

ORDINANCE 669

AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS AND ADDITIONS THERETO; AND FOR THE REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY OF HARTFORD, SOUTH DAKOTA:

9.1101 Adoption International Property Maintenance Code 2018.

The *International Property Maintenance Code*, 2018 edition, published by the International Code Council as amended, is hereby adopted as the property maintenance code to provide standards to safeguard life or limb, health, property, and public welfare by regulating, governing, and controlling the use, occupancy, conditions, and maintenance of all property, buildings, and structures within this jurisdiction and to provide for a just, equitable, and practicable method whereby buildings or structures, which from any cause endanger the life, limb, morals, property, safety, or welfare of the general public or their occupants, may be repaired, vacated, or demolished. The minimum requirements and standards of the 2018 *International Property Maintenance Code* will become effective and will be adopted on July 3, 2019.

A printed copy as amended is on file at the Hartford City Hall.

9.1102 Amendments, additions, and deletions to the 2018 *International Property Maintenance Code*.

The following sections and subsections of the property maintenance code adopted in this article shall be amended, added, or not adopted by the city as follows. All other sections or subsections of the 2018 *International Property Maintenance Code* shall remain the same.

101.1 Title. These regulations shall be known as the International Property Maintenance Code of The City of Hartford, South Dakota, hereinafter referred to as "this code."

102.3 Application of other codes. Repairs, additions, or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *Uniform Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any of the Ordinances of Hartford, South Dakota.

103.2 Appointment. The section not adopted by the City of Hartford.

103.5 Fees. The fees for building permits, activities, and services performed by the city in carrying out its responsibilities under this code shall be established by the Hartford City Council.

107.1 Notice to person responsible. Whenever the zoning administrator or code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3. Notwithstanding the above, this section shall not apply to the giving of notice as it relates to a violation of Hartford City Ordinance # 430 concerning weeds and failure to mow violations.

107.7 Extension of time agreement. If the zoning administrator determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property, the zoning administrator may grant an extension of time, not to exceed 90 days, in which to complete the work listed in the Notice and Order. Any extension shall not extend the time to appeal the Notice and Order. Any extension shall be agreed to in writing in a document containing the following:

1. A reasonable and acceptable schedule, setting forth specific dates to complete corrective action for each violation listed in the Notice and Order.
2. A signature of the responsible party.

110.1 General. The code official shall order the owner, or owner's authorized agent of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 18 months, the code official shall order the owner or owners authorized agent to demolish and remove such structure. The structure must remain secured during the 18-month time period. This adopted language will replace the City of Hartford's adopted Ordinance 430, Chapter 9.08 "Abatement of Dangerous Buildings".

111.1 Application for appeal. Any person directly affected by a decision of the zoning administrator, code official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code is adequately satisfied by other means. The Board is additionally charged with the review of all proposed changes to the Property Maintenance Code and to submit recommendations to the responsible official and the city council. The board shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to

waive requirements of this code. The City of Hartford's Planning Commission will be the representative body for the Board of Appeals. The fee to file an appeal shall be set at \$20.00

111.2 Membership of board. The Board of Appeals shall consist of a minimum of seven members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction.

111.2.1 Alternate members. Not adopted by the city.

111.2.5 Compensation of Members. Compensation of members shall be at a rate designated by the City Council per ordinance for each scheduled meeting regardless of the number of agenda items. Members shall be compensated at this rate each time the Board of Appeals is assembled for a scheduled meeting.

111.3 Notice of Meeting: Not adopted by the city.

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the zoning administrator, building inspector, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than five members, a minimum of two-thirds of the board membership.

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, may be subject to fines set forth by the city for violation of a city ordinance.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform International Plumbing Code, International Residential Code, NFPA 70* or the City of Hartford Zoning Ordinances, such terms shall have the meanings ascribed to them as stated in those codes.

302.4 Weeds. All weeds, grass height and plant growth shall be maintained and controlled in a manner so as to not be in conflict with the Hartford City Ordinance # 430.

302.4.1. The occupant, person in charge, or owner of any lot or parcel of land in the City of Hartford shall keep such lot, to include any abutting city, township, county or state right-of-way, free of such nuisance vegetation, as declared by Section 3.0102 of Hartford City Ordinance #569 by cutting, spraying, or removal, as may be appropriate. The City has the authority to require compliance with this article on all property within the city limits of Hartford.

302.8 Motor vehicles. Abandoned and inoperative vehicles shall be regulated by Hartford City

Ordinances: # 430, 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.

303.2 Enclosures. Private swimming pools, hot tubs, and spas, containing water more than 24 inches (457 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1017 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate.

Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

304.14 Insect screens. During the period from March 20 to December 20th, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

307.1 General. Every exterior and interior flight of stairs having four or more risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 34 inches (762 mm) in height or more than 38 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 be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp, or other walking surface.

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

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall Not be deemed to face neither directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exceptions:

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m). The exterior glazing area shall be based on the total floor area being served.

2. The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of six foot-candles (6.46 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²), and bedrooms 100 square feet (9.33 m²) or less are allowed two occupants and every bedroom occupied by more than two one persons shall contain not less than 50 additional square feet (4.6 m²) of floor area for each occupant thereof.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperatures for the locality. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

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 September 1st to April 30th to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions: 1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the plumbing code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to April 30th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

Adopted this 4th day of June, 2019.

Jeremy Menning
MAYOR

(Seal)

ATTEST:

Karen Wilber
Municipal Finance Officer

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