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**CITY OF BEMIDJI  
CODE OF ORDINANCES**

**ARTICLE II. RENTAL HOUSING REGISTRATION CODE**

**Sec. 10-41. Purpose.**

The city recognizes the need for a systematic inspection program of residential rental units within the city in order to ensure that rental units meet city and state housing safety, health, fire, building and zoning codes and to provide a more effective system for compelling the correction of code violations and the proper maintenance of rental property within the city. Further, the most effective system to provide for rental inspections is the creation of a program requiring the registration of all residential rental units within the city so that an orderly inspection schedule can be undertaken by the building inspection, planning and fire departments. This registration program is intended to protect and promote the health, safety and general welfare of the entire community.

(Code 1986, § 4.40, subd. 1)

**Sec. 10-42. Violations.**

Any person who allows to be occupied or rents to another any rental unit, without a provisional or registration permit as provided in this article, is guilty of a misdemeanor, and any person who shall violate any of the terms of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-13. (Code 1986, § 4.40, subd. 23)

**Sec. 10-43. Applicability and exceptions.**

(a) The provisions of this article shall apply to all rental dwellings, rental units and rooming units, including rented single-family dwellings, mobile homes and rented units in owner-occupied dwellings.

(b) The provisions of this article shall not apply to jails; hospitals; parish houses, manses and rectories; dwelling units in a cooperative or condominium building; hotels; motels; or facilities licensed by the state; nor to any dormitory owned and operated by an educational institution.

(Code 1986, § 4.40, subd. 3)

**Sec. 10-44. Registration permit required.**

No person shall allow to be occupied or rent to another for occupancy any dwelling, dwelling unit, or rooming unit without first having obtained a registration permit or a provisional registration permit under the terms of this article. Dwelling or rooming units constructed or converted to rental usage after the effective date of the ordinance from which this article is derived shall not be occupied for human habitation prior to inspection and issuance of a registration permit by the city.

(Code 1986, § 4.40, subd. 4)

**Sec. 10-46. Resident agent required.**

No registration or provisional permit shall be issued or renewed for a nonresident owner of a rental unit unless such owner designates in writing in the permit application the name of a local resident agent who is responsible for management, maintenance and upkeep of the unit and who is authorized to receive service of notice of ordinance violations, orders or process pursuant to law. The resident agent must reside within 50 miles of the corporate city limits.

(Code 1986, § 4.40, subd. 6)

# CHAPTER 1

## ADMINISTRATION

### SECTION PM-101.0 GENERAL

**PM-101.1 Title:** These regulations shall be known as the Property Maintenance Code of City of Bemidji hereinafter referred to as "this code."

**PM-101.2 Scope:** This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing 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 hazard, for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

**PM-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.

**PM-101.4 Reference standards:** The standards referenced in this code and listed in Chapter 8 (refer to International Property Maintenance Code on file at City Hall) shall be 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 referenced standards, the provisions of this code shall apply.

**PM-101.5 Existing remedies:** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

**PM-101.6 Workmanship:** All 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.

**PM-101.7 Application of other codes:** Any repairs, additions or alterations to a structure, or changes or occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70 listed in Chapter 8.

### SECTION PM-102.0 VALIDITY

**PM-102.1 Validity:** If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

**PM-102.2 Saving clause:** This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

## SECTION PM-103.0 MAINTENANCE

**PM-103.1 Required:** All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devised in existing structures.

## SECTION PM-104.0 APPROVAL

**PM-104.1 Approved materials and equipment:** All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

**PM-104.2 Modifications:** Where there are practical difficulties involved in carrying out provisions of this code, the code official shall have the right to vary or modify such provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

**PM-104.2.1 Records:** This application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

**PM-104.3 Materials and equipment reuse:** Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

**PM-104.4 Alternative materials and equipment:** The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**PM-104.5 Research and investigations:** Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

## SECTION PM-105.0 DUTIES AND POWERS OF THE CODE OFFICIAL

**PM-105.1 General:** The code official shall enforce all of the provisions of this code.

**PM-105.2 Notices and orders:** The code official shall issue all necessary notices or orders to ensure compliance with the code.

**PM-105.3 Right of entry:** The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

**PM-105.4 Access by owner or operator:** Every occupant of a structure or premises shall give the

owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

**PM-105.5 Identification:** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**PM-105.6. Coordination of enforcement:** Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

**PM-105.7 Rule-making authority:** The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provision of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

**PM-105.8 Organization:** The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

**PM-105.9 Restriction of employees:** An official or employee connected with the enforcement of this code, except on whose only connection is that of a member of the Housing Appeals Board established under the provision of Ordinance No. 168, 2nd Series, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

**PM-105.10 Relief from personal responsibility:** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage occurring to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provision of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provision or by reason of any act or omission in the performance of official duties in connection therewith.

**PM-105.11 Official records:** An official record shall be kept of all business and activities of the department specified in the provision of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

## SECTION PM-106.0 VIOLATIONS

**PM-106.1 Unlawful acts:** It shall be lawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provision of this code.

**PM-106.2 Penalty:** Any person who shall violate a provision of this code shall, upon conviction thereof, be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**PM-106.3 Prosecution:** In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-106.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

## SECTION PM-107.0 NOTICES AND ORDERS

**PM-107.1 Notice to owner or to person or person responsible:** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in the Bemidji City Code Section 4.40, Subd. 16. Notices for condemnation procedures shall also comply with Minnesota Statutes Chapters 117 and 462.

**PM-107.2 Form:** Such notice prescribed in Section PM-107.1 shall:

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

**PM-107.3 Method of service:** Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by regular mail addressed to the owner at the last known address. If the regular letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**PM-107.4 Penalties:** Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2.

**PM-107.5 Transfer of ownership:** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgage or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgage or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **SECTION PM-108.0 UNSAFE STRUCTURES AND EQUIPMENT**

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

**PM-108.1.1 Unsafe structure:** 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.

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

**PM-108.1.3 Structure unfit for human occupancy:** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure or to the public.

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

**PM-108.2 Closing of vacant structures:** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed 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.

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

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

**PM-108.5 Prohibited occupancy:** Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

**PM-108.6 Removal of placard:** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

## **SECTION PM-109.0 EMERGENCY MEASURES**

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

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

**PM-109.3 Closing streets:** When necessary for the 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.

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

**PM-109.5 Costs of emergency repairs:** Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. 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.

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

## **SECTION PM-110.0 DEMOLITION**

**PM-110.1 General:** The code official may order the owner of any premises upon which is located any structure, which in the code official's judgement is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to raze and remove such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze 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 raze and remove such structure.

**PM-110.2 Order:** All notices and orders shall comply with Section PM-107.0

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

**PM-110.4 Salvage material:** When any structure has been ordered razed 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 razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **SECTION PM-111.0 MEANS OF APPEAL**

**PM-111.1 Application for appeal:** Any person 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 Housing Appeals Board in the manner prescribed in Bemidji City Code Section 4.40, Subd. 20.

## **CHAPTER 2**

### **DEFINITIONS**

#### **SECTION PM-201.0 GENERAL**

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

**PM-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.

**PM-201.3 Terms defined in other codes:** Where terms are not defined in this code and defined in the building, plumbing or mechanical codes listed in Chapter 8, such terms shall have the meanings ascribed to them as in those codes.

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

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

## SECTION PM-202.0 GENERAL DEFINITIONS

**Approved:** Approved by the code official.

**Basement:** See Section PM-302.0.

**Bathroom:** See Section PM-502.0.

**Building:** Any structure occupied or intended for supporting or sheltering any occupancy.

**Building code:** The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

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

**Condemn:** To adjudge unfit for occupancy.

**Construction documents:** All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

**Dwellings:** (See Section PM-201.5.)

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

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

**Hotel:** Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

**One-family dwelling:** A building containing one dwelling unit with not more than four lodgers or boarders.

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

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

**Two-family dwelling:** A building containing two dwelling units with not more than four lodgers or boarders per family.

**Exterior property:** See Section PM-302.0.

**Extermination:** See Section PM-302.0.

**Family:** An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than four unrelated persons, living together as a single housekeeping unit in a dwelling unit.

**Garbage:** See Section PM-302.0.

**Habitable space:** See Section PM-402.0.

**Infestation:** See Section PM-302.0.

**Inspection certificate:** Identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

**Label:** An identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency (see Section 1704.0 of the building code listed in Chapter 8, and also Mark, Manufacturer's designation and Inspection certificate.)

**Let for occupancy or let:** See Section PM-302.0.

**Manufacturer's designation:** An identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also Mark, Label, and Inspection certificate).

**Mark:** An identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material (see also Manufacturer's designation, Label, and Inspection certificate.)

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

**Occupant:** See Section PM-302.0.

**Operable area:** See Section PM-402.0.

**Operator:** See Section PM-302.0.

**Owner:** See Section PM-302.0.

**Person:** See Section PM-302.0.

**Plumbing:** See Section PM-502.0.

**Plumbing fixture:** See Section PM-502.0.

**Premises:** See Section PM-502.0.

**Public nuisance:** See Section PM-302.0.

**Registered design professional:** An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

**Rubbish:** See Section PM-302.0.

**Structure:** That which is built or constructed or a portion thereof.

**Tenant:** See Section PM-502.0.

**Toilet room:** See Section PM-502.0.

**Ventilation:** See Section PM-402.0.

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

**Yard:** See Section PM-302.0.

## CHAPTER 3

### GENERAL REQUIREMENTS

#### SECTION PM-301.0 GENERAL

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

**PM-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 Sections PM-306.0 and PM-307.0. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.

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

#### SECTION PM-302.0 DEFINITIONS

**PM-302.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

**Basement:** The portion of a building which is partly or completely below grade.

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

**Extermination:** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison

spraying, fumigating, trapping or by any other approved pest elimination methods.

**Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

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

**Occupant:** Any person living or sleeping in a building; or having possession of a space within a building.

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

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

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

**Public nuisance:** Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structure;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

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

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

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

### **SECTION PM-303.0 EXTERIOR PROPERTY AREA**

**PM-303.1 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.

**PM-303.2 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:** Water retention areas and reservoirs approved by the code official.

**PM-303.3 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. Stairs shall comply with the requirements of Section PM-304.10 and PM-702.9.

**PM-303.4 Weeds:** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 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.

**PM-303.5 Rat harborage:** All structures and exterior property shall be kept free from rat infestation. Where rats 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 prevent reinfestation.

**PM-303.6 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.

**PM-303.7 Accessory structures:** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**PM-3-3.8 Motor vehicles:** Except as provided for in other regulations, not more than one currently unregistered or uninspected 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.

**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.

### **SECTION PM-304.0 EXTERIOR STRUCTURE**

**PM-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.

**PM-304.2 Exterior painting:** All wood and metal surfaces, including but not limited to, window

frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

**PM-304.3 Street numbers:** Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) high and ½-inch (13 mm) stroke.

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

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

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

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

**PM-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.

**PM-304.9 Overhang extensions:** All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions 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.

**PM-304.10 Stair and walking surfaces:** Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section PM-702.9.

**PM-304.11 Stairway, 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.

**PM-304.12 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.

**PM-304.13 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.

**PM-304.14 Window and door frames:** Every window, door and frame shall be kept in sound condition, good repair and weather tight.

**PM-304.14.1 Glazing:** All glazing materials shall be maintained free from cracks and holes.

**PM-304.14.2 Operable window:** Every window, other than a fixed window, shall be easily

operable and capable of being held in position by window hardware.

**PM-304.15 Insect screens:** During the period from May 15 to September 15, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working conditions.

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

**PM-304.16 Doors:** All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

**PM-304.17 Basement hatchways:** Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

**PM-304.18 Guards for basement windows:** Every basement window that is operable shall be supplied with ratproof shields, storm windows or other approved protection against the entry of rats.

## **SECTION PM-305.0 INTERIOR STRUCTURE**

**PM-305.1 General:** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, 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.

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

**PM-305.3 Interior surfaces:** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

**PM-305.4 Lead-based paint:** Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50-percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warning as to the lead content of such surface.

**PM-305.5 Stairs and railings:** All interior stairs and railings shall be maintained in sound condition and good repair.

**PM-305.6 Stairs and walking surfaces:** Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section PM-702.9.

**PM-305.7 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.

## SECTION PM-306.0 RUBBISH AND GARBAGE

**PM-306.1 Accumulation of rubbish or garbage:** All exterior property and premises, and the interior or every structure shall be free from any accumulation of rubbish or garbage.

**PM-306.2 Disposal of rubbish:** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**PM-306.2.1 Rubbish storage facilities:** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**PM-306.3 Disposal of garbage:** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in approved garbage disposal facility or approved garbage containers.

**PM-306.3.1 Garbage facilities:** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; and approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered outside garbage container.

**PM-306.3.2 Containers:** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## SECTION PM-307.0 EXTERMINATION

**PM-307.1 Infestation:** All structures shall be kept free from insect and rat infestation. All structures in which insects or rats 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.

**PM-307.2 Owner:** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**PM-307.3 Single occupant:** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

**PM-307.4 Multiple occupancy:** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

**PM-307.5 Occupant:** The occupant of any structure shall be responsible for the continued rat-free condition of the structure, and if the occupant fails to maintain the rat-free condition, the cost of extermination shall be the responsibility of the occupant.

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

## CHAPTER 4

### LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

#### SECTION PM-401.0 GENERAL

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

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

**PM-401.3 Alternative devices:** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code listed in Chapter 8 shall be permitted.

#### SECTION PM-402.0 DEFINITIONS

**PM-402.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

**Habitable space:** Space in structure for living, sleeping, eating or cooking. Bathroom, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**Openable area:** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

#### SECTION PM-403.0 LIGHT

**PM-403.1 Habitable spaces:** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**PM-403.2 Common halls and stairways:** Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m<sup>2</sup>) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

**PM-403.3 Other spaces:** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## SECTION PM-404.0 VENTILATION

**PM-404.1 Habitable spaces:** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section PM-403.1.

**PM-404.2 Bathrooms and toilet rooms:** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section PM-404.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.

**PM-404.3 Cooking facilities:** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in rooming unit or dormitory unit.

**Exception:** Where specifically approved in writing by the code official.

**PM-404.4 Process ventilation:** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

**PM-404.5 Clothes dryer exhaust:** Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

## SECTION PM-405.0 OCCUPANCY LIMITATIONS

**PM-405.1 Privacy:** Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**PM-405.2 Access from sleeping rooms:** Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces.

**Exception:** Dwelling units that contain fewer than two bedrooms.

**PM-405.3 Area for sleeping purposes:** Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof. Habitable rooms shall not be less than 7 feet in any horizontal dimension.

**PM-405.4 Water closet accessibility:** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

**PM-405.5 Overcrowding:** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table PM-405.5. The Code Official will have final determination.

**Table PM-405.5  
MINIMUM AREA REQUIREMENTS**

Minimum area in square feet			
Space	1-2 occupants	3-5 occupants	6 or more
Living room <sub>a</sub>	No requirements	120	150
Dining room <sub>a</sub>	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section PM-405.3	Shall comply with Section PM-405.3	Shall comply with Section PM-405.3

**Note a.** See Section PM-405.6 for combined living room/dining room spaces.

**Note b.** 1 square foot = 0.093 m<sup>2</sup>.

**PM-405.6 Combined spaces:** Combined living room and dining room spaces shall comply with the requirements of Table PM-405.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**PM-405.7 Prohibited occupancy:** Kitchens, non-habitable spaces and interior areas shall not be occupied for sleeping purposes.

**PM-405.8 Minimum ceiling heights:** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm). Areas or rooms with ceiling heights less than 7 feet are considered crawl spaces.

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

**PM-405.9 Minimum room widths:** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchen shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**PM-405.10 Food preparation:** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepared and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

**CHAPTER 5**

# PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

## SECTION PM-501.0 GENERAL

**PM-501.1 Scope:** The provisions of this chapter shall govern the minimum plumbing facilities and plumbing fixtures to be provided.

**PM-501.2 Responsibility:** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

## SECTION PM-502.0 DEFINITIONS

**PM-502.1 General:** The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this code, have the meanings shown herein.

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

**Plumbing:** The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code listed in Chapter 8.

**Plumbing fixture:** A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

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

## SECTION PM-503.0 REQUIRED FACILITIES

**PM-503.1 Dwelling units:** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

**PM-503.2 Rooming houses:** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**PM-503.3 Hotel:** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

**PM-503.4 Employee's facilities:** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**PM-503.4.1 Drinking facilities:** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to sink or water dispense. Drinking facilities shall not be located in toilet rooms or bathrooms.

## SECTION PM-504.0 TOILET ROOMS

**PM-504.1 Privacy:** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

**PM-504.2 Location:** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**PM-504.3 Location of employee toilet facilities:** Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

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

## SECTION PM-505.0 PLUMBING FIXTURES

**PM-505.1 General:** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**PM-505.2 Fixture clearances:** Plumbing fixtures shall have adequate clearances for usage and cleaning.

## SECTION PM-506.0 WATER SYSTEM

**PM-506.1 General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

**PM-506.2 Contamination:** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**PM-506.3 Supply:** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safe, and free from defects and leaks.

**PM-506.4 Water heating facilities:** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## SECTION PM-507.0 SANITARY DRAINAGE SYSTEM

**PM-507.1 General:** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**PM-507.2 Maintenance:** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

## SECTION PM-508.0 STORM DRAINAGE

**PM-508.1 General:** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

# CHAPTER 6

# MECHANICAL AND ELECTRICAL REQUIREMENTS

## SECTION PM-601.0 GENERAL

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

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

## SECTION PM-602.0 HEATING FACILITIES

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

**PM-602.2 Residential buildings:** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F. (20 degrees C.) in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

**PM-602.2.1 Heat supply:** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 15 to May 15 to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 62 degrees F during other hours.

**PM-602.2 Room temperature exception:** When the outdoor temperature is below the outdoor design temperature required for the locality by the IBC (listed in Chapter 8), the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

**PM-602.3 Nonresidential structure:** Every enclosed occupied work space shall be supplied with sufficient heat during the period from September 15 to May 15 to maintain a temperature of not less than 68 degrees F (20 degrees C) during all working hours.

### Exceptions

1. Processing, storage and operation areas that require cooling or special temperatures conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**PM-602.4 Room temperature measurement:** The required room temperatures shall be measured at a point 3 feet above the floor and 2 feet from the exterior walls in all habitable rooms.

**PM-602.5 Heat Control:** Each individual dwelling unit shall have its own separate means of regulating heating and cooling.

## SECTION PM-603.0 MECHANICAL EQUIPMENT

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

**PM-603.2 Equipment access:** Access to outdoor mechanical equipment shall be maintained under all weather conditions.

**PM-603.4 Flue:** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

**PM-603.5 Clearance:** All required clearances to combustible materials shall be maintained.

**PM-603.6 Safety controls:** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**PM-603.7 Combustion air:** A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

**PM-603.8 Energy conservation devices:** Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

## **SECTION PM-604.0 ELECTRICAL FACILITIES**

**PM-604.1 Facilities required:** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section PM-605.

**PM-604.2 Service:** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Chapter 8. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

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

## **SECTION PM-605.0 ELECTRICAL EQUIPMENT**

**PM-605.1 Installation:** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**PM-605.2 Receptacles:** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle. Every bathroom shall contain at least one grounded-type receptacle. Every kitchen shall contain a grounded-type receptacle if located within six (6) feet of a wet location.

**PM-605.3 Lighting fixtures:** Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

## SECTION PM-606.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

**PM-606.1 General:** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

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

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

## CHAPTER 7

### FIRE SAFETY REQUIREMENTS

#### SECTION PM-701.0 GENERAL

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

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

#### SECTION PM-702.0 MEANS OF EGRESS

**PM-702.1 General:** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way. Means of egress shall comply with the IFC.

**PM-702.2 Aisles:** Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in occupancies in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the building code listed in Chapter 8. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

**PM-702.3 Locked doors:** All means of egress doors shall be readily operable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the IBC listed in Chapter 8.

**PM-702.4 Exit capacity:** The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the IFC listed in Chapter 8.

**PM-702.5 Number of exits:** In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 1,500 square feet (186 m<sup>2</sup>) shall be provided with not less than two independent exits.

**Exception:** A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code listed in Chapter 8 is provided in addition to the single exit.
4. Where permitted by the building code listed in Chapter 8.

**PM-702.6 Arrangement:** Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

**PM-702.7 Exit signs:** All means of egress shall be indicated with approved "Exit" signs where required by the building code listed in Chapter 8. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

**PM-702.8 Corridor enclosure:** All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

**Exceptions**

1. Corridors in occupancies in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code listed in Chapter 8, are not required to be self-closing.
3. Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the building code listed in Chapter 8.

**PM-702.9 Dead-end travel distance:** All corridors that serve more than one exit shall provide direct connection to such exits. The length of dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

**PM-702.10 Information signs:** A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the building code listed in Chapter 8.

**Exception:** The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the current building code listed in Chapter 8.

**PM-702.11 Stairways, handrails, and guards**

**PM-702.11.1 Stairway width:** Stairways shall not be less than 36 inches in clear width at all points above the permitted handrail height and below the required head room height. For other requirements, refer to building code Chapter 3.

**PM-702.11.2 Under stair protection:** Enclosed accessible space under stairs shall have walls, under stair surface, and soffits protected on the enclosed side with ½ inch gypsum board.

**PM-702.11.3 Handrails:** Handrails having minimum and maximum heights of 34 inches and 38 inches, measured vertically from the nosing of the treads. Ends shall be returned to the wall or terminated on a newel post.

**PM-702.11.4 Guards:** Porches, decks, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guards not less than 36 inches in height; with intermediate rails that do not allow passage of a sphere 4 inches in diameter.

**PM-702.12 Emergency escape:** Basements with habitable space and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue.

**PM-702.12.1 Height off floor:** Maximum of 44 inches to sill height.

**PM-702.12.2 Minimum opening area:** All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

**PM-702.12.3 Minimum opening height:** The minimum net clear opening height shall be 24 inches.

**PM-702.12.4 Minimum opening width:** The minimum net clear opening width shall be 20 inches.

**PM-702.12.5 Window wells:** Minimum net clear area of 9 square feet with a minimum horizontal three (3) foot protection.

**PM-702.13 Security:** Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

### **SECTION PM-703.0 FIRE RESISTANCE RATINGS**

**PM-703.1 General:** The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

**PM-703.2 Maintenance:** All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

**PM-703.3 Accumulations:** Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escape or other means of egress.

**PM-703.4 Hazardous material:** Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code listed in Chapter 8.

### **SECTION PM-704.0 FIRE PROTECTION SYSTEMS**

**PM-704.1 General:** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

**PM-704.2 Smoke alarms:** Single and multiple-family smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements, crawl spaces, cellars, and additional locations as specified in the current building code.

**PM-704.3 Power source:** In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnection switch other than as required for overcurrent protection.

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

**PM-704.4 Interconnection:** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**Exceptions:**

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

**PM-704.5 Fire extinguisher:** A portable fire extinguisher shall be provided in each dwelling unit. It shall be placed in an accessible location and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type as spelled out: ABC and a minimum of 2 lb.

**PM-704.5.1 Exception:** Extinguisher in each dwelling is not required if entire building is equipped with an automatic sprinkler system.

## **SECTION PM-705.0 FIRE SUPPRESSION SYSTEMS**

**PM-705:** Fire suppression systems shall be in proper operating condition at all times.

**PM-705.1 Valves:** Control valves shall be in the fully open position.

**PM-705.2 Sprinklers:** Sprinklers shall be clean and free from corrosion, paint and damage. Stock

shall be at least 18 inches (457 mm) below sprinkler deflectors.

**PM-705.3 Piping:** Piping shall be properly supported and shall not support any other loads.

**PM-705.4 Standpipe system:** Standpipe systems shall be in proper operating condition at all times.

**PM-705.4.1 Valves:** Water supply control valves shall be in the fully open position.

**PM-705.4.2 Hose connections:** Hose connections shall be identified and have ready access thereto.

**PM-705.4.3 Hose:** Where provided, the hose shall be properly packed, dry and free from deterioration.

**PM-705.5 Smoke detectors:** A minimum of one approved single-station or multiple smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Groups R-1 and I-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

**PM-705.5.1 Installation:** All detectors shall be installed in accordance with the building code listed in Chapter 8. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

**PM-705.5.2 Power source:** The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

**PM-705.5.3 Tampering:** Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

**PM-705.6 Fire alarm systems:** Fire alarm systems shall be in proper operating condition at all times.

**PM-705.6.1 Control panel:** The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

**PM-705.6.2 Manual fire alarm boxes:** All manual fire alarm boxes shall be operational and unobstructed.

**PM-705.6.3 Automatic fire detectors:** All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

**PM-705.7 Records:** A complete written record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises.

## **SECTION PM-706.0 ELEVATOR RECALL**

**PM-706.1 Required:** All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 8.

## **SECTION PM-707.0 MECHANICAL EQUIPMENT CONTROL**

**PM-707.1 Smoke and heat detection:** Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm (0.94 m/sec) and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

## CHAPTER 8

# REFERENCED STANDARDS

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

## **ASME**

American Society of Mechanical Engineers  
Three Park Avenue  
New York, NY 10016-5590

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Standard reference number	Title	Referenced in code section number
A17.1-200	Safety Code for Elevators and Escalators with A17.1a 2002 Addenda.....	606.1

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## **ASTM**

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

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Standard reference number	Title	Referenced in code section number
F1346-91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.....	303.2

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## **ICC**

International Code Council  
5203 Leesburg Pike, Suite 600  
Falls Church, VA 22041

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Standard reference number	Title	Referenced in code section number
ICC EC-06	ICC Electrical Code® - Administrative Provisions.....	201.3, 604.2
IBC-06	International Building Code®.....	102.3, 201.3, 401.3, 702.3
IFC-06	International Fire Code®.....	201.3, 702.1, 702.2, 704.1, 704.2
IFGC-06	International Fuel Gas Code®.....	102.3
IMC-06	International Mechanical Code®.....	102.3, 201.3
IPC-06	International Plumbing Code®.....	201.3, 505.1, 602.2, 602.3
IZC-06	International Zoning Code®.....	102.3, 201.3

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CHAPTER 8 SOURCE: 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE