

CHAPTER 112.  
Housing and Property Maintenance.

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Article I. BOCA Code.

Sec. 112.01. BOCA Basic Property Maintenance Code adopted--amendments.

The BOCA Basic Property Maintenance Code/1978 First Edition as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Housing-Property Maintenance Code of the city to supersede the BOCA Housing-Property Maintenance Code 1970 Second Edition (with 1971 supplement) as amended and adopted under Ordinance 5-72, and is hereby amended as follows:

Page 1, PM-100.1, amend to read as follows:

"PM-100.1 Title: These regulations shall be known as the Housing-Property Maintenance Code, hereinafter referred to as the property maintenance code or this code."

Page 2, PM-103.1, delete text and insert the following text:

"PM-103.1 Officer: Administration and enforcement of this code is assigned to the city engineer."

Page 2, PM-103.3, delete text and insert the following text:

"PM-103.3 Official Records: Records shall be kept of findings and enforcements under this code and shall be open to public inspection during office hours under reasonable regulations established by the code official to maintain the integrity and security of the records."

Pages 2 and 3, PM-104.1, delete text and insert the following text:

"PM-104.1 General: The code official shall enforce the provisions of this code within the scope of its place in the body of regulation, recognizing those areas of the

priority of State building codes and local zoning ordinances."

Page 3, delete PM-104.2, Notices and orders.

Page 3, delete PM-104-3.2, Access by owner or operator.

Pages 3 and 4, delete PM-104.6, Rule making authority.

Page 4, PM-105.1, General, insert "may" in place of "shall" in the third sentence, said sentence to read "Unsafe equipment may be placarded and placed out of service."

Page 4, PM-105.1(2), delete the reference to "boiler," "elevator," and "moving stairway," only.

Page 4, PM-105.1(4), insert "by law" in place of "under this code," to read as follows:

"4. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted by law, or was erected, altered or occupied contrary to law."

Pages 4 and 5, PM-105.2, closing of vacant structures. In the second sentence substitute "may" for the first occurrence of "shall." ". . . the code official may cause it to be closed . . .

Page 5, PM-106.2(4), substitute "specifying" for "allowing."

Section PM-106.3 is amended to read as follows:

"PM-106.3 Service: Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof, or by certified or registered mail addressed to the owner at the owner's last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and publishing such notice once in a local newspaper of general circulation."

Pages 6 and 7, delete Section PM-108.0, Emergency orders, and delete PM-108.1 and PM-108.2.

Page 7, delete the text of PM-109.1 and insert the following text:

"PM-109.1 Unlawful Acts: It shall be unlawful to use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of this code."

Page 7, delete the text of PM-109.2 and insert the following text:

"Fine: A violation of the BOCA Housing-Property Maintenance Code shall result in the following fines:

First offense:.....\$50

Subsequent offense:minimum of \$200 to maximum of \$500

Each day shall be considered a separate violation."

Pages 8 and 9, delete PM-110.1, PM-110.2, PM-110.2.1, PM-110.2.2, PM-110.2.3, and PM-110.3, and insert the following:

"PM-110.1 Appeal: Any interpretation, finding, decision, order, notice given or action taken in administrative enforcement of this code may be appealed to the Board of Housing-Property Maintenance Code Appeals of the city by any person directly affected thereby. Such appeal must be in the manner prescribed by, and under the conditions of, established rules of procedure of the Board."

Pages 9 and 10, delete Section PM-111.0, Demolition, and delete PM-111.1, PM-111.2, PM-111.3, PM-111.4, PM-111.5 and PM-111.6.

The BOCA Housing-Property Maintenance Code is amended by adding a new section numbered PM-111 to read as follows:

"PM-111.0 Public Nuisances

PM-111.1 Prohibited: The creation, maintenance or sufferance of any Public Nuisance by an occupant, operator or owner of any property is prohibited.

PM-111.2 Abatement: If the occupant, operator or owner of the property fails to abate the public nuisance within the time provided in any correction order, in addition to any action for a fine, the city may:

1. request an injunction, including a preliminary injunction, from any court of competent jurisdiction, requiring the occupant, operator or owner of the property to abate the public nuisance and prohibiting the recommencement of the public nuisance; or

2. a department to the city may abate the public nuisance and the city shall hold a lien on the real estate for the reasonable costs of abatement. The city shall bill the property owner for the costs of the abatement and if the same is not paid within 30 days, the city may institute an action to collect the same, together with costs of collection, including all attorney and other legal fees, or may certify the same to the county treasurer to be collected as part of the taxes on the property."

Page 11, delete PM-200.3. Terms Defined In Other Codes.

Page 11, delete the text of PM-200.4 and insert the following text:

"PM-200.4 Terms not defined: Terms not defined shall have ascribed to them their ordinary accepted meanings or such as the context may imply."

Pages 11-116, Section PM-201.0 Applied Meanings Of Words And Terms. The following amendments shall apply:

Page 12, delete the definition "Central heating."

Page 12, amend the definition of one-family dwelling to read: "One-family dwelling: A building containing one dwelling unit, only."

Page 12, amend the definition of two-family dwelling to read: "Two-family dwelling: A building containing two dwelling units, only."

Page 12, amend by deleting the definition of boarding house tourist house and inserting the following two definitions:

"Boarding house: A building, not available to transients, in which meals are regularly provided for compensation for at least three but not more than thirty persons."

"Tourist house: A building in which not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation."

Page 12, delete the definition of lodging house and insert the following definition: "Lodging house: A building, not available to transients, in which lodgings are regularly provided for at least three but not more than thirty persons."

Page 12, delete the definition of dwelling unit and insert the following definition: "Dwelling unit: The abode of a family. A single unit providing complete, independent facilities for the exclusive use of the family, including permanent provisions for living, sleeping, eating, cooking and sanitation."

Page 13, delete the definition of family and insert the following definition: "Family: One or more persons related by blood within the degree of first cousin or related by marriage or adoption and not more than two unrelated natural persons living as a single house-keeping unit."

Page 13, delete the definition of habitable space and insert the following definition: "Habitable space, shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty square feet of floor space, or communicating corridors, stairways, closets, storage spaces, and workshops, hobby or recreational areas."

Page 13, delete the definition of "let for occupancy or let."

Page 14. delete the definition of "maintenance."

Page 14, delete the definition of "owner."

Page 15, amend the definition "Rooming house" by changing the word and number "five (5)" to the word and number "two (2)." The subsection defining "Public nuisance" is amended by adding the following subsections:

"9. open excavations, uncovered or improperly covered holes, whether lined or unlined, and piles of dirt, sand, gravel or other building materials on any unfenced real property within the city, including open foundations, except while properly permitted construction is being diligently prosecuted, in which case the same shall be protected as required by the Building commissioner.

10. the operation or parking of motor vehicles on any portion of any lot except upon the drives and the approved parking area.

11. any trees, shrubs or fences within the vision triangle (a triangle with its points at the intersection of two streets and twenty-five (25) feet back each way from that corner along each right of way line) which interfere with vehicular or pedestrian safety by limiting the line of sight at the intersection within the vision triangle.

12. any spill, in a building or outside (in the air, on the ground or underground) or accumulation of any harmful substance or classified special waste, hazardous material or toxic waste (other than for normal household uses in a residential zone or as specifically licensed by proper regulatory agency in a commercial or industrial zone), including any petroleum or petroleum derivatives."

The subsection defining "Rubbish" is amended to read as follows:

"RUBBISH: Combustible and non-combustible waste materials, except garbage, and 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 and yard trimmings (other than in a compost heap), tin cans, metals, mineral matter, glass, crockery and other similar materials; and also it shall include any brick, stone, wood, sand, gravel or other building materials (not incorporated in a structure), vehicle parts, appliances or upholstered furniture (other than outdoor furniture)." Pages 17 - 18, delete PM-301.3 "Loading areas."

Page 18, delete the text of PM-301.5 and insert the following text:

"PM-301.5 On-site facilities: Walkways, steps, patios, driveways and parking areas shall be kept in a state of good repair and free from snow, ice, mud and debris."

Page 18, delete the catchline and text of PM-301.7, Storage areas. and insert the following catchline and text:

"PM-301.7 Lawns, shrubbery and trees: Lawns (areas containing turf grasses) shall be kept trimmed to a height of not more than the greater of ten (10) inches or below the height at which the generation of pollen and the forming of seeds occurs, and to deter undue harborage of mosquitoes, ticks, chiggers and other insects.

"Shrubbery shall be kept trimmed, and free from undergrowth of weeds, vines and saplings, and free from dead or dying branches, to deter undue harborage of mosquitoes, ticks, chiggers and other insects, and to prevent damage or injury through snagging of garments or laceration of the skin of persons because of projecting stems or branches, and to control the windblown scattering of debris from shrubbery, and to deter the spreading or reseeding of weeds, vines and brash saplings onto the properties of others.

"Trees shall be kept pruned and free from dead or dying limbs and branches hazardous to persons or property."

Section PM-301.10.1 is amended to read as follows:

"PM-301.10.1 Residential areas: No currently unregistered and/or inoperable motor vehicle shall be parked in public view on any property in a residential district for more than 24 hours. At no time may any motor vehicle be left in a state of major disassembly within public view for more than 24 hours."

Section PM-301.10.2 is amended to read as follows:

"PM-301.10.2 Non-residential areas: Except as provided in other regulations and approved by the code official, no currently unregistered and/or inoperable motor vehicle shall be parked in public view on any property in a residential district. At no time may any motor vehicle be in a state of major disassembly, disrepair or shall it be in the process of being stripped or dismantled or undergoing major overhaul, including body work."

Page 19, delete PM-301.1 1, "open fires."

Page 19, amend PM-302.3.3 Roofs, by adding the following sentence: "Gutters and downspouts, if any, shall be maintained in a state of good repair."

Page 21, amend PM-303.2 Structural members, by deleting only the second paragraph. The first paragraph shall remain in the code.

Page 21, amend PM-303.3 Interior surfaces, by inserting the words "peeling or loose wallpaper" into the second sentence so that it shall read, "Peeling paint, peeling or loose wallpaper, cracked or loose plaster, decayed wood, and other defective surfaces shall be eliminated."

Page 21, delete PM-303.3. 1. "Lead based paint."

Page 25, Section PM-404.1. Is amended to read as follows:

(A) For all dwellings constructed or reconstructed pursuant to an improvement location permit dated on or after January 3, 1989,

(i) Every dwelling occupied by persons living as one housekeeping unit, who are unrelated by blood or marriage, shall contain a minimum gross floor area of not less than the following:

(a) for efficiency units, not less than 220 square feet for occupancy by not more than one person;

(b) for all other units, not less than 250 square feet for the first person, 220 square feet for the second person, and 180 square feet for each additional person.

(ii) Every dwelling occupied by persons living as one housekeeping unit who are related by blood or marriage, shall contain a minimum gross floor area of not less than the following:

(a) for efficiency units, not less than 220 square feet for the first person and 120 square feet for an additional person, not to exceed a total of two persons.

(b) for all other units, not less than 220 square feet for the first person and 120 square feet for each additional person.

(B) For all other dwellings, every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms. Every dwelling unit housing three or more persons shall have a common living room containing a minimum gross floor area of not less than one hundred fifty (150) square feet inclusive of furniture but exclusive of closets and storage facilities. and no part of which is used for sleeping or cooking. All habitable rooms shall be not less than 7 feet in width."

Page 25, amend PM-404.2 to read as follows:

"PM-404.2 Area for sleeping purposes. The minimum floor area of any room occupied for sleeping purposes shall be seventy (70) square feet if occupied by one (1) person, one hundred (100) square feet if occupied by two (2) persons, and the minimum floor area shall be increased by fifty (50) square feet for each additional person occupying the room. The floor area shall be calculated on the basis of habitable area of the room, inclusive of furniture but exclusive of closets and storage features."

Page 25, amend PM-404.3 Overcrowding, by deleting from the end of the sentence the words "table PM-404.3, Minimum Occupancy Area Requirements" and inserting the words, "this code. "

Pages 25 and 26, amend PM-404.5 Minimum ceiling heights, by substituting the words and number "seven (7) feet" for the words and number "seven and one-third (7-1/3) feet."

Page 26, delete Table PM-404.3 and the footnotes thereto.

Page 26, amend the code by inserting the following Article and clauses after Article 4 and ahead of Article 5:

#### "ARTICLE A4. FOOD STORAGE, PRESERVATION AND PREPARATION REQUIREMENTS FOR DWELLING UNITS.

"PM-A 400.1 Scope: The provisions of this article shall govern the minimum food storage, preservation and preparation facilities required for dwelling units.

"PM-A 400.2 Space and facilities: Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with the following facilities continuously during occupancy:

1. A kitchen sink in good working condition (see also PM-501.1.3).

2. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safe-keeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction finished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.

3. A stove or oven in good working condition for cooking food, and a refrigerator in good working condition for the safe storage of food at temperatures less than 45 degrees but more than 32 degrees Fahrenheit under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided, that such stove or oven, and refrigerator, need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove or oven and refrigerator are provided."

Page 29, delete PM-503.5, "Water conservation."

Page 30, delete Section PM-506.0, "Storm drainage," and delete PM-506.1.

Page 33, delete Section PM-603.0, "Elevators, escalators and dumbwaiters," and delete PM-603.1.

The Housing-Property Maintenance Code is amended by adding to the present text the following addition after "Article 6: Mechanical and Electrical Requirements." The addition to be known as "Article 7: Fire Safety Requirements" with Sections and Clause as the 700 series.

#### "ARTICLE 7

#### "FIRE SAFETY REQUIREMENTS

#### "SECTION PM 700.0 GENERAL

"PM-700.1 Scope: The provisions of this article shall govern the minimum fire safety facilities and equipment to be provided. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

"PM-700.2 Responsibility: The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the fire prevention code.

#### "SECTION PM-701.0 MEANS OF EGRESS

"PM-701.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court, or passageway leading to a public open area at grade.

"PM-701.2 Direct Exit: Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

"PM-701.3. Locked Doors: All doors in the required means of egress shall be readily openable from the inner side without the use of keys.

"PM-701.4 Fire Escapes: All required fire escapes shall be maintained in working condition and structurally sound.

"PM-701.5 Exit Signs: All exit signs shall be maintained, illuminated and visible.

#### "SECTION PM-702.0 ACCUMULATIONS AND STORAGE

"PM-702.1 Accumulations: Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

"PM-702.2 Flammable Matter: Highly flammable matter such as paints, volatile oils, gasoline, and cleaning fluids or combustible refuse, such as waste paper, boxes and rags shall not be accumulated or stored in any room designed to separate heating equipment from habitable areas.

#### "SECTION PM-703.0 FIRE PROTECTION SYSTEMS

"PM-703.1 General: All fire protection systems and equipment shall be maintained in proper operating condition at all times by the owner of the property, who, upon written notification by certified mail from the tenant of a malfunctioning or damaged smoke detector, shall replace or restore the smoke detector unit to proper working condition within five (5) working days. A copy of the notice from the tenant to the owner shall be sent by certified mail to the City Engineer.

"PM-703.2 Fire Warning Systems: Every dwelling unit within a multi-family building, and every dwelling unit and every room used for sleeping purposes in a hotel, motel, boarding house, lodging house, rooming house, fraternity, sorority, or cooperative house shall be provided with a smoke detector approved by the Underwriters Laboratory. In addition, every common hallway providing access to dwelling units or sleeping rooms shall have at least one smoke detector per floor. In dwelling units, detectors shall be centrally located in the corridor that provides access to the rooms used for sleeping purposes. Where sleeping rooms are on an upper level, (i.e., a townhouse apartment) the detector shall be placed at the center of the ceiling directly above the stairway. In an efficiency dwelling unit, hotel, motel, fraternity, sorority or cooperative house sleeping room and in hotel suites, the detector shall be centrally located

on the ceiling of the main room. All wall-mounted detectors shall be located within 12 inches of the ceiling.

Care shall be exercised to insure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm capable of being heard in the dwelling unit or sleeping room.

"PM-703.3 Liability: Any person, firm, corporation, or other entity that manufactures, sells or distributes a smoke detector device or automatic smoke alarm system, whether in accordance with this section or otherwise, is strictly liable to the consumer of the smoke detector or automatic smoke alarm system or any successor, assign, occupant guest, tenant or a guest of a tenant of the consumer thereof or of the consumer's successors or assigns for damages arising out of loss of life or injury to persons or property caused by a defect in that smoke detector or smoke alarm system.

#### "SECTION PM-704.0 FIRE-RESISTANCE RATINGS

"PM-704.1 General: Floors, walls, ceilings, and other elements and components required to develop a fire-resistance rating shall be maintained so that the respective fire-resistance rating of the enclosure, separation, or construction is preserved."

"Pages 38 and 39, delete Section PM-902.0, "Extermination," and delete clauses PM-802.1 through PM-802.5 inclusive.

Pages 41 - 60, delete Appendix "A," Appendix "B" and Appendix "C." (Ord. No. 5-72; Ord. No. 20-78, Art. 1; Ord. No. 2-80 §§ 1, 2; Ord. No. 9-81 § A; Ord. No. 4-89, § 1; Ord. No. 27-89, § 1; Ord. No. 17-91. §§ 1-8.)

Sec. 112.02. BOCA Basic Property Maintenance Code--copies on file.

A copy of the BOCA Basic Property Maintenance Code/1978 First Edition, together with a copy of the amendment thereto, shall be kept on file at the office of the clerk-treasurer for public inspection. (Ord. No. 5-72; Ord. No. 20-78, Art. 2.)

Sec. 112.03. Same--board of appeals--established; purpose and function; composition.

There is hereby established a Board of Housing-Property Maintenance Code Appeals, with the purpose and function to hear and determine appeals arising out of the administrative interpretation and enforcement of the Housing-Property Maintenance Code of the city. The board shall be composed of one resident member from each of the councilmanic districts and one resident member from the city at-large, who do not hold any other elective or appointed city office. (Ord. No. 28-76 § 1.)

Sec. 112.04. Same--same--membership generally.

(a) Appointments. Members shall be appointed by the mayor with advice and consent of the common council.

(b) Terms. The term of each member shall be four years except that to provide continuity of the Board the initial organizational appointments shall be one term expiring with December 31, 1977; one term expiring with December 31, 1978; two terms expiring with December 31, 1979; and two terms expiring with December 31, 1980.

(c) Vacancies. Appointment to fill an unexpired term shall be for the remainder of such term.

(d) Compensation. Members shall serve without compensation. (Ord. No. 28-76, § 1.)

Sec. 112.05. Same--same--organization; determination of rules of procedure.

Annually at a meeting in January, the board shall elect from its membership a chair, a vice-chair and a secretary. The chair shall preside at meetings; the vice-chair shall preside in the absence of the chair; and the secretary shall be custodian of the records and shall preside in the absence of both the chair and the vice-chair. The engineering department shall furnish secretarial assistance.

The board shall determine its own rules of procedure and may from time to time determine amendments thereto. Such rules and amendments shall be deemed established when ratified by resolution of the common council. (Ord. No. 28-76, § 1.)

Sec. 112.06. Same--same--appeals procedures.

(a) Right to appeal; procedure generally. Any interpretation, finding, decision, order, notice given or action taken in the administrative enforcement of the Housing-Property Maintenance Code of the city may be appealed to the Board of Housing-Property Maintenance Code Appeals by any person directly affected thereby. Such appeal must be in the manner prescribed by and under the conditions of established rules or procedure of the board.

(b) Hearings; testimony. All hearing sessions shall be open to the public. The board shall be empowered to mandate the presence and testimony of city inspectors and enforcement officials involved in a case in appeal.

(c) Findings; final disposition; dismissal; refusal to hear. In its decision, the Board of Housing-Property Maintenance Code Appeals may find as to facts alleged in administrative enforcement, and as to whether facts warrant the administrative findings, and as to extenuating circumstances or impossibility of compliance. Final disposition of an appeal before the board shall be in the form of an order either reversing or modifying the decision, determination, finding or order appealed from and granting the appeal all or in part, or affirming the administrative enforcement and denying the appeal; however, the board may dismiss an appeal for want of prosecution or lack of jurisdiction, and it may,

for cause, refuse to hear an appeal. (Ord. No. 28-76, § 2.)

Sec. 112.07. Same--same--exceptions to jurisdiction.

The Board of Housing-Property Maintenance Code Appeals shall not take jurisdiction in zoning matters or in matters pertaining to the enforcement of the One- and Two-Family Housing Code. (Ord. No. 28-76, § 3; Ord. No. 4-77, § 1.)

Sec. 112.08. Same--same--orders subject to review.

An order of the Board of Housing-Property Maintenance Code Appeals shall be subject to review by certiorari. (Ord. No. 28-76, § 3.)

Sec. 112.08 through Sec. 112.32. (Ord. No. 17-01 § 2 Repeal)