

CHAPTER 1442
Property Maintenance Code

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1442.01 DEFINITIONS.

(a) Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

(b) 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.

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

(d) 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 through they were followed by the word "or any part thereof."

- (1) "Approved" means approved by the Code Official.
- (2) "Basement" means that portion of a building which is partly or completely below grade.
- (3) "Bedroom" means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
- (4) "Code Official" is the official who is charged with the administration and enforcement of this Code, or any duly authorized representative.
- (5) "Condemn" means to adjudge unfit for occupancy.

- (6) "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.
- (7) "Easement" means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.
- (8) "Exterior property" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (9) "Extermination" means 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.
- (10) "Garbage" means the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- (11) "Guard" means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- (12) "Habitable space" means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
- (13) "Housekeeping unit" means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.
- (14) "Imminent danger" means a condition which could cause serious or life-threatening injury or death at any time.
- (15) "Infestation" means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- (16) "Inoperable motor vehicle" means a vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.
- (17) "Labeled" means devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose

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- label the manufacturer attests to compliance with applicable nationally recognized standards.
- (18) "Let for occupancy or let" means to permit, provide, or offer possession of 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.
- (19) "Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.
- (20) "Occupant" means any individual living or sleeping in a building, or having possession of a space within a building.
- (21) "Openable area" is that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (22) "Operator" means any person who has charge, care, or control of a structure or premises which is let or offered for occupancy.
- (23) "Owner" means 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.
- (24) "Person" means an individual, corporation, partnership, or any other group acting as a unit.
- (25) "Premises" means a lot, plot, or parcel of land, easement or public way, including any structures thereon.
- (26) "Public way" means any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- (27) "Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation and occupied as a one- or two-family dwelling.
- (28) "Rooming unit" means any room or group of rooms forming a single habitable unit occupied for sleeping or living, but not for cooking purposes.
- (29) "Rubbish" means 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.

- (30) "Sleeping unit" is a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation of kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
- (31) "Strict liability offense" is an offense in which the prosecution in 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.
- (32) "Structure" means that which is built or constructed or a portion thereof.
- (33) "Tenant" means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- (34) "Toilet room" is a room containing a water closet or urinal but not a bathtub or shower.
- (35) "Ventilation" is the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- (36) "Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in-line, undamaged and without marring adjacent work.
- (37) "Yard" is an open space on the same lot with a structure.
(Ord. 2009-1. Passed 5-11-09.)

1442.02 UNSAFE STRUCTURES AND EQUIPMENT.

(a) When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provision of this chapter.

- (1) Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.
- (2) Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such

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

- (3) **Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this chapter, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (4) **Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this chapter or was erected, altered or occupied contrary to law.

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

(c) Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or person or persons responsible for the structure or equipment in accordance with this chapter. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed above.

(d) Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on the defective equipment a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment, or removing the placard.

- (1) The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this chapter.

(e) Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this chapter. (Ord. 2009-1. Passed 5-11-09.)

1442.03 EMERGENCY MEASURES.

(a) 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.

(b) Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is eminent 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.

(c) 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.

(d) 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.

(e) 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.

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(f) 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 herein.
(Ord. 2009-1. Passed 5-11-09.)

1442.04 DEMOLITION.

(a) 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 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.

(b) All notices and orders shall comply with Section 1442.14.

(c) 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.

(d) 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 court. If such a surplus does not remain to be turned over the reports shall so state.

(Ord. 2009-1. Passed 5-11-09.)

1442.05 GENERAL REQUIREMENTS.

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

(b) The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this

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chapter. 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 section. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy, and control.

(c) 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.
(Ord. 2009-1. Passed 5-11-09.)

1442.06 EXTERIOR PROPERTY AREAS.

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

(b) 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.

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

(d) All premises and exterior property shall be maintained free from weeds or plant growth in excess of six 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 this chapter 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.

(e) 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.

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(f) 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.

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

(h) 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.

(i) 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.

(Ord. 2009-1. Passed 5-11-09.)

1442.07 SWIMMING POOLS, SPAS, AND HOT TUBS.

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

(b) Private swimming pools, hot tubs, and spas, containing water more than twenty-four inches in depth shall be completely surrounded by a fence or barrier at least forty-eight inches 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 fifty-four inches 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 six inches 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.

(Ord. 2009-1. Passed 5-11-09.)

1442.08 EXTERIOR STRUCTURE.

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

(b) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good

condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(c) 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 four inches high with a minimum stroke width of one-half inch.

(d) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

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

(f) All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.

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

(h) 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.

(i) All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements

and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(j) Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

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

(l) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(m) Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

- (1) All glazing materials shall be maintained free from cracks and holes.
- (2) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(n) During the period from April 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition. Exceptions: screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(o) All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

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

(q) Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(r) Doors, windows, or hatchways for dwelling units, room units, or housekeeping units shall be provided with a device designed to provide security for the occupants and property within.

- (1) Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily operable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
- (2) Operable windows located in whole or in part within six feet above ground level or walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
- (3) Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.
(Ord. 2009-1. Passed 6-11-09.)

1442.09 INTERIOR STRUCTURE.

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

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

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

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

(e) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

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(f) 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. (Ord. 2009-1. Passed 5-11-09.)

1442.10 HANDRAILS AND GUARDRAILS.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than thirty inches high or more than forty-two inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than thirty inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Guards shall not be required where exempted by the adopted building code.

(Ord. 2009-1. Passed 5-11-09.)

1442.11 RUBBISH AND GARBAGE.

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

(b) Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(1) The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

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

(c) Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(1) The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or an approved leak proof, covered, outside garbage container.

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

(Ord. 2009-1. Passed 5-11-09.)

1442.12 EXTERMINATION.

(a) 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.

(b) The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(c) The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

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

(e) 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.

(Ord. 2009-1. Passed 5-11-09.)

1442.18 OCCUPANCY LIMITATION.

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

(b) A habitable room, other than a kitchen, shall not be less than seven feet in any plan dimension. Kitchens shall have a clear passageway of not less than three feet between counter fronts and appliances or counter fronts and walls.

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

(1) Exceptions:

- A. In one- and two-family dwellings, beams or girders spaced not less than four feet on center and projecting not more than six inches below the required ceiling height.
- B. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study, or recreation purposes, having a ceiling height of not less than six feet eight inches with not less than

- six feet four inches of clear height under beams, girders, ducts, and similar obstructions.
- C. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms only those portions of the floor area with a clear ceiling height of five feet or more shall be included.
- (d) Every bedroom and living room shall comply with the following:
- (1) Every living room shall contain at least 120 square feet and every bedroom shall contain at least seventy square feet.
 - (2) 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.
 - (3) Every bedroom shall have access to at least one shower and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one shower and one lavatory located in the same story as the bedroom or an adjacent story.
 - (4) Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
 - (5) 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.
- (e) The number of persons occupying a dwelling unit shall not create conditions that in the opinion of the Code Official endanger the life, health, safety, or welfare of the occupants.
- (f) 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. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of areas required by paragraphs (f)(2) and (3) hereof.
 - (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 thirty inches 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.

(g) 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.

(Ord. 2009-1. Passed 5-11-09.)

1442.14 NOTICES AND ORDERS.

(a) Whenever it has been determined that there has been a violation of this Code, or, whenever there are grounds to believe that a violation has occurred, notice shall be given in the manner provided herein, to the person responsible for the violation.

(b) Such notice 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 this chapter;
- (5) Inform the property owner of the right to appeal; and,
- (6) Include a statement of the Borough's right to file a lien as set forth in this chapter.

(c) Such notice shall be deemed to have been properly served if a copy thereof is:

- (1) Delivered personally to the person occupying the structure;
- (2) Sent by certified or first-class mail to both the person occupying the structure and the person for whom the taxes are mailed to, mail addressed to the last known address; or
- (3) If 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.

(d) Penalties for noncompliance with orders and notices shall be as set forth herein.

(e) 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

1442.15 is deleted and amended with ordinance on last page.

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 Borough and the owner shall provide to the Borough 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.

(Ord. 2009-1. Passed 5-11-09.)

1442.15 MEANS OF APPEAL.

(a) 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 Appeals, provided that a written application for appeal is filed within twenty days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

(b) The Board of Appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

(c) The chief appointing authority shall appoint two or more alternate members who shall be called by the Board Chairman to hear appeals during the absence of disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

(d) The Board shall annually select one of its members to serve as chairman.

(e) A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(f) The chief administrative officer shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

(g) Compensation of members shall be determined by law.

(h) The Board shall meet upon notice from the Chairman, within twenty days of the filing of an appeal, or at stated periodic meetings.

(i) All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the Board membership.

(j) The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(k) When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(l) The Board shall modify or reverse the decision of the Code Official only by a concurring vote of majority of the total number of appointed Board members.

(m) The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

(n) The Code Official shall take immediate action in accordance with the decision of the Board.

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

(p) Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board. (Ord. 2009-1. Passed 5-11-09.)

1442.16 VIOLATIONS.

(a) It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this Code.

(b) Notice of violation shall be served in accordance with Section 1442.14.

(c) Any person failing to comply with a notice of violation or order served in accordance with Section 1442.14 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Borough 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 relevant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(d) Any person, who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by State or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(e) 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.

(Ord. 2009-1. Passed 5-11-09.)

**RURAL VALLEY BOROUGH
ARMSTRONG COUNTY, PENNSYLVANIA**

AMENDMENT OF ORDINANCE NUMBER 1442.15

BE IT ORDAINED AND ENACTED by the Borough of Rural Valley an Amendment Ordinance deleting section 1442.15 in its entirety and replacing it with the following:

1442.15 MEANS OF APPEAL

Any person directly affected by a decision of the Code shall have the right to appeal by providing written notice to the Code Official within twenty days after the day the decision, notice, or order was served. Said Code Official may then proceed as set forth under Section 1442.16.

ORDAINED and ENACTED this 14th day of MARCH, 2011 by Borough Council.