

The BOCA[®] National Property Maintenance Code/ 1996

Model building regulations for the protection
of public health, safety and welfare.

FIFTH EDITION

As recommended and maintained
by the voting membership of



BUILDING OFFICIALS & CODE ADMINISTRATORS INTERNATIONAL, INC.

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4051 W. Flossmoor Rd.
Telephone 708/799-2300

Country Club Hills, IL 60478-5795
Facsimile 708/799-4981

REGIONAL OFFICES

Mideast Regional Office
1245 Sunbury Rd., Ste. 100
Westerville, OH 43081-9444
Telephone 614/890-1064
Facsimile 614/890-9712

Eastern Regional Office
One Neshaminy Interplex
Suite 201
Trevose, PA 19053-6931
Telephone 215/638-0554
Facsimile 215/638-4438

Southwest Regional Office
Towne Centre Complex
10830 E. 45th Street, Ste. 200
Tulsa, OK 74146-3809
Telephone 918/664-4434
Facsimile 918/664-4435

Northeast Regional Office
19 West British American Blvd.
Latham, NY 12110-1450
Telephone 518/782-1708
Facsimile 518/783-0889

CHAPTER 1

ADMINISTRATION

SECTION PM-101.0 GENERAL

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of [NAME OF JURISDICTION] hereinafter referred to as "this code."

PM-101.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing *premises* by establishing minimum requirements and standards for *premises*, structures, equipment, and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of *owners*, *operators* and *occupants*; regulating the *occupancy* of existing structures and *premises*, and providing for administration, enforcement and penalties.

PM-101.3 Intent: This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

PM-101.4 Referenced standards: The standards referenced in this code and listed in Chapter 8 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 referenced standards, the provisions of this code shall apply.

PM-101.5 Existing remedies: The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

PM-101.6 Workmanship: All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner.

PM-101.7 Application of other codes: Any repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70 listed in Chapter 8.

SECTION PM-102.0 VALIDITY

PM-102.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

PM-102.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION PM-103.0 MAINTENANCE

PM-103.1 Required: All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or *premises* when erected or altered shall be maintained in good working order. 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.

SECTION PM-104.0 APPROVAL

PM-104.1 Approved materials and equipment: All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

PM-104.2 Modifications: Where there are practical difficulties involved in carrying out provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the *owner* or the *owner's* representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

PM-104.2.1 Records: The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

PM-104.3 Material and equipment reuse: Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

PM-104.4 Alternative materials and equipment: The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically pre-

scribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire-resistance, durability and safety.

PM-104.5 Research and investigations: Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

SECTION PM-105.0 DUTIES AND POWERS OF THE CODE OFFICIAL

PM-105.1 General: The code official shall enforce all of the provisions of this code.

PM-105.2 Notices and orders: The code official shall issue all necessary notices or orders to ensure compliance with the code.

PM-105.3 Right of entry: The code official is authorized to enter the structure or *premises* at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

PM-105.4 Access by owner or operator: Every *occupant* of a structure or *premises* shall give the *owner* or *operator* thereof, or agent or employee, access to any part of such structure or its *premises* at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

PM-105.5 Identification: The code official shall carry proper identification when inspecting structures or *premises* in the performance of duties under this code.

PM-105.6 Coordination of enforcement: Inspection of *premises*, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

PM-105.7 Rule-making authority: The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

PM-105.8 Organization: The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

PM-105.9 Restriction of employees: An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section PM-111.0, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of *construction documents* thereof, unless that *person* is the *owner* of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

PM-105.10 Relief from personal responsibility: The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to *persons* or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an 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 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 any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

PM-105.11 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

SECTION PM-106.0 VIOLATIONS

PM-106.1 Unlawful acts: It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, *let* to another or occupy or permit another *person* to occupy any *premises*, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

PM-106.2 Penalty: Any *person* who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than [AMOUNT] nor more than [AMOUNT] or imprisonment for a term not to exceed [NUMBER] days, or both, at the discretion

CHAPTER 2

DEFINITIONS

SECTION PM-201.0 GENERAL

PM-201.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

PM-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.

PM-201.3 Terms defined in other codes: Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Chapter 8, such terms shall have the meanings ascribed to them as in those codes.

PM-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.

PM-201.5 Parts: Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming 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 PM-202.0 GENERAL DEFINITIONS

Approved: Approved by the code official.

Basement: See Section PM-302.0.

Bathroom: See Section PM-502.0.

Building: Any structure occupied or intended for supporting or sheltering any *occupancy*.

Building code: The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, *occupancy* and maintenance of buildings and structures.

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*.

Construction documents: All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the

project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Dwellings: (See Section PM-201.5.)

Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for *persons* not members of the same *family* group.

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.

Hotel: Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

One-family dwelling: A building containing one *dwelling unit* with not more than five lodgers or boarders.

Rooming house: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a *one-family dwelling* or a *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.

Two-family dwelling: A building containing two *dwelling units* with not more than five lodgers or boarders per *family*.

Exterior property: See Section PM-302.0.

Extermination: See Section PM-302.0.

Family: An individual or married couple and the children thereof with not more than two other *persons* related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated *persons*, living together as a single housekeeping unit in a *dwelling unit*.

Garbage: See Section PM-302.0.

Habitable space: See Section PM-402.0.

Infestation: See Section PM-302.0.

Inspection certificate: An identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

Label: An identification applied on a product by the manufacturer which contains the name of the manufacturer, the func-

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tion and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency (see Section 1704.0 of the building code listed in Chapter 8, and also *Mark, Manufacturer's designation* and *Inspection certificate*.)

Let for occupancy or let: See Section PM-302.0.

Manufacturer's designation: An identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also *Mark, Label, and Inspection certificate*).

Mark: An identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material (see also *Manufacturer's designation, Label, and Inspection certificate*.)

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

Occupant: See Section PM-302.0.

Openable area: See Section PM-402.0.

Operator: See Section PM-302.0.

Owner: See Section PM-302.0.

Person: See Section PM-302.0.

Plumbing: See Section PM-502.0.

Plumbing fixture: See Section PM-502.0.

Premises: See Section PM-302.0.

Public nuisance: See Section PM-302.0.

Registered design professional: An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Rubbish: See Section PM-302.0.

Structure: That which is built or constructed or a portion thereof.

Tenant: See Section PM-302.1.

Toilet room: See Section PM-502.0.

Ventilation: See Section PM-402.0.

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

Yard: See Section PM-302.0.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION PM-301.0 GENERAL

PM-301.1 Scope: The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of structures, equipment and *exterior property*.

PM-301.2 Responsibility: The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in Sections PM-306.0 and PM-307.0. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which do not comply with the requirements of this chapter.

PM-301.3 Vacant structures and land: All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION PM-302.0 DEFINITIONS

PM-302.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

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

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 and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

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.

Occupant: Any *person* living or sleeping in a building; or having possession of a space within a building.

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

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

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

Premises: A lot, plot or parcel of land including any structures thereon.

Public nuisance: Includes any of the following:

1. The physical condition or *occupancy* of any *premises* regarded as a public nuisance at common law;
2. Any physical condition or *occupancy* of any *premises* or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, *basements*, excavations and unsafe fences or structures;
3. Any *premises* that has unsanitary sewerage or *plumbing* facilities;
4. Any *premises* designated as unsafe for human habitation;
5. Any *premises* that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;
6. Any *premises* from which the *plumbing*, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any *premises* that is unsanitary, or that is littered with *rubbish* or *garbage*, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the *premises*.

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.

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

Yard: An open space on the same lot with a structure.

SECTION PM-303.0 EXTERIOR PROPERTY AREAS

PM-303.1 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.

PM-303.2 Grading and drainage: All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention areas and reservoirs approved by the code official.

PM-303.3 Sidewalks and driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections PM-304.10 and PM-702.9.

PM-303.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

PM-303.5 Rat harborage: All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

PM-303.6 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.

PM-303.7 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM-303.8 Motor vehicles: Except as provided for in other regulations, not more than one currently unregistered or uninspected 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.

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.

SECTION PM-304.0 EXTERIOR STRUCTURE

PM-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.

PM-304.2 Exterior painting: All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

PM-304.3 Street numbers: Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in arabic numerals at least 3 inches (76 mm) high and 1/2-inch (13 mm) stroke.

PM-304.4 Structural members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM-304.5 Foundation walls: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

PM-304.6 Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weathertight and properly surface coated where required to prevent deterioration.

PM-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.

PM-304.8 Decorative features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

PM-304.9 Overhang extensions: All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.10 Stair and walking surfaces: Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section PM-702.9.

PM-304.11 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.

PM-304.12 Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed sur-