

# 2004/2005 PROPOSED CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE/ZONING CODE

## PROPERTY MAINTENANCE/ZONING CODE COMMITTEE

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# TENTATIVE ORDER OF DISCUSSION

## 2004-2005 PROPOSED CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE/ZONING CODE

The following is the tentative order in which the proposed changes to the code will be discussed at the public hearings. Proposed changes which impact the same subject have been grouped to permit consideration in consecutive changes.

Proposed change numbers that are indented are those which are being heard out of numerical order. Indentation **does not** necessarily indicate that one change is related to another. Proposed changes may be grouped for purposes of discussion at the hearing at the discretion of the chair.

### **PROPERTY MAINTENANCE**

G3 -04/05, Part X

EB6-04/05, Part I

PM1-04/05

EB7-04/05, Part I

PM2/04/05

PM3-04/05

G181-04/05, Part II

PM4/04/05

PM5-04/05

PM6/04/05

PM7-04/05

PM8/04/05

PM9-04/05

PM10/04/05

PM11-04/05

PM12/04/05

PM13-04/05

### **ZONING**

Z1-04/05

Z2-04/05

Z3-04/05

## PM1-04/05

### 108.1.3

**Proponent:** Greg Wheeler, City of Thornton, Colorado

**Revise as follows:**

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official, health officer, police officer, fire fighter or other official having authority finds or determines 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.

**Reason:** Typically these locations are not found by the building department, but by other officials while performing other duties and it may be such a condition where the code official does not want to enter the premises and determines the structure unfit for human occupancy based on facts presented by other officials.

**Cost Impact:** None

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM2-04/05

### 111.2.4

**Proponent:** Greg Wheeler, City of Thornton, Colorado

**Revise as follows:**

**111.2.4 Secretary.** The ~~chief administrative officer~~ code official shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the ~~chief administrative officer~~ code official.

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

**Reason:** The chief administrative officer is not defined and is only used these three times in the entire code. The person appointing the secretary should be the code official, which is defined in Section 202, and the records maintained in his/her office.

**Cost Impact:** This code change will increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM3-04/05

### 302.8

**Proponent:** John Edwards, City of Elgin, IL, representing Illinois Association of Code Enforcement

**Revise as follows:**

**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, licensed vehicles shall display license plate on vehicle, 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.

**Reason:** Owners who do not have plates displayed on licensed vehicles cost taxpayers money when sending notices out, writing citations, and putting cases in for court. If all license plates were required to be on vehicles, code enforcement time and costs would be less, giving the Code Enforcement people time elsewhere.

**Cost Impact:** None

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM4-04/05

### 303.2

**Proponent:** Thomas P. Mahar, NY State Department of State

**Revise as follows:**

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be

maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover which complies with ASTM F1346 shall be exempt from the provisions of this section.

**Reason:** This is a coordination issue with the 2003 IRC, Section AG 105.5 and the 2003 IBC, Section 3109.4, which have provisions for barrier exceptions for spas and hot tubs with safety covers which complies with ASTM F 1346

ASTM F 1346-91 (1996) *Standard Performance Standard Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs*, contains a number of criteria so that the safety cover can provide an equivalent level of protection as that provided by a swimming pool enclosure barrier. Some of the requirements found in the standard include:

1. There should be a means of fastening the safety cover to the hot tub or spa, such as key locks, combination locks, special tools, or similar devices that will prohibit children from removing or operating the cover;
2. The safety cover should have been tested to demonstrate that it is capable of supporting the weight of one child (50 pounds) and one adult (225 pounds) so an adult and a child can be supported during a rescue operation;
3. There should be no openings in the cover itself or at any point where the surface of the hot tub or spa that would allow a child's head to pass through. and
4. The safety covers are to be installed in accordance with the manufacturer's instructions.

In New York State, the subcommittee for the Property Maintenance Code is reviewing the 2003 IPMC to use a the base model for updating our current state code. A proposed technical change to be presented to our State Fire Prevention and Building Code Council in September, 2004 will be to PMC Code Section 303.2 to allow the Exception to a pool enclosure barrier for spas and hot tubs with a safety cover. (Such an exception is currently allowed by the Residential and Building Codes of New York State.) For example, the PMC subcommittee considered several instances where it appeared that a stand-alone hot tub located in a back yard or built into a deck of a residence would not require a pool enclosure barrier (fence) around the entire yard, provided the hot tub had a safety cover installed which complied with ASTM F1346.

**Cost Impact:** None

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM5-04/05

### 304.14

**Proponent:** Greg Wheeler, City of Thornton, Colorado

**Revise as follows:**

**304.14 (Supp) Insect screens.** ~~During the period from {DATE} to {DATE}, every~~ Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas

where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

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

**Reason:** If mechanical ventilation is not provided, insect screens should be required all year round and not for a date specified.

**Cost Impact:** This code change will increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM6-04/05

### 304.18.1

**Proponent:** Rita Fulton, City of Ann Arbor, MI, representing Michigan Association of Housing Officials

**Revise as follows:**

**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 meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let which do not contain a clear glazed window, or a clear glazed panel side light immediately adjacent to the door, located as to furnish a clear vision of the passageway or approach to the door, shall be equipped with a peephole door viewer, located as to furnish a clear vision of the passageway or approach to the door. The door viewer shall be maintained in good working order.

**Reason:** Security is a very important aspect of living. It is imperative to know who is trying to gain entry into any type of dwelling unit. If the entry doors into a unit do not contain a window or have a clear side light that can be used for viewing, the tenant must depend on voice recognition or just take a chance in opening the door. Installing a peephole will allow the tenant to help assess whether the door should be opened. Adding this requirement will result in a minimal cost to provide a much needed level of security.

**Analysis:** A question would be whether or not to replace the terms "rooming unit and housekeeping unit" with the term "sleeping unit". Similar terms in other sections of this code have been revised in this fashion based on action taken on E70-00, as ratified by the Code Correlation Committee on October 19, 2004.

**Cost Impact:** This code change will increase the cost of construction.

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

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## PM7-04/05

### 304.18.1

**Proponent:** Rita Fulton, City of Ann Arbor, MI, representing Michigan Association of Housing Officials

**Revise as follows:**

**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 ~~meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key 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 lock throw of not less than 1-inch. Such deadbolt locks shall be installed according to 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. ~~Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.~~

**Reason:** It was noted at the last code hearing in Nashville that this section appeared to be confusing stating in one sentence that deadbolts could be key activated from the interior of the unit and another sentence stating the opposite. This proposal is meant to clear up any confusion.

**Staff analysis:** A question would be whether or not to replace the terms "rooming unit and housekeeping unit" with the term "sleeping unit". Similar terms in other sections of this code have been revised in this fashion based on action taken on E70-00, as ratified by the Code Correlation Committee on October 19, 2004.

**Cost Impact:** None

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

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## PM8-04/05

### 308.2, 308.3, 308.4, 308.5

**Proponent:** Donna Desenfants, Village of Hoffman Estates, IL, representing Illinois Association of Code Enforcement

**Revise as follows:**

**308.2 Owner.** The owner of any structure shall be responsible for extermination within the structure ~~prior to renting or leasing the structure.~~

~~**308.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.~~

~~**308.4 308.3 Multiple occupancy.** The owner occupants of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall cooperate with the owner or operator in extermination activities on the premises. ~~shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.~~~~

~~**308.5 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 extermination.~~

**Reason:** We are proposing that the owner of any property is responsible for the extermination any time an insect or rodent infestation is found to exist within or on the premises. To require an owner to exterminate only prior to renting or leasing the structure may:

- Fail to correct heavy infestations that may require more frequent treatment visits.
- Fail to correct infestations if extermination is provided only sporadically to units in multi-tenant buildings at the time the units are vacant. Infestations will not be kept in check and will not be completely eliminated.
- Create record keeping problems for both the code official and/or building owner/management responsible for tracking of the extermination visits to assure this code section is being followed.
- Require undo costs for extermination services if an infestation does not exist.

Current extermination procedure have found that providing pest control treatments in all units and common elements within a building at the same time proves to more effectively control/rid a multi-tenant building of an infestation problem.

It is the responsibility of the owner to keep the property in code compliance. The owner needs to adequately screen tenants, hold security deposits and monitor the activities in the property owned to assure the tenants are adhering to the proper sanitation standards. When a problem tenant is found the owner needs to take the proper steps to bring the unit into compliance by evicting the tenant and using the security deposit to cover cost that may be associated with clean up and pest control services.

Insect and rodent infestations also exist outside of a structure and need to be exterminated and the owner of a property is responsible for assuring the insect or rodent infestation is eliminated.

Sections 308.3 and 308.5 are redundant if the owner of the

structure is responsible for extermination within the structure or on the premises, as required in Section 308.2.

Most of Section 308.4 is redundant if the owner of any structure shall be responsible for extermination within the structure or on the premises. The proposed change would include on the premises, as infestations can be located on the outside of a structure. Additionally this section would now incorporate wording that would require occupants to cooperate with the extermination activities. Although most standard leases state that the owner has the right to enter into the premises to make repairs and provide services at reasonable hours and with proper notice given to tenants, by incorporating this line into the code section both the owner and code official have more leverage with tenants who refuse the extermination services.

**Cost Impact:** None

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM9-04/05 404.5

**Proponent:** Adam Garcia, City of Elgin, IL, representing Illinois Association of Code Enforcement

**Delete and substitute as follows:**

**404.5 (Supp) Overcrowding.** ~~The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the building official, endanger the life, health, safety, or welfare of the occupants. 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.~~

**Reason:** The current code section is completely subjective and unenforceable because it contains no actual square footage requirement but instead relies on the opinion of the building official. No court or the Federal Government's Department of Housing and Urban Development would uphold this code section. My proposed change is based on the the square footage requirements contained in the Housing Maintenance and Occupancy Ordinance of 1967 written by the American Public Health Association and the U.S. Public Health Service and also used in the BOCA Basic Property Maintenance Code.

**Cost Impact:** None

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM10-04/05 602.3

**Proponent:** Rita Fulton, City of Ann Arbor, MI, representing

Michigan Association of Housing Officials

**Revise as follows:**

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, or sleeping unit on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat ~~during the period from (DATE) to (DATE)~~ to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30° F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**Reason:** Since weather forecasting is not an exact science, no one can predict exactly (or even closely) when cold weather will leave each region. Removing the dates from this section will allow for the flexibility needed to deal with fluctuating weather conditions.

**Analysis:** The terms "rooming unit, dormitory and guestroom were replaced with the term "sleeping unit", consistent with action taken on E70-00, as ratified by the Code Correlation Committee on October 19, 2004.

**Cost Impact:** None

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM11-04/05 604.2

**Proponent:** Michael Millikan, City of Elgin, IL, representing Illinois Association of Code Enforcement

**Revise as follows:**

**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 the ICC *Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. Each dwelling unit shall have a complete electrical service independent of other dwelling

units.

**Reason:** Many older buildings that have been converted to multi-family uses only have one electrical service that is shared by all dwelling units. The code requires a minimum of 60 amp service to each dwelling unit but it is very difficult to determine if this code requirement is being met when several dwelling units are sharing the same service. In these situations, it is not uncommon to find electrical problems such as frequently blown fuses and the improper use of extension cords. By requiring each dwelling unit to have an independent electrical service that meets current code requirements, it is clear whether or not the service requirement of the IPMC is being met. This additions will not have an impact on buildings that already have separate electrical services for each dwelling unit but will only effect those multi-family buildings that have dwelling units sharing electrical services.

**Analysis:** Requiring a separate electrical service for each dwelling unit appears to conflict with the requirements of the NEC, NFPA 70, where with few exceptions, buildings and structures are required to be served by only one electrical service. It appears that the intent of the proponent may be to require separate meters and/or distribution panels for each dwelling unit instead of separate services.

**Cost Impact:** None

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM12-04/05 606.1

**Proponent:** Ed Donoghue, Edward A. Donoghue Associates, Inc., Salem, NY

**Revise as follows:**

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1 to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N except where otherwise specified by the authority having jurisdiction.

**Reason:** ASME A17.1 specifies the requirements to safely maintain the equipment. Periodic inspection and testing is a safety issue. The times listing in ASME A17.1 are dependent on the type of elevator.

**Cost Impact:** This code change will increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM13-04/05 606.2

**Proponent:** Ed Donoghue, Edward A. Donoghue Associates, Inc., Salem, NY

**Revise as follows:**

**606.2 Elevators.** In buildings equipped with passenger elevators, ~~at least one~~ service to each occupied floor shall be maintained in operation at all times when the building is occupied.

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

**Reason:** The purpose of the additional language is to assure that all occupied floors have elevator service. This may not be the case when different elevators in a building serve different areas.

**Cost Impact:** This code change will increase the cost of construction

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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