

# Chapter 3: General Requirements

## General Comments

The title for Chapter 3 (“General Requirements”) indicates that it is broad in scope. It includes a variety of requirements for the exterior property areas, as well as the interior and exterior elements of the structure. Chapter 3 provides specific criteria for regulating the installation and maintenance of building components. This chapter also contains requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas.

Section 301 identifies the scope of Chapter 3 as containing provisions for maintaining a structure and its exterior property areas, and establishes who is responsible for complying with the chapter’s provisions. This section also provides minimum maintenance requirements for vacant structures and land.

Section 302 establishes criteria for maintaining exterior property areas and accessory structures and provides vehicle storage regulations.

Section 303 contains the requirements for swimming pools, spas and hot tubs and provides requirements for protective barriers and gates in these barriers.

Section 304 establishes maintenance requirements for the structural, weather resistance, sanitary and safety performance of the exterior of a structure.

Section 305 establishes maintenance requirements for the structural, sanitary and safety performance of the interior of a structure.

Section 306 contains provisions for maintaining components of a structure, as well as for determining unsafe conditions based on specific parameters.

Section 307 provides for the safety and maintenance of handrails and guardrails.

Sections 308 and 309 establish the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in various types of occupancies. When specific requirements are not provided in the code, the following three options for establishing the necessary criteria are available:

1. If the jurisdiction has already established criteria, the code official can continue to enforce that criteria.
2. The jurisdiction may adopt its own criteria and incorporate them as an amendment to the appropriate section of the code.
3. The code official may adopt and enforce criteria already established by the *International Building Code*<sup>®</sup> (IBC<sup>®</sup>).

Chapter 3 also provides the code official with guidelines for determining who is responsible for maintaining sanitary conditions and eliminating infestations of insects, rodents or other pests.

Inadequate sanitation and insect or rodent infestations can have a significant impact on a community. A poorly kept neighborhood affects the self-image of a community, as well as the impression neighboring communities and visitors have about the area. Responsible property owners may shy away from neighborhoods that look unkempt. As a result, property values decrease and the cycle can continue until the neighborhood is considered a slum.

An area that is neat, clean and well maintained attracts owners and occupants who are usually willing to keep the area attractive, if only to protect their own interests. The code official, with vigorous enforcement of sanitation and extermination regulations, can help a community maintain a positive self-image. This creates a favorable image to the rest of the community and its visitors.

## Purpose

Chapter 3 provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistant performance.

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## SECTION 301 GENERAL

**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*.

❖ This chapter establishes minimum requirements for maintenance of property areas, premises and structures. The code deals with all types and all ages of

structures; therefore, the criteria must be of a minimum nature, consistent with a reasonable level of protection for the health and safety of the occupants.

**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 this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the require-

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ments of this chapter. *Occupants of a dwelling unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit or premises* which they occupy and control.

- ❖ The owner is responsible for complying with the requirements of Chapter 3, except when the code places the responsibility on the occupants to keep their portion of the premises in a safe and sanitary condition.

Simply stated, owners must provide a safe and sanitary property and premises when they let it for occupancy. Occupants must continue to keep it safe and sanitary while they occupy, control or use the property and premises.

**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.

- ❖ Both vacant structures and vacant land present special concerns to communities. Because no one is living on these premises, they are often ignored by the owners. Consequently, this section establishes the code official's authority to order the cleanup of vacant lands and the securing of vacant structures that might present an attractive nuisance.

When the owner fails to secure a vacant structure, Section 108.2 provides the code official with the authority to arrange for securing such buildings. Additionally, Section 110 authorizes the code official to pursue demolition of any structure that is deemed unreasonable to repair. When a structure is reasonable to repair, the code official is authorized to require the necessary repairs.

## 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.

- ❖ This section establishes a simple, straightforward requirement that exterior areas shall be clean and free from rubbish and garbage (see the definitions in Chapter 2). The code official may find that enforcement of this section is frequently neither straightforward nor simple.

Each jurisdiction has neighborhoods within the overall community that have distinct characteristics. Deteriorated, low-cost housing may dominate in one area, while another has expensive, well-maintained housing units. Sanitation standards should be enforced uniformly and consistently.

**302.2 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:** *Approved* retention areas and reservoirs.

- ❖ Improperly graded property areas create health and safety hazards. Stagnant water provides a home for many nuisance insects, especially the mosquito. Stagnant water next to a structure can cause mold growth, which can lead to the decay of wooden members. Ponded water is an attractive nuisance for children and has contributed to numerous drowning deaths.

Stagnant water is foul or stale water. Regrading the premises may be necessary to prevent stagnant water. If regrading is not practical, some type of water-diversion system must be installed. Other solutions include replacing nonabsorbent soil with absorbent soil, installing underground drain tile or building an underground leaching pit.

Soil erosion can be a nuisance if material is being deposited in drainage systems or on adjacent properties, and is an indication of improper grading. Planting and maintaining an acceptable ground cover generally prevents erosion.

As indicated by the exception, water retention areas or reservoirs are permitted by the code even though they may contain stagnant water; however, the code official must approve their use.

**302.3 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.

- ❖ The code official is authorized to require that all sidewalks, walkways, stairs, driveways, parking spaces, etc., are usable and kept in proper repair. Walking surfaces that have deteriorated to a condition that presents a hazard to pedestrians must be repaired or replaced to eliminate the hazard and thus reduce the potential for accidents or injuries.

**302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. 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.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

- ❖ Criteria establishing maximum heights for grass and weeds are necessary to reduce rodent shelters and pollen dust problems.

This section provides a mechanism for removal of weeds on neglected or abandoned properties after proper notice has been given to the responsible owner or agent (see Sections 107 and 108.3). It is important that the code official act quickly in requiring weed removal to prevent the weeds from contributing to a blight condition that could eventually become a harbor for pests and rodents.

All noxious weeds are prohibited; however, each community has different weeds that are considered noxious. The code official should confer with the state or local agricultural agent to become familiar with weeds that are noxious in his or her community.

Cultivated flowers and gardens are not considered to be weeds. The word “cultivated” is important. Cultivated is defined as “to loosen or dig (soil) around growing plants.” Uncultivated gardens should be treated the same as weeds and tall grasses.

**302.5 Rodent harborage.** All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

❖ Rodents carry disease organisms in their feces and on their bodies. The code official must require the extermination of all rodents by approved processes. All harborage areas should be eliminated by removing piles of rubbish, towing or repairing inoperable cars and cutting back weeds. Garbage should be stored in solid containers with tight-fitting lids and disposed of regularly.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

❖ There are three common problems associated with exhaust vent discharges:

- Odor problems caused from exhaust gases emanating from business and industrial properties;
- Noise problems created by exhaust vents; and
- Health and safety problems created by exhausts that contain hazardous or potentially hazardous discharge.

To reduce these problems, exhaust vents are prohibited from discharging directly on abutting or adjacent public and private property.

**302.7 Accessory structures.** All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

❖ Accessory structures must be maintained in accordance with the criteria established by this section. Property owners often give detached garages, sheds,

fences, retaining walls and similar structures a lower maintenance priority than the primary structure; thus, these structures are frequently in disrepair. A thorough inspection of all property areas and accessory buildings is necessary to identify violations of the code and to improve a neighborhood’s appearance.

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

❖ Improper storage of inoperable vehicles can be a serious problem for a community. The vehicles are unsightly, clutter the neighborhood, provide a harborage for rodents and are an attractive nuisance for children.

This section establishes criteria for acceptable vehicle storage. No inoperable or unlicensed vehicles are permitted on a property unless approved in other regulations adopted by the community. This regulation addresses two problems associated with vehicle storage and repair:

- The blighting influence that improperly stored inoperable vehicles have on a neighborhood; and
- The neighborhood mechanic who attempts to operate a vehicle repair business from home.

Major vehicle repairs are permitted, but only if the work is performed in a structure designed and approved for such use. Of course, this regulation does not affect the storage of vehicles on property that complies with applicable zoning or license requirements, such as repair garages, salvage yards and similar establishments.

**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

❖ Graffiti, carving and damage is a problem that plagues exterior surfaces of walls, fencing and sidewalks in cities and towns of all sizes. This problem begins as an eyesore and can result in serious consequences, including declining property values and degradation of the structures’ ability to repel rain and snow.

It must be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.