

Chapter 9-407

PROPERTY MAINTENANCE CODE OF THE CITY OF HICKMAN

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9-407.010 Adoption of International Property Maintenance Code 2012 Edition.

Except as hereinafter provided by specific amendment, the International Property Maintenance Code 2012 Edition, hereinafter referred to as the “International Property Maintenance Code” is hereby adopted and incorporated into Title 21 of the Hickman Municipal Code. (Ord. 2016-18; July 26th, 2016)

9-407.020 Section 101.1 Amended; Title.

Section 101.1 of the International Property Maintenance Code is amended to read as follows:

101.1 Title. These regulations shall be known as the *Property Maintenance Code of the City of Hickman*, hereinafter referred to as “this code”. (Ord. 2016-18; July 26th, 2016)

9-407.030 Section 101.2 Amended; Scope.

Section 101.2 of the International Property Maintenance Code is amended to read as follows:

101.2 Scope. The provisions of this code shall apply to all existing residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe, sanitary, and adequate maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. The jurisdiction will include the City of Hickman (hereinafter referred to as “the City”) and within one mile of the corporate limits of the City. (Ord. 2016-18; July 26th, 2016)

9-407.040 Section 101.3 Amended; Intent.

Section 101.3 of the International Property Maintenance Code is amended to read as follows

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety, welfare and the protection of neighborhoods from hazardous, blighting and deteriorating influences or conditions that have a negative impact on area property values and discourage property owners from improving their properties, by regulating and controlling the use and occupancy, insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the International Residential Code, as amended, and the International Building Code, as adopted by the City of Hickman. (Ord. 2016-18; July 26th, 2016)

9-407.050 Section 102.3 Amended; Application of Other Codes.

Section 102.3 of the International Property Maintenance Code is amended to read as follows

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Residential Code or International Building Code, as adopted by the City. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Hickman Municipal Code. (Ord. 2016-18; July 26th, 2016)

9-407.060 Section 102.7 Amended; Referenced Codes and Standards.

Section 102.7 of the International Property Maintenance Code is amended to read as follows

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be as follows: International Residential Code for One and Two Family Dwellings, International Building Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code, National Electrical Code, and the International Fuel Gas Code, all as adopted by the City of Hickman, Nebraska. All said codes shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing as published by the manufacturer of the equipment or appliance, the conditions of the listing shall apply. (Ord. 2016-18; July 26th, 2016)

9-407.070 Section 103 Amended; Department of Building and Safety.

Section 103 of the International Property Maintenance Code is amended to read as follows:

SECTION 103 - DEPARTMENT OF BUILDING AND SAFETY

103.1 General. The Director of Building Safety Department or City Administrator shall be the executive official in charge of this code and hereinafter referred to as the code official.

103.2 Deputies. In accordance with the prescribed procedures of the City, the code official shall have the authority to appoint designated technical officers, housing inspectors and other employees to assist in the enforcement of this code.

103.3 Liability. The code official, members of the board of appeals or employees charged with the enforcement of this code, while acting for the City, 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 liable personally, and are hereby relieved from all personal liability for any damages accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any official or employee because of an act performed by that official or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City until the final termination of the proceedings. The code official or any subordinate shall not be personally liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code. (Ord. 2016-18; July 26th, 2016)

9-407.080 Section 104.2 Amended; Inspections.

Section 104.2 of the International Property Maintenance Code is amended to read as follows:

104.2 Inspections. The code official shall be responsible for making all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing by an inspector of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to

report upon unusual technical issues that arise, subject to the approval of the appointing authority. (Ord. 2016-18; July 26th, 2016)

9-407.090 Section 104.6 Amended; Department Records.

Section 104.6 of the International Property Maintenance Code is amended to read as follows:

104.6 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained for ten years. (Ord. 2016-18; July 26th, 2016)

9-407.100 Section 105.1 Amended; Modifications.

Section 105.1 of the International Property Maintenance Code is amended to read as follows:

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason or reasons that make the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. (Ord. 2016-18; July 26th, 2016)

9-407.110 Section 105.3.1 Amended; Test Methods.

Section 105.3.1 of the International Property Maintenance Code is amended to read as follows:

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by a qualified agency. (Ord. 2016-18; July 26th, 2016)

9-407.120 Section 106 Amended; Violations.

Section 106 of the International Property Maintenance Code is amended to read as follows:

SECTION 106 - VIOLATIONS

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

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.2.1 Inspections and fees for single-family and two-family dwelling unit. Following the finding of any violation of this title, the code official shall provide the violating party reasonable time to correct the violation. A single family or two-family dwelling unit shall be placed on a six month inspection schedule upon the occurrence of any one of the following:

1. Two or more different complaint inspections, each resulting in code violations, within any twelve-month period;

2. Adjudication by a court of competent jurisdiction of one or more code violations. A dwelling unit placed on a six-month inspection schedule shall remain on said schedule until it has received two consecutive six-month inspections with no code violations during that time.

An inspection fee shall be charged in an amount set by the Director, subject to the approval of the Mayor.

1. For dwelling units on a six-month inspection schedule: Inspection fee is waived for a preliminary complaint-based inspection when no code violations are found.

2. For dwelling units not on a six-month inspection schedule: (i) Inspection fee is waived for a preliminary inspection.

(ii) Inspection fee is waived for the first re-inspection when all code violations noted in the preliminary complaint-based inspection are repaired within the time allowed by the Building Official

106.2.2 Inspections and fees for dwelling units other than single-family or two-family dwelling units. Following the finding of any violation of this title, the code official shall provide the violating party reasonable time to correct the violation. Inspections, schedules, and fees shall be those set forth in Section 5.38.040.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the City, and the violation shall be deemed a strict liability offense. If the notice of the violation or order is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person upon whom a duty is placed by the provisions of this title who shall fail, neglect, or refuse to perform such duty, or who shall violate a provision of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$500.00 or be imprisoned in the county jail for a period not to exceed six months, or both, except that each person so convicted shall be fined in a sum of not less than \$200.00 for the first offense, not less than \$300.00 for a second offense, and not less than \$400.00 for the third offense and each offense thereafter. The penalty herein provided shall be cumulative with and in addition to the revocation, cancellation or forfeiture of any license, permit, or right elsewhere provided for violation thereof or as provided by law. Each day that a violation of this title continues shall constitute a separate and distinct offense and shall be punishable as such.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. (Ord. 2016-18; July 26th, 2016)

9-407.130 Section 107.1 Amended; Notice to Person Responsible.

Section 107.1 of the International Property Maintenance Code is amended to read as follows:

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures under this code shall also comply with Section 108.3. (Ord. 2016-18; July 26th, 2016)

9-407.140 Section 107.3 Amended; Method of Service.

Section 107.3 of the International Property Maintenance Code is amended to read as follows:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the address listed in the records

of the County Assessor; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(Ord. 2016-18; July 26th, 2016)

9-407.150 Section 107.4 Amended; Unauthorized Tampering.

Section 107.4 of the International Property Maintenance Code is amended to read as follows:

107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization by the code official. Such tampering shall constitute a misdemeanor and shall be punishable as set forth in Section 106.4.

9-407.160 Section 108.1 Amended; Unsafe Structures and Equipment; General.

Section 108.1 and subsections 108.1.1 through 108.1.5 of the International Property Maintenance Code are amended to read as follows:

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

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire or other life threatening event, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

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

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is a nuisance or lacks ventilation, illumination, or heating facilities or other essential requirements of this code, or the location of the structure constitutes a hazard to the occupants of the structure or to the public. Whenever the health officer finds that such structure, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin- or rat-infested, contains filth and contamination, or is a nuisance, such structure shall be unfit for human occupancy and the health officer shall make such finding to the code official.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be erected, altered, or maintained or occupied contrary to this code.

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

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the City as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that does not have sufficient strength or stability, or is not anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half times the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy as determined by the code official or his designated employee.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the City, or any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated condition, 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.

11. Any portion of a building remains on a site after 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. (Ord. 19349 §16; March 1, 2009). (Ord. 2016-18; July 26th, 2016)

9-407.170 Section 108.4.1 Amended; Placard Removal.

Section 108.4.1 of the International Property Maintenance Code is amended to read as follows:

108.4.1 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 guilty of a misdemeanor and shall be subject to the penalties provided by Section 106.4. (Ord. 2016-18; July 26th, 2016)

9-407.180 Section 108.5 Amended; Prohibited Occupancy.

Section 108.5 of the International Property Maintenance Code is amended to read as follows:

108.5 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 premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be guilty of a misdemeanor and subject to the penalties provided by Section 106.4. (Ord. 2016-18; July 26th, 2016)

9-407.190 Section 109 Amended; Emergency Measures.

Section 109 of the International Property Maintenance Code is amended to read as follows:

SECTION 109 - EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or 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 hazardous fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same. The

code official may request assistance from such other agencies of the City as may be reasonably necessary to empty the premises or building.

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

109.3 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.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. The cost of such repairs are chargeable to the property and shall be a lien upon such real estate.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the City. The city attorney shall institute appropriate action against the owner of the premises for the recovery of such costs. Such costs may also be assessed as a lien against the property as allowed in Section 110.5 or as allowed by law.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Housing Advisory

and Appeals Board, be afforded a hearing as described in this code. (Ord. 2016-18; July 26th, 2016)

9-407.200 Section 110 Amended; Demolition.

Section 110 of the International Property Maintenance Code is amended to read as follows:

SECTION 110 - DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless approved by the building official.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order or an order giving the owner the option to repair and make safe or demolish, within the time prescribed, the code official shall cause the structure to be demolished and removed or repaired and made safe, as prescribed by current city contract procedure, and the cost of such demolition and removal or repair shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the City Council under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to 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.

110.5 Recovery of Cost of Repair or Demolition.

110.5.1 Account of Expense. The code official shall keep an itemized account of the expenses incurred by the City in the repair or demolition of any building done pursuant to this code. Upon the completion of the work of repair or demolition, said code official shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located and the names and addresses of the owners of the property.

110.5.2 Notice of Hearing. Upon receipt of said report, the city clerk shall present it to the City Council for consideration. The City Council shall fix a time, date, and place for hearing said report and any protests or objections thereto. The city clerk shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the City, and served by certified mail, postage prepaid, addressed to the owner of said property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Such notice shall be given at least ten days prior to the date set for the hearing and shall specify the day, hour and place the Council will hear and pass upon the code

official's report, together with any objection or protests which may be made thereto, and assess such property with such cost. Such assessment shall be certified by the city clerk to the appropriate taxing official for the City, and shall be collected in the manner provided by law for the collection of general real estate taxes. Such assessment shall be a lien upon such property from the date of assessment, shall become delinquent December 1 after the date of assessment, and shall draw interest from said date until paid at the same rate as provided by law for delinquent general real estate taxes. (Ord. 2016-18; July 26th, 2016)

9-407.210 Section 111 Amended; Means of Appeal.

Section 111 of the International Property Maintenance Code is amended to read as follows:

SECTION 111 -- MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Housing Advisory and Appeals Board, provided that a \$100.00 filing fee and a written application for appeal is filed within twenty days after the day the decision, notice or order was served or such person directly affected. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The Board shall have no authority to interpret the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

111.1.1 Effect of failure to appeal. Failure of any person to file an appeal shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or to any portion thereof.

111.1.2 Scope of hearing on appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

111.2 Membership of board. The Housing Advisory and Appeals Board shall consist of a minimum of five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the City. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the Mayor. Appointments shall be for three-year staggered terms.

111.2.1 Chairman. The board shall annually select one of its members to serve as chairman.

111.2.2 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.3 Secretary. The code official shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Mayor.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within thirty days of the filing of an appeal, or at stated periodic meetings.

111.4 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. A quorum shall consist of not less than three of the five- member board.

111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require strict compliance with rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When a quorum of the board is 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.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies. The proceedings of the hearing and the decision of the board shall be recorded by tape recording or by other means of permanent recording determined appropriate by the board. The proceedings at the hearing shall also be reported by a stenographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the board, but shall in no event be greater than the cost involved. Copies of the board's decision shall be furnished to the appellant and to the code official. The board's decision shall be public information.

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

111.7 Court review. Appeals of the board's decision shall be filed in accordance with state law.

111.8 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 Housing Advisory and Appeals Board. (Ord. 2016-18; July 26th, 2016)

9-407.220 Section 112.4 Amended; Failure to Comply.

Section 112.4 of the International Property Maintenance Code is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200.00 or more than \$500.00. (Ord. 2016-18; July 26th, 2016)

9-407.225 International Property Maintenance Code Task Force Created.

There is hereby created the International Property Maintenance Code Task Force which shall advise the Mayor of the suitability of maintenance standards for residential housing and reasonable interpretations of this code; review and recommend changes to this code; and provide such other advisory duties related to this code as may be deemed necessary by the Mayor. Appointments shall be made by the Mayor and shall run for three years each and all terms shall run concurrent with each other. Appointments for vacancies shall run only for the unexpired term. The Mayor may reappoint members as may be deemed appropriate and the Mayor may remove a member at any time. Each member shall serve without pay. Selection of officers, times and places for meetings, and other rules and procedures shall be as directed by the Mayor and set forth in an executive order. (Ord. 2016-18; July 26th, 2016)

9-407.230 Section 201.3 Amended; Terms Defined in Other Codes.

Section 201.3 of the International Property Maintenance Code is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code, National Electrical Code, or the International Fuel Gas Code, such terms shall have the meanings ascribed to them as stated in those codes, as adopted by the City of Hickman, Nebraska. (Ord. 2016-18; July 26th, 2016)

9-407.240 Section 202 Amended; General Definitions.

Section 202 of the International Property Maintenance Code is amended to read as follows:

SECTION 202 - GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

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

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

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BLIGHT OR BLIGHTED. Any unsightly condition including the accumulation of debris, litter, rubbish or rubble; fences characterized by holes, breaks, rot, crumbling, crackling, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

CODE OR BUILDING OFFICIAL. The Director of Building & Safety Department who is charged with the administration and enforcement of this code, or any duly authorized representative.

CODE VIOLATION. A violation of Hickman Municipal Code requiring some corrective action on the part of an owner, local property manager, or tenant as a result of an inspection by the Building Official pursuant to procedures as set forth in Hickman Municipal Code; hereinafter referred to as “the Codes”.

COMPLAINT BASED INSPECTION. Any inspection required as a result of a complaint placed with the Building Official.

CONDEMN. To adjudge unfit for occupancy.

DEBRIS. Any substance of little or no apparent economic value including, but not limited to, deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

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. The lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, peeling, rusting, or any other evidence of physical decay or neglect or excessive use or lack of maintenance over a substantial or widespread area as opposed to a limited or concentrated area.

DWELLING UNIT. Any room or group of rooms located in a structure and forming a single habitable unit with permanent facilities which are used or intended to be used for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

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

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

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal 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.

HEALTH OFFICER. The Director of the Hickman-Lancaster County Department of Health or any duly authorized representative.

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

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

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

INSPECTION. Any investigatory review by the Building Official of a house or dwelling unit for compliance with the Codes.

JURISDICTION. The City of Hickman, Nebraska.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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

LITTER. Decaying or non-decaying solid and semi-solid wastes including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, glass, bedding, debris, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, overgrown vegetation and trees which may become a fire hazard, piles of earth mixed with any of the above or any foreign objects, including inoperable vehicles, except, for purposes of this ordinance, litter shall not include organic materials being composted in a safe and sanitary manner in accordance with Chapter 5.41 of the Hickman Municipal Code.

NEGLECT. The omission, failure, or unreasonable forbearance in providing maintenance, pursuant to the Property Maintenance Code of the City of Hickman, to buildings and structures.

NUISANCE. Nuisance shall mean any public nuisance known at common law or in equity jurisprudence including, but not limited to the following:

(a) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structur-

ally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

(b) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

(c) Overcrowding a room with occupants.

(d) Insufficient ventilation or illumination.

(e) Inadequate or unsanitary sewage or plumbing facilities

(f) Uncleanliness, as determined by the health officer.

(g) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

(h) Any building or structure which as a result of vandalism, neglect, inadequate maintenance, or lack of repair is permitted to become so blighted, deteriorated or dilapidated that such building or structure is detrimental to or endangers the health, safety, or welfare of the public or occupants thereof.

(i) Any premises which as a result of vandalism, neglect or inadequate maintenance or lack of repair is permitted to become so blighted that such premises is detrimental to or endangers the health, safety, or welfare of the public or occupants thereof.

(j) Vacant or abandoned buildings which for a period of three months or more have been boarded up, left in a partial state of destruction, or left in a state of partial construction after the expiration of a building permit for such construction.

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

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

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

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

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. This includes the authorized representative of the trust or estate, and the trustee, executor, personal representative, or administrator of a decedent's estate that is authorized to take control or possession of real estate pursuant to court order or applicable law. This would include trusts as well as decedents' estates.

PERMIT INSPECTION shall mean any inspection required as part of the permit issuing process required in Section 5.38.020.

PERSON. An individual, corporation, partnership or any entity recognized by law.

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.

PRELIMINARY INSPECTION. The first or initial inspection in any inspection process.

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

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

PUTRESCIBLE. Something that could become rotten and foul smelling from the decomposition of organic matter by bacteria, fungi, and oxidation.

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

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

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

RUBBLE. Broken solid surface fragments usually resulting from the decay or deterioration of a building; miscellaneous mass of broken or apparently worthless materials.

SOLID WASTE. All putrescible and nonputrescible wastes whether in solid or liquid form and includes garbage, scavenger matter, rubbish, ashes, refuse, fill dirt, sewage sludge, street refuse, commercial and industrial wastes, demolition debris and all used construction material, building rubbish, discarded automobile and other types of vehicle body parts or portions thereof, machinery or parts thereof, discarded home or industrial appliances, iron, steel and other old or metal scrap

material, manure, human excrement, vegetable or animal solids and semi-solid waste, infectious waste, special waste, lawn waste, tree limbs, branches, shrubbery, bushes, and other similar organic waste, including garden vegetative material, dead animals or parts thereof, and other discarded solid materials.

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

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

TENANT. A person, corporation, partnership or other entity recognized by law, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

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

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

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

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

YARD. An open space on the same lot with a structure. (Ord. 2016-18; July 26th, 2016)

9-407.250 Section 302 Amended; Exterior Property Areas.

Section 302 of the International Property Maintenance Code is amended to read as follows:

SECTION 302 -- EXTERIOR PROPERTY AREAS

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

302.2 Drainage around foundations. The ground around the foundation of a dwelling shall be graded so that water will drain away from the foundation and no standing water may collect within five feet of the structure.

302.3 Sidewalks and driveways. All private 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 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.

302.5 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. (Ord. 2016-18; July 26th, 2016)

9-407.260 Section 303 Deleted; Swimming Pools, Spas and Hot Tubs.

Section 303 of the International Property Maintenance Code is hereby deleted. (Ord. 2016-18; July 26th, 2016)

9-407.270 Section 304.2 Amended; Protective Treatment.

Section 304.2 of the International Property Maintenance Code is amended to read as follows:

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint on more than 25% of any wall or face shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. (Ord. 2016-18; July 26th, 2016)

9-407.280 Section 304.13 Exception Added; Window, Skylight and Door Frames.

Section 304.13 of the International Property Maintenance Code is amended to read as follows:

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

Exception: When occupied, windows may be boarded for no more than 30 days. (Ord. 2016-18; July 26th, 2016)

9-407.290 Section 304.14 Amended; Insect Screens.

Section 304.14 of the International Property Maintenance Code is amended to read as follows:

304.14 Insect screens. During the period from May 15 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (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. (Ord. 2016-18; July 26th, 2016)

9-407.300 Section 304.17 Amended; Guards for Basement Windows.

Section 304.17 of the International Property Maintenance Code is amended to read as follows:

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, screens, storm windows or other approved protection against the entry of rodents. (Ord. 2016-18; July 26th, 2016)

9-407.310 Section 304.18.1 Deleted; Building Security; Doors.

Section 304.18.1 of the International Property Maintenance Code is hereby deleted. (Ord. 2016-18; July 26th, 2016)

9-407.320 Section 304.19 Added; Maintenance of Buildings and Premises.

Section 304.19 is added to the International Property Maintenance Code to read as follows:

304.19 Maintenance of Buildings and Premises. All buildings, or portions thereof, shall be adequately maintained so as to be free of deterioration that endangers or is likely to endanger the life, limb, health, property, safety, or welfare of the public or occupants thereof. All exposed exterior surfaces, windows and doors of buildings, structures and the premises upon which they are located shall be adequately maintained so as to not present a deteriorated or blighted appearance.

Inadequate maintenance of buildings shall include but not be limited to the following:

(1) Any building or portion thereof which is determined to be an unsafe building in accordance with the International Building Code as adopted by the City.

(2) Buildings which for a period of three months or more are boarded up, left in a partial state of destruction, or left in a state of partial construction after expiration of a building permit for such construction.

(3) Broken windows constituting hazardous conditions.

(4) Unpainted buildings which have begun to dry rot, warp, or become infested with termites deterioration.

(5) Buildings which have substantial and noticeable conditions of blight or

(6) Buildings which have cracked, chipped, flaking, peeling, or missing paint over

25% or more of any wall or face of the building.

(7) Buildings which have upholstered or other furniture which is designed or manufactured primarily for indoor use with no original outdoor weatherproofing qualities including, but not limited to, upholstered chairs, upholstered couches, and mattresses used or left on unenclosed exterior porches, balconies, or in an exposed open area including, but not limited to, decks, patios, roofs, yards, driveways, or walkways.

Exterior porches shall not include any porch completely covered by a roof, when located at and attached to a building and completely enclosed by fully intact glass and/or fully intact screens which are designed to keep out insects and allow air flow.

Inadequate maintenance of the premises shall include, but not be limited to the following:

(1) Accumulation of debris, litter, rubbish, rubble, solid waste, and similar materials or conditions.

(2) Dead and dying trees and limbs or other natural growth which by reason of rotting or deteriorating condition or storm damage constitute a health or safety hazard to persons in the vicinity thereof.

(3) Sources of infestation.

(4) Premises which have substantial and noticeable conditions of blight or disrepair. (Ord. 2016-18; July 26th, 2016)

9-407.330 Section 305.1 Amended; Interior Structure, General.

Section 305.1 of the International Property Maintenance Code is amended to read as follows:

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the

structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, or two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. (Ord. 2016-18; July 26th, 2016)

9-407.340 Section 305.1.1 Amended; Interior Structure, Unsafe Conditions.

Section 305.1.1 of the International Property Maintenance Code is amended to read as follows:

305.1.1 Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as adopted by the City as required for existing buildings:

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

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official. (Ord. 2016-18; July 26th, 2016)

9-407.345 Section 307 Amended; Handrails and Guardrails.

Section 307 of the International Property Maintenance Code is amended to read as follows:

SECTION 307 - HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having four or more risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code. (Ord. 2016-18; July 26th, 2016)

9-407.350 Section 308 Amended; Solid Waste.

Section 308 of the International Property Maintenance Code is amended to read as follows:

SECTION 308 - SOLID WASTE

308.1 Accumulation of solid waste. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of solid waste.

308.2 Disposal of solid waste. The owner of a structure shall dispose of all solid waste in a clean and sanitary manner by supplying and placing such solid waste in an approved, leakproof, covered, outside container and collection of such solid waste shall be pursuant to Hickman Municipal Code.

308.2.1 Disposal for Non-owner occupied. If the structure is non-owner occupied, said occupant of the structure shall place the solid waste in the containers provided by the owner and such solid waste shall be collected pursuant to Hickman Municipal Code.

308.3 Refrigerators. Refrigerators, ovens, stoves and similar equipment, whether working or not, shall not be discarded, abandoned, unattended or stored on premises without first removing the doors. (Ord. 2016-18; July 26th, 2016)

9-407.360 Section 309 Amended; Pest Extermination.

Section 309 of the International Property Maintenance Code is amended to read as follows:

SECTION 309 - PEST EXTERMINATION

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

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

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

309.4 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Where an infestation is caused by failure of an occupant to prevent such infestation, the occupant shall be responsible for extermination.

Where the infestations are not caused by the occupant or where the infestations are caused by defects in the structure, the owner shall be responsible for extermination. (Ord. 2016-18; July 26th, 2016)

9-407.370 Section 403 Amended; Ventilation.

Section 403 of the International Property Maintenance Code is amended to read as follows:

SECTION 403 - VENTILATION

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

Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). 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 a rooming unit or dormitory unit, except:

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 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the Uniform Mechanical Code as adopted by the City, except listed and labeled condensing (ductless) clothes dryers. (Ord. 2016-18; July 26th, 2016)

9-407.380 Section 404.7 Deleted; Food Preparation.

Section 404.7 of the International Property Maintenance Code is hereby deleted. (Ord. 2016-18; July 26th, 2016)

9-407.390 Sections 502.4 and 502.4.1 Deleted; Employees' Facilities; Drinking Facilities.

Section 502.4 and subsection 502.4.1 of the International Property Maintenance Code are hereby deleted. (Ord. 2016-18; July 26th, 2016)

9-407.400 Section 503 Amended; Toilet Rooms.

Section 503 of the International Property Maintenance Code is amended to read as follows:

[P] 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. 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. (Ord. 2016-18; July 26th, 2016)

9-407.410 Section 505.1 Amended; Water System; General.

Section 505.1 of the International Property Maintenance Code is amended to read as follows:

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. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code as adopted by the City. (Ord. 2016-18; July 26th, 2016)

9-407.420 Section 507 Deleted; Storm Drainage.

Section 507 of the International Property Maintenance Code is hereby deleted. (Ord. 2016-18; July 26th, 2016)

9-407.430 Section 602 Amended; Heating Facilities.

Section 602 of the International Property Maintenance Code is amended to read as follows:

SECTION 602 - HEATING FACILITIES

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

602.2 Residential occupancies. Every dwelling unit shall be provided with heating facilities capable of maintaining a room temperature of 70°F. at a point between three and five feet above the floor level, under local outdoor winter design conditions as specified in the ASHRAE Handbook, as referenced in the International Mechanical Code, as adopted by the City. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In months when the average monthly temperature is below 30°F, a minimum temperature of 68°F shall be maintained.

602.3 Heat supply. Every dwelling unit shall be provided with heating facilities capable of maintaining a room temperature of 70°F from October 1 through April 30 of each year at a point between three and five feet above the floor level, under local outdoor winter design conditions as specified in the ASHRAE Handbook, as referenced in the International Mechanical Code, as adopted by the City. Such facilities shall be installed and maintained in a safe condition and in accordance with all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

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.
2. In months when the average monthly temperature is below 30°F, a minimum temperature of 68°F shall be maintained.

602.4 Room temperature measurement. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall. (Ord. 2016-18; July 26th, 2016)

9-407.440 Section 603.2 Exception Deleted; Removal of Combustion Products.

The Exception contained in Section 603.2 of the International Property Maintenance Code is hereby deleted. (Ord. 2016-18; July 26th, 2016)

9-407.450 Section 603.3 Amended; Clearances.

Section 603.3 of the International Property Maintenance Code is amended to read as follows:

603.3 Clearances. All required clearances to use combustible materials shall be maintained. (Ord. 2016-18; July 26th, 2016)

9-407.460 Section 604.2 Amended; Electrical Facilities; Service.

Section 604.2 of the International Property Maintenance Code is amended to read as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code, as adopted by the City. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes. (Ord. 2016-18; July 26th, 2016)

9-407.465 Section 605.2 Amended; Receptacles.

Section 605.2 of the International Property Maintenance Code is amended to read as follows:

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. Beginning August 29, 2016, every bathroom receptacle shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location. (Ord. 2016-18; July 26th, 2016)

9-407.470 Section 605.3 Amended; Lighting Fixtures.

Section 605.3 of the International Property Maintenance Code is amended to read as follows:

605.3 Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture. (Ord. 2016-18; July 26th, 2016)

9-407.480 Section 606 Deleted; Elevators, Escalators and Dumbwaiters.

Section 606 of the International Property Maintenance Code is hereby deleted. (Ord. 2016-18; July 26th, 2016)

9-407.490 Section 702.1 Amended; Means of Egress; General.

Section 702.1 of the International Property Maintenance Code is amended to read as follows:

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 International Fire Code, as adopted by the City. (Ord. 2016-18; July 26th, 2016)

9-407.500 Section 702.3 Amended; Means of Egress; Locked Doors.

Section 702.1 of the International Property Maintenance Code is amended to read as follows:

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code, as adopted by the City. (Ord. 2016-18; July 26th, 2016)

9-407.510 Section 704 Amended; Fire Protection Systems.

Section 704 of the International Property Maintenance Code is amended to read as follows:

SECTION 704 - FIRE PROTECTION SYSTEMS

[F] 704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times as determined by the Bureau of Fire Prevention with the City and in accordance with the International Fire Code, as adopted by the City.

[F] 704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

[F] 704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in all residential occupancies 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. Beginning August 29, 2016, in each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code, as adopted by the City.

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

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

[F] 704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling 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. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed, except as follows:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes. (Ord. 2016-18; July 26th, 2016)

9-407.520 Appendix A Deleted; Boarding Standard.

Appendix A of the International Property Maintenance Code is hereby deleted. (Ord. 2016-18; July 26th, 2016)