must be maintained. A fire protection or safety system is not to be removed from a building if it is required by the code or a previous regulation or code that was in effect when the building was built. This section also specifies that the owner or the owner's agent is responsible for maintenance, not the tenants of rental property.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Fuel Gas Code, International Mechanical Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

❖ Repairs, additions or alterations are to be done as required by the IBC, *International Fuel Gas Code*® (IFGC®), *International Mechanical Code*® (IMC®) and NFPA 70. Chapter 34 of the IBC contains provisions for repairs, alterations and additions, all of which are not in the scope of this code. It is the intent of the code not to affect any of the requirements in the *International Zoning Code*® (IZC®).

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

❖ Section 110 establishes one set of criteria and procedures that may be used to demolish dangerous, unsafe or insanitary buildings. This section permits a jurisdiction to continue to use any remedies already adopted for demolishing buildings. In essence, a community may employ several procedures for removing dangerous buildings. It is advisable that one procedure be chosen over another to avoid confusion and errors in processing the demolition.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a

workmanlike manner and installed in accordance with the manufacturer's installation instructions.

❖ All repairs, materials, alterations and installations must be executed in a skilled manner that allows the performance intended and anticipated by the code to be achieved, and must meet the criteria of the definition of "Workmanlike" in the code (see the definition of "Workmanlike" in Chapter 2).

Equipment needs to comply with the manufacturer's installation instructions for proper operation and safety.

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

❖ This section provides the code official with the widest flexibility in enforcing the code when the building in question has historic value. This flexibility, however, is not provided without conditions. The most important criterion for application of this section is that the building must be specifically classified as being of historic significance by a qualified party or agent. Usually this is done by a state or local authority after considerable scrutiny of the historical value of the building. Most, if not all, states have such authorities, as do many local jurisdictions. The agencies with such authority typically exist at the state or local government level.

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

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

❖ A referenced standard or portion thereof is enforceable to the same extent as if the content of the standard were included in the body of the code. For example, Section 604.2 references the NFPA 70 for sizing the electrical main service for a building. The use and application of referenced standards are limited to those portions of the standards that are specifically identified in the code. It is the intention of the code to be in harmony with the referenced standards. If conflicts occur because of scope or purpose, the code text governs. The exception recognizes the extremely unlikely but possible occurrence of the code requiring or allowing something less restrictive or stringent than the product listing or manufacturer's instructions. If the code conflicts with or deviates from the conditions of the listing, this may or may not mean that the code violated the listing. For example, the listing for an appliance might allow a particular application of an appliance that is expressly prohibited by the code. In this case, the code has not violated the listing, but instead has simply limited the application allowed by the listing. The intent is for the highest level of safety to prevail.

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

❖ 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.

Evolving technology in our society will inevitably result in a situation or circumstance in which the code is comparatively silent on an identified hazard. The reasonable application of the code to any hazardous, unforeseen condition is provided for in this section. Clearly such a section is needed as well as the code official's judicious and reasonable application. The purpose of the section, however, is not to impose requirements that may be preferred over explicit code requirements. Additionally, the section can be utilized to implement the general performance-oriented language of the code to specific enforcement situations.

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

❖ In a situation where the code may make reference to a chapter or section number or to another code provision without specifically identifying its location in the code, assume that the referenced section, chapter or provision is in the code and not in a referenced code or standard.

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

❖ In some cases, other laws enacted by the jurisdiction or the state or federal government may be applicable to a condition that is also governed by a requirement in the code. In such circumstances, the requirements of the code are in addition to the other law that is still in effect, although the code official may not be responsible for its enforcement.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

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

❖ The executive official in charge of the property maintenance department is named the "code official" by this section. In actuality, the person who is in charge of the

Chapter 2: Definitions

General Comments

The words or terms defined in this chapter are deemed to be of prime importance in either specifying the subject matter of code provisions or in giving meaning to certain terms used throughout the code for administrative or enforcement purposes.

Section 201 addresses the practical concerns encountered when interpreting the code in relation to the use of gender, tense and singular versus plural. This section also provides the code official with guidance for finding definitions of those words or terms not defined herein.

Section 202 provides an alphabetical listing of those terms that are commonly used throughout the code and that are required for the effective application of code requirements.

Purpose

Codes, by their very nature, are technical documents. As such, literally every word, term and punctuation mark can add to or change the meaning of the intended result. This is even more so with a performance code where the desired result often takes on more importance than the specific words.

Furthermore, the code, with its broad scope of applicability, includes terms inherent in a variety of construction disciplines. These terms can often have multiple meanings, depending on the context or discipline being used at the time.

For these reasons, it is necessary to maintain a consensus on the specific meaning of terms contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.

SECTION 201 GENERAL

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

❖ In the application of the code, the terms used have the meanings given in this chapter.

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

❖ While the definitions contained in this chapter are to be taken literally, gender and tense are to be considered interchangeable. This is so that any grammatical inconsistencies within the code text will not hinder the understanding or enforcement of the requirements.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

❖ When a word or term appears in the code and that word or term is not defined in this chapter, other references may be used to find its definition, such as the *International Building Code*® (IBC®), *International Fire Code*® (IFC®), *International Plumbing Code*® (IPC®), *International Mechanical Code*® (IMC®), *International Zoning Code*® (IZC®) and NFPA 70. These codes contain additional definitions (some parallel and duplicative) that may be used in the enforcement of either the code or other codes by reference.

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

❖ Another resource for defining words or terms not defined herein or in other codes is their "ordinarily accepted meanings." The intent of this statement is that a dictionary definition may suffice, provided that the definition is in context.

Oftentimes, construction terms used throughout the code may not be defined in this chapter or in a dictionary. In such case, one would first turn to the definitions contained in the referenced standards (see Chapter 8) and then to published textbooks on the subject in question.

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

❖ Each and every portion of a structure, whether the structure is used for only one type of occupancy or several, must comply with the appropriate regulations established by the code. It is understood that every portion or any part of a structure is to comply with the code. Instead of being wordy, "or any part thereof" is

be inserted at each location in the code where a provision applies to only a portion of a structure.

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

❖ This definition parallels that of the term "occupant" and makes it clear that, as used in the code, an owner-occupant is considered a tenant.

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

❖ In the context of the code, a toilet room is a room that contains plumbing fixtures used for elimination of bodily wastes (water closets and urinals) and also includes fixtures used for handwashing (lavatories). Toilet rooms are typically associated with public occupancies. Although sometimes used interchangeably with the term "bathroom" (see the definition of "Bathroom"), a toilet room contains only those plumbing fixtures designed for waste elimination and handwashing. A toilet room becomes a bathroom when it contains a bathtub or shower.

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

❖ This definition describes the term ultimate deformation for use in determining unsafe conditions related to structural materials that may be beyond their limit state due to ultimate deformation. Limit state is a condition beyond which a structure or member becomes unfit for service and is not longer useful for its intended function. Where it is apparent that a material is beyond its limit state due to ultimate deformation, the code official can cite the condition as unsafe and require repair as needed (see Section 306.1.1).

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

❖ Ventilation is the process of moving air to or from building spaces. This definition is used in this chapter to establish minimum levels of air movement within a building for the purposes of providing a healthful interior environment. Ventilation would include both natural (openable exterior windows and doors for wind movement) and mechanical (forced air with mechanical equipment) methods, when permitted by the code.

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

❖ To be workmanlike, maintenance or repair work must be performed in a manner consistent with work done by a skilled craftsman. In general, floors should be level, walls plumb and square and windows installed so that they operate easily and fit within the rough opening to exclude the elements. The use of proper tools, methods and materials is usually necessary workmanlike repairs.

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

❖ Yard is similar to "exterior property" but pertains only the open area on a lot with a structure. A vacant lot property without a structure does not have a yard this definition.

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Chapter 3: General Requirements

General Comments

The title for Chapter 3 ("General Requirements") indicates that it is broad in scope. It includes a variety of requirements for the exterior property areas, as well as the interior and exterior elements of the structure. Chapter 3 provides specific criteria for regulating the installation and maintenance of building components. This chapter also contains requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas.

Section 301 identifies the scope of Chapter 3 as containing provisions for maintaining a structure and its exterior property areas, and establishes who is responsible for complying with the chapter's provisions. This section also provides minimum maintenance requirements for vacant structures and land.

Section 302 establishes criteria for maintaining exterior property areas and accessory structures and provides vehicle storage regulations.

Section 303 contains the requirements for swimming pools, spas and hot tubs and provides requirements for protective barriers and gates in these barriers.

Section 304 establishes maintenance requirements for the structural, weather resistance, sanitary and safety performance of the exterior of a structure.

Section 305 establishes maintenance requirements for the structural, sanitary and safety performance of the interior of a structure.

Section 306 contains provisions for maintaining components of a structure,as well as for determining unsafe conditions based on specific parameters.

Section 307 provides for the safety and maintenance of handrails and guardrails.

Sections 308 and 309 establish the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in various types of occupancies. When specific requirements are not provided in the code, the following three options for establishing the necessary criteria are available:

1. If the jurisdiction has already established criteria, the code official can continue to enforce that criteria.

2. The jurisdiction may adopt its own criteria and incorporate them as an amendment to the appropriate section of the code.

3. The code official may adopt and enforce criteria already established by the *International Building Code*® (IBC®).

Chapter 3 also provides the code official with guidelines for determining who is responsible for maintaining sanitary conditions and eliminating infestations of insects, rodents or other pests.

Inadequate sanitation and insect or rodent infestations can have a significant impact on a community. A poorly kept neighborhood affects the self-image of a community, as well as the impression neighboring communities and visitors have about the area. Responsible property owners may shy away from neighborhoods that look unkempt. As a result, property values decrease and the cycle can continue until the neighborhood is considered a slum.

An area that is neat, clean and well maintained attracts owners and occupants who are usually willing to keep the area attractive, if only to protect their own interests. The code official, with vigorous enforcement of sanitation and extermination regulations, can help a community maintain a positive self-image. This creates a favorable image to the rest of the community and its visitors.

Purpose

Chapter 3 provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistant performance.

SECTION 301 GENERAL

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

❖ This chapter establishes minimum requirements for maintenance of property areas, premises and structures. The code deals with all types and all ages of structures; therefore, the criteria must be of a minimum nature, consistent with a reasonable level of protection for the health and safety of the occupants.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit

another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit, rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* which they occupy and control.

❖ The owner is responsible for complying with the requirements of Chapter 3, except when the code places the responsibility on the occupants to keep their portion of the premises in a safe and sanitary condition.

Simply stated, owners must provide a safe and sanitary property and premises when they let it for occupancy. Occupants must continue to keep it safe and sanitary while they occupy, control or use the property and premises.

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

❖ Both vacant structures and vacant land present special concerns to communities. Because no one is living on these premises, they are often ignored by the owners. Consequently, this section establishes the code official's authority to order the cleanup of vacant lands and the securing of vacant structures that might present an attractive nuisance.

When the owner fails to secure a vacant structure, Section 108.2 provides the code official with the authority to arrange for securing such buildings. Additionally, Section 110 authorizes the code official to pursue demolition of any structure that is deemed unreasonable to repair. When a structure is reasonable to repair, the code official is authorized to require the necessary repairs.

SECTION 302
EXTERIOR PROPERTY AREAS

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

❖ This section establishes a simple, straightforward requirement that exterior areas shall be clean and free from rubbish and garbage (see the definitions in Chapter 2). The code official may find that enforcement of this section is frequently neither straightforward nor simple.

Each jurisdiction has neighborhoods within the overall community that have distinct characteristics. Deteriorated, low-cost housing may dominate in one area, while another has expensive, well-maintained housing units. Sanitation standards should be enforced uniformly and consistently.

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

Exception: *Approved* retention areas and reservoirs.

❖ Improperly graded property areas create health and safety hazards. Stagnant water provides a home for many nuisance insects, especially the mosquito. Stagnant water next to a structure can cause mold growth, which can lead to the decay of wooden members. Ponded water is an attractive nuisance for children and has contributed to numerous drowning deaths.

Stagnant water is foul or stale water. Regrading the premises may be necessary to prevent stagnant water. If regrading is not practical, some type of water-diversion system must be installed. Other solutions include replacing nonabsorbent soil with absorbent soil, installing underground drain tile or building an underground leaching pit.

Soil erosion can be a nuisance if material is being deposited in drainage systems or on adjacent properties, and is an indication of improper grading. Planting and maintaining an acceptable ground cover generally prevents erosion.

As indicated by the exception, water retention areas or reservoirs are permitted by the code even though they may contain stagnant water; however, the code official must approve their use.

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

❖ The code official is authorized to require that all sidewalks, walkways, stairs, driveways, parking spaces, etc., are usable and kept in proper repair. Walking surfaces that have deteriorated to a condition that presents a hazard to pedestrians must be repaired or replaced to eliminate the hazard and thus reduce the potential for accidents or injuries.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing

thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

❖ Criteria establishing maximum heights for grass and weeds are necessary to reduce rodent shelters and pollen dust problems.

This section provides a mechanism for removal of weeds on neglected or abandoned properties after proper notice has been given to the responsible owner or agent (see Sections 107 and 108.3). It is important that the code official act quickly in requiring weed removal to prevent the weeds from contributing to a blight condition that could eventually become a harbor for pests and rodents.

All noxious weeds are prohibited; however, each community has different weeds that are considered noxious. The code official should confer with the state or local agricultural agent to become familiar with weeds that are noxious in his or her community.

Cultivated flowers and gardens are not considered to be weeds. The word "cultivated" is important. Cultivated is defined as "to loosen or dig (soil) around growing plants." Uncultivated gardens should be treated the same as weeds and tall grasses.

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

❖ Rodents carry disease organisms in their feces and on their bodies. The code official must require the extermination of all rodents by approved processes. All harborage areas should be eliminated by removing piles of rubbish, towing or repairing inoperable cars and cutting back weeds. Garbage should be stored in solid containers with tight-fitting lids and disposed of regularly.

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

❖ There are three common problems associated with exhaust vent discharges:

- Odor problems caused from exhaust gases emanating from business and industrial properties;
- Noise problems created by exhaust vents; and
- Health and safety problems created by exhausts that contain hazardous or potentially hazardous discharge.

To reduce these problems, exhaust vents are prohibited from discharging directly on abutting or adjacent public and private property.

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

❖ Accessory structures must be maintained in accordance with the criteria established by this section. Property owners often give detached garages, sheds, fences, retaining walls and similar structures a lower maintenance priority than the primary structure; thus, these structures are frequently in disrepair. A thorough inspection of all property areas and accessory buildings is necessary to identify violations of the code and to improve a neighborhood's appearance.

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

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

❖ Improper storage of inoperable vehicles can be a serious problem for a community. The vehicles are unsightly, clutter the neighborhood, provide a harborage for rodents and are an attractive nuisance for children.

This section establishes criteria for acceptable vehicle storage. No inoperable or unlicensed vehicles are permitted on a property unless approved in other regulations adopted by the community. This regulation addresses two problems associated with vehicle storage and repair:

- The blighting influence that improperly stored inoperable vehicles have on a neighborhood; and
- The neighborhood mechanic who attempts to operate a vehicle repair business from home.

Major vehicle repairs are permitted, but only if the work is performed in a structure designed and approved for such use. Of course, this regulation does not affect the storage of vehicles on property that complies with applicable zoning or license requirements, such as repair garages, salvage yards and similar establishments.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

❖ Graffiti, carving and damage is a problem that plagues exterior surfaces of walls, fencing and sidewalks in cities and towns of all sizes. This problem begins as an eyesore and can result in serious consequences, in-

cluding declining property values and degradation of the structures' ability to repel rain and snow.

It must be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

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

❖ Swimming pools, if neglected, can become a health hazard, resulting in insect-attracting stagnant water.

303.2 Enclosures. 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 (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

❖ This performance-based criteria was specifically added to address pool-related problems where a child could possibly drown by gaining entry into a pool through a gate that failed to close and latch properly. Gates that may have deteriorated over time through age, wear and exposure to the elements are now addressed so that they will continue to provide the intended level of protection. The exception to this section allows for safety covers that comply with ASTM F 1346. This exception is consistent with current provisions in the IBC and the *International Residential Code*® (IRC®).

ASTM F 1346 contains requirements including a means of fastening the safety cover to the hot tub or spa, such as key locks, combination locks or similar devices that will keep the cover in place; testing to demonstrate that the cover can support a minimum required weight; limitations on openings in the cover and minimum installation requirements.

SECTION 304
EXTERIOR STRUCTURE

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

❖ The exterior of structures must perform four primary functions:

- It must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.
- It must be structurally sound. There should not be any loose or collapsing pieces. Stairways, porches, balconies and similar structural elements must safely perform their intended functions.
- It must be kept in a sanitary condition. There shall be no accumulation of litter or debris on porches and other parts of the exterior structure.
- It must be capable of preventing the elements (rain, snow and wind) and rodents from entering the interior areas.

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not

properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

❖ The purpose of these requirements is to set out general and specific delineations in a building or structure that would make it unsafe. These delineations allow the code official more specific references to conditions that characterize an unsafe building or structure.

Section 304.1.1 describes in detail unsafe conditions related to the exterior of the structure to provide the code official the ability to require replacement or repair.

Item 1 indicates that if the strength of the structural member is exceeded by either the nominal loads or load effects, the condition is to be regarded as unsafe. Nominal strength and load effects, as defined by the IBC and Items 2-13 of this section, are when a structure or component is regarded as incapable of performing its intended function thus becoming unsafe.

Item 2 deals with required strength of connections between structural members. More specifically each connection must be able to resist nominal loads and load effects; otherwise, the building or affected portion thereof is to be regarded as unsafe. Anchorage of various elements of a structure is essential to its stability. When anchorage is not capable of transferring the intended loads, the structure or component is said to be unsafe.

Item 3 specifies that any condition beyond which a structure or member becomes unfit for service and is judged to be no longer useful for its intended function is to be unsafe. This includes its serviceability limit and strength limit state. Limit state as defined by the IBC is a condition beyond which a structure or member becomes unfit for service and is judged to be no longer useful for its intended function (serviceability limit state) or to be unsafe (strength limit state). Any structure reaching this state is said to be unsafe.

Since weather penetration can degrade structural components, Item 4 specifies that if any joint in the building envelope allows weather to penetrate, it may be used as a basis to classify the structure as unsafe. This may be, in and of itself, the basis for the classification. However, supporting evidence of deterioration caused by the penetration would add weight to the characterization as unsafe.

Item 5 addresses structural members. Structural members are essential to the structural integrity of any building. If any structural member is deteriorated to the point that it cannot safely support the nominal loads, the building may be regarded as unsafe.

Item 6 addresses foundations. Foundation systems are essential to the structural integrity of any building. If any portion of any foundation system is not supported by adequate soil or is not plumb as intended to distribute the loads or has cracks or breaks or inadequately anchored, the building may be regarded as unsafe.

Item 7 addresses exterior walls. Exterior walls are essential to the structural integrity of any building. If any portion of any exterior or bearing wall system is not supported by adequate foundation or is not plumb as intended to distribute the loads or has cracks or breaks or inadequately anchored, the building may be regarded as unsafe.

Item 8 addresses roofing and roofing components. Since weather penetration can degrade structural components, this section specifies that if any roof component allows weather to penetrate, it may be used as a basis to classify the structure as unsafe. This may be, in and of itself, the basis for the classification. However, supporting evidence of deterioration caused by the penetration would add weight to the characterization as unsafe. Additionally, any structural component of the roof assembly not capable of supporting design loads is a basis for classifying as unsafe.

thousands of dollars in damage to insulation, plaster, studs and joists. Roof leaks usually occur along valley areas, around plumbing vents, chimneys, dormers and other penetrations through the roof.

Water runoff should be diverted away from the structure to prevent damage to the foundation and other structural elements. Runoff must be diverted away from neighboring properties, public sidewalks, alleys and streets to prevent nuisance problems. Two problems that can result from improper water runoff are flooding of basements and standing water or ice buildup on sidewalks, alleys and streets. Drains, gutters and downspouts must be kept in working order so that water runoff is properly diverted.

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

❖ Exterior decorative features require regular maintenance to prevent their deterioration and to keep them from falling from the building.

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

❖ Most problems related to overhang extensions, especially signs, marquees, fire escapes and awnings, are a result of deterioration at the points where they are anchored to the building. Anchorage points should be carefully inspected on a regular basis.

Fire escapes, standpipes and exhaust ducts serve the critical functions of providing proper exiting, fire protection and the removal of exhaust products. Regular maintenance is important for their continued compliance with the code.

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

❖ 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.

Regular maintenance is required to keep stairs, decks, porches and balconies in good repair so they do not become a hazard to occupants or visitors. Positive anchorage of elevated decks and exterior stairs that may be subject to collapse is especially important.

The IBC shall be consulted for required live loads that these elements are typically required to support.

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

❖ Chimneys, towers of all types and other similar appurtenances are frequently ignored until they become nonfunctional or are in danger of collapse. Because of the corrosiveness of the exhaust gases, chimneys and smokestacks often deteriorate on the inside first. The code official should examine chimneys and towers for excessive rust, loose or missing mortar and cracked or disintegrating bricks.

Occasionally, deterioration may become sufficient to prevent the chimney or smokestack from operating properly. Obstructed chimneys have caused numerous carbon monoxide deaths. If fuel-burning appliances vent into chimneys or smokestacks, the code official should see that the exhaust gases are being properly conveyed to the chimney, including the connection of the vent to the chimney.

Weather-coating materials may be applied periodically to reduce the effects of the elements on these items.

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

❖ This section provides for the safety and maintenance of handrails and guards.

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

❖ All windows, skylights and doors must be installed in their frames so that they are weather tight (i.e., able to prevent wind, rain or other elements from entering the structure). A workmanlike installation will provide appropriate protection while maintaining operational capability.

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

❖ All glass is to be maintained without open cracks or holes, which can admit wind and moisture. Defective glass poses hazards to occupants.

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

❖ Windows that have broken or are missing hold-open hardware create a dual hazard.

First, windows without hardware are frequently propped open with sticks and other objects. These objects can be dislodged and cause the windows to fall, causing bodily injuries.

Second, in the event of a fire, occupants are at an increased risk if windows cannot be readily secured in an open position. People have died because of inoperable windows, even though they could have easily broken the windows and escaped. It is advisable for the