

2012 CITY OF AUSTIN

PROPERTY MAINTENANCE CODE

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2012 City of Austin Property Maintenance Code



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**CHAPTER 1 SCOPE AND
ADMINISTRATION****PART 1 SCOPE AND APPLICATION*****SECTION 101 GENERAL*****101.1 Title.**

These regulations shall be known as the Property Maintenance Code of City of Austin, hereinafter referred to as the "Property Maintenance Code" or "this Code."

101.2 Scope.

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

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.

101.4 Severability.

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

SECTION 102 APPLICABILITY**102.1 General.**

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

102.2 Maintenance.

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

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the technical codes adopted by the City of Austin in Chapter 25-12.

102.4 Existing remedies.

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

102.5 Workmanship.

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

102.6 Historic buildings.

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

102.7.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8 Requirements not covered by code.

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

102.9 Application of references.

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

102.10 Other laws.

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

PART 2 ADMINISTRATION AND ENFORCEMENT***SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION*****103.1 General.**

The City Manager shall designate the department or departments charged with enforcement of this Code.

103.2 Designation.

The City Manager shall designate a code official.

103.3 Deputies.

The code official shall have the authority to designate one or more deputy code official(s) to assist with enforcement of this Code. Such employees shall have powers and duties as delegated by the code official.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL**104.1 General.**

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections.

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

104.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

104.4 Identification.

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

104.6 Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105 APPROVAL**105.1 Modifications.**

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

105.2 Alternative materials, methods and equipment.

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

105.3 Required testing.

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

105.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the

absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports.

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

105.4 Used material and equipment.

The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

105.5 Approved materials and equipment.

Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

105.6 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 106 VIOLATIONS

106.1 Unlawful acts.

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

106.2 Notice of violation.

The code official shall serve a notice of violation or order in accordance with applicable requirements of state law and City Code regarding such notice or order.

106.3 Prosecution of violation.

Any person failing to comply with a provision, requirement, or prohibition of this Code or of any notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction, and the violation shall be a strict liability offense whenever charged by a fine of \$500.00 or less. If any person fails to comply with a provision, requirement, or prohibition of this Code or of any notice of violation or order served in accordance with this Code, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure or property in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction regarding such premises shall be in addition charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties.

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

106.5 Abatement of violation.

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

SECTION 107 NOTICES AND ORDERS

107.1 Notice to 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 and served in compliance with applicable state law and City Code. A person has a duty to comply with the provisions, requirements, and prohibitions of this Code even if the code official has not served the person with separate notice personally informing the person of the duty to comply with this Code. Violation of a notice or order issued pursuant to this Code is a separate offense.

107.4 Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

107.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in this Code, City Code, and applicable state law.

107.6 Transfer of ownership.

Except as otherwise provided by applicable law, it shall be unlawful for the owner or any other person in control of any property, dwelling unit, or structure that is the subject of a compliance order or as to which a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property, dwelling unit, or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or any other person in control of the unit or structure shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General.

When a structure, property, or equipment is found by the code official to be unsafe, or when a structure or property is found unfit for human occupancy, or is found unlawful, such structure, property, or equipment shall be subject to the provisions of this Code.

108.1.1 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.

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.

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 insanitary, 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 constitutes a hazard to the occupants of the structure or to the public.

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.

108.1.5 Dangerous structure or premises.

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumb-

ing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2.1 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.5 Prohibited occupancy.

Any occupied structure or property placarded by the code official with a notice to vacate, in accordance with section 908 of this Code, shall be vacated as ordered by the code official. 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.

108.6 Abatement methods.

The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or cor-

rected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 109 EMERGENCY MEASURES

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 property, or when any structure or part of a structure has fallen and life or property 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 or property because of excavation, 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 or property a notice reading as follows: "This Structure/ Property is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure or property except as authorized for the purpose of securing the structure or property, making the required repairs, removing or abating the hazardous condition or of demolishing the same.

109.2 Temporary safeguards.

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official, there is imminent danger to persons or property due to an unsafe condition at a structure or property, the code official shall order the necessary work to be done, including the boarding up of openings or securing of access perimeters, to render such struc-

ture or property 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.

SECTION 110 DEMOLITION

110.1 General.

The code official shall order the owner of any premises upon which is located any structure, equipment, or property condition, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, equipment, or condition; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure.

110.2 Notices and orders.

All notices and orders shall comply with Section 107.

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 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.

110.4 Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable.

SECTION 112 STOP WORK ORDER

112.1 Authority.

Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

112.2 Issuance.

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies.

Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

112.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is authorized by the City to perform solely to remove or abate a violation or unsafe condition, shall be liable to a fine of not less than \$200 or more than \$500 per violation.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope.

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

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.

201.3 Terms defined in other codes.

Where terms are not defined in this Code and are defined in the Building Code, the Residential Code, the Plumbing Code, the Mechanical Code, City of Austin Land Development Code, the Energy Conservation Code, the Fire Code, the Solar Code or the Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.

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

201.5 Parts.

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

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

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

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

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

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.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

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.

EASEMENT. 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.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

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

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

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

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

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

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

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

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

LABELED. Equipment, materials or products to which have 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 whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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.

NEGLECT. The lack of proper maintenance for a building or structure.

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

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

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

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

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

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

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

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

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

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

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

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

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

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

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

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

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

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

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

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

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

202.1 Supplemental and replacement definitions.

The definitions in this subsection apply throughout this Code and supplement the definitions in Section 202 (General Definitions) of the 2012 International Fire Code, as published, unless the term is defined in both places, in which case the definition in this subsection replaces and supersedes the definition in Section 202 of the 2012 International Property Maintenance Code.

BED AND BREAKFAST. The use of an owner-occupied single-family residential structure to provide limited meal service and rooms for temporary lodging for overnight guests in return for compensation.

BOARDING HOUSE. A building, other than a hotel, where lodging and meals are provided for more than six unrelated persons in return for compensation. When used in this chapter, the term Boarding House includes a transient boarding house.

DANGEROUS BUILDING, STRUCTURE OR PREMISES. Any building, structure or premises determined by the code official or code official's designee to be in violation of Section 108 of this Code.

HOTEL/MOTEL. A building or a part of a building, in which there are guest rooms, rooming units, or apartments which may be rented on a daily basis and are used primarily for transient occupancy, and for which desk service is provided. In addition, one or more of the following services may be provided: maid, telephone, bellboy, or furnishing of linen. When used in this chapter, the term hotel includes a motel.

ROOMING HOUSE. A building, other than a hotel, where lodging for more than six unrelated persons is provided without meals in return for compensation.

SHORT-TERM RENTAL. The use of a residential dwelling unit or accessory building, other than a unit or building associated with a group residential use, on a temporary or transient basis in accordance with Chapter 25-2, Subchapter C, Article 4, Division 1, Subpart C (Requirements for Short-Term Rental Uses). The use does not include an extension for less than 30 consecutive days of a previously existing rental agreement of 30 consecutive days or more. The use does not include a rental between parties to the sale of that residential dwelling unit.

SUBSTANDARD BUILDING, STRUCTURE OR PREMISES. A building, structure or premises determined by the code official or code official's designee to be in violation of this Code or any code referenced therein.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope.

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

301.2 Responsibility.

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

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 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation.

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

302.2 Grading and drainage.

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

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways.

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

302.4 Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

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

302.5 Rodent harborage.

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

302.6 Exhaust vents.

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

302.7 Accessory structures.

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

302.8 Motor vehicles.

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

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

302.9 Defacement of property.

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

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

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

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

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

SECTION 304 EXTERIOR STRUCTURE

304.1 General.

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

304.1.1 Unsafe conditions.

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and col-

- umns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
 5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
 6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
 9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
 10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
 11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
 12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
 13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- Exceptions:**
1. When substantiated otherwise by an approved method.
 2. Demolition of unsafe conditions shall be permitted when approved by the code official.
- 304.2 Protective treatment.**
- All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking

and chipped paint shall be eliminated and surfaces repainted. 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.

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.

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 rodents and other pests.

304.6 Exterior walls.

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

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.

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.

304.9 Overhang extensions.

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

304.10 Stairways, decks, porches and balconies.

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

304.11 Chimneys and towers.

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

304.12 Handrails and guards.

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

304.13 Window, skylight and door frames.

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

304.13.1 Glazing.

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

304.13.2 Openable windows.

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

304.15 Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways.

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

304.17 Guards for basement windows.

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

304.18 Building security.

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

304.18.1 Doors.

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). 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.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates.

All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition.

SECTION 305 INTERIOR STRUCTURE**305.1 General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, 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.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced in accordance with applicable code requirements:

1. Nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength;

2. Anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
6. Foundation systems are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored, or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

305.2 Structural members.

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

305.3 Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded

paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

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

305.5 Handrails and guards.

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

305.6 Interior doors.

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

**SECTION 306 COMPONENT
SERVICEABILITY**

306.1 General.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;

- 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
- 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- 1.4. Inadequate soil as determined by a geotechnical investigation;
- 1.5. Where the allowable bearing capacity of the soil is in doubt; or
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration;
 - 2.2. Ultimate deformation;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. Ultimate deformation;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. Deterioration;
 - 4.2. Ultimate deformation;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. Deterioration;
 - 5.2. Elastic deformation;
 - 5.3. Ultimate deformation;
 - 5.4. Metal fatigue; or
 - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;

- 6.5. Significant splits and checks;
- 6.6. Horizontal shear cracks;
- 6.7. Vertical shear cracks;
- 6.8. Inadequate support;
- 6.9. Detached, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

Exceptions:

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

SECTION 307 STAIRWAYS, HANDRAILS AND GUARDRAILS

307.1 General.

Stairways shall be maintained in good condition and in accordance with the building code in effect at the time of construction. Handrails and guardrails shall be provided and maintained in good condition at stairs, landings, balconies, porches, decks, ramps and other walking surfaces and in accordance with the building code in effect at the time of construction.

307.2 Stairways.

For buildings constructed during a time where no building code provision related to stairways was adopted, the following provisions shall apply:

307.2.1. Riser height.

The maximum riser height shall be 8¼ inches (209 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any

flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

307.2.2. Tread depth.

The minimum tread depth shall be 9 inches (228 mm). The tread depth shall be measured horizontally between vertical planes of the foremost projection of adjacent treads and a right angle to the treads' leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 of an inch (9.5 mm).

307.3 Handrails.

For buildings constructed during a time where no building code provision related to handrails was adopted, the following provisions shall apply:

307.3.1 Handrails required.

A handrail shall be provided on one side of the stairs for every exterior and interior flight of stairs having four or more risers. Existing handrails shall be allowed to remain provided such handrails are not less than 30 inches (762 mm) high or more than 42 inches (1067mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces and are maintained in good condition. Where a handrail is missing or does not comply with this section, a handrail shall be installed in accordance with currently adopted building code requirements.

307.4 Guardrails.

For buildings constructed during a time where no building code provision related to guards was adopted, the following provisions shall apply:

307.4.1. Guards required.

Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.

Exception: Guards shall not be required where exempted by adopted building code.

307.4.2. Guard spacing and height.

Existing intermediate guards with a maximum spacing which does not allow the passage of a 9 inch (228 mm) sphere (or smaller), shall be allowed to remain, provided such guards are maintained in good condition. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Where guards are missing or do not comply with this section, guards shall be installed in accordance with currently adopted building code requirements.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

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

308.2 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.

308.2.1 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.

308.2.2 Refrigerators.

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

308.3 Disposal of garbage.

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

308.3.1 Garbage facilities.

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

308.3.2 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 309 PEST ELIMINATION

309.1 Infestation.

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

Exception: The keeping, maintenance or management of common domestic honey bee colonies, *Apis mellifera* species, shall be in accordance with City Code Chapter 3-6 (Beekeeping).

309.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 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 pest elimination 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 and owner shall be responsible for pest elimination.

309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope.

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

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.

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 or Residential Code shall be permitted as applicable.

SECTION 402 LIGHT

402.1 Habitable spaces.

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is pro-

vided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 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 403 VENTILATION

403.1 Habitable spaces.

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square

feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms.

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

403.3 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 the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 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.

403.5 Clothes dryer exhaust.

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

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy.

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

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 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 minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) 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 minimum clear ceiling height of 7 feet (2134 mm) over a minimum of 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 minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Minimum area.

Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet (11 m²). Every habitable room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

Exception: This does not include Efficiency Units under Section 404.6.

404.4.1 Other rooms.

With the exception of qualifying Efficiency Units, every bedroom or other habitable room shall contain at least 70 square feet (6.5 m²) of floor area. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two. One child per room not more than 24 months in age will be exempt from these calculations.

404.4.2 Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.

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

404.4.4 Prohibited occupancy.

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.

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

404.5 Overcrowding.

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.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1—2 occupants	3—5 occupants	6 or more occupants
Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.093 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.6 Efficiency unit.

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

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m²). A

unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation.

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

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope.

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

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 502 REQUIRED FACILITIES

502.1 Dwelling units.

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

502.2 Rooming houses.

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

502.3 Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and

one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities.

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

503.1 Privacy.

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

503.2 Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located a maximum of one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks,

which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 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.

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

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

SECTION 505 WATER SYSTEM

505.1 General requirements for water systems.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture

shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Plumbing Code.

505.2 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.

505.3 Supply.

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

505.4 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°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless installed in a sealed enclosure so that adequate combustion air is provided and will not be taken from the living space. Direct vent water heaters are not required to be installed within an enclosure. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**SECTION 506 SANITARY DRAINAGE
SYSTEM**

506.1 General.

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

506.2 Maintenance.

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

SECTION 507 STORM DRAINAGE

507.1 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 601 GENERAL

601.1 Scope.

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

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 602 HEATING FACILITIES

602.1 Facilities required.

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

602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall

supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

602.5 Room temperature measurement.

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

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances.

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

603.2 Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

603.3 Clearances.

All required clearances to combustible materials shall be maintained.

603.4 Safety controls.

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

603.5 Combustion air.

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

603.6 Energy conservation devices.

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

SECTION 604 ELECTRICAL FACILITIES**604.1 Facilities required.**

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

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. Dwelling units shall be served by an electrical service having a rating of not less than 100 amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting

outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Electrical Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;

8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the Electrical Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equip-

ment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation.

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

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 grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle.

Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Luminaires shall be maintained in good condition and in accordance with the applicable code(s) in effect at the time of construction. For buildings constructed during a time where no code provision related to luminaires was adopted, the following shall be required:

1. Every public hall, interior and exterior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.
2. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords, including extension cords, shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings, unless specifically approved by the cord manufacturer for such installation, configuration, and use, and installed by a licensed electrician consistent with the manufacturer's specifications as part of a project permitted by the City that has passed all required inspections.

SECTION 607 DUCT SYSTEMS**607.1 General.**

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

CHAPTER 7 FIRE SAFETY REQUIREMENTS**SECTION 701 GENERAL****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.

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 as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS**702.1 General requirements for means of egress.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with this Code as well as provisions of the Fire Code, the Building Code and the Residential Code as applicable.

702.2 Aisles.

The required width of aisles in accordance with the Fire Code shall be unobstructed.

702.3 Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Building, Fire or Residential Code as applicable.

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

702.5 Additional emergency escape and rescue opening requirements.

All sleeping rooms in R-2 and R-3, one- and two-family and multiple-family Occupancy Groups shall have at least one emergency escape and rescue opening, unless the sleeping room(s) meet a specific exception of the code under which the building was constructed. An existing emergency escape and rescue opening complies with this Code if the opening satisfies one of the following or if the owner complies with the alternate methods of compliance set forth in Section 702.5.1 below:

1. The existing emergency escape and rescue opening meets the minimum height and width dimensions, openable area and the maximum sill height requirement of the code(s) under which the building was constructed; or
2. Where no code was in effect at the time of construction, an existing emergency escape and rescue opening satisfies this Code if it has:
 - a. a minimum net clear openable area of 5 square feet (0.465 m²),
 - b. a minimum net clear opening height of 22 inches (559 mm),

- c. a minimum net clear opening width of 20 inches (457 mm),
- d. a sill height not greater than 48 inches (1219 mm) above the floor.

702.5.1 Alternate method of compliance for existing emergency escape and rescue openings.

1. The following shall be deemed as an alternate method of compliance for a sleeping room with an emergency escape and rescue opening that does not meet the requirements referenced in Section 702.5:
 - a. Installation of hard-wired, dual chamber smoke alarms with battery backup capability that are served with primary power from the building wiring. The smoke alarms shall be installed inside and outside of the sleeping room and shall be interconnected through either wired or wireless interconnection.

SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

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

703.2 Opening protectives.

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

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General requirements for fire protection systems.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Building Code or the Residential Code, and the Fire Code as applicable.

704.1.1 Automatic sprinkler systems.

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 Smoke alarms.

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

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Single- or multiple-station smoke alarms shall be installed and maintained in other groups in accordance with the Fire Code.

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 disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings in areas or locations within such buildings where smoke alarms were not required to be powered by the building wiring under the code in effect at the time of construction and either:
 - a. there is no construction, alterations or repairs taking place, or
 - b. the construction, alterations or repairs in progress do not result in the removal of interior walls or ceiling finishes exposing the structure.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

704.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R or I-1 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. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. 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.

CHAPTER 8 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein 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 10016-5990	
Standard reference number	Title	Referenced in code section number
A 17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1
ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959	
Standard reference number	Title	Referenced in code Section number
F 1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
ICC	International Code Council 500 New Jersey Avenue, NW 6th Floor Washington, DC 20001	
Standard reference number	Title	Referenced in code section number
IBC-12	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC—12	International Existing Building Code®	305.1.1, 306.1.1
IFC—12	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC-12	International Fuel Gas Code®	102.3
IMC-12	International Mechanical Code®	102.3, 201.3
IPC-12	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IRC-12	International Residential Code®	201.3
IZC-12	International Zoning Code®	102.3, 201.3

NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269	
Standard reference number	Title	Referenced in code section number
25-11	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	704.1.1
70-11	National Electrical Code	102.4, 201.3, 604.2

CHAPTER 9 BUILDING AND STANDARDS COMMISSION

SECTION 901 GENERAL

The Building and Standards Commission shall have the powers and duties under this Code, City Code § 2-1-122 (Building and Standards Commission), and applicable state law. The Commission shall hear evidence from each party present concerning the matters brought before the Commission and shall issue orders regarding the matters, as appropriate. Orders regarding removal or relocation of occupants, or repair, securing, or demolition of buildings shall identify the time period in which work must begin and the time period by which work must be completed.

901.1 Powers and duties.

The Building and Standards Commission shall hear and decide cases concerning alleged violations of the City's housing and building regulations, including regulations that establish minimum standards for the registration, licensure, inspection, use, occupancy and maintenance of buildings, structures and premises. The Commission may order or initiate any action, remedy, response, security, or penalty within its authority under applicable state law or City Code, including:

1. order the repair, within a fixed period, of buildings found to be in violation of an ordinance;
2. declare a building, structure or property to be substandard or dangerous in accordance with the powers granted under state law and the city's ordinances;
3. order, in an appropriate case, action as necessary to abate, repair, remedy, alleviate, or accomplish:

vacation of a building, structure, or property;

relocation of occupants;

removal of persons or property;

entry on private property; and

demolition or removal of any substandard building, condition, or structure on private property.

4. order or direct any peace officer of the state, including a sheriff or constable or the Austin Chief of Police, to enforce and carry out the lawful orders or directives of the Commission;
5. determine the amount and duration of the civil penalty allowed under state law;
6. hear and decide appeals which may be taken to the Commission; and
7. consider and recommend amendments to the City's housing and building regulations or and ordinances.

901.2 Rules.

The Commission shall adopt rules for its own procedure. The rules must establish procedures to provide opportunity for presentation of evidence and testimony in its hearings by persons who are alleged to have violated ordinances.

901.3 Meetings.

Meetings of the Commission are held at the call of the Chairperson and at other times as the Commission may determine. The Chairperson, or the Acting Chairperson in the absence of the Chairperson, may administer oaths and compel the attendance of witnesses. Four members constitute a quorum and the concurring vote of four members is necessary to take any action under this chapter. The Commission shall render all decisions and findings in writing to the appellant in accordance with the applicable requirements of state law and City Code.

901.4 Records.

The Commission shall keep records of its hearing, decisions and other official actions, which shall be

filed in the office of the code official. The code official shall keep the minutes of the Commission meetings, showing the vote of each Commission member on each question submitted to the Commission, or the fact that a member is absent or fails to vote.

901.5 Notice.

Notice and any required recordation of all Commission hearings, orders, or actions shall be posted, filed, served, accomplished or disseminated in accordance with the applicable provisions of state law and City Code.

901.6 Orders.

An order issued by the Commission under this section is final unless appealed in accordance with Chapter 54 of the Texas Local Government Code.

SECTION 902 FAILURE TO COMPLY WITH A COMMISSION ORDER IS AN OFFENSE

902.1 Criminal offense and penalty.

A person commits an offense if the person fails to comply with a final order issued by the Building and Standards Commission under this chapter. Each day that a person fails to comply with a final order is a separate occurrence. An offense under this section is a class C misdemeanor. The maximum penalty shall be \$500 per offense, per occurrence. Proof of a culpable mental state is not required for conviction of an offense under this chapter.

902.2 Civil offense and penalty.

A person must comply with a final order issued by the Building and Standards Commission. A person who fails to comply with the Commission's final order commits a civil offense punishable by a maximum fine of \$1,000 a day for each day that the person fails to comply with the order as provided by Chapter 54 of the Texas Local Government Code. Criminal conviction under Section 902.1

does not preclude assessment or enforcement of applicable civil penalty for violation of a Commission Order.

902.2.1 Satisfaction of civil penalty.

1. This section applies to a civil penalty assessed under Section 902.2 of this Code for violations relating to a:
 - 1.1 structure that is designated as an historic landmark or located in a designated historic district; or
 - 1.2 single-family residential structure.
2. The code official shall accept as full payment of the civil penalty an amount equal to the assessed penalty minus the cost to complete repairs or other corrective action required by the Building and Standards Commission order establishing the penalty if:
 - 2.1 all repairs or other corrective action required by the Building and Standards Commission order establishing the penalty have been completed;
 - 2.2 the code official has determined that all repairs or other corrective action comply with City regulations; and
 - 2.3 a lawsuit based on the Building and Standards Commission order assessing the penalty has not been initiated by the City.
3. The person subject to the civil penalty must provide evidence to the code official of the cost of repairs or other corrective action required by a Building and Standards Commission order.
4. The code official shall determine whether the costs provided under Subsection 3 of this section are associated with a repair or other corrective action ordered by the Building and Standards Commission.

The determination by the code official under this subsection may not be appealed.

SECTION 903 DEFINITION OF NUISANCE

Each of the following is declared to be a nuisance for purposes of this Code:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human health or is detrimental to health, as determined by the health officer.
4. Uncleanliness, as determined by the health officer.
5. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.
6. Occupancy or use of the residential part of a mixed occupancy building if the non-residential part of the building is classified for use as a high hazard occupancy, or if the non-residential use is obnoxious or offensive to residential occupancy or use.
7. A utility room not maintained free of flammable liquids, oil and grease, and other similar materials.

8. Yards, courts, and vacant lots not maintained clean and free of holes, excavations, dead trees and tree limbs, sharp protrusions, and other objects, conditions and hazards that are reasonably capable of causing injury to a person.
9. Failure to maintain a manufactured residential building, mobile home, or tourist court in accordance with the provisions of this Code, the manufacturer specifications under which the structure was constructed, or the Land Development Code.

SECTION 904 ACTION BY THE CODE OFFICIAL

904.1 General.

904.1.1 Commencement of proceedings.

Whenever the code official has inspected or caused to be inspected any building, structure, or property and has found that the building, structure or property is substandard or dangerous, the code official shall begin proceedings to cause the repair, rehabilitation, vacation, demolition, removal, boarding or fencing or other means of closure of the building, structure, or property.

904.1.2 Notice.

The code official shall issue a written notice directed to the record owner of the building, structure or property. The notice shall:

1. identify the building, structure, property by street address, or provide a description sufficient for identification of the property or the location of the building or structure;
2. state that the code official has found the building, structure, or property to be substandard or dangerous,

with a summary description of the applicable provisions of this Code and the alleged violations;

3. specify the corrective measures required to bring the building, structure, or property into compliance with applicable provisions of this Code;
4. provide a time period for compliance;
5. include a description of the applicable appeal procedures; and
6. include a provision in Spanish stating that a Spanish translation will be provided on request if the recipient is not able to read the notice in English.

904.1.3 Service of notice.

Notice as required shall be served in compliance with applicable provisions of state law and City Code. Failure of the code official to serve any person required to be served does not invalidate any proceedings as to any other person properly served or relieve that person from any duty or obligation imposed by this Code.

904.1.4 Service of notice.

Required notice shall be served in accordance with applicable provisions of state law and City Code.

904.1.5 Method of service.

Required notices shall be served via any method or combination of methods permitted in accordance with applicable requirements of state law and City Code. The code official may also provide a copy of any notice sent to a property owner to the manager of the property. On receipt of a copy of the notice under this section, a property manager shall notify the owner of the specifics of the notice within

10 days and shall make every reasonable effort to have the owner correct the violation.

SECTION 905 APPEAL

A person affected by a notice may appeal the violation findings contained in the notice to the Building and Standards Commission by filing a written appeal with the code official. The appeal must be filed not later than 20 days after the date the notice is mailed by the City of Austin. A request for additional time to comply with the notice due to financial inability or other extenuating circumstance is not a proper basis for appeal, but can be presented to the Commission upon hearing. An appeal must contain a brief statement identifying the notice or action being appealed, setting forth any facts supporting the appeal, describing the relief sought, and presenting the reasons why the appealed notice or action should be reversed, modified or otherwise set aside. Filing an appeal stays further City action under the notice being appealed unless otherwise provided in this Code or, in the opinion of the code official, a delay would present an immediate danger or unreasonable risk to any person or property.

SECTION 906 REPAIR, BOARDING, FENCING, VACATION AND DEMOLITION

The following standards shall be followed by the code official (and by the Building and Standards Commission if an appeal is taken) in recommending or ordering the repair, vacation, or demolition of any substandard or dangerous building, structure, or property:

1. Any building or structure declared a substandard or dangerous building under this Code shall be made to comply with one of the following:
 - 1.1 The building(s) or structure(s) shall be repaired in accordance with applicable Codes related to the type of substandard or dangerous conditions requiring repair; or
 - 1.2 The building or structure shall be demolished; or

2. If the building or structure is in a condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, it shall be ordered to be vacated.
3. If the owner or other affected person does not comply with the recommendation of the code official within the identified time period, the code official may serve notice to the person(s) to appear before the Building and Standards Commission to show cause why the building, structure, or property should not be ordered repaired, boarded, fenced, vacated, or demolished.

SECTION 907 UTILITY TERMINATION

907.1 Utility termination authorized.

The code official may initiate a request or order for utility termination to a structure or property as provided for under the applicable provisions of state law and City Code. The City shall comply with applicable provisions of state law and City Code regarding notice and appeal of utility termination.

SECTION 908 NOTICE TO VACATE

908.1 Placarding.

For a building, structure, or property ordered vacated by the code official or by the Building and Standards Commission, the following shall be required:

1. In addition to any other requirements of this Code as applicable, the code official shall placard each entrance or exit of the building, structure, or property with a notice to vacate issued pursuant to the Code. The notice shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

**IT IS UNLAWFUL TO OCCUPY
THIS BUILDING/PROPERTY OR TO
REMOVE OR DEFACE THIS
NOTICE**

CODE OFFICIAL CITY OF AUSTIN

908.2 Compliance.

The code official shall reference the notice to vacate in the violation letter issued under Section 904.1.2 of this Code and shall identify the conditions that necessitate the evacuation of the building, structure, or property. No person may remain in or enter any building, structure, or property that is posted with or subject to a notice to vacate unless an active permit from the building official to repair, abate, demolish, or remove a building, structure, or condition at the location is posted there and the person is present only to perform work authorized by such permit. No person may remove or deface the notice to vacate after it is posted by the code official until the required repair, abatement, demolition, or removal is completed and a certificate of occupancy is issued for the building or structure by the building official or release of the notice to vacate is issued by the code official. No person may induce, allow, or authorize another person to occupy a building, structure, or property subject to a notice to vacate or a vacate order until after the required corrective action is completed and a certificate of occupancy for the building or structure is issued by the building official or the vacate notice or order is removed and released by the code official. That the posted notice or order to vacate was defaced or removed by another person acting unlawfully or by an act of nature is not a defense to prosecution for committing, allowing, or facilitating entry or occupancy of a building, structure, or property subject to a notice or order to vacate.

908.3 Appeal of notice to vacate.

A determination by the code official under this section may be appealed as provided in this Code for other code official notices, except that the filing of an appeal shall not stay vacation of the building, structure, or property. A determination by the

Building and Standards Commission under this section may be appealed as provided for by state law.

SECTION 909 OFFENSES - CRIMINAL

1. A person commits an offense under this section if the person does the following:
 - 1.1 remains in or enters any building, structure, or property that is posted with a notice or order to vacate;
 - 1.2 removes or defaces a notice or order to vacate that is posted until after the required corrective action is lawfully completed and a certificate of occupancy is issued by the building official for the structure or the vacate notice or order is released and removed by the code official; or
 - 1.3 leases, lets, or otherwise induces occupancy of a building, structure, or property after a notice or order to vacate is issued and posted until after the required corrective action is lawfully completed and a certificate of occupancy is issued by the building official for the structure or the vacate notice or order is released and removed by the code official.
2. It is not a defense to prosecution under this section that a notice or order to vacate has been removed from the premises.
3. It is an affirmative defense to prosecution under this section if a person enters into a building, structure, or property for which a notice or order to vacate has been issued and posted for the purpose of performing corrective action authorized under a valid permit issued by the building official.
4. An offense under this section is a class C misdemeanor, punishable by a fine not to

exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is pled and proven.

5. Each day a person commits an offense or remains in violation of a provision of this section is a separate occurrence.
6. Proof of a culpable mental state is not required for conviction of an offense under this section and is expressly waived for any prosecution for which a fine of \$500 or less for the offense is assessed. If proof of a culpable mental state is established, an offense under this section is eligible for imposition of a fine not to exceed \$2,000 for each offense.

SECTION 910 OFFENSES - CIVIL

1. A person shall not do the following:
 - 1.1 remain in or enter any building, structure, or property that is posted with a notice to vacate;
 - 1.2 remove or deface a notice or order to vacate that is posted until after the required corrective action such as repair, demolition, abatement, or removal of the building, structure, or property is completed and a certificate of occupancy for the structure is issued by the building official or the notice or order to vacate the property is released and removed by the code official; or
 - 1.3 lease, let, or otherwise induce the occupancy of a building, structure, or property after a notice or order to vacate is issued and posted until after the required corrective action such as repair, demolition, abatement, or removal is completed and a certificate of occupancy for the structure is issued by the building official or the notice or order to

vacate the property is released and removed by the code official.

2. Under Chapter 54 of the Texas Local Government Code, a person who commits any of the acts prohibited in subsection 1 of this section commits a civil offense punishable by a fine not to exceed \$1,000 a day per violation or occurrence.
3. Criminal conviction under Section 909 does not preclude enforcement under this section or other provisions of applicable state law and City Code.

SECTION 911 EMERGENCY POWERS

911.1 Emergency closure.

The code official may secure a building, structure, or property before a public hearing is held by the Building and Standards Commission if the code official determines that the building, structure, or property meets one of the following criteria:

1. violates this Code and is unoccupied; or
2. is occupied only by persons who do not have a lawful right of possession to the building or structure.

911.2 Notice.

1. Not later than the 10th day after the date the building, structure, or property is secured, the code official shall give notice of the closure to the owner by one of the following methods:
 - 1.1 personal service to the owner; or
 - 1.2 notice by certified mail, return receipt requested, to the owner at the owner's last known address; or
 - 1.3 if personal service cannot be obtained and the owner's post office address is unknown, either by pub-

lication at least twice within a 10 day period in a newspaper of general circulation in the county in which the building or structure is located or by posting the notice on or near the front door of the building or structure.

2. The notice must contain the following:

- 2.1 an identification, which is not required to be a legal description, of the building or structure and the property on which it is located;
- 2.2 a description of the violations of the Code that are identified at the building, structure, or property;
- 2.3 a statement that the code official has secured the building, structure, or property; and
- 2.4 an explanation of the owner's right to request a hearing about any matter relating to the securing of the building, structure, or property by the code official.

911.3 Appeal of emergency closure.

The owner of a building, structure, or property may appeal an emergency closure under this section to the Building and Standards Commission. A written appeal must be filed not later than 30 days after the date the code official secured the building, structure, or property. A hearing on the appeal will be scheduled on the Commission's next available agenda date following receipt of the appeal and must be heard at the next available agenda date at which a quorum of the Commission is present, unless the appellant in writing requests or agrees to a postponement of the hearing on the appeal to a later Commission agenda.

911.4. Costs.

The City may assess costs incurred for emergency closures under this section against the owner of the

affected property and may secure those costs with a lien against the affected property in the manner authorized by state law.

SECTION 912 LEGAL ACTION

The code official may enforce the provisions of this Code by pursuing all civil and criminal actions, and civil and injunctive remedies available to a city under state law, or by any other remedy or combination of remedies available at law or equity, including, in any court action, the collection of attorney's fees and costs, and maximum interest on liens and judgments as allowed by law. All remedies authorized under this Code are cumulative of all others unless otherwise expressly provided. The filing of a criminal action shall not preclude the pursuit of a civil or administrative action for violation of this Code, nor shall the filing of a civil action preclude the pursuit of any other action or remedy, whether administrative or criminal.

CHAPTER 10 RESTRICTION ON TRANSFER AND LEASE OF PROPERTY

SECTION 1000 TRANSFER OF PROPERTY

1000.1 Execution of order not affected by transfer.

When an order has been filed in the deed records, execution of the order is not affected by sale or other transfer of the property. A person acquiring an interest in property after an order has been recorded is subject to the requirements of the order. The provisions of this subsection shall be included as part of each order.

1000.2 Transfer of property.

An owner of a building, structure, or property who has been served with a notice, order, or other notification under this Code may not sell, transfer, grant, mortgage, lease, or otherwise dispose of the building, structure, or property until the owner has:

1. furnished to the purchaser, transferee, grantee, mortgagee, or lessee a true copy of the notice, order or other notification; and
2. simultaneously provided adequate notice to the code official of the owner's intent to enter into a transaction affecting the building, structure, or property, including the name and address of the proposed buyer, transferee, grantee, mortgagee, or lessee.

1000.3 Responsibility of purchaser.

A purchaser of a property on which a notice, order, or other notification has been issued under this Code and recorded in the real property records of the county in which the property is located is bound by the terms of the notice, order, or other notification.

CHAPTER 11 RESTRICTION ON TRANSFER AND LEASE OF PROPERTY

SECTION 1100 LEASING OF SUBSTANDARD OR DANGEROUS PREMISES IS AN OFFENSE

1100.1 Criminal offense and penalty.

1. A person commits an offense if, prior to the time that the owner receives notice in writing from the code official that all required corrections have been made, the person does the following:
 - 1.1 leases or causes to be leased a building, structure, property, or portion of a building, structure, or property that is vacant at the time that the owner receives notice from the code official that the building, structure, or property is substandard or dangerous; or
 - 1.2 leases or causes to be leased a building, structure, or property or portion of a building, structure, or property that becomes vacant after the owner receives notice from the code official that the building, structure, or property is substandard or dangerous.
2. Each day that a person commits an offense or remains in violation of this section is a separate occurrence. An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is pled and proven. If proof of a culpable mental state is established, an offense under this section is punishable by a fine not to exceed \$2,000 per occurrence.

1101.2. Civil offense and penalty.

1. A person may not, prior to the time that the owner receives notice from the code

official that all required corrections have been made, lease or cause to be leased a building, structure, property, or portion of a building, structure, or property that is vacant at the time that the owner receives notice from the code official that the building or structure is substandard or dangerous; or

2. A person may not, prior to the time that the owner receives notice from the code official that all required corrections have been made, lease or cause to be leased a building, structure, property, or portion of a building, structure, or property that becomes vacant after the owner receives notice from the code official that the building or structure is substandard or dangerous.
3. Under Chapter 54 of the Texas Local Government Code, a person who commits any of the acts prohibited in this Section 1101.2 commits a civil offense punishable by a fine not to exceed \$1,000 a day per violation, per occurrence.
4. Criminal conviction under Section 1100.1 of this Code does not preclude enforcement under this section or other applicable law.

CHAPTER 12 LANDLORD/TENANT RELATIONSHIPS

SECTION 1201 RESPONSIBILITY OF LANDLORD

The owner of a building, structure, or property remains responsible for compliance with this Code notwithstanding any rental or other agreement purporting to give tenants or other third parties certain duties or responsibilities with respect to the building, structure, or property.

1202 RETALIATION AGAINST TENANT IS AN OFFENSE

A property owner, owner's agent, management company, or other person responsible for managing a property commits an offense if the property owner, owner's agent, management company, or other person responsible for managing a property raises a tenant's rent, diminishes services to the tenant, or attempts eviction for reasons other than nonpayment of rent or other good cause for six months after a complaint is filed by the tenant with the code official complaining of violations of this Code or for six months after completion of repairs required by a notice or order issued under this Code, whichever time period is longer.

An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence unless proof of a culpable mental state is pled and proven. If proof of a culpable mental state is established, an offense under this section is punishable by a fine not to exceed \$2,000 per occurrence.

The following actions are not a violation of this section:

1. an increase in rent under an escalation clause for utilities, taxes, or insurance in a written rental agreement;
2. an increase in rent or reduction in services against the complaining

tenant which are a part of a pattern of rental increases or service reductions uniformly applied for an entire multifamily dwelling project of four or more units; and

3. an increase in rent that is reasonably related to repairs or improvements actually made by the landlord after a complaint has been filed and which do not cause the total rent to exceed fair market value of the premises. However, no rental increase may be made until the structure is in full compliance with any notice or order issued under this Code.

CHAPTER 13 REGULATED LODGING ESTABLISHMENTS

SECTION 1301 INSPECTIONS

The code official shall make inspections to determine the condition of short-term rentals, boarding houses, hotels, rooming houses and bed and breakfast establishments located within the City, to ensure compliance with this chapter and other applicable laws. For the purpose of making inspections, the code official or the code official's representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. The owner or operator of a short-term rental, boarding house, hotel, rooming house, or bed and breakfast establishment, or the person in charge, shall give the code official free access to the building, dwelling unit, partial unit, guest room and its premises, at all reasonable times, for the purpose of inspection, examination, and survey.

SECTION 1302 LICENSES AND PERMITS REQUIRED

No person may operate a boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment unless a license for the operation, in the name of the owner or operator and for the specific dwelling unit, partial unit, accessory unit, building, structure, or property used, has been issued by the code official and is currently valid and in good standing. Unless specifically exempted by the provisions of Chapter 10-3 (Food and Food Handlers) of the City Code, each regulated lodging establishment that provides meals or food service is required to have a permit as a food service establishment issued by the Health Authority.

SECTION 1303 LEASING, RENTING, OR ADVERTISING UNITS OR ROOMS IN AN UNLICENSED HOTEL, BOARDING HOUSE, ROOMING HOUSE, SHORT-TERM RENTAL, OR BED AND BREAKFAST ESTABLISHMENT IS AN OFFENSE

- (A) An owner, manager, operator, or person in control of a hotel, boarding house, rooming house, short-term rental, or bed and breakfast establishment commits an offense if the owner or other person leases, rents, advertises, promotes, or otherwise solicits or induces occupancy of a room, structure, dwelling unit, or partial unit in a hotel, boarding house, rooming house, short-term rental, or bed and breakfast establishment which does not have a valid license issued and displayed as required by this chapter or as required by Title 25 of City Code (Land Development).
- (B) A person may not advertise or promote a licensed establishment without including the license number assigned to the establishment by the city in the advertisement or promotion.
- (C) Each day that an owner, manager, operator, or other person in control of the property leases, rents, advertises, promotes, or otherwise solicits or induces occupancy of a room in a hotel, boarding house, rooming house, short-term rental, or bed and breakfast establishment which does not have a valid license issued, disclosed, and displayed as required by this chapter is a separate occurrence. An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is proven. If proof of a culpable mental state is demonstrated, an offense under this section is punishable by a fine not to exceed \$2,000 per occurrence.
- (D) It is an affirmative defense to a violation of Section 1304 charging a person with

advertisement or promotion of an unlicensed establishment that the advertisement or promotion of the unlicensed establishment identified the establishment address and conspicuously disclosed that reservation, occupancy, or rental of the facility is contingent on a pending city licensure application.

SECTION 1304 APPLICATION

An application for a license required by this chapter at minimum must be in writing and submitted to the code official. To be considered complete, the application must include all information and documentation required by the Land Development Code regulations specific to the use type or indicated as required by the code official and this Code.

SECTION 1305 FEE

Each application for a rooming house, hotel, motel, boarding house, short-term rental, or bed and breakfast establishment license must be accompanied by the payment of a fee in an amount established by separate ordinance. Except for payment of the fee due for a short-term rental, a regulated lodging establishment fee shall be pro-rated on a quarterly basis.

SECTION 1306 ISSUANCE

A boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment license shall be issued by the code official after the code official determines that the owner or operator has complied with all applicable ordinances and rules. A license shall not be issued or renewed by the code official for any applicant or location in the absence of proof of the applicant or location's substantial compliance with all applicable local hotel occupancy tax rules and regulations.

SECTION 1307 LICENSE SUSPENSION

- (A) Except as provided in subsections (D) and (E), whenever the code official finds

on inspection of the physical premises or review of applicable records of any boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment that conditions or practices exist that violate any provision of the International Property Maintenance Code, City Code, or any rule or regulation adopted under this Code, or that the establishment has failed to comply with any provision, prohibition, or requirement related to the registration, reporting, collection, segregation, accounting, disclosure, or payment of local hotel occupancy taxes, the code official shall give written notice to the owner of the property and the operator of the boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment that unless the violations are corrected by an identified deadline, the license shall be suspended.

- (B) At the end of the time provided for correction of the violation(s), the code official shall re-inspect the location or records of the boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment and, if the conditions or practices have not been corrected, shall suspend the license and give written notice to the licensee that the license has been suspended.
- (C) On receipt of notice of suspension, the licensee shall immediately stop operation of the boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment, and no person may occupy for sleeping or living purposes any rooming unit therein, except that the code official may allow continued occupancy by the property owner of a short-term rental use subject to Section 25-2-788 (Short-Term Rental (Type 1) Regulations). The notice required by this subsection shall be served in accordance with the notice provisions of applicable law.

- (D) The code official may immediately suspend a license if the code official determines that the license was issued in error. A suspension is effective until the code official determines that the licensee has complied with the requirements of the City Code or any rule or regulation adopted under this Code. The code official shall give written notice to the owner of the property and the operator of the establishment that the license is suspended.
- (E) If a short-term rental is the subject of two or more substantiated violations of applicable law during the license period, the code official may suspend the short-term rental license. The code official must give notice to the licensee of a notice of intent to suspend a license issued under this subsection.
- (F) In determining whether to suspend a license as described in subsection (E), the code official shall consider the frequency of the substantiated violations, whether a violation was committed intentionally or knowingly, and any other information that demonstrates the degree to which a licensee has endangered public health, safety, or welfare.

SECTION 1308 APPEAL FROM LICENSE SUSPENSION OR DENIAL

The following actions of the code official may be appealed to the Building and Standards Commission as provided in this Code:

- 1. the denial of an application for a license to operate a boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment;
- 2. the suspension of a license to operate a boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment; and
- 3. the issuance of a notice that a license to operate a boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment will be suspended unless existing conditions or practices are corrected.

An appeal filed under this section must be filed with the code official no later than the 20th day following the date on which the license was denied or suspended, or notice of violation was received. The appeal must identify each alleged point of error, facts and evidence supporting the appeal, reasons why the action of the code official should be set aside, modified, or reversed, and must be sworn. The appeal must be set for hearing before the Commission on the next available agenda date following receipt of the appeal and must be heard following setting on the scheduled agenda if a quorum is present at the hearing, unless the appellant requests a later date and waives the scheduled hearing.

SECTION 1309 EXPIRATION

- (A) Each rooming house, boarding house, hotel, motel, or bed and breakfast establishment license expires at the end of the calendar year for which the license is issued, unless prior to the end of the calendar year, the license is voided, suspended, or revoked as provided in this chapter, as provided in another section of City Code, or by court order, or other operation of law.
- (B) Each short-term rental establishment license expires one year from the date the license is issued, unless prior to the end of one year from the date the license is issued, the license is voided, suspended, or revoked as provided in this chapter, as provided in another section of City Code, or by court order, or other operation of law.

SECTION 1310 TRANSFER AND NOTICE ON SALE OF PREMISES

A license issued under this chapter is not transferable. Every person holding a license shall give written notice to the code official no later than 10 days before the conveyance, transfer, or any other disposition of the ownership of, interest in, or control of any boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment. The notice must include the name and address of the person succeeding to the ownership or control of the boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment.

SECTION 1311 DISPLAY

The license required by this chapter must be displayed at all times in a conspicuous place designated by the code official within each boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment.

**CHAPTER 14 INTERFERENCE WITH
REPAIR OR DEMOLITION WORK
PROHIBITED**

SECTION 1401 GENERAL

No person shall obstruct, impede, or interfere with work performed by any of the following individuals for purposes of boarding, securing, repairing, vacating or demolishing a building, structure, or property under the provisions of this Code, or in performing a necessary act preliminary or incidental to work authorized under this Code:

1. an officer;
2. an employee;
3. a contractor;
4. an authorized representative of the City;
5. a person who owns or holds an estate or interest in a building, structure, or property; or
6. a person to whom such a building has been lawfully sold under this Code.

CHAPTER 15 PERFORMANCE OF WORK REQUIRED FOR COMPLIANCE WITH A COMMISSION ORDER

SECTION 1501 GENERAL PROCEDURE

1501.1 Demolition and remediation authorized.

In addition to any other remedy provided in this section, and on the failure of the owner to comply with any predicate or requirement of an order of the Building and Standards Commission, the code official may perform, procure, or contract for any work, services, materials, accommodations, or action required of the property owner by the Commission Order, including that the code official may perform or obtain engineering surveys or inspections, cost estimates, construction scheduling, asbestos testing, design services, plan preparation, permitting, fencing, stabilization, grading, filing, draining, the closure of a building, the vacation and relocation of occupants, the removal of personalty or disposal of debris, and the treatment or cleaning of the premises and the lot. The expense of closing, cleaning, abatement, remediation, relocation, or for any other work or preparation performed or obtained by the code official because of the property owner's failure to comply with a Commission Order, shall be paid and recovered as provided by this Code and other applicable law.

1501.2 Personalty on the premises.

Removal of personalty from a structure ordered vacated or demolished shall be accomplished by the property owner. Personalty remaining on the property at the time of demolition by the city or city officer, employee, contractor, or authorized representative is considered abandoned, and may be removed by the city in the same manner as other rubbish or debris.

1501.3 Costs.

The cost incurred by the city or city officer, employee, contractor, or authorized representative in repairing, remediating, vacating, relocating occupants from, closing or cleaning a structure, build-

ing, or property pursuant to action of the code official or Building and Standards Commission following an owner's failure to comply with a Commission Order shall be paid from demolition funds budgeted by the city council, unless otherwise provided for or directed by Commission Order or applicable law. The expense incurred by the City under this section for action necessary to secure compliance with a Commission Order because of an owner's failure to comply may be recorded as a lien against the real property on which the building or noncompliant condition is located, with interest on the unpaid balance to accrue at the maximum rate established by law.

SECTION 1502 GENERAL

Demolition, boarding, fencing, securing, vacation or relocation of occupants or other closure, repair, treatment, permitting, inspection, testing, analysis, engineering studies, assessment, or remediation of a building, structure, or property may be accomplished by an owner or by the code official, unless otherwise provided for or as directed by Commission Order or applicable law. The City may assess the property owner costs incurred for demolition, boarding, fencing, securing, vacation or relocation of occupants or other closure, repair, treatment, remediation, or similar action identified in this section. The expense incurred by the City under this section may be recorded as a lien against the real property on which the building, structure, or noncompliant condition is located, with interest on the unpaid balance to accrue at the maximum rate allowed by law, unless otherwise provided for by applicable law. Source: Ord. No. 20160223-A.1, Pts. 6, 7, 3-5-16.

APPENDIX A BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101 GENERAL**A101.1 General.**

All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102 MATERIALS**A102.1 Boarding sheet material.**

Boarding sheet material shall be minimum ½-inch (12.7 mm) thick wood structural panels complying with the International Building Code.

A102.2 Boarding framing material.

Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

A102.3 Boarding fasteners.

Boarding fasteners shall be minimum ⅜-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

A103 INSTALLATION**A103.1 Boarding installation.**

The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

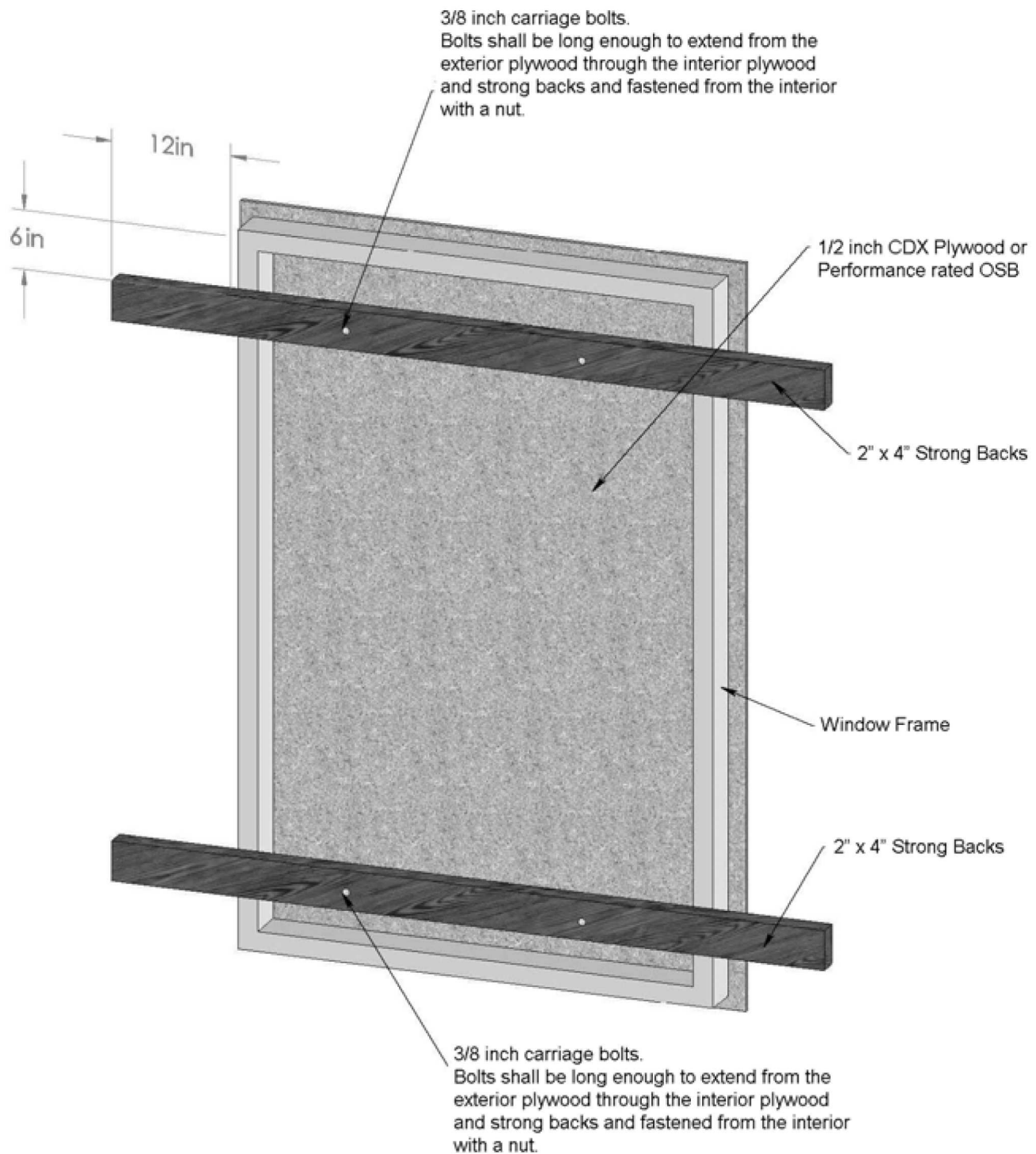


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW

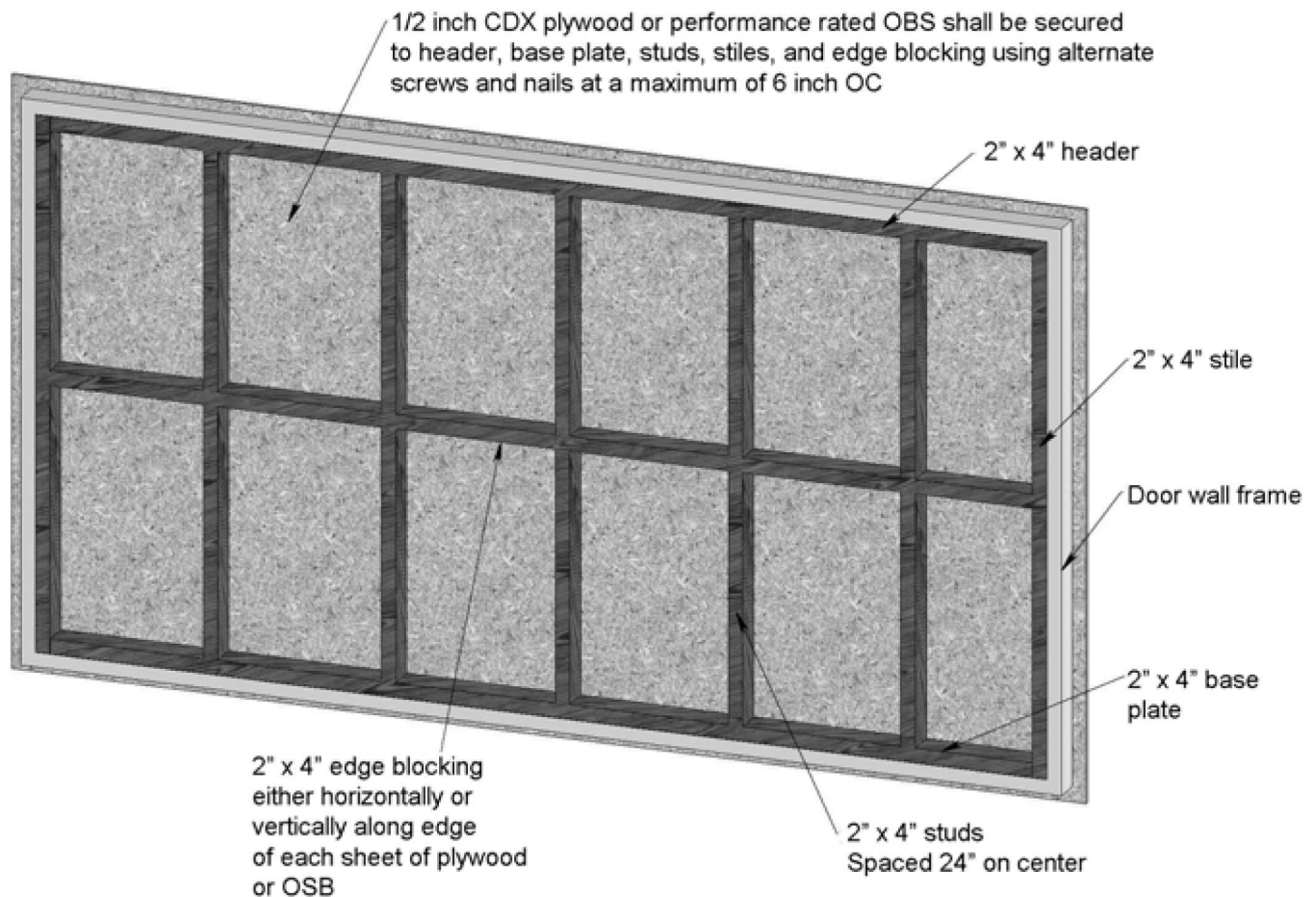


FIGURE A103.1(2)
BOARDING OF DOOR WALL

A103.2 Boarding sheet material.

The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows.

The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls.

The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center.

Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors.

Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

A104 REFERENCED STANDARDS

IBC—12	International Building Code	A102.1, A102.2, A102.3
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