

Draft Section “Health, Sanitation and General Property Maintenance”

August 2011

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Section 1: *ADMINISTRATION*

101 GENERAL

(A) Title. These regulations shall be known as the “Health, Sanitation, and General Property Maintenance Codes” for the Town of Pendleton, hereinafter referred to as “this code.”

(B) Scope. The provisions of this code shall apply to all residential and nonresidential structures and all premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for sanitation, protection from the elements, life safety and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; and for administration, enforcement and penalties.

(C) Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. 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.

(D) Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

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102 APPLICABILITY

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

103 VIOLATIONS

(A) *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.

(B) *Notice of violation.* The code enforcement officer shall serve a notice of violation or order in accordance with Section 104.

(C) *Prosecution of the violation.* Any person failing to comply with a notice of violation or order served in accordance with Section 104 shall be deemed guilty of a misdemeanor. If the notice of violation is not complied with, the code enforcement officer 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 Town on such premises shall be charged against the real estate upon which the structure is located and shall be collected in the same manner as the annual property tax or shall be a lien upon such real estate.

(D) *Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, shall be subject, upon conviction, to a fine not to exceed \$500 or imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(E) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the **legal code enforcement** officer of the Town 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.

104 NOTICES AND ORDERS

(A) *Notice to person responsible.* Whenever the code enforcement officer 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 104(B) and 104(C) to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall

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also comply with Municipal Code Chapter 151, Unfit Dwellings or subsequently adopted ordinances or codes pertaining to unfit dwellings.

(B) Form. Such notice prescribed in Section 104(A) shall be in accordance with all of the following:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- (5) Inform the property owner of the right to appeal.
- (6) Include a statement of the right to file a lien in accordance with Section 103(C).

(C) 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 last known address; 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.

(D) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 103(D).

(E) Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or

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notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Section 2: *DEFINITIONS*

201 GENERAL

(A) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meaning shown in this chapter.

(B) 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.

(C) Terms defined in other codes. Where terms are not defined in this code and are defined in other Town Ordinances, such terms shall have the meanings ascribed to them as stated in those codes.

(D) 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.

(E) Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

202 GENERAL DEFINITIONS

APPROVED. Approved by the code enforcement officer.

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

BRUSH. All trees or shrubs under seven feet in height which are not cultivated and cared for by the persons owning or controlling the premises.

CODE ENFORCEMENT OFFICER. The official **or officials** who **is are** charged with the administration and enforcement of this code, or any duly authorized representative.

BUILDING MATERIALS OR CONSTRUCTION MATERIALS. Materials such as lumber, bricks, plaster, foam, and other substances accumulated as a result of repairs to existing or construction of new buildings.

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DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

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

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and/or 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.

HAZARDOUS REFUSE. Materials such as poisons, acids, caustics, infected materials and explosives.

INDUSTRIAL WASTE. All waste generated from manufacturing plants, factories, lumber mills, wholesale stores, bottling works, printing establishments, and groups.

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

INOPERATIVE VEHICLE. A vehicle which cannot be used for the purpose intended by the manufacturer for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

JUNK. Any item that:

- 1) has a value which is nominally equal to or less than the scrap value of that item;
- 2) can no longer serve its originally intended function or be used as intended by the manufacturer; and
- 3) is stored outdoors.

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.

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

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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, 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.

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, trunks or stumps, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

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

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

VEHICLE. A device for transportation that includes, without limitation, automobile, truck, trailer, tractor, buggy, motorcycle, moped, quads or other similar recreation devices, and boats.

WEEDS. All rank or uncultivated vegetable growth or matter which has grown to more than one foot in height or which may give rise to unpleasant odors or obnoxious vapor, or which is liable to become an unwholesome or decaying mass or breeding place for mosquitos, vermin, reptiles or any other unwanted pests.

YARD. An open space on the same lot with a structure.

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Section 3: *GENERAL REQUIREMENTS*

301 GENERAL

(A) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.

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

(C) *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.

302 EXTERIOR PROPERTY AREAS

(A) *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.

(B) *Disposal of leaves.* Leaves to be picked up shall be enclosed in approved yard waste containers as prescribed by the Public Works Department, be securely closed, and placed in a location near the street to facilitate the collection process. Leaves shall not be disposed of or placed in a drainage ditch, roadside gutter, or stormwater drain.

(C) *Disposal of yard trimmings.* Normal seasonal yard trimmings and prunings in reasonable quantities may be left curbside for removal by the town. Trimmings shall be no larger than six feet in length **or six inches in diameter**. Any yard trimmings resulting from work done by a contractor shall be removed by the owner or contractor.

Exception: The town will make special exceptions for removal of normal seasonal yard trimmings and pruning in reasonable quantities for elderly or handicapped customers (those customers who are incapable of placing the trimmings and prunings curbside) even when contracted, on application approved by the Public Works Department. Yard trimmings and prunings must be left curbside for removal by the town.

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Abnormal quantities of trimmings or any lot clearings, tree removals, or stumps shall be removed from the premise by the owner or contractor.

Nothing shall be disposed of or placed in a drainage ditch, roadside gutter, or stormwater drain.

(D) Construction material. Every contractor, carpenter, builder, tenant, or homeowner who constructs, repairs or alters a building in the town shall remove all refuse incident to the construction, repairs, or alterations at his or her own expense and no part thereof shall be deposited or left on the sidewalks adjacent thereto. Accumulation of such refuse shall be removed periodically during construction and all such refuse shall be removed within seven (7) days of the completion of construction.

(E) Rubbish, garbage, and junk. All exterior property and premises shall be free from any accumulation of rubbish, garbage, junk and other matter deleterious to good health and public sanitation.

(F) Hazardous refuse and industrial waste. Hazard refuse and industrial waste shall not be stored on residential properties at any time and may be stored on nonresidential properties only in containers manufactured to handle such refuse and waste.

(G) Household appliances. Household appliances shall not be left exposed to the elements as prescribed in Municipal Code 130.08 or subsequently adopted ordinances or codes pertaining to household appliances. **The doors shall be removed from any appliances intended for disposal.**

(H) Stagnant water. All exterior property and premises shall be free from accumulation of stagnant water.

Exception: Approved reservoirs and retention areas, so long as the retention areas do not promote rodent harborage and insect infestation.

(I) 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. **Drainage shall not be directed into the sanitary sewer system or into any inlet that leads into the sanitary sewer system.**

Exception: Approved reservoirs and retention areas, so long as the retention areas do not promote rodent harborage and insect infestation.

(J) Grass and weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) 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. Vacant properties (properties without structures built upon them) may be allowed natural growth so long as property remains free of health or sanitation issues as described in this code.

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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 103(C) 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.

(K) *Brush and trees.* Brush and trees on a property shall be maintained in a manner as to avoid imminent hazards to occupants, structures, and exterior property areas and minimize deterioration of structures and grounds on such property and neighboring properties.

(L) *Rodent harborage and infestation.* All structures and exterior property shall be kept free from rodent harborage and infestation of animals or insects. Where rodents or other pests are found, they shall be promptly exterminated **and disposed of** by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate harborage of rodent or insects and prevent re-infestation.

(M) *Accessory structures.* All accessory structures, including, but not limited to, detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

(N) *Unlicensed and inoperative vehicles.* No inoperative or unlicensed vehicles, if such vehicles require licensing, shall be parked, kept or stored on any premises other than in carports or completely enclosed buildings. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled other than inside a structure or similarly enclosed area designed for such purposes. This shall not be construed as disallowing maintenance or general repairs to a property owner or occupant’s vehicle(s) within a reasonable timeframe. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(O) *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.

(P) *Open burning.* It shall be unlawful for any person, at any time, to burn leaves, garbage, waste or any other substance, within the town limits of the town (with the following exceptions):

- (1) Fires may be used for the cooking of food, provided no smoke violation or other nuisance is created.
- (2) Small open fires may be set for recreational purposes, such as in fire pits, barbecue pits, or grills, provided no violation or nuisance is created.

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303 EXTERIOR STRUCTURE

(A) **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. The structure shall remain secured from entrance of all vagrant populations, including human, animal and insect populations. ~~All openings on the exterior of any structure allowing entrance to the interior shall have a means of being closed off and be closed while the structure is not occupied.~~ Any entryway from the exterior to the interior of the structure including doorways, windows, and other hatchways shall be fitted with locking mechanisms and shall be locked if the structure is unoccupied for over 48 consecutive hours.

(B) **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 permanent protective coverings 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.

(C) **Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7 mm).

(D) **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.

(E) **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.

(F) **Roofs and drainage.** Roofs shall be maintained in good repair and provide adequate drainage to prevent penetration of water inside the structure and the walls of the structure. Roof water shall not be discharged in a manner that creates a public nuisance. Drainage shall not be directed into the sanitary sewer system or into any inlet that leads into the sanitary sewer system.

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(G) Overhangs and extensions. All overhangs and 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 treatments.

(H) Handrails and guardrails. Every exterior 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) high or more than 42 inches (1067 mm) high 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) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. All handrails and guardrails shall be firmly fastened or supported.

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

(I) Window, skylight and doorframes. Every window, skylight, door and frame shall be kept in sound condition, good repair, and weather tight.

(J) Doors. All exterior doors, door assemblies and hardware shall be securely fastened and maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

(K) Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(L) Guards for basement windows. Every basement window that is openable can be opened shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.