

## LEGISLATION

The International Codes are designed and promulgated to be adopted by reference by legislative action. Jurisdictions wishing to adopt the 2012 International Property Maintenance Code as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

### SAMPLE LEGISLATION FOR ADOPTION OF THE ORDINANCE NO.xxx

A[N] [ORDINANCE/STATUTE/REGULATION] of the Baldwin County Board of Commissioners adopting the 2012 edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Baldwin County Board of Commissioners; providing for the issuance of permits and collection of fees therefore; repealing [ORDINANCE/STATUTE/REGULATION] No.xxx of the Baldwin County Board of Commissioners and all other ordinances or parts of laws in conflict therewith.

The Board of Commissioners of Baldwin County does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the County Clerk of Baldwin County Board of Commissioners, being marked and designated as the International Property Maintenance Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Baldwin County Board of Commissioners, in the State of Georgia for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Baldwin County Board of Commissioners are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: Baldwin County Board of Commissioners

Section 103.5. Notwithstanding any other provisions of this chapter to the contrary, the failure of the owner and parties in interest to comply with an order to vacate and close a dwelling, building or structure and clean the premises, or the failure of an owner and parties in interest to comply with an order to remove or demolish a dwelling, building or structure, or failure of an owner and parties in interest to comply with an order to take

remedial action necessary to render the dwelling, building or structure fit for human habitation or occupancy, and to comply with the minimum standards set forth by the IPMC and the county's resolution within the time limit set out in such order, shall be deemed to be a separate offense for each day of such failure to comply with such order, and shall subject the owner and parties in interest to a fine of up to \$100.00 per day for each such offense.

Any fine or penalty imposed under this section may be imposed by the Magistrate Court Judge on his own motion at the hearing or as the result of a motion and hearing for such purpose brought by a party to such proceedings. Until paid, any such fine or penalty so imposed shall also constitute a lien against the property which is the subject of the proceedings in favor of the County, and notice of such lien shall be given by the recording of the order of Magistrate Court Judge in the office of the Clerk of the Superior Court on a lien docket maintained for such purposes and in the deed records of the Clerk of the Superior Court of Baldwin County. Upon payment, such lien shall be cancelled of record.

Section 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 500 dollars or more than 1,000 dollars.

Section 202 General Definitions. Add Occupied. OCCUPIED. Occupant present on premises.

Section 202 General Definitions. Add Public View. PUBLIC VIEW. Visible from the public right-of-way.

Section 202 General Definitions. Add Sanitary. SANITARY. An interior condition that is free of infestation; rodent residues such as droppings, urine, gnaw marks, grease marks, or nest debris; insect residues such as droppings, debris, or body parts; human or animal waste; mold; wastewater; sewage; rotting material; and accumulation of rubbish or garbage. An exterior condition that is free of infestation; unusual and excessive rodent residues such as droppings, urine, gnaw marks, grease marks, or nest debris; unusual and excessive insect residues such as droppings, debris, or body parts; human or unusual and excessive animal waste; mold; wastewater; sewage; rotting material; and accumulation of rubbish or garbage.

Section 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. **Exception:** Section 305 does not apply to residential owner-occupied structures.

302.3 Sidewalks and driveways. All privately constructed sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions in a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure.

Section 302.4 All premises and exterior property shall be maintained free from weeds or grass allowed to grow to a height greater than 18 inches on the average, or any accumulation of dead weeds, grass, or brush that may provide safe harborage for rats, mice, snakes and/or other vermin which are within 100 feet, excluding wooded areas, to an adjacent dwelling. Excluded are ornamental grasses in landscaped areas of properties.

Section 302.8 Abandoned Vehicle. A vehicle, including cars, trucks, trailers, boats, motorcycles, recreational vehicles, mobile homes, manufactured homes, or any other similar vehicle that is within public view that meets one or more of the following conditions:

- a) Has been left unattended upon a highway, street, or alley or other public property outside a designated parking space for a period of 48 hours; and/or,
- b) Is inoperable and uncovered, partially or wholly dismantled, wrecked, junked, discarded, or of similar condition, or any vehicle without a current license plate if required by law, and is located outside of an enclosed building, garage, carport, wrecked motor vehicle compound, or other place of business designated and lawfully used for the storage of such inoperable vehicles, for a period exceeding 90 days unless ongoing significant, visible, and definable work on vehicle is in progress unless vehicle is neatly covered and in a sanitary condition.

Painting of vehicles for commercial purposes is prohibited.

Section 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 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. These requirements do not apply to residential owner-occupied structures.

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. These requirements do not apply to residential owner-occupied structures.

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 rodents and other pests. These requirements do not apply to residential owner-occupied structures.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where

required to prevent deterioration. These requirements do not apply to residential owner-occupied structures.

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. These requirements do not apply to residential owner-occupied structures.

Roof water shall not be discharged in a manner that creates a public nuisance.

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. These requirements do not apply to residential owner-occupied structures.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. 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. These requirements do not apply to residential owner-occupied structures.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. These requirements do not apply to residential owner-occupied structures.

Section 304.14 Insect screens. Year round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. These requirements apply to new construction, commercial buildings, and residential dwellings; i.e., single family homes, mobile homes, apartments, townhomes, condominiums or any other structure that is leased or rented to tenants. These requirements do not apply to residential owner-occupied structures.

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3. These requirements do not apply to residential owner-occupied structures.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. These requirements do not apply to residential owner-occupied structures.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents. These requirements do not apply to residential owner-occupied structures.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. These requirements do not apply to residential owner-occupied structures.

304.19 Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. These requirements do not apply to residential owner-occupied structures.

Section 306.1 The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. These requirements do not apply to residential owner-occupied structures.

Section 307.1 General. Every exterior and interior flight of stairs having more than four 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 (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) 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 (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. These requirements do not apply to residential owner-occupied structures.

Exception: Guards shall not be required where exempted by the adopted building code.

Section 308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Rubbish that does not harbor pests must be out of public view. **Exception:** Section 308.1 does not apply to composts.

Section 308.2.2 Appliances. No appliances and similar equipment may be in public view for more than 72 hours. All appliances and similar equipment not in operation but stored on premises must have doors removed or have doors secured properly. Appliances and similar equipment removed from property must be disposed of properly. Excluded are places of business that store and repair appliances that meet the applicable Baldwin County land use ordinance.

Section 401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure. These requirements apply to new construction, commercial buildings, and residential dwellings; i.e., single family homes, mobile homes, apartments, townhomes, condominiums or any other structure that is leased or rented to tenants. These requirements do not apply to residential owner-occupied structures.

Section 401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements for new construction, commercial, and residential dwellings; i.e., single family homes, mobile homes, apartments, townhomes, condominiums or any other structure that is leased or rented to tenants. A person shall not permit another person to occupy, any premises that do not comply with the requirements of this chapter. These requirements do not apply to residential owner-occupied structures.

Section 501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided. These requirements apply to new construction, commercial buildings, and residential dwellings; i.e., single family homes, mobile homes, apartments, townhomes, condominiums or any other structure that is leased or rented to tenants. These requirements do not apply to residential owner-occupied structures.

Section 501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not permit another person to occupy, any premises that do not comply with the requirements of this chapter. These requirements do not apply to residential owner-occupied structures.

Section 601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided. These requirements apply to new construction, commercial buildings, and residential dwellings; i.e., single family homes, mobile homes, apartments, townhomes, condominiums or any other structure that is leased or rented to tenants. These requirements do not apply to residential owner-occupied structures.

Section 601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter. These requirements apply to new construction, commercial buildings, and residential dwellings; i.e., single family homes, mobile homes, apartments, townhomes, condominiums or any other structure that is leased or rented to tenants. These requirements do not apply to residential owner-occupied structures.

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to March 31 and able to maintain a minimum temperature of 66°F (19°C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.4 Occupiable work spaces. Indoor office spaces shall be supplied with heat during the period from October 1 to March 31 and able to maintain a minimum temperature of 66°F (19°C) during the period the spaces are occupied.

Section 701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. These requirements apply to new construction, commercial buildings, and residential dwellings; i.e., single family homes, mobile homes, apartments, townhomes, condominiums or any other structure that is leased or rented to tenants. These requirements do not apply to residential owner-occupied structures.

Section 701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. These requirements apply to new construction, commercial buildings, and residential dwellings; i.e., single family homes, mobile homes, apartments, townhomes, condominiums or any other structure that is leased or rented to tenants. These requirements do not apply to residential owner-occupied structures.

Section 3. That Baldwin County Code Article IV-Unsafe Building Abatement and Article V-Safe Property Standards and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Baldwin County Board of Commissioners hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the Baldwin County Board of Commissioners County Clerk is hereby ordered and directed to cause this legislation to be published. The legislation will go into effect in 90 days. Current applicable ordinances and regulations remain in effect until this ordinance goes into effect.

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect in perpetuity from and after the date of its final passage and adoption.

Section 8. If the Code Official requires a structure to be boarded, the boarding procedures in Appendix A-Boarding Standards are mandatory.