



# City Council Committee Meeting Notice

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CITY COUNCIL  
City Hall, 215 SE 7th Street, Suite 255  
Topeka, KS 66603-3914  
Tel: (785) 368-3710  
[www.topeka.org](http://www.topeka.org)

**Committee:** Public Health & Safety

**Meeting Date:** September 17, 2025

**Time:** 9:30am – 11:00am

**Location:** 1st Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison  
(virtual attendance option also available)

**Agenda:**

1. Call to order
2. Minutes – July 16, 2025
3. Social Determinants of Health Presentation – How the Social Determinants of Health are directly impacted by code compliance or the lack thereof.
4. Changing Our Culture of Property Maintenance (CoCPM)
  - a. Marketing and Education - Updates
  - b. Upcoming Renter Education
  - c. Coffee with Code
5. Action
  - a. Illegally Parked Vehicles – Presentation, possible action
6. Discussion
  - a. 2024 IPMC – Proposed Standards Sections – Discussion of Standards. Input regarding Procedures. Consideration of Next Steps for Public Input.

In-person and virtual attendance options are available. Members of the public are asked to contact the City Council office at 785-368-3710 or email [councilassist@topeka.org](mailto:councilassist@topeka.org) before 5:00pm on day prior of meeting to receive the log-in information. The meeting will be live streamed on the City of Topeka Facebook and City4 Communications platforms.

7. Next Meeting: October 15, 2025, 9:30am-11:00am at the 1st Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison

8. Adjourn

**STAFF REQUESTED:** Property Maintenance Director John Schardine, Changing our Culture Program Administrator Nicole Stovall, Director of the Office of Inclusive Communities Monique Glaude, Fire Marshal Alan Stahl, Communications Dan Garrett, Senior Attorney Mathew Mullen, City Manager Dr. Robert Perez, Assistant City Manager Avery Moore, Commander Colleen Stuart, Assistant Chief Jana Kizzar, Chief of Police Chris Vallejos, Chief of Staff Jamey Haltom

**COMMITTEE MEMBERS:** Karen Hiller (Chair) - District 1  
Christina Valdivia-Alcalá - District 2  
David Banks - District 4  
Brett Kell - District 5

**Contact:** Tara Jefferies or Tonya Bailey, City Council Assistants 785-368-3710

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# CITY OF TOPEKA

## CITY COUNCIL COMMITTEE MEETING MINUTES

### PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
Topeka, KS 66603-3914  
Tel: 785-368-3710  
[www.topeka.org](http://www.topeka.org)

**Date:** July 16, 2025

**Time:** 9:30am

**Location:** 1st Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison  
(*virtual attendance option also available*)

**Committee members present:** Councilmembers Karen Hiller (Chair), Christina Valdivia-Alcalá, and David Banks. Absent Brett Kell

**City staff present:** City Attorney Amanda Stanley, Director of Communications Dan Garrett, Fire Marshal Alan Stahl, Changing our Culture Program Administrator Nicole Stovall, Property Maintenance Director John Schardine, Director of the Office of Inclusive Communities Monique Glaude, Planning and Development Management Analyst Quinn Cole, Assistant City Manager Avery Moore, Director of Planning and Development Rhiannon Friedman, Commander Jennifer Cross

#### **Call to Order**

Committee chair Hiller called the meeting to order at 9:30am. She introduced staff and committee members.

#### **Approval of May 25, 2025 Meeting Minutes**

Committee member Valdivia-Alcalá made a motion to approve the minutes. Committee member Banks seconded. Approved 3-0-0.

Committee chair Hiller shared that Changing Our Culture of Property Maintenance (CoCPM) is transitioning into the fourth year out of five. We're both resetting and reviewing the original goals, updating our Property Maintenance Code, as well as the fines and fee structure.

Committee member Valdivia-Alcalá spoke to there being a need in the future to allow more time for the Social Determinants of Health presentations for our own education as well as staffs education.

## **Social Determinants of Health**

Director of LiveWell Shawnee County Sarah Karns-Vincent spoke to Livewell Shawnee County being rebranded a year ago from Heartland Healthy Neighborhoods. The greatest needs are determined in the Health Assessment process; then the goals and objectives are written into the Health Improvement Plan. She shared there are seven Impact Teams who work to improve the health and well-being of Topeka and Shawnee County, more information can be found at [Livewellsnco.org](http://Livewellsnco.org)

- **Active Environment:** Works to improve parks, sidewalks, trails, and other shared spaces so people can enjoy the outdoors and live healthier, more active lives no matter age, background, or ability.
- **Healthy Babies:** Works to lower infant death rates and support healthy development in babies and young children. Zip Code 66604 has the highest infant mortality rate in the County. They provide a lot of education and resources for new parents. Currently they're getting ready for a Community Baby Shower, more information will be shared on Facebook later.
- **Healthy Food Access:** Works to help with nutritional education and access to healthy food. There is a lot of need for access to healthy food, it's a high barrier in Shawnee County that's being watched closely.
- **Mental Health:** Focuses on improving mental health resources, and support individuals at every age and stage of life. It is the highest health need in Shawnee County. Currently working on providing a mental health resource guide modeled after Riley County.
- **Sexual Health:** Provides education, support, and advocacy to help people in Shawnee County make informed decisions about their sexual and reproductive health. Looking at barriers related to sexual health education, as well as testing in the community.
- **Substance Misuse:** Addresses substance abuse and issues that come up in the community, as well as individuals around the use of substance. This trickles into every other area previously mentioned.
- **Tobacco/Aerosol Prevention:** Is working on providing better resources to parents of teenagers, as well as prevention and how to address the issue in the community.

Committee member Valdivia-Alcalá inquired on Healthy Babies how long the Baby Shower initiative has been going on, as well as how long 66604 has had the infant mortality rate. LiveWell Shawnee County Healthy Babies Chair Danielle Twemlow reported the Baby Shower initiative is going on for ten years, and that 66604 has been since 2017-2018 and in the last two years was worse in the state.

Committee member Valdivia-Alcalá inquired if they focus on Food Deserts. And if so would like to see something official on where the Food Deserts are located at in town. Director of LiveWell Shawnee County Sarah Karns-Vincent shared yes that their current Health Improvement Plan does address Food Deserts.

Committee member Valdivia-Alcalá inquired on Sexual Health what barriers their running into. Director of LiveWell Shawnee County Sarah Karns-Vincent shared there's controversy on what education to provide, or to provide it at all. High school age range is the greatest need but target young adults to mid adulthood.

Committee member Valdivia-Alcalá spoke to hoping for City partnership with the possibility of a subcommittee. With all the work that has been done, would like a summit where we can spend time and use examples on how other cities have utilized the information in a proactive way.

Director of LiveWell Shawnee County Sarah Karns-Vincent spoke to there being an annual action summit every December. It is one of two times where the entire coalition gets together in one room. She will send invites, thinks it December 12, 2025 this year.

Committee member Banks inquired as to how does the impact team decide their goals and actions that they may take. Director of LiveWell Shawnee County Sarah Karns-Vincent spoke to it being a very lengthy process. From the results of last year's surveys, they were able to determine what the community said their highest needs are regarding health.

### **Changing Our Culture of Property Maintenance (CoCPM)**

#### **1. Outcomes:**

Changing our Culture Program Administrator Nicole Stovall spoke to the four challenges for 2022-2026.

- Reduce current substandard structures by 50% in five years. This is by establishing a system within existing laws to do complete interior inspections on all structures that appear to need it and/or upon request. Establish a single visit complete inspection system that provides for one inspection and one write-up procedure for all violations. Allow extensions to parties who are working on compliance. Set up a system for referring property owners to paid or volunteer laborers. Initiate courtesy inspections. Establish processes and consequences such that citizens will want to take care of issues so that Code does not request access. Establish communitywide or neighborhood wide campaigns if needed.

Committee member Valdivia-Alcalá inquired on a home that's abandoned, condemned, has had the boards removed by homeless and police get called. Is there going to be more information and notes on property regarding what has all taken place. Changing our Culture Program Administrator Nicole Stovall shared that it is set up in the Tyler system for that to be allowed, other departments with permission would be able to view.

Property Maintenance Director John Schardine shared "Coffee with Code" for the public to be able to meet and share questions or concerns in a safe environment. Possibly meeting at community centers or library for about sixty to ninety minutes, three times per year. To include Fire, Zoning, and Community Navigator.

- Reduce Deterioration in Vacant Structures. This is by staff establishing procedures to advise owners of long-term vacant or soon-to-be vacant structures about "Mothballing" standards. Encourage owners to implement and refer them to resources for advice and assistance. The process would be implemented through Vacant Registry through communications. Establish strategy with the Topeka Police Department to optimize vacant structure security.
- Reduce the expense/revenue gap on abatement cases by 50%. To establish a system and culture whereby it is clear the City of Topeka expects owners to take full responsibility for their properties. Include implementing current capacity to increase fines for extended or repeat violations.

Committee chair Hiller shared that what they've been doing is tied to just properties that has abatements, so when talking about interior violations that weren't getting hit at all, that's the part of the emerging work staff is doing to figure out the fines and fees structure, they've been stuck on the criminal side with the best intent, but you have to actually go to court and have a conviction before you would log the violation permanently.

- Improve the appearance of the community through management of uncultivated and overgrown vegetation such that the average resident or visitor would score Topeka's property appearance at least a 7 on a scale of 10. The Police Department would rate 80% or more of properties as in compliance with CPTED (Crime Prevention through Environmental Design) principles within 5 years. At the same time, tree and shrub abatements by City

Departments would be reduced by at least 50%. Initiative will require a minor amendment of the new legal interpretation of the Code about vegetation that is over 12" that has turned into shrubs, trees or vines as well as synch-up with non-IPMC section of the TMC that addresses the same issue. Will likely require a community education campaign in conjunction with a volunteer assistance campaign. An optimal partnership with all departments who deal with exterior maintenance issues (Police, Engineering, Zoning, Forestry, KDOT) as well as combined ticketing, billing, and collections system would seem to be in order.

Committee member Banks inquired about what can be done about the Nursing Home on 21<sup>st</sup> Street that has had numerous complaints, not mowed and had multiple break-ins. Property Maintenance Director John Schardine shared the owners live out of state, we're always making contact, informing them of the conditions. At first, they would send someone out to mow or board it up, now we do not hear back from them probably due to the money they owe us. We will stay on top of this, until hopefully they sell.

Committee member Valdivia-Alcalá inquired if a violator comes up for permits is it still the discretion of the department whether to allow or not, or can we create a system to where it's not allowed until their where they need to be with maintenance, violations and paying fines. Director of Planning and Development Rhiannon Friedman shared that it is set out in code that up to a certain amount the City Manager can waive, but once it's over, or we do waive it, we must give notice to the Governing Body.

Committee member Valdivia-Alcalá inquired about concerns with our collection agency and looking for alternatives. Committee chair Hiller shared when we established this initiative we weren't collecting the money, just doing the work involved, that has remained a challenge. Yet what's happened because it's being handled through criminal complaints instead of administrative complaints, you must go to court and convict to have the offender status. City Attorney Amanda Stanley clarified our code allows administrative and criminal. The problem is collecting, a lot of the LLCs do not have assets, or they're individuals that are simply impoverished and can't pay their bills. State law allows you to keep it as lean while you collect.

## **2. Marketing and Education**

Director of Communications Dan Garrett shared their back on track with social media posts every other week for CoCPM, last week was a See Click Fix App reminder. We are also going to have some earned media with one of the local news outlets.

5 | Public Health & Safety Committee

Minutes Taken: 7/16/2025

Minutes Approved:

Minutes Submitted By: TRJ

They interviewed the Property Maintenance Director John Schardine about code compliance and some of our buildings that should be coming out next week. Also, regarding the Yard of the Month we have selected our first winner, an email will be sent out tomorrow.

Director of the Office of Inclusive Communities Monique Glaude' shared the Community cleanup is scheduled for the second week of October. It's being led by city employees, with an invitation for the community to join, more information to come. The Community Navigator position has been filled, and they start Monday August 4<sup>th</sup>. The position was created to connect neighbors with local resources and opportunities, which include housing, food, healthcare, employment, navigating local programs, as well as assistance with completing applications. They will work closely with Property Maintenance, Municipal Court, Division of Housing, and all the community partners as well.

Committee chair Hiller inquired about how many submissions Yard of the Month received and what area of town. Director of Communications Dan Garrett shared there were thirty-one submissions, they were from all over town, with some being self-nominations and some were others that were nominating another yard.

### **3. Life-Threatening Violations**

Property Maintenance Director John Schardine shared that certain violations require greater attention, instead of sixty days for housing violations there are certain violations that are considered life and safety. It's been narrowed down to nine; Structural Integrity, Fire Safety, Electrical Hazard, Gas and HVAC Systems, Plumbing and Sanitation, Egress and Accessibility, Hazardous Materials, Pest Infestations, and Unsafe Occupancy. We're going to cite and call and contact the owner. These are usually interior, which is self-reporting typically an occupant of a rental or an apartment that are not getting any response from the Property Maintenance of the rental property. Once notified an inspector is sent out, if issue is identified we call the owner and let them know there is a serious issue and give them one-two weeks to show they have hired a contractor, or fixed the issue, if not we're going straight to court and prosecuting due to being a Life and Safety issue.

Committee chair Hiller inquired about what happens if you have a residential property that is occupied by a family, and it's been determined to be unsafe. Property Maintenance Director John Schardine shared he reaches out to Division Director of Housing Services Carrie Higgins and lets her know the situation and she works with her contacts. There has never been a case yet that she hasn't helped.

### **4. Vacant Properties**



Planning and Development Management Analyst Quinn Cole spoke to the Land Bank being adopted in 2023. Its purpose is to serve the public in providing for the orderly, planned, and reutilization of abandoned, tax-foreclosed, or otherwise underutilized residential properties. Its fully funded operating budget for a three-year pilot period is \$500,000. It works by the Land Bank acquiring the land, acquired parcels are forgiven for any outstanding property taxes or code violations, the Land Bank funds/performs maintenance or demolition as necessary, then the Land Bank sells properties to responsible owners. The Land Bank is governed by a five-member board of trustees appointed by the mayor, including one City Council member, one city staff member, one resident representing NIA, and two residents at-large. All land transactions are reviewed and approved by the board of trustees. The public launch was in 2024, and the current inventory is nine vacant lots. Three of the nine lots are within Laurens Bay, then the other six are scattered throughout the city, many of which are Neighborhood Revitalization Plan (NRP) eligible areas. There is an interactive map online as well to see inventory. She shared that we had our first parcel transfer in the Central Park Neighborhood. It was sold to Capital Reality LLC for five hundred dollars, with the plan to build a three-bedroom, one-bath single family home with a selling price of \$110,000-\$125,000. She also shared the Short-Term Goals (End of year 2025) is to acquire and turn over at least one property with an existing structure, learn more from Shawnee County about tax sale process, and refresh and new marketing efforts. You can get involved with Land Bank by buying land, donating land, participating in public meetings, or by sharing with interested parties.

Committee member Valdivia-Alcalá spoke to the three Laurens Bay parcels that no matter how if the properties are sold and money goes to the Land Bank it feels like laundering of some sort, and she does not agree.

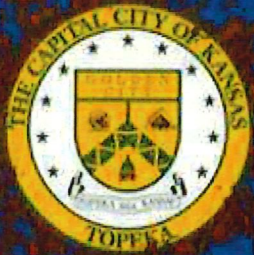
Changing our Culture Program Administrator Nicole Stovall shared that she and Property Maintenance Director John Schardine work with Planning and Development Management Analyst Quinn Cole to provide her with properties that have a lot of violations and are continuously having issues to see if property owners are aware of the Land Bank.

**Next Meeting:** Committee Chair Hiller requested to meet August 20, 2025 at 9:30 a.m. 1st Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison.

**Adjourn:** Committee Chair Hiller adjourned the meeting at 10:53 a.m.

The video of this meeting can be viewed at: <https://youtu.be/Spx1-e3lZHk>





PROPERTY MAINTENANCE  
DEPARTMENT

**COFFEE  
WITH  
CODE**



*Changing Our Culture of*  
Property Maintenance

**JOIN US FOR**

**FREE COFFEE, AND A CHANCE TO CHAT WITH  
PROPERTY MAINTENANCE TO ANSWER YOUR QUESTIONS**

**SATURDAY, SEPTEMBER 20  
@ OAKLAND COMMUNITY CENTER**

**SATURDAY, OCTOBER 25  
@ HILLCREST COMMUNITY CENTER**

**SATURDAY, NOVEMBER 15  
@ CRESTVIEW COMMUNITY CENTER**

**10:00AM TO 12:00PM**

**QUESTIONS? CONTACT US  
785-368-3161**

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, concerning citations for abandoned vehicles, amending § 2.40.130, § 2.40.210 and § 10.25.010 of the Topeka Municipal Code and repealing original sections.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 2.40.130, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Definitions.**

As used in this article:

(a) "Accused person" means a person, corporation or other legal entity accused by a complaint of the violation of a City ordinance.

(b) "Agent" means any director, officer, partner, member, employee or other person who is authorized to act on behalf of a legal entity.

(c) "Appearance bond" means an undertaking, with or without security, entered into by a person in custody by which the person is bound to comply with the conditions of the undertaking.

(d) "Arraignment" means the formal act of calling the person accused of violating an ordinance before the Municipal Court to inform the person of the offense with which the person is charged, to ask the person whether the person is guilty or not guilty and, if guilty, to impose sentence.

(e) "Arrest" means the taking of a person into custody in order that the person will appear to answer for the violation of an ordinance. The giving of a notice to appear is not an arrest.

29 (f) "Bail" is the security given for the purpose of insuring compliance with the  
30 terms of an appearance bond.

31 (g) "City Attorney" means any attorney who represents the City in the  
32 prosecution of an accused person for the violation of a City ordinance.

33 (h) "Complaint" means a sworn written statement, or a written statement by a  
34 law enforcement officer, the City Attorney or an Assistant City Attorney, an animal  
35 control officer, a parking control officer as specifically authorized by TMC 10.60.350, a  
36 property maintenance inspector as specifically authorized by TMC 10.25.010 and  
37 10.60.120 or a Fire Department employee with authority to enforce the fire code that  
38 recites the essential facts constituting a violation of an ordinance.

39 (i) "Custody" means the restraint of a person pursuant to an arrest.

40 (j) "Detention" means the temporary restraint of a person by a law enforcement  
41 officer.

42 (k) "Law enforcement officer" means any person who by virtue of office or public  
43 employment is vested by law with a duty to maintain public order and to make arrests  
44 for violation of the laws of the State of Kansas or ordinances of any municipality thereof.  
45 For the purposes of signing and serving a uniform complaint and notice to appear or a  
46 subpoena, the term shall also mean the City Attorney or an Assistant City Attorney, an  
47 animal control officer, a parking control officer as specifically authorized by  
48 TMC 10.60.350, a property maintenance inspector as specifically authorized by  
49 TMC 10.25.010 and 10.60.120 or a Fire Department employee with authority to enforce  
50 the fire code.

51 (l) "Legal entity" means a business trust, corporation, limited partnership, limited



liability partnership, limited liability company and a foreign covered entity, as defined in K.S.A. 17-7902 and amendments thereto.

(m) "Notice to appear" is a written notice to a person accused by a complaint of having violated an ordinance of a City to appear at a stated time and place to answer to the charge of the complaint.

(n) "Ordinance cigarette or tobacco infraction" is a violation of an ordinance that proscribes the same behavior as proscribed by subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto.

(o) "Ordinance traffic infraction" is a violation of an ordinance that proscribes or requires the same behavior as that proscribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118 (1998 Supp.) and amendments thereto.

(p) "Resident agent" is the representative of a legal entity appointed pursuant to K.S.A. 17-7901 et seq. and amendments thereto.

(q) "Show cause order" is a process issued by the court to require a resident agent or other representative of a legal entity to appear and give testimony regarding whether the court should proceed to trial and judgment without further process.

(r) "Subpoena" is a process issued by the court to cause a witness to appear and give testimony at a time and place therein specified.

(s) "Warrant" is a written order made by a Municipal Judge directed to any law enforcement officer commanding the officer to arrest the person named or described in it.

Section 2. That section 2.40.210, Notice to appear – Service – Return, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

75                   **Notice to appear – Service – Return.**

76                   (a) The notice to appear shall be served upon the accused person by delivering  
77 a copy to him or her personally, or by leaving it at the dwelling house of the accused  
78 person or usual place of abode with some person of suitable age and discretion then  
79 residing therein, or by mailing it to the last known address of said person.

80                   (b) If the accused person is a legal entity, the notice to appear shall be served by  
81 mailing it to the address of the legal entity identified in the records maintained by the  
82 Kansas Secretary of State and serving the notice to appear as follows:

83                               (1) Serving a copy on an officer, manager, partner or agent;

84                               (2) Leaving a copy at any of the business offices with the person having  
85 charge; or

86                               (3) Serving a copy on any resident agent by mailing the notice to the  
87 address of the resident agent identified in the records maintained by the Kansas  
88 Secretary of State.

89                   (c) A notice to appear may be served by any law enforcement officer, the  
90 Municipal Judge, the clerk of the Municipal Court, the City Attorney, an Assistant City  
91 Attorney, an animal control officer, a parking control officer as specifically authorized by  
92 TMC 10.60.350, a property maintenance inspector as specifically authorized by  
93 TMC 10.25.010 and 10.60.120 or a Fire Department employee with authority to enforce  
94 the fire code, and, if mailed, shall be mailed by a law enforcement officer, the Municipal  
95 Judge, the clerk of the Municipal Court, the City Attorney, any animal control officer, a  
96 parking control officer as specifically authorized by TMC 10.60.350, a property  
97 maintenance inspector as specifically authorized by TMC 10.25.010 and 10.60.120 or a

98 Fire Department employee with authority to enforce the fire code.

99 (d) Upon service by mail, the person serving the notice to appear shall execute a  
100 verification to be filed with a copy of the notice to appear. Said verification shall be  
101 deemed sufficient if in substantially the following form:

102 The undersigned hereby certifies that on the \_\_\_\_\_ day of

103 \_\_\_\_\_, \_\_\_\_\_, a copy of notice to appear was mailed to

104 \_\_\_\_\_ at \_\_\_\_\_

105 /s/ \_\_\_\_\_

106 Signature of Person Serving Notice to Appear

107 Section 3. That section 10.25.010, Prohibitions, of The Code of the City of  
108 Topeka, Kansas, is hereby amended to read as follows:

109 **Prohibitions.**

110 (a) No person shall abandon any vehicle on any street or highway or on any  
111 other public property within the City and no person shall leave any vehicle at or on any  
112 such place within the City for such times and under such circumstances as to cause  
113 such vehicles reasonably to appear to have been abandoned.

114 (b) No person shall abandon in any manner any vehicle, as defined in  
115 subsection (d) of this section, on any private property within the City which the person is  
116 not lawfully entitled to so use; and no person shall leave any vehicle at or on any such  
117 place within the City for such times and under such circumstances as to cause such  
118 vehicles reasonably to appear to have been abandoned.

119 (c) No person shall leave any partially dismantled, nonoperating, wrecked or  
120 junked vehicle on any street or highway or other public property within the City.

(d) An “abandoned vehicle” is a vehicle which:

(1) Remains on the streets or other public property for more than 48 hours;

(2) Has been impounded by the Police Department under authority of any vehicle traffic ordinance and which remains unclaimed after 48 hours;

(3) Remains on private property for more than 48 hours following notification to remove the vehicle to the owner or person in charge of such vehicle by the owner or person in possession of the private property;

(4) Remains on private property for more than 48 hours following the posting of a notice in a conspicuous place therein or thereon ordering immediate removal of the vehicle by the owner or person entitled to possession of the private property, regardless of whether the vehicle was lawfully placed on the private property initially;

(5) Is parked or placed in the driveway or other regular place of ingress or egress of a particular private property, regardless of the length of time the vehicle is so situated;

(6) Is placed or parked on any private lot or parcel of ground which is posted or designated as a lot or parcel of ground for public automobile parking for hire, or as reserved space for the parking of automobiles of persons who have special permission for such use, and the vehicle is so parked or placed without payment of the required fee therefor or otherwise placed or parked in violation of or contrary to the posting or designation described in this section, regardless of the length of time the vehicle is so situated;



(7) Is found stopped, standing, or parked in a tow away zone, regardless of the length of time the vehicle is so situated; or

(8) Is found stopped, standing, or parked in a tow away zone or fire lane on private property, regardless of the length of time the vehicle is so situated.

(9) In addition to law enforcement officers, property maintenance inspectors shall also have the authority to issue a uniform complaint and notice to appear for violations of (a) through (d) of this section, as provided in TMC 2.40.130 and 2.40.210.

(e) (1) The Chief of Police may designate tow away no parking zones subject to approval of the Traffic Engineer. Tow away no parking zones will be posted with signs containing the words “No Parking” and “Tow Away Zone” by the Traffic Engineer.

The Chief of Police may designate a tow away zone on a temporary basis, not to exceed seven days. Such zone shall be posted with temporary signs containing the words “No Parking” and “Tow Away Zone” and “By Order of the Chief of Police.”

(2) No person shall stop, stand or park an unoccupied vehicle in any tow away zone or any area of the street between the curblineline and the edge of the right-of-way or any street, alley or drive or any drive approach onto a public street or alley.

(f) (1) A legally parked vehicle may be towed from any location when a police or fire supervisor has reason to believe the removal of the vehicle is necessary to facilitate public safety.

(2) When a vehicle is towed pursuant to subsection (f)(1) of this section:

(i) The City will bear the expense for such removal and storage.

(ii) The reason for the removal will be documented on the appropriate report filed at the Police or Fire Department by the towing officer.

(iii) The Police or Fire Department will take reasonable steps to locate the owner prior to towing only as time permits in the interest of public safety.

(iv) The Police or Fire Department will take reasonable steps to notify the owner of a towed vehicle as to the location of the vehicle and the reason it was towed.

Section 4. That original § 2.40.130, § 2.40.210 and § 10.25.010 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk



CITY OF  
**TOPEKA**



# Abandoned Vehicles

Proposal for expansion of citation authority

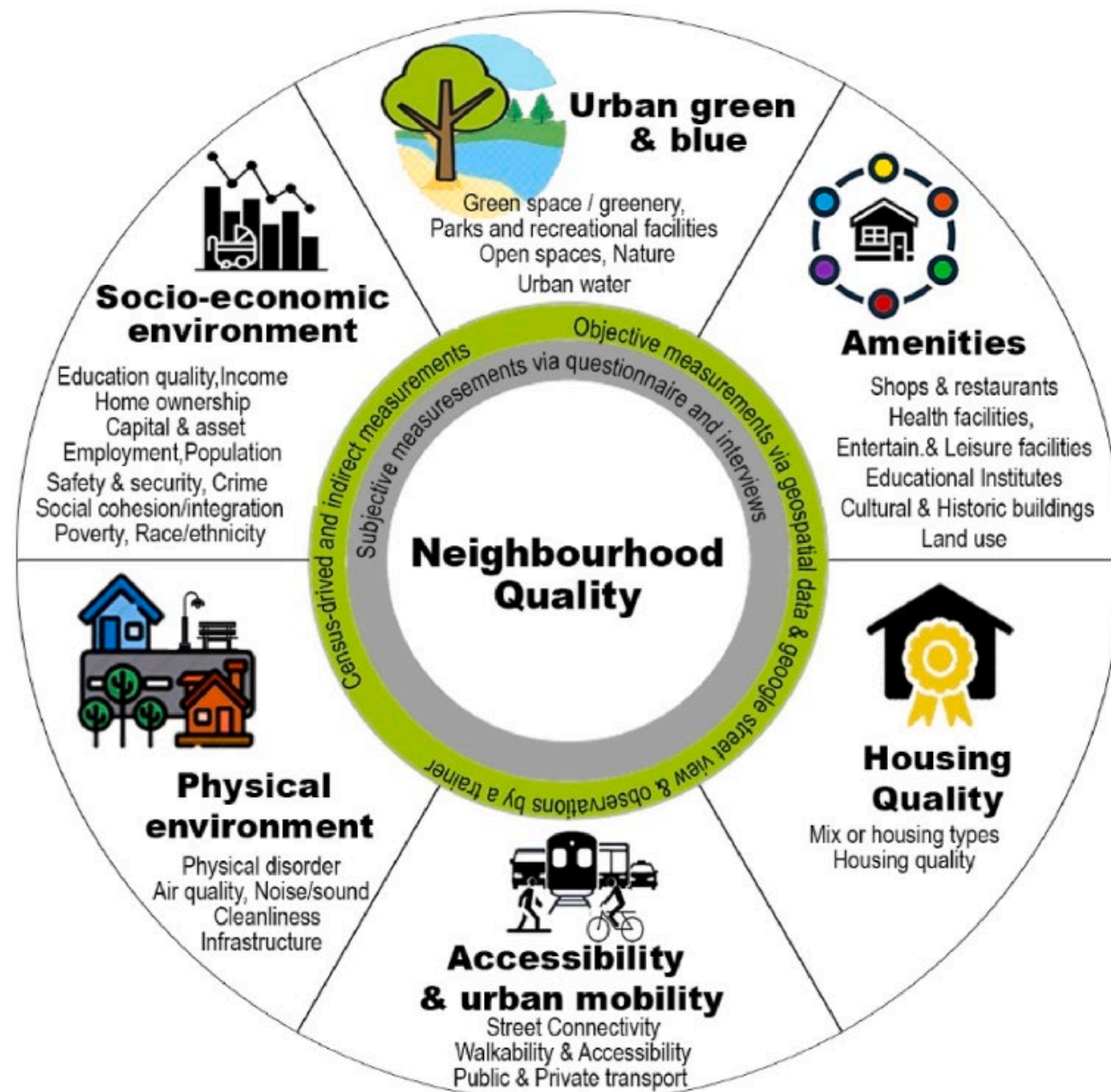
- National Institute of Health
  - 2023 Literature review studying the attributes of Neighborhood Quality
  - To establish what level of Neighborhood Quality existed
    - Objective/Subjective means
      - Subjective means- residents' perceptions, satisfaction, and experiences within their neighborhoods
      - Objective means- measures such as the condition of physical spaces, environmental quality, and the presence of amenities
        - Gocer O, Wei Y, Ozbil Torun A, Alvanides S, Candido C. Multidimensional attributes of neighbourhood quality: A systematic review. *Heliyon*. 2023;9(11):e22636. Published 2023 Nov 19. doi:10.1016/j.heliyon.2023.e22636





## Results from Literature Review for definition of Neighborhood Quality

4





# Study of the Broken Window Theory

5

- In the 2020 Annual Review of Criminology
  - A study on the Broken Windows Theory and Social Disorganization theory.
    - **Broken Windows-** the causal relationship between disorder (physical and social) and criminal behavior. Physical (abandoned buildings, graffiti, litter) and social disorder (Panhandlers, homeless) are causal effects for crime both directly and indirectly. Disorder communicates to criminals' the residents are indifferent to crime. "Allowing motivated offenders to perceive the level of disorder (as ) the absence of capable guardians" (Cohen & Felsen ,1979).
    - **Social Disorganization Theory-** physical and social disorder are an indicator of social disorganization. These things do not cause crime but because of weak local institutions, overall weakens the neighborhoods control and thus crime occurs.
  - Lanfear CC, Matsueda RL, Beach LR. Broken Windows, Informal Social Control, and Crime: Assessing Causality in Empirical Studies. *Annu Rev Criminol.* 2020;3:97-120. doi:10.1146/annurev-criminol-011419-041541



# Conclusions

- Disorder weakens neighborhood control which generates opportunities for crime or conflict. The cycle continues until interventions are in place.
  - Interventions such as:
    - Demolitions
    - Cleanup campaigns





# How this applies to Topeka

7

- Citizens access to See Click Fix to report nonemergency, quality of life issues.
- In past year- 973 See Click Fix requests have come to the Police Department, excluding SCF reference Animal Control.
  - 629 (65%) were to report abandoned vehicles.



- For purposes of this request-
  - An abandoned vehicle is one parked on a public street more than 48 hours or is blocking a driveway or ingress/egress
- It has proven challenging to track initial marking of vehicle and follow-up for towing.
  - The same officer may not be working same area,
  - may be on time off,
  - may be busy with higher priority calls.



- Property Maintenance is structured under the Police Department
  - They can be a force multiplier.
  - PMU Inspectors are assigned to one geographic area
  - Incoming SCF requests on abandoned vehicles could be assigned to these Inspectors, as they work the same area everyday.
    - This would increase accountability, control and neighborhood quality and safety.
  - PMU Inspectors can already mark vehicles as abandoned
  - PMU Inspectors can create cases/set reminders to re-check in 48 hours, write a citation if needed, and call for a tow truck.



- Property Maintenance already has authority to write citations for vehicle violations of parking on an unimproved surface.
  - This has supported PMUs mission of protecting the public's health, safety and welfare. PMU works to improve community appearance and thus the quality of life in neighborhoods.
- If approved, TPD will train PMU inspectors on proper procedures.



Questions-



# Types of Vehicle Cases

## Inoperable Vehicle Case

### IPMC Definition

**“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.

### Exterior Property Areas

#### 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.

## Unapproved Surface Vehicle Case

### TMC Definition

**“Driveway”** is a paved or graveled area that is intended for off-street vehicular parking.

**“Park”** or **“parking”** shall mean the standing of a vehicle or machinery on or over a paved or graveled area, whether occupied or not, other than temporarily for the purpose of loading or unloading property or passengers.

**“Paved or graveled area”** shall mean

- (i) an area comprised of a solid, permanent surface constructed of asphalt, concrete, stone, brick or other similar material of sufficient dimension to accommodate the entire vehicle or machinery, with no overhang onto dirt or grass; or
- (ii) (ii) an area comprised of a loose aggregation of rock fragments (e.g., gravel) thick enough to prevent grass, weeds and dirt from permeating or penetrating through and of sufficient dimension to accommodate the entire vehicle or machinery, with no overhang onto dirt or grass.

**“Vehicle or machinery”** shall mean a machine propelled by power (other than human power) that is designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property. **“Vehicle or machinery”** shall include, without limitation, automobiles, trucks, trailers, recreational vehicles, motorcycles, boats, campers, or tractors.

### Stopping, Standing and Parking

#### 10.60.120 Parking of vehicles on residential property.

(b) Prohibitions – Enforcement – Waiver.

- (1) It shall be unlawful for any person to park, or allow to be parked, any such vehicle or machinery on the back yard of a residential lot for more than three months, or on any other part of a residential lot for any period of time, unless on a paved or graveled area or on a driveway, as defined by subsections (a)(1) and (a)(3) of this section. Such paved or graveled area or driveway must be maintained free of vegetation, debris and standing water.

## **Abandoned or Junk Vehicle Case**

### **TMC Definition**

**“abandoned vehicle”** is a vehicle which:

1. Remains on the streets or other public property for more than 48 hours;
2. Has been impounded by the Police Department under authority of any vehicle traffic ordinance and which remains unclaimed after 48 hours;
3. Remains on private property for more than 48 hours following notification to remove the vehicle to the owner or person in charge of such vehicle by the owner or person in possession of the private property;
4. Remains on private property for more than 48 hours following the posting of a notice in a conspicuous place therein or thereon ordering immediate removal of the vehicle by the owner or person entitled to possession of the private property, regardless of whether the vehicle was lawfully placed on the private property initially;
5. Is parked or placed in the driveway or other regular place of ingress or egress of a particular private property, regardless of the length of time the vehicle is so situated;
6. Is placed or parked on any private lot or parcel of ground which is posted or designated as a lot or parcel of ground for public automobile parking for hire, or as reserved space for the parking of automobiles of persons who have special permission for such use, and the vehicle is so parked or placed without payment of the required fee therefor or otherwise placed or parked in violation of or contrary to the posting or designation described in this section, regardless of the length of time the vehicle is so situated;
7. Is found stopped, standing, or parked in a tow away zone, regardless of the length of time the vehicle is so situated; or
8. Is found stopped, standing, or parked in a tow away zone or fire lane on private property, regardless of the length of time the vehicle is so situated.

### **Abandoned and Junk Vehicles**

#### **10.25.010(a-c) Prohibitions.**

(a) No person shall abandon any vehicle on any street or highway or on any other public property within the City and no person shall leave any vehicle at or on any such place within the City for such times and under such circumstances as to cause such vehicles reasonably to appear to have been abandoned.

(b) No person shall abandon in any manner any vehicle, as defined in subsection (d) of this section, on any private property within the City which the person is not lawfully entitled to so use; and no person shall leave any vehicle at or on any such place within the City for such times and under such circumstances as to cause such vehicles reasonably to appear to have been abandoned.

(c) No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway or other public property within the City.

# 2024 IPMC STANDARD CHANGES

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

\*\*\*Added to 2024 Code

\*\*\*New Ordinance Change (Appendix A will be adopted as a guideline and Appendix B will be deleted in its entirety.)

**109.9 Restoration or abatement.** The *structure* or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner, owner's authorized agent, operator* or *occupant* of a *structure, premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. *To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the International Existing Building Code.*

\*\*\*added portion not in 2012 code

**RUBBISH.** Combustible and noncombustible waste materials, except garbage. The term shall include but not be limited to: trash, junk, metal objects, plumbing fixtures, appliances, **appliance parts**, auto parts, **bicycle parts**, **inoperable lawn equipment**, **lawn equipment parts**, tires, fencing, lumber, construction waste, interior furniture, discarded or broken furniture, clothing, paper, rags, cartons, boxes, timber, excelsior, rubber, leather, tree branches, yard waste, tin cans, glass, crockery, **unsecured bins** or the accumulation of any other similar materials.

\*\*\* New Ordinance Change: Added text in bold

\*\*\*New Ordinance Change: Numbering TMC 8.60.140

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit. **When the occupant is not the owner, the occupant shall be considered a Tenant only when occupancy is with the permission of the owner.**

\*\*\* New Ordinance Change: Added text in bold

\*\*\*New Ordinance Change: Numbering TMC 8.60.140

**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 not less than 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 poolside 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. An existing pool enclosure shall not be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

## **Exceptions:**

1. Spas or hot tubs equipped with a lockable safety cover that complies with ASTM F1346.
2. Private swimming pools equipped with a power safety cover that complies with ASTM F1346 and is in working condition using the control switch.

\*\*\*Added to 2024 Code



**304.14 Insect screens.** 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 minimum 16 mesh per inch (16 mesh 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.**

\*\*\* New Ordinance Change: Added text in bold

\*\*\*New Ordinance Change: Numbering TMC 8.60.160

### **304.17 Guards for basement windows.**

DELETED IN ITS ENTIRETY

\*\*\*New Ordinance Change: Numbering TMC 8.60.160

\*\*\*Was included in 2012 Code

**605.4 Wiring.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed **under carpets**, within walls, floors, or ceilings.

\*\*\*New Ordinance Change: New Text in bold

\*\*\*New Ordinance Change: Numbering TMC 8.60.210

## **SECTION 701-704 – FIRE SAFETY REQUIREMENTS**

\*\*\*Large portions of these sections were added/ expanded on to the 2024 Code

## **SECTION 705 - CARBON MONOXIDE ALARMS AND DETECTION**

\*\*\*Added to 2024 Code

## **FINES FEES AND PROCEDURES**

Comments are welcomed in reference to the language regarding fines, fees, and procedures.

These recommendations are not yet final and there is still open consideration to changing criminal elements to administrative.

Discussion on standard operating procedures that accompany the standards and the procedures are welcomed as well.

# CHAPTER 1 – SCOPE AND ADMINISTRATION

## SECTION 101 - SCOPE AND GENERAL REQUIREMENTS

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of Topeka, hereafter referred to as "this code."

\*\*\*New Ordinance Change: Numbering TMC 8.60.050

**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, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

\*\*\*Added to 2024 Code

\*\*\*New Ordinance Change (Appendix A will be adopted as a guideline and Appendix B will be deleted in its entirety.)

**101.3 Purpose.** The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general 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 reasonable minimum level of health, safety and general welfare 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. An *owner*, *owner's* authorized agent, *operator* or *occupant* shall not cause any service, facility, 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* authorized 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 building code in Chapter 14.20 TMC, the international energy conservation code in Chapter 14.80 TMC, the international fire code in Chapter 14.40 TMC, the mechanical code in Chapter 14.50 TMC, the international residential code in Chapter 14.55 TMC, and the plumbing code in Chapter 14.35 TMC.

\*\*\*New Ordinance Change: Numbering TMC 8.60.060

**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* that is *dangerous*, unsafe or insanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations that 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 Structural analysis.** Where structural analysis is used to assess a potentially unsafe structural condition, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

\*\*\*Added to 2024 Code

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

**102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

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

**102.8.2 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.

**102.9 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*.

**102.10 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.

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

## SECTION 103 - CODE COMPLIANCE AGENCY

DELETED IN ITS ENTIRETY

\*\*\*New Ordinance Change: Numbering TMC 8.60.070

\*\*\*This section was also deleted from the 2012 Code.

## SECTION 104 - FEES

**104.1 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.

**104.2 Refunds.** The *code official* is authorized to establish a refund policy.

\*\*\*Entire section was added to 2024 Code

## SECTION 105 - DUTIES AND POWERS OF THE CODE OFFICIAL

\*\*\*Large portion of this section was added/ expanded on to the 2024 Code

**105.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this code.

**105.2 Determination of compliance.** The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall comply with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

**105.2.1 Technical assistance.** To determine compliance with this code, the code official is authorized to require the owner or the owner's authorized agent to provide a technical opinion and report.

**105.2.1.1 Cost.** A technical opinion and report shall be provided without charge to the jurisdiction.

**105.2.1.2 Preparer qualifications.** The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**105.2.1.3 Content.** The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

**105.2.1.4 Test methods.** Where there is insufficient evidence of compliance with the provisions of this code, the code official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

**105.2.2 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been *approved*.

**Exception:** Performance-based alternative materials, designs or methods of construction and equipment complying with the *International Code Council Performance Code*.

**105.2.2.1 Approval authority.** An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 105.2.2 through 105.2.2.7, as applicable.

**105.2.2.2 Application and disposition.** Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

**105.2.2.3 Compliance with code intent.** An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

**105.2.2.4 Equivalency criteria.** An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

**105.2.2.5 Tests.** Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

**105.2.2.5.1 Fire tests.** Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the building official.

**105.2.2.6 Reports.** Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 105.2.2.6.1 and 105.2.2.6.2.

**105.2.2.6.1 Evaluation reports.** Evaluation reports shall be issued by an approved agency and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the code official.

**105.2.2.6.2 Other reports.** Reports not complying with Section 105.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**105.2.2.7 Peer review.** The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

**105.2.3 Modifications.** Where 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, provided that the *code official* shall first find that special individual reasons make the strict letter of this code impractical, and that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

**105.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or on any premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at all

reasonable times to inspect or perform the duties imposed by this code. 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, owner's authorized agent 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 every remedy provided by law to secure entry.

**105.3.1 Warrant.** Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent, occupant or person having charge, care or control of the structure or premises shall not fail or neglect, after proper a request is made as herein provided, to permit entry therein by the code official for the purposes of inspection and examination pursuant to this code.

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

**105.5 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code, in accordance with Section 107.

**105.6 Official records.** The *code official* shall keep official records as required by Sections 105.6.1 through 105.6.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

**105.6.1 Approvals.** A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

**105.6.2 Inspections.** The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. 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 shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

**105.6.3 Code alternatives and modifications.** Application for alternative materials, design and methods of construction and equipment in accordance with Section 105.2.2; modifications in accordance with Section 105.2.3; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

**105.6.4 Tests.** The code official shall keep a record of tests conducted to comply with Sections 105.2.1.4 and 105.2.2.5.

**105.6.5 Fees.** The code official shall keep a record of fees collected and refunded in accordance with Section 104.

**105.7 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to *persons* or property as a result of an act or by reason of any act or omission in the discharge of official duties.

**105.7.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions

of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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

**105.8.1 Materials and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

## **SECTION 106 - Hearing**

### **106 Administrative Appeal Hearing.**

- (a) An owner shall have the right to appeal the notice of violation to an Administrative Hearing Officer provided that a written application is submitted to the Code Official on or before the date designated in the notice.
- (b) An application for an appeal hearing shall be based on a claim that
  - (i) the provisions of Chapter 8.60 do not apply;
  - (ii) the Code Official has incorrectly interpreted Chapter 8.60; and/or
  - (iii) the requirements of Chapter 8.60 can be adequately satisfied by other means. The owner may not appeal a requirement imposed by Chapter 8.60. The intent of the appeal process is not to waive or set aside a requirement; it is to provide a means of reviewing a Code Official's decision on an interpretation or application of Chapter 8.60 or reviewing a Code Official's decision to approve or reject the equivalency of protection to a Chapter 8.60 requirement.
- (c) Written notice of the hearing date and time shall be provided to the person requesting the hearing within 10 calendar days of the hearing request.
- (d) The Administrative Hearing Officer shall affirm, modify or reverse the decision of the Code Official upon a determination that:
  - (i) the notice of violation was served in accordance with TMC 8.60.110, subsection 109.4.2;
  - (ii) the provisions of Chapter 8.60 apply;
  - (iii) the Code Official has correctly interpreted Chapter 8.60; and/or (iv) the requirements of Chapter 8.60 cannot be adequately satisfied by other means. The Hearing Officer may order abatement of the violation, impose an administrative penalty, and assess the abatement costs against the owner.
- (e) The Administrative Hearing Officer may administer oaths and affirmations, examine witnesses and receive evidence. The Hearing Officer may grant continuances where the officer finds that there is practical difficulty or undue hardship and that such extension is consonant with the general purpose to secure compliance with Chapter 8.60.
- (f) Pursuant to K.S.A. 60-2101 and amendments thereto, any person aggrieved by a determination issued by the administrative hearing officer may appeal to the district court by doing all of the following:



(1) Submit a written notice of appeal to the City Clerk within 30 days of the determination. The notice shall include: (i) the person's name, mailing address, email address and telephone number; (ii) the date of the order; and (iii) case number. The City Clerk shall memorialize the date of receipt of the notice by file-stamp or another method and return a copy to the person.

(2) Submit a written request to the City Clerk for one copy of all pertinent records relative to the proceeding including but not limited to any recording or transcript of the proceedings. The request shall be submitted to the City Clerk within 10 days of the date of receipt of the notice of appeal. Prepayment of all copying and other fees set forth in TMC 2.10.120 shall be required prior to production of the records.

(3) File with the Clerk of the Shawnee County District Court the pertinent records prepared by the City Clerk within 60 days from the date of receipt of the notice of appeal.

(4) Failure to file the records with the Clerk of the Shawnee County District Court within the 60-day period may result in the appeal being dismissed by the district court.

(5) Unless the person requests from the district court a stay of the hearing officer's order within 70 days from the date of receipt of the notice of appeal, the City may proceed with enforcement.

\*\*\*New Ordinance Change: Numbering TMC 8.60.080

## **SECTION 107 - VIOLATIONS**

**107.1 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.

**107.2 Notice of violation.** The *code official* shall serve a notice of violation or order in accordance with Section 109.4.

### **107.3 Prosecution of violation.**

(a) A person who fails to comply with a notice of violation served in accordance with Section 109.4, shall be guilty of a misdemeanor and, if convicted, may be punished in accordance with subsection (b). A violation of this chapter shall be deemed a strict liability offense. Abatement of a violation by the Code Official shall not be a defense or excuse to a violation. The pendency of an administrative hearing pursuant to section 8.60.110 or section 8.75.040 shall not be a defense to a violation or prevent prosecution and adjudication in Municipal Court.

(b) Punishment for a violation of the International Property Maintenance Code (IPMC), adopted pursuant to TMC 8.60.010, shall be as follows:

(1) Upon a first conviction, a fine of not more than one thousand dollars;

(2) Upon a second conviction, a fine of not less than one hundred dollars nor more than one thousand dollars;

(3) Upon a third conviction, a fine of not less than five hundred dollars nor more than one thousand dollars;

(4) Upon a fourth or subsequent conviction, a fine of not less than one thousand dollars nor more than two thousand five hundred dollars;



(5) In addition to the preceding fines such person may be punished by a term of imprisonment which shall not exceed six (6) months, or by both such fines and imprisonment.

(c) For the purposes of determining whether a conviction is a first or subsequent conviction in sentencing under this section:

(1) conviction includes being convicted of a violation of the IPMC, and it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(2) conviction includes being convicted of a violation of the IPMC or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section.

(3) any convictions occurring during the three years prior to the date of the occurrence shall be taken into account when determining the sentence to be imposed.

(d) Each day that any violation of this ordinance continues shall constitute a separate offense and be punishable hereunder as a separate violation.

(e) In addition to the penalties set forth above, the court may require that the owner register the property pursuant to Chapter 8.65 TMC.

#### **107.4 Administrative penalties.**

(a) There shall be an administrative monetary penalty of \$100.00 imposed on the owner or, in the case of inoperative vehicles, the vehicle owner for each violation of this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed.

(b) The administrative monetary penalty for a second or subsequent violation for which an administrative penalty has been imposed under this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed for the same property within 12 months of the same or substantially same violation shall be \$200.00.

#### **107.5 Abatement of violations.**

(a) Abatement. Upon the expiration of the compliance period stated in the notice of violation, the Code Official shall inspect the property. The Code Official may grant an extension of time if the owner demonstrates that due diligence is being exercised in abating the violation. If the owner has failed to comply within the compliance period or has failed to timely request an appeal hearing, the Code Official may abate the violation and assess the costs against the owner. If the costs are not paid within 30 days, the cost may be collected pursuant to K.S.A. 12-1,115 and amendments thereto and/or charged against the property pursuant to K.S.A. 12-1617e, K.S.A. 12-1617f, K.S.A. 12-1755, or K.S.A. 17-4759 and amendments thereto.

(b) Fees. The costs incurred by the City for abatement, including any administrative costs, shall be paid by the owner or, in the case of inoperative vehicles, the vehicle owner. The administrative costs shall be:

General violations of the IPMC	\$140.00
Vegetation	\$140.00
Inoperative vehicles	\$175.00

\*\*\*New Ordinance Change: Numbering TMC 8.60.090

## SECTION 108 - STOP WORK ORDER

**108.1 Authority.** Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in an unsafe manner, the *code official* is authorized to issue a stop work order.

**108.2 Issuance.** The stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the *person* performing 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.

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

**108.4 Failure to comply.** It is unlawful to continue any work after being served with a stop work order, unless the work is to remove a violation or abate an unsafe condition. The person may be punished in accordance with TMC 1.10.070.

\*\*\*New Ordinance Change: Numbering TMC 8.60.100

## SECTION 109 - UNSAFE STRUCTURES AND EQUIPMENT

**109.1 Unsafe conditions.** When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, such *structure* shall be *condemned* pursuant to the provisions of this code.

**109.1.1 Unsafe structures.** An unsafe *structure* is one that is found to be hazardous 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 dangerous.

**109.1.2 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 that 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.

**109.1.3 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.

**109.1.4 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.

**109.1.5 Hazardous structure or premises.** For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

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 building, *structure* or portion thereof that is dangerous.
4. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.
5. 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.
6. 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.
7. 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.
8. 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, plumbing system or other cause, is determined by the code official to be a threat to life or health.
9. 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.

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

**109.2.1 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 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent 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*, *owner's* authorized agent or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter.

**109.3 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.

**109.4 Notice.** 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 in the manner prescribed in Sections 109.4.1 and 109.4.2 to the *owner* or the owner's authorized agent, for the violation as specified in this code. Notices for *condemnation* procedures shall comply with this section.

**109.4.1 Form.** Such notice shall be in accordance with all of the following:

1. Description of the real estate sufficient for identification.
2. A statement that includes a description of the conditions and identifies violations of Chapter 8.60.
3. A statement that the property owner must abate the violation by the date designated in the notice.
4. A statement advising that any owner may request an appeal hearing before an Administrative Hearing Officer. The request shall be submitted to the Code Official on or before the date designated in the notice. The scope of the appeal shall be limited to the following:
  - i. whether the provisions of Chapter 8.60 apply;
  - ii. whether the Code Official has correctly interpreted Chapter 8.60; and/or
  - iii. whether the requirements of Chapter 8.60 can be adequately satisfied by other means.
5. A statement that if the violations(s) is not corrected or a hearing requested, the City may impose administrative penalties, abate the violation, and assess the costs against the owner.
6. A statement advising that failure to timely comply with the notice may result in prosecution in Municipal Court regardless whether an administrative hearing is pending.

**109.4.2 Method of service.**

- a. Notice shall be served in one of the following manners:
  1. Personal service; residence service. Delivering the notice to the property owner or leaving the notice at the property owner's dwelling or usual place of abode with someone of suitable age and discretion who resides there.
  2. Personal service; residence service unsuccessful. If personal or residence service cannot be made, service may be effected by:
    - I. leaving a copy of the notice at the property owner's dwelling or usual place of abode; and
    - II. mailing to the property owner by first-class mail a notice that the copy has been left at the dwelling or usual place of abode.
  3. Personal service; legal entity. If the property owner is a legal entity, service may be effected as follows:
    - I. serving the notice on an officer, manager, partner or a resident, managing or general agent;
    - II. leaving a copy of the notice at any business office with the person having charge of the office; or
    - III. serving the notice on any agent authorized by appointment or by law to receive service of process.
  4. Certified mail, return receipt requested, to the last known address of the property owner as reflected in the records of the County Appraiser.
  5. Delivery failure. If the property owner or the property owner's agent has failed to accept delivery of notice or otherwise failed to effectuate receipt of notice during the preceding twenty-four month period, notice may be provided by other methods, including but not limited to door hangers, conspicuously posting

notice on the property, personal notification, telephone communication, electronic communication, or first class mail.

6. In addition to the methods identified in this section, but not in lieu of, the Code Official may provide notice by other methods, including, but not limited to, door hangers, conspicuously posting notice on the property, personal notification, telephone or electronic communication, or first class mail.

7. As authorized by K.S.A. 12-1617f, the Code Official may provide a one-time yearly written notice by mail or personal service to the owner or occupant which will permit subsequent abatement mowings without any additional notice. The notice shall also include a statement that no further notice shall be given prior to cutting or removing vegetation.

b. **Proof of Service.** Proof of service of the notice shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

\*\*\*New Ordinance Change: Numbering TMC 8.60.110

**109.5 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*.

**109.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *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 the *owner's* authorized agent 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.

**109.7 Placarding.** Upon failure of the *owner*, *owner's* authorized agent or *person* responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the *condemned* equipment.

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

**109.8 Prohibited occupancy.** Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy a placarded *premise* or shall operate placarded equipment, and any *owner* or *owner's* authorized agent who shall let anyone occupy a placarded *premise* or operate placarded equipment shall be liable for the penalties provided by this code.

**109.9 Restoration or abatement.** The *structure* or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a *structure*, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved*

corrective action. To the extent that repairs, alterations, or additions are made or a change of *occupancy* occurs during the restoration of the *structure*, such repairs, alterations, additions, or change of *occupancy* shall comply with the requirements of the *International Existing Building Code*.

\*\*\*added portion not in 2012 code

## SECTION 110 - EMERGENCY MEASURES

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

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

**110.3 Closing streets.** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

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

### 110.5 Cost of emergency repair.

DELETED IN ITS ENTIRETY

\*\*\*New Ordinance Change: Numbering TMC 8.60.120

\*\*\*This section was also deleted from the 2012 Code.

### 110.6 Hearing.

DELETED IN ITS ENTIRETY

\*\*\*New Ordinance Change: Numbering TMC 8.60.120

\*\*\*This section was also deleted from the 2012 Code.

## SECTION 111 - DEMOLITION

**111.1 General.** Pursuant to TMC 8.75.040, the Administrative Hearing Officer may order the owner of any premises upon which is located any structure, which after review is determined to be 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, such that it is unreasonable to repair the structure, to:

1. demolish and remove such structure; or
2. if such structure is capable of being made safe by repairs, to repair and make safe and sanitary; or
3. to board up and hold for future repair; or
4. where there has been a cessation of normal construction of any structure for a period of more than two years, demolition and removal or boarding up for future repair. Boarding the structure up for future repair shall not extend beyond one year, unless approved by the Administrative Hearing Officer.

“Unreasonable to repair” means that the repair costs exceed 30% of the replacement value of the structure as established by the Shawnee County Appraiser.

**111.2 Notices and orders.** All notices and orders shall comply with TMC 8.75.020 and 8.75.040.

\*\*\*New Ordinance Change: Numbering TMC 8.60.130

**111.3 Failure to comply.** If the owner of a premises or the owner's authorized agent 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.

**111.4 Salvage materials.** Where 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. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## 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 International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meaning 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.** Acceptable to the code official.

**APPROVED AGENCY.** An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the code official.

\*\*\*Added to 2024 Code

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

**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.

**COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS.** The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

\*\*\*Added to 2024 Code

**DANGEROUS.** Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under permanent, routine or frequent loads, or under snow, wind, rain, flood, earthquake or other environmental loads when such loads are imminent.

\*\*\*Added to 2024 Code

**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 said lot or lots.

**EMERGENCY ESCAPE AND RESCUE OPENING.** An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

\*\*\*Added to 2024 Code



**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.

**HISTORIC BUILDING.** Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

\*\*\*Added to 2024 Code

**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 that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition that 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, rodents, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle that 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, approved 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 that is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having 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.

**PEER REVIEW.** An independent and objective technical review conducted by an approved third party.

\*\*\*Added to 2024 Code

**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.

**POWER SAFETY COVER.** A pool cover that is placed over the water area and is opened and closed with a motorized mechanism activated by a control switch.

\*\*\*Added to 2024 Code

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

**PUBLIC WAY.** Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

**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 but not be limited to: trash, junk, metal objects, plumbing fixtures, appliances, **appliance parts**, auto parts, **bicycle parts**, **inoperable lawn equipment**, **lawn equipment parts**, tires, fencing, lumber, construction waste, interior furniture, discarded or broken furniture, clothing, paper, rags, cartons, boxes, timber, excelsior, rubber, leather, tree branches, yard waste, tin cans, glass, crockery, **unsecured bins** or the accumulation of any other similar materials.

\*\*\* New Ordinance Change: Added text in bold

\*\*\*New Ordinance Change: Numbering TMC 8.60.140

**SAFETY COVER.** A structure, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire pool, spa or hot tub and secured in place after all bathers are absent from the water.

\*\*\*Added to 2024 Code

**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.

**STORM SHELTER.** A building, structure or portion thereof, constructed in accordance with ICC 500, designated for use during hurricanes, tornadoes or other severe windstorms.

\*\*\*Added to 2024 Code

**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.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit. **When the occupant is not the owner, the occupant shall be considered a Tenant only when occupancy is with the permission of the owner.**

\*\*\* New Ordinance Change: Added text in bold

\*\*\*New Ordinance Change: Numbering TMC 8.60.140

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

**UTIMATE DEFORMATION.** The deformation at which failure occurs and that 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.

## CHAPTER 3 - GENERAL REQUIRMENTS

### SECTION 301 - GENERAL

**301.1 Scope.** The provisions in this chapter shall govern the minimum conditions and responsibilities of persons for the 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 and the code under which the building was constructed, except as otherwise provided for in this code. [The owner or owner's agent shall be responsible to ensure that any repairs, additions or alterations to the building or portion thereof are performed or constructed in accordance with the International Building Code, International Residential Code or International Existing Building Code.](#) A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or house- keeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.

\*\*\*Portion added to 2024 Code

**301.3 Vacant structures and land.** 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.** Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** 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.** 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 Vegetation.**

(a) All property shall be maintained free from vegetation in excess of twelve inches in height.

(b) All noxious weeds, as defined by the Kansas Department of Agriculture pursuant to K.S.A. 2-1313a and amendments thereto, shall be prohibited.

(c) Vegetation means, but is not limited to, weeds, woody vines, volunteer saplings under four to six inches in diameter, shrubs, brush, grass and uncultivated plants; however this term shall not include cultivated trees, shrubs and vines and gardens, which are defined as areas cultivated for growth of vegetables, fruits, herbs, flowers, ornamental grasses and native plants. A native plant is any plant indigenous to the local ecosystem.

(d) Notwithstanding subsection (a), an owner of undeveloped property that exceeds two acre is responsible for removing or destroying vegetation, except for grass or ground cover, within fifteen feet of any sidewalks, streets or adjacent property lines.

(e) Upon failure of the owner or agent having charge of the property to comply with Section 302.4 after service of a notice of violation, the person may be subject to prosecution in accordance with Section 106.3. Upon failure to comply with the notice, the City or its contractor may enter upon the property to remove or destroy the vegetation and assess the costs against the owner.

\*\*\*New Ordinance Change: Numbering TMC 8.60.150

**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 re-infestation.

**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 bodywork, 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 not less than 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 poolside 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. An existing pool enclosure shall not be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

### Exceptions:

1. Spas or hot tubs equipped with a lockable safety cover that complies with ASTM F1346.
2. Private swimming pools equipped with a power safety cover that complies with ASTM F1346 and is in working condition using the control switch.

\*\*\*Added to 2024 Code

## 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 Potentially unsafe conditions.** The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the *International Existing Building Code*, the *International Residential Code* or the *International Building Code*:

1. Structural members have *deterioration* or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. *Structures* or components thereof have *deterioration* or distress that appears to reduce their load-carrying capacity.
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 watertight.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and hand- rails, 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.
12. 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. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**304.2 Protective treatment.** 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. 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 watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and 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.

**304.3 Premises identification.** Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.** 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.** 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.

Commentary Figure 304.5—Major Damage to a Foundation Wall





**304.6 Exterior walls.** 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.** 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.** 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. Where 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.** Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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 weathertight.

**304.13.1 Glazing.** 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.

**304.14 Insect screens.** 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 minimum 16 mesh per inch (16 mesh 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.**

\*\*\* New Ordinance Change: Added text in bold

\*\*\*New Ordinance Change: Numbering TMC 8.60.160

**304.15 Doors.** 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.**

DELETED IN ITS ENTIRETY

\*\*\*New Ordinance Change: Numbering TMC 8.60.160

\*\*\*Was included in 2012 Code

**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 an individual dwelling unit, rooming unit or housekeeping unit that is rented, leased or let where equipped with a deadbolt lock, the deadbolt shall be 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.** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

## 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 that 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 Potentially unsafe conditions.** The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the International Existing Building Code, the International Residential Code or the International Building Code:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.



4. 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.
5. 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.

**Exceptions:**

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

**305.2 Structural members.** Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Interior surfaces.** 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 Potentially 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 considered to be unsafe and shall be addressed in compliance with the International Existing Building Code, the International Residential Code or the International Building Code:

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.
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the groundwater 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 6.10. Excessive cutting and notching.

Exceptions:

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

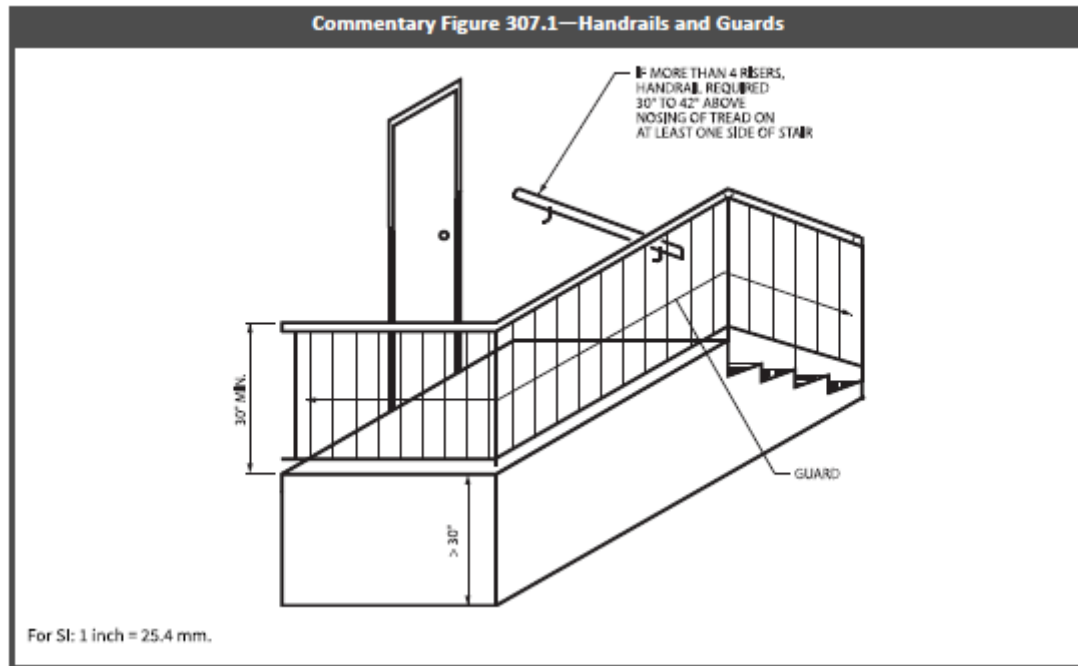
## **SECTION 307 - HANDRAILS AND GUARDRAILS**

**307.1 Handrails.** Stairs having more than four risers shall have a handrail on one side of the stair.

**307.1.1 Height.** Handrails shall be not less than 30 inches (762mm) in height or more than 42 inches (1067mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

**307.2 Guards.** Guards shall be provided along open-sided walking surfaces, including balconies, porches, decks, stairs, ramps, and landings, that are more than 30 inches (762 mm) above the floor or grade below.

**307.2.1 Height.** Guards shall be not less than 30 inches (762 mm) high.



## **SECTION 308 - RUBBISH AND GARBAGE**

**308.1 Accumulation of rubbish or garbage.** 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 rubbish in accordance with TMC 8.25.010.

\*\*\*New Ordinance Change: Numbering TMC 8.60.170

### **308.2.1 Rubbish storage facilities.**

DELETED IN ITS ENTIRETY

\*\*\*New Ordinance Change: Numbering TMC 8.60.170

\*\*\*This section was also deleted from the 2012 Code.

**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 accordance with TMC 8.25.010.

\*\*\*New Ordinance Change: Numbering TMC 8.60.170

### **308.3.1 Garbage facilities.**

DELETED IN ITS ENTIRETY

\*\*\*New Ordinance Change: Numbering TMC 8.60.170

\*\*\*This section was also deleted from the 2012 Code.

### **308.3.2 Containers.**

DELETED IN ITS ENTIRETY

\*\*\*New Ordinance Change: Numbering TMC 8.60.170

\*\*\*This section was also deleted from the 2012 Code.

## SECTION 309 - PEST ELIMINATION

**309.1 Infestation.** Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

**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 the 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 or where one or more units are infested from the infestation spreading from a single source, the owner shall be responsible for pest elimination.

\*\*\*New Ordinance Change: Numbering TMC 8.60.180

## SECTION 310 - ACCESSIBILITY

**310.1 General.** A facility that is required to be accessible shall be maintained accessible during occupancy.

**310.1.1 Maintenance.** The accessible features of a facility shall be maintained in good repair, in a clean, structurally sound and sanitary condition, and free from impediments to accessibility.

\*\*\*Entire Section added to 2024 code

## SECTION 311 - STORM SHELTERS

DELETED IN ITS ENTIRETY

\*\*\*added to 2024 code

\*\*\*New Ordinance Change: Numbering TMC 8.60.190

## 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*.

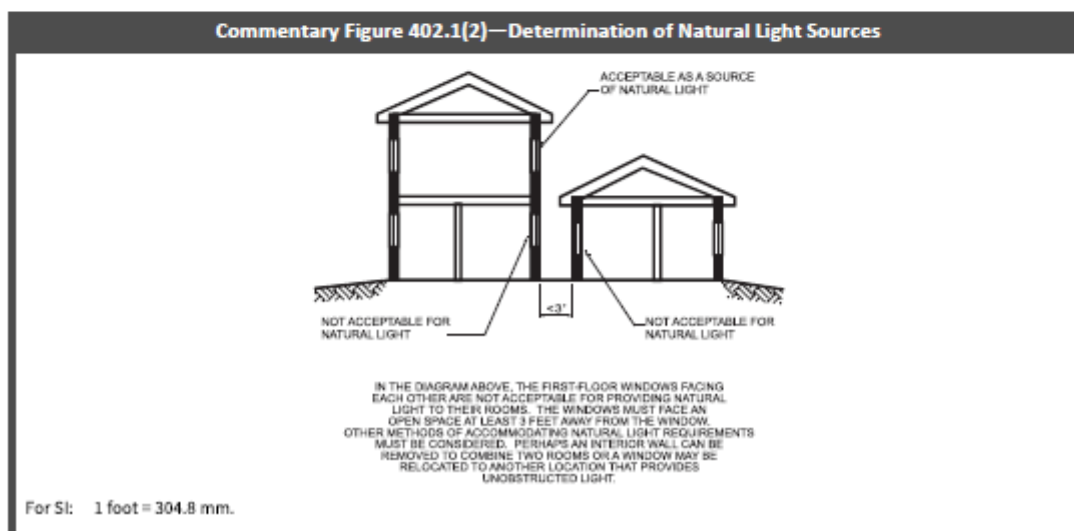
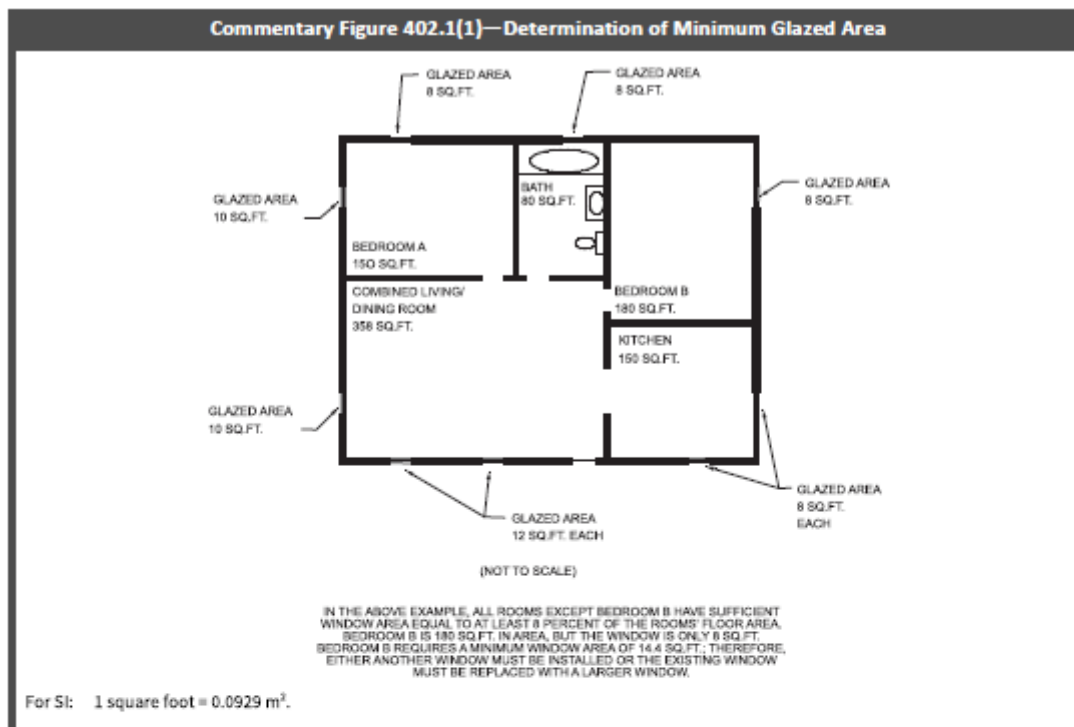
**401.2 Responsibility.** The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy, any *premises* that do not comply with the requirements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

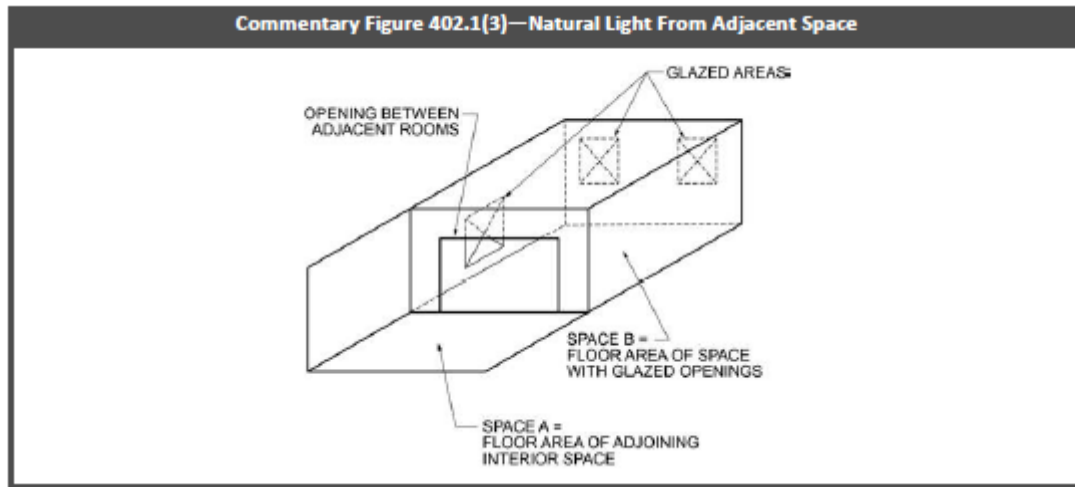
**401.3 Alternative devices.** In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

## SECTION 402 - LIGHT

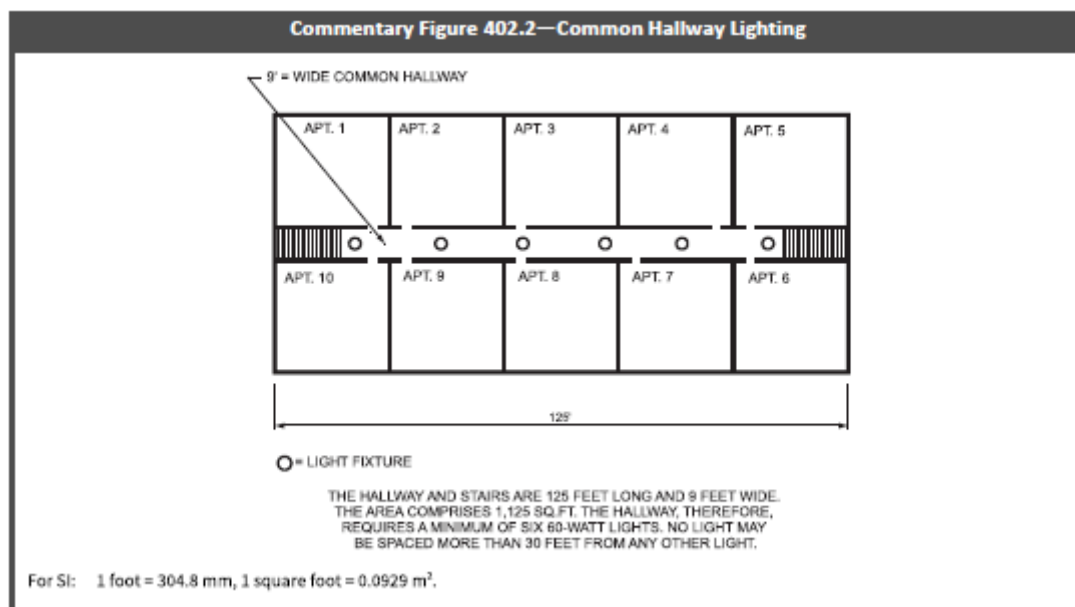
**402.1 Habitable spaces.** Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure 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 provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m<sup>2</sup>) whichever is greater. 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 not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup> 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, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by means of egress is occupied with not less than 1 foot-candle (11 lux) at floors, landings and treads.



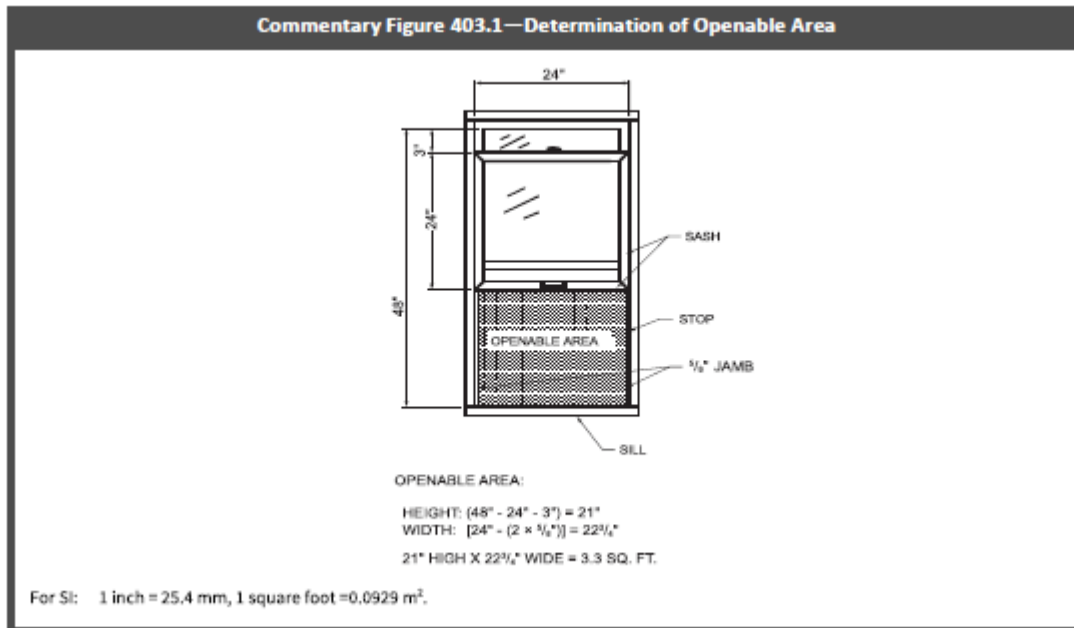
**402.3 Other spaces.** Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## SECTION 403 - VENTILATION

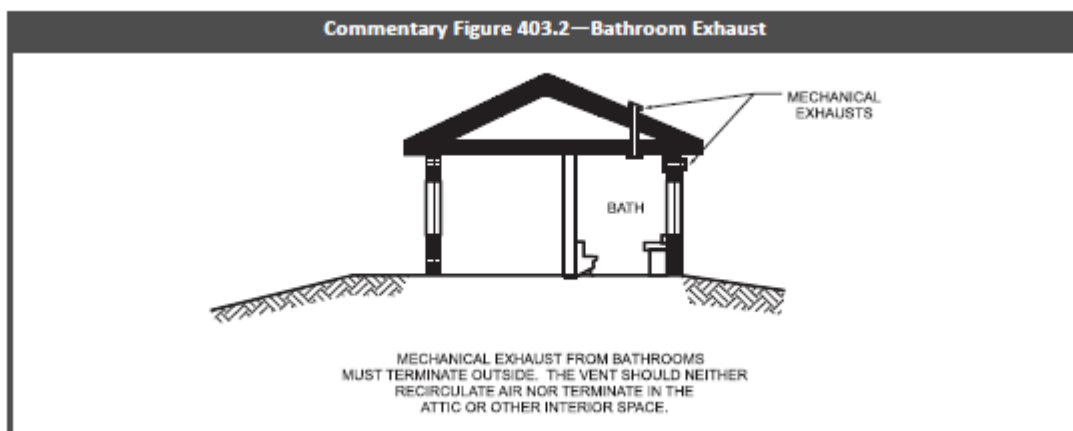
**403.1 Habitable spaces.** Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

**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 not less than 8 percent of the

floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>) 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.

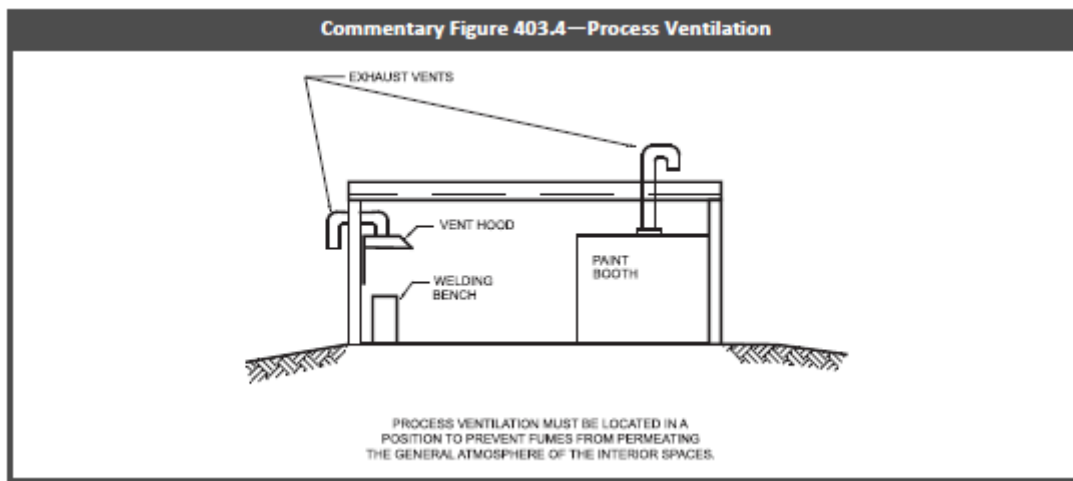


**403.3 Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

**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 not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counter fronts and appliances or counter fronts 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 not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a 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. In one- and two-family dwellings, rooms occupied exclusively for bathrooms, toilet rooms and laundry rooms having a minimum ceiling height of 6 feet 8 inches (2033 mm).  
\*\*\*Added to 2024 Code
4. 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 not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

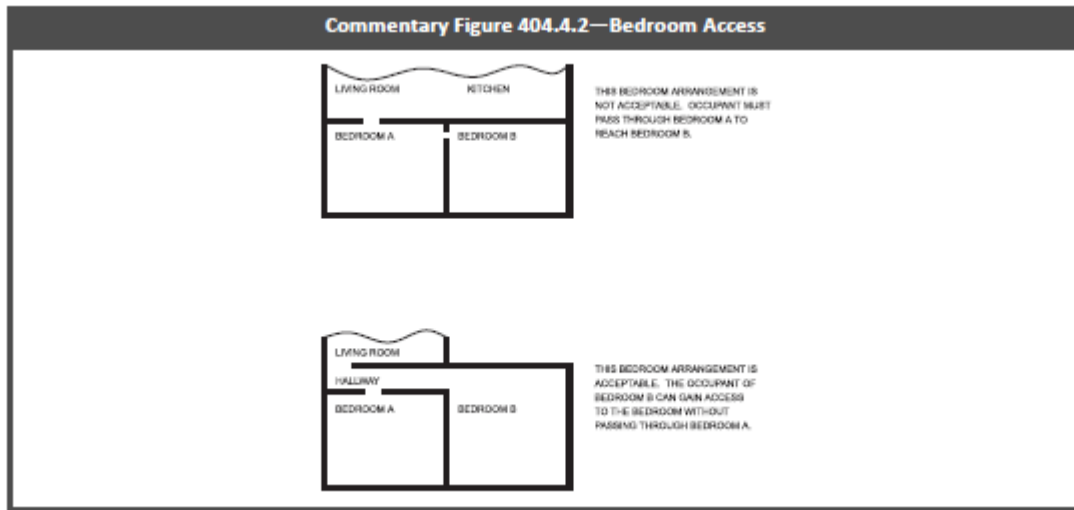
**404.4 Habitable room requirements.** Every habitable room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.** Every habitable room shall contain not less than 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.



**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.



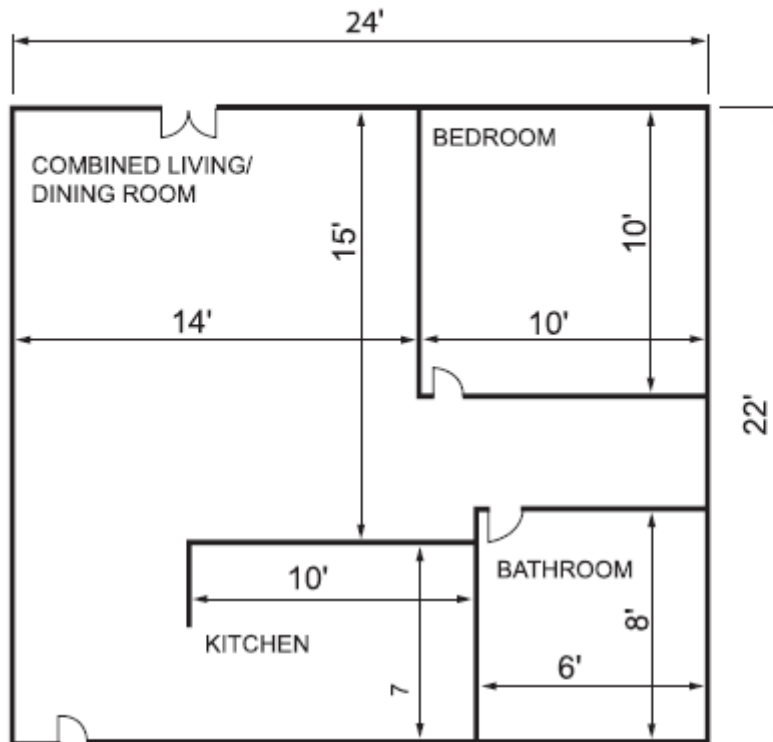
**404.4.3 Water closet accessibility.** Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**404.4.4 Prohibited occupancy.** Kitchens and uninhabitable 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.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

Commentary Figure 404.5(1)—Maximum Occupancy Load in Dwellings



MAXIMUM OCCUPANCY ALLOWED:

1. COMBINED LIVING/DINING ROOM = 210 SQ. FT.  
THIS SPACE WOULD ACCOMMODATE NO MORE THAN FIVE OCCUPANTS  
IN ACCORDANCE WITH TABLE 404.5 AND SECTION 404.5.2.
2. KITCHEN = 70 SQ. FT.  
THIS SPACE WOULD ACCOMMODATE AN UNLIMITED NUMBER OF  
OCCUPANTS IN ACCORDANCE WITH TABLE 404.5.
3. BEDROOM = 100 SQ. FT.  
THIS SPACE WOULD ACCOMMODATE ONE OR TWO OCCUPANTS  
IN ACCORDANCE WITH TABLE 404.5.

BECAUSE THE BEDROOM WILL ONLY PERMIT A MAXIMUM OCCUPANCY OF TWO,  
THIS IS THE MAXIMUM OCCUPANCY FOR THIS ENTIRE UNIT. THE OCCUPANCY  
IS LIMITED TO THE MAXIMUM PERMITTED BY THE LEAST AREA PROVIDED IN ONE OF  
THE CATEGORIES IN TABLE 404.5.

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m<sup>2</sup>.

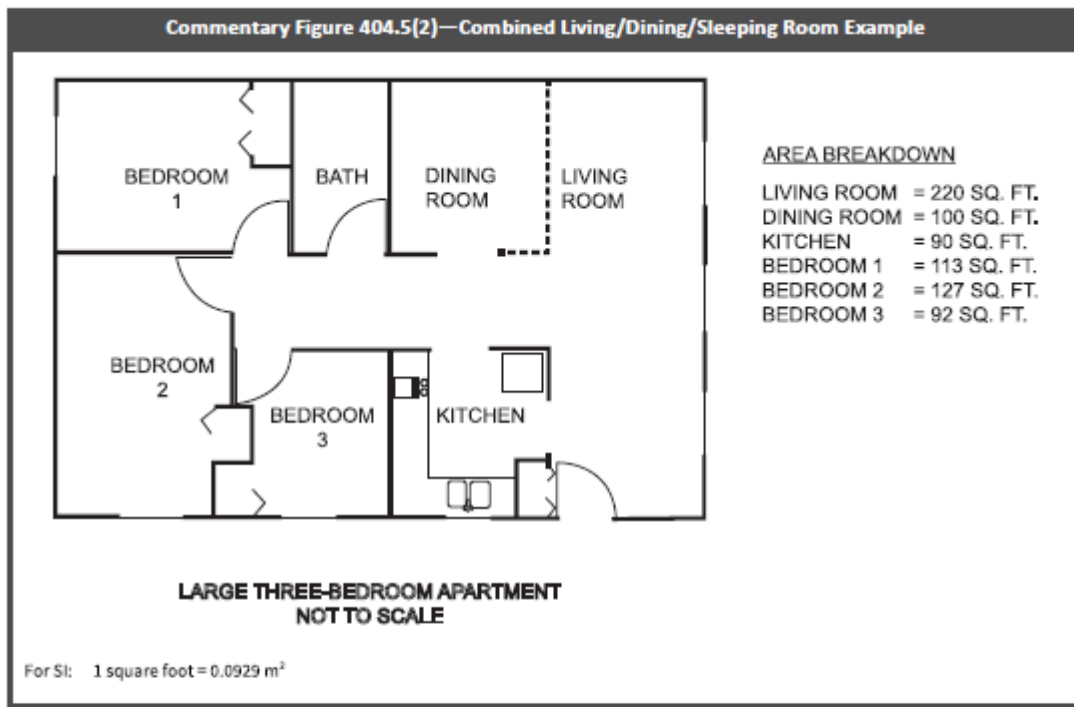


TABLE 404.5—MINIMUM AREA REQUIREMENTS			
SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a,b</sup>	120	120	150
Dining room <sup>a,b</sup>	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m<sup>2</sup>.

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.

**404.5.1 Sleeping area.** The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**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 m<sup>2</sup>). A unit occupied by not more than two occupants shall have a minimum clear floor area of 190 square feet (17.7 m<sup>2</sup>). A unit occupied by three occupants shall have a minimum clear floor area of 260 square feet (24.2 m<sup>2</sup>). 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.** 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 that 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 that 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.** Not less than 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 10 occupants.

**502.4 Employees' facilities.** Not less than 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.

**502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

### **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 not more than 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 not more than 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.** 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. 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.

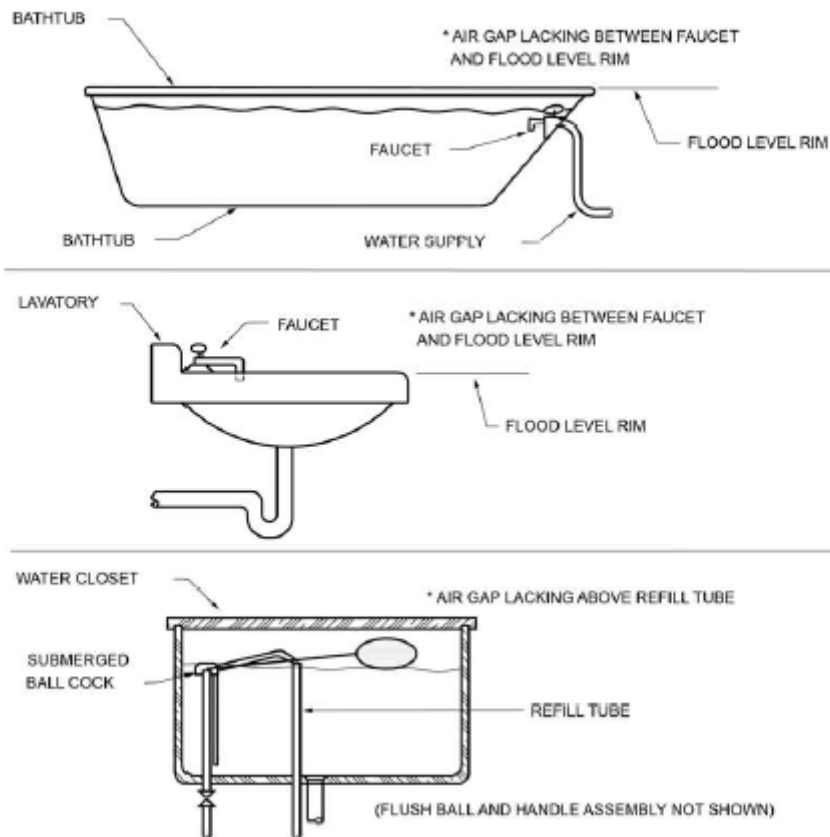
**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons,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

## **SECTION 505 - WATER SYSTEM**

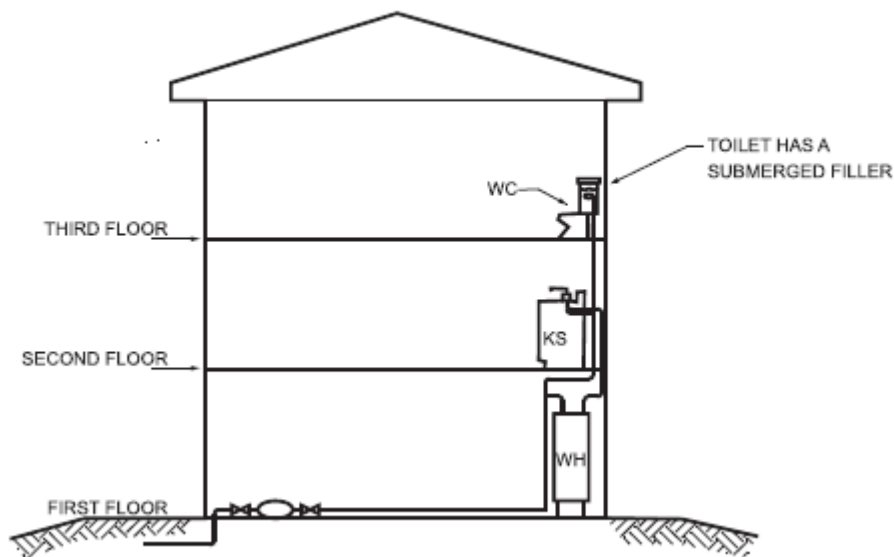
**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International 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.

Commentary Figure 505.2(1)—Common Cross Connections



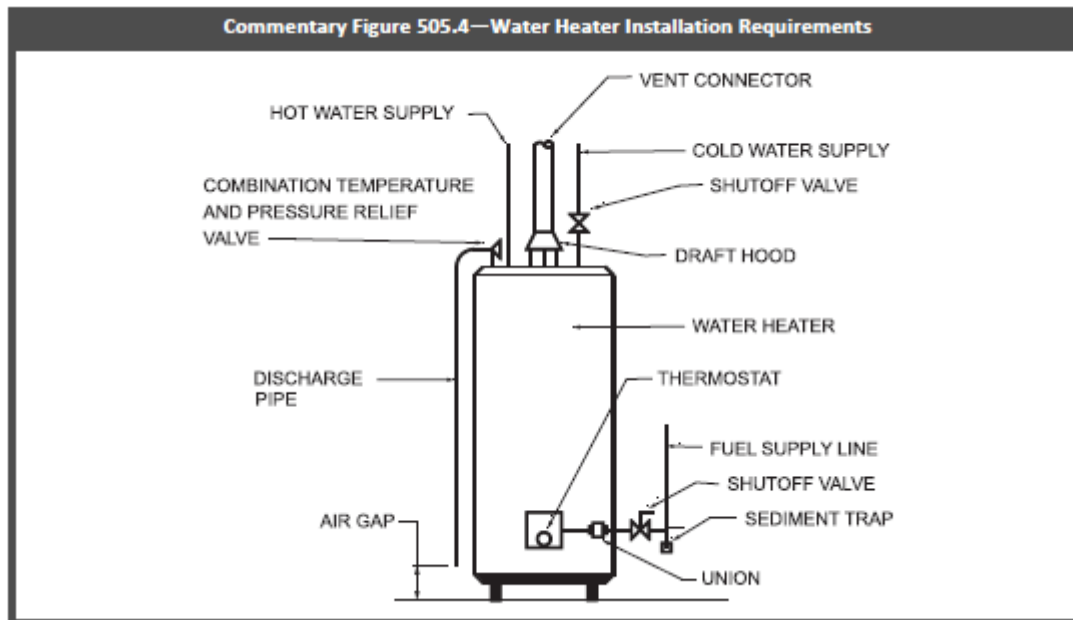
Commentary Figure 505.2(2)—Water Supply Protection



**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 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 adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.



**505.5 Nonpotable water reuse systems.** Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

\*\*\*Added to 2024 Code

**505.5.1 Abandonment of systems.** Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the International Plumbing Code.

\*\*\*Added to 2024 Code

## SECTION 506 - SANITARY DRAINAGE SYSTEM

**506.1 General.** 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.

**506.3 Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

## 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 that 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. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

\*\*\*New Ordinance Change: Numbering TMC 8.60.200

**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 express or implied, to furnish heat to the occupants shall supply heat to maintain a temperature of not less than 68°F (20°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.

\*\*\*New Ordinance Change: Numbering TMC 8.60.200

**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.

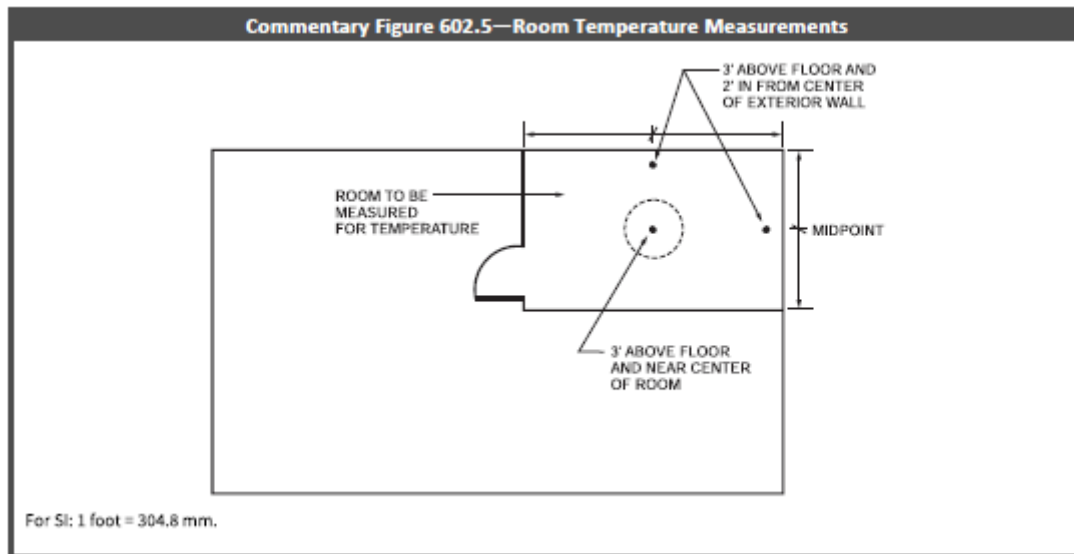
**Exceptions:**

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.

\*\*\*New Ordinance Change: Numbering TMC 8.60.200

**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 equipment and appliances.** Mechanical equipment, 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.** Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

**603.3 Clearances.** Required clearances to combustible materials shall be maintained.

**603.4 Safety controls.** 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 a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 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 International Building Code.

**Exceptions:** 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 not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
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 International Building Code.

**Exception:** Electrical switches, receptacles and fixtures that 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.

## **SECTION 605 - ELECTRICAL EQUIPMENT**

**605.1 Installation.** 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 grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. All kitchen countertop receptacles and all bathroom receptacles are required to be a receptacle with a ground fault circuit interrupter. All receptacle outlets shall have the appropriate faceplate cover for that location.

\*\*\*New Ordinance Change: Numbering TMC 8.60.210

**605.3 Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

**605.4 Wiring.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed **under carpets**, within walls, floors, or ceilings.

\*\*\*New Ordinance Change: New Text in bold

\*\*\*New Ordinance Change: Numbering TMC 8.60.210

## **SECTION 606 - ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASMEA 17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASMEA 17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**606.2 Elevators.** In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

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

**606.3 Private residence elevators.** Requirements for private residence elevators shall be in accordance with Sections 606.3.1 through 606.3.3.

**606.3.1 General.** The maintenance of elevators in private residences shall conform to Section 5.3 of ASME AI 7.1/CSA B44.

**606.3.2 Hoistway enclosures.** Hoistway enclosures shall comply with Section 5.3.1.1 of ASME AI 7.1/CSA B44.

**606.3.3 Hoistway Opening Protection.** Hoistway landing doors for private residence elevators shall comply with Sections 5.3.1.8.1 through 5.3.1.8.3 of ASME AI 7.1/ CSA B44 or Sections 10.1.4.1 through 10.1.4.3 of ASME AI 7.3.

\*\*\*Added to 2024 Code

## **SECTION 607 - DUCT SYSTEMS**

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

**607.2 Clothes dryer exhaust duct system maintenance.** The lint trap, mechanical and heating components, and the exhaust duct system of a clothes dryer shall undergo periodic removal of accumulations of lint in accordance with the manufacturer's operating instructions to prevent obstruction of exhaust air and products of combustion.

\*\*\*Added to 2024 Code

# **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.** 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 the code under which the building was constructed.

**702.2 Aisles.** The required width of aisles in accordance with the code under which the building was constructed shall be unobstructed.

\*\*\*Some changes to text that are more sensitive to homeowners.

**702.3 Locked doors.** 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 International Building Code.

**702.4 Emergency escape and rescue openings.** Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required *emergency escape and rescue openings* shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings* provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.11 of the *International Building Code*. 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.

\*\*\*Added to 2024 Code

## SECTION 703 - FIRE-RESISTANCE RATINGS

**703.1 Fire-resistance-rated assemblies.** The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

**703.2 Unsafe conditions.** Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 115.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the *occupants* of the building, *structure* or portion thereof, the fire code official shall act in accordance with Section 115.2 of the *International Fire Code*.

**703.3 Maintenance.** The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-

resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

**703.3.1 Fire blocking and draft stopping.** Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

**703.3.2 Smoke barriers and smoke partitions.** Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

**703.3.3 Fire walls, fire barriers, and fire partitions.** Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

**703.4 Opening protectives.** Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

**703.4.1 Signs.** Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR - DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR - KEEP CLOSED.

**703.4.2 Hold-open devices and closers.** Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

**703.4.3 Door operation.** Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

**703.5 Ceilings.** The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

**703.6 Testing.** Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

**703.7 Vertical shafts.** Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as

required in Chapter 11 of the *International Fire Code*. New floor openings in existing buildings shall comply with the *International Building Code*.

**703.8 Opening protective closers.** Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

## SECTION 704 - FIRE PROTECTION SYSTEMS

\*\*\*Large portion of this section was added/ expanded on to the 2024 Code

**704.1 Inspection, testing and maintenance.** Fire protection and life safety systems shall be maintained in accordance with the *International Fire Code* in an operative condition at all times and shall be replaced or repaired where defective.

**704.1.1 Fire protection and life safety systems.** Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the *International Fire Code* and the *International Building Code*.

**704.1.2 Required fire protection and life safety systems.** Fire protection and life safety systems required by this code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

**704.1.3 Fire protection systems.** Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.13.5.
3. Automatic water mist extinguishing systems, see Section 904.11.3.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single and multiple station smoke alarms, see Section 907.2.9.2.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.
17. Duct and air transfer openings, see Section 706.1.

**704.2 Standards.** Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

TABLE 704.2—FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS	
SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Fire dampers	NFPA 80
Smoke dampers	NFPA 105
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

**704.2.1 Records.** Records shall be maintained of all system inspections, tests and maintenance in accordance with Section of the International Fire Code.

**704.2.2 Records information.** Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

**704.3 Systems out of service.** Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated, or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901.7 of the International Fire Code to bring the systems back in service.

**Exception:** Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

**704.3.1 Emergency impairments.** Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the International Fire Code.

**704.4 Removal of or tampering with equipment.** It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

**704.4.1 Removal of or tampering with appurtenances.** Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

**704.4.2 Removal of existing occupant-use hose lines.** The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the International Fire Code or the International Building Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.



**704.4.3 Termination of monitoring service.** For fire alarm systems required to be monitored by the International Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

**704.5 Fire department connection.** Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire *code official*.

**704.5.1 Fire department connection access.** Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

**Exception:** Fences were provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

**704.5.2 Clear space around connections.** A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

**704.6 Single- and multiple-station smoke alarms.** Single- and multiple-station smoke alarms shall be installed in existing Group 1-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

**704.6.1 Where required.** Existing Group 1-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

**Exceptions:**

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required, provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

**704.6.1.1 Group R-1.** Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping 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.



**704.6.1.2 Groups R-2, R-3, R-4 and 1-1.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and 1-1 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 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.

**704.6.1.3 Installation near cooking appliances.** Smoke alarms shall be installed a minimum of 10 feet (3.0 m) horizontally from a permanently installed cooking appliance.

**Exception:** Smoke alarms shall be permitted to be installed a minimum of 6 feet (1.8 m) horizontally from a permanently installed cooking appliance where necessary to comply with Section 704.6.1.1 or 704.6.1.2.

**704.6.1.4 Installation near bathrooms.** Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

**704.6.2 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, 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 that 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 that could provide access for interconnection without the removal of interior finishes.

**704.6.3 Power source.** 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 with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. 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 over-current protection.

**Exceptions:**

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling

finishes exposing the structure, unless there is an attic, crawlspace or basement available that could provide access for building wiring without the removal of interior finishes.

**704.6.4 Smoke detection system.** Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

**704.7 Single and multiple station smoke alarms.** Single and multiple station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions and this code.

**704.7.1 Replacement.** Smoke alarms shall be replaced where any of the following apply:

1. The smoke alarm fails to respond to operability tests.
2. Where the smoke alarm exceeds 10 years from the date of manufacture marked on the unit, unless an earlier replacement is specified in the manufacturer's instructions.
3. The smoke alarm end-of-life signal is sounded.
4. The smoke alarm date of manufacturer cannot be determined.

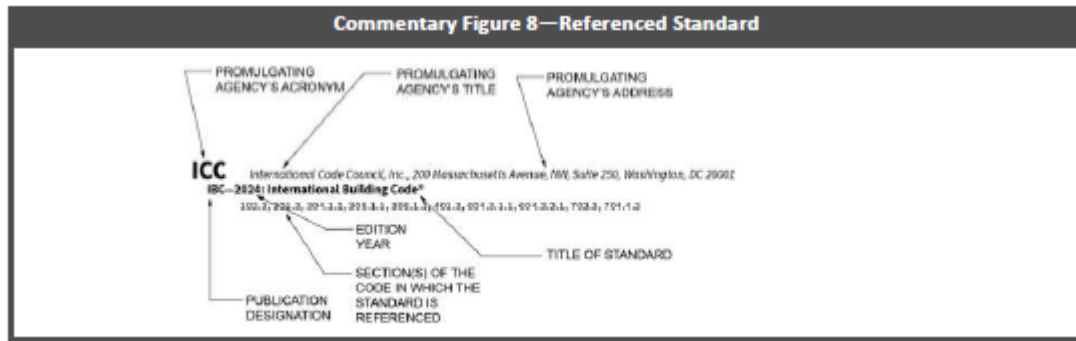
## **SECTION 705 - CARBON MONOXIDE ALARMS AND DETECTION**

**705.1 General.** Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

**705.2 Carbon monoxide alarms and detectors.** Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 72. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

\*\*\*Added to 2024 Code

## CHAPTER 8 REFERENCED STANDARDS



**ASME** American Society of Mechanical Engineers - Two Park Avenue, New York, NY 10016-5990  
**ASME AI 7.1-2022/CSA B44-2022: Safety Code for Elevators and Escalators**  
 606.1  
**ASME AI 7.3-2020: Safety Code for Existing Elevators and Escalators**  
 606.3.3

**ASTM** ASTM International -100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959  
**F1346-1991 (2018): Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs**  
 303.2

**ICC** International Code Council - 200 Massachusetts Avenue, NW, Suite 250, Washington, DC 20001  
**IBC-24: International Building Code®**  
 102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 401.3, 604.3.1.1, 604.3.2.1, 702.3, 704.4.2  
**ICC 500-2020: ICC/NSSA Standard for the Design and Construction of Storm Shelters**  
 202, 311.1, 311.2, 311.3  
**IEBC-24: International Existing Building Code®**  
 102.3, 201.3, 304.1.1, 305.1.1, 306.1.1  
**IECC-24: International Energy Conservation Code®**  
 102.3  
**IFC-24: International Fire Code®**  
 102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1  
**IFGC-24: International Fuel Gas Code®**  
 102.3, 201.3  
**IMC-24: International Mechanical Code®**  
 102.3, 201.3  
**IPC-24: International Plumbing Code®**  
 102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3  
**IRC-24: International Residential Code®**  
 102.3, 201.3  
**IZC-24: International Zoning Code®**  
 102.3, 201.3

**NFPA** National Fire Protection Association - 1 Batterymarch Park, Quincy, MA 02169-7471

**10-22: Standard for Portable Fire Extinguishers**

Table 704.2

**12-22: Standard on Carbon Dioxide Extinguishing Systems**

Table 704.2

**12A-22: Standard on Halon 1301 Fire Extinguishing Systems**

Table 704.2

**17-2021: Standard for Dry Chemical Extinguishing Systems**

Table 704.2

**17A-2021: Standard for Wet Chemical Extinguishing Systems**

Table 704.2

**2S-23: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems**

Table 704.2

**70-23: National Electrical Code**

102.3, 201.3, 604.2

**72-22: National Fire Alarm and Signaling Code**

Table 704.2

**80-22: Standard for Fire Doors and Other Opening Protectives**

703.3.3, 703.4, Table 704.2

**105-22: Standard for Smoke Door Assemblies and Other Opening Protectives**

703.3.2, Table 704.2

**204-21: Standard for Smoke and Heat Venting**

Table 704.2

**750-23: Standard on Water Mist Fire Protection Systems**

Table 704.2

**2001-22: Standard on Clean Agent Fire Extinguishing Systems**

Table 704.2

**UL** Underwriters Laboratories, LLC - 333 Pfingsten Road, Northbrook, IL 60062

**268-2016: Smoke Detectors for Fire Alarm Systems-with revisions through July 2016**

704.6.4

## APPENDIX A – Boarding Standard

### SECTION A101-GENERAL

**A101.1 General.** 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*.

### SECTION A102-MATERIALS

**A102.1 Boarding sheet material.** Boarding sheet material shall be minimum ¼-inch-thick (12.7 mm) wood structural panels complying with the *International Building Code*.

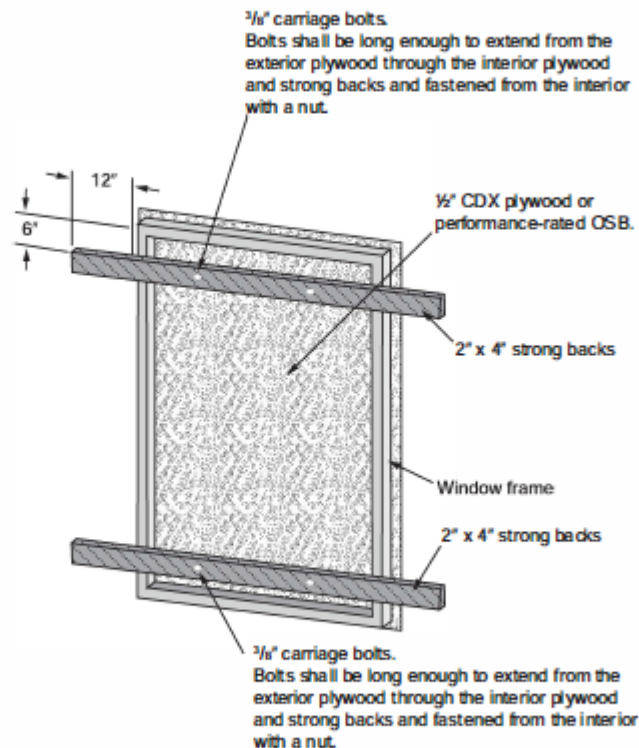
**A102.2 Boarding framing material.** Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

**A102.3 Boarding fasteners.** Boarding fasteners shall be minimum 3/8-inch-diameter (9.5 mm) 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*.

### SECTION A103-INSTALLATION

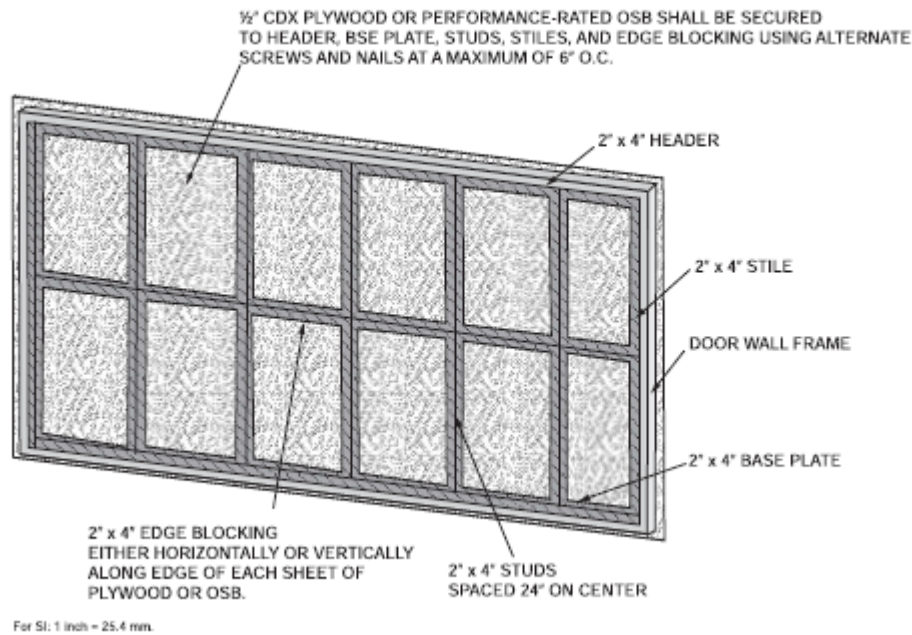
**A103.1 Boarding installation.** The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

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



For SI: 1 inch = 25.4 mm.

**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 (152 mm) 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.

## SECTION A104-REFERENCED STANDARD

**A104.1 Referenced standards.** Table A104.1 lists the standard that is referenced in various sections of this appendix. The standard is listed herein by 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 102.8.

TABLE A104.1—REFERENCED STANDARD		
STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
IBC—24	International Building Code	A102.1, A102.2, A102.3

## **APPENDIX B – Board of Appeals (DELETED IN ITS ENTRITY)**

### **SECTION B101-GENERAL**

**B101.1 Scope.** A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of this code pursuant to the provisions of Section 106 (Means of Appeals). The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

**B101.2 Application for appeal.** Any person shall have the right to appeal a decision of the code official to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

**B101.2.1 Limitation of authority.** The board shall not have authority to waive requirements of this code or interpret the administration of this code.

**B101.2.2 Stays of enforcement.** Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

**B101.3 Membership of the board.** The board shall consist of five voting members appointed by the chief appointing authority of the jurisdiction. Each member shall serve for [INSERT NUMBER OF YEARS] years or until a successor has been appointed. The board member's terms shall be staggered at intervals, so as to provide continuity. The code official shall be an ex officio member of said board but shall not vote on any matter before the board.

**B101.3.1 Qualifications.** The board shall consist of five individuals, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

**B101.3.2 Alternate members.** The chief appointing authority is authorized to appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for the same term or until a successor has been appointed.

**B101.3.3 Vacancies.** Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.

**B101.3.4 Chairperson.** The board shall annually select one of its members to serve as chairperson.

**B101.3.5 Secretary.** The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member and any failure of a member to vote.

**B101.3.6 Conflict of interest.** A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

**B101.3.7 Compensation of members.** Compensation of members shall be determined by law.

**B101.3.8 Removal from the board.** A member shall be removed from the board prior to the end of their terms only for cause. Any member with continued absence from regular meeting of the board may be removed at the discretion of the chief appointing authority.

**B101.4 Rules and procedures.** The board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

**B101.5 Notice of meeting.** The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic intervals.

**B101.5.1 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

**B101.5.2 Quorum.** Three members of the board shall constitute a quorum.

**B101.5.3 Postponed hearing.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**B101.6 Legal counsel.** The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

**B101. 7 Board decision.** The board shall only modify or reverse the decision of the code official by a concurring vote of three or more members.

**B101. 7.1 Resolution.** The decision of the board shall be by resolution. Every decision shall be promptly filed in writing in the office of the code official within three days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to the code official.

**B101. 7.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.

**B101.8 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.