

CHAPTER 56

**PROPERTY MAINTENANCE CODE
[L.L. #13-1995 Adopted by the Common Council
of the City of Dunkirk on 5-9-95]**

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[HISTORY: Adopted by the Common Council of the City of Dunkirk on 5-2-95 as L.L. #13-1995. Amended on 04-03-2007 as L.L. #3-2007. Amendments noted where applicable]

**ARTICLE I
Adoption**

§ 56-1010 Property Maintenance Code.

The City of Dunkirk Property Maintenance Code establishes the minimum regulations governing the conditions and maintenance of all property, buildings and structures in the City of Dunkirk. This law provides the standards for utilities and facilities and other physical characteristics and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use. This law also provides for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures. This law shall be known as the City of Dunkirk Property Maintenance Code.

Be it ordained by the City Council of the City of Dunkirk as follows:

§ 56-1020 Adoption of Property Maintenance Code.

This document, three (3) copies of which are on file in the office of the City Clerk of the City of Dunkirk, as modeled from the Building Officials and Code Administrators International, Inc., is adopted as the **City of Dunkirk Property Maintenance Code**, in the State of New York for the control of buildings and structures as outlined in this law. Each and all of the regulations, provisions, penalties, conditions and terms of the City of Dunkirk Property Maintenance Code are referred to, adopted, and made a part of this law.

§ 56-1030 Inconsistent Ordinances and Laws Repealed.

The present Chapters 41 (Housing Standards), 56 (Property Maintenance) and 53 (Removal of Plant Growth) and all other ordinances, laws or parts of ordinances and laws in conflict are repealed.

§ 56-1040 Saving Clause.

Nothing in the City of Dunkirk Property Maintenance Code 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acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance repealed as cited in this law.

§ 56-1050 Date of Effect.

The City of Dunkirk City Clerk shall certify to the adoption of this law, and cause the same to be published as required by law. This law shall take effect and be in force from and after its approval as required by law.

ARTICLE II
Administration

§ 56-2010 Intent.

These regulations shall be known as the City of Dunkirk Property Maintenance Code. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this law shall be executed and installed in a workmanlike manner.

The City of Dunkirk Property Maintenance Code is intended 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.

This law is developed to ensure public health, safety and welfare as they are affected by the continued occupancy and maintenance of structures and premises in the City of Dunkirk. 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. The provisions in this law 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.

§ 56-2020 Conflicts with Other Regulations.

Where differences occur between provisions of this law and other referenced standards (e.g. the New York State Uniform Fire Prevention and Building Code), the more stringent provisions shall apply. Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the New York State Uniform Fire Prevention and Building Code and National Fire Protection Association regulations or other referenced standards.

This law shall not affect violations or any other ordinance, code or other regulation existing prior to the effective date, 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. All requirements of the American With Disabilities Act shall be adhered to and this law in no way impacts the effects of the ADA requirements.

§ 56-2030 Severability.

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

§ 56-2040 Duties and Powers of the Housing, Building and Zoning Officer.

The Housing, Building and Zoning Officer shall enforce all of the provisions of this law. The responsibilities of the City of Dunkirk Housing, Building and Zoning Officer shall include:

1. The Housing, Building and Zoning Officer shall issue all necessary notices or orders to ensure compliance with this law.
2. The Housing, Building and Zoning Officer, upon proper notification and with sufficient cause, is authorized to enter the structure or premises at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the Housing, Building and Zoning Officer shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or not obtained, the Housing, Building and Zoning Officer shall pursue recourse as provided by law.
 - (a) Every occupant of a structure or premises shall give the owner or operator, 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 necessary to comply with the provisions of this law.
 - (b) The Housing, Building and Zoning Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this law.
3. Inspection of premises, the issuance of notices and orders and enforcement shall be the responsibility of the Housing, Building and Zoning Officer in the City of Dunkirk. Whenever inspections are necessary by any other City of Dunkirk Departments, the Housing, Building and Zoning Officer 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 City staff and officials for the purpose of eliminating conflicting orders before any are issued. A City Department shall not, however, delay the issuance of any emergency orders.
4. The Housing, Building and Zoning Officer 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 law to secure the intent of 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 law or of violating accepted engineering practice involving public safety.

5. The Housing, Building and Zoning Officer, officer or employee charged with the enforcement of this law, while acting for the jurisdiction, shall not be rendered liable personally, and is relieved from all personal liability for any act required or permitted in the discharge of official duties.
 - (a) Any suit instituted against the Housing, Building and Zoning Officer, officer or employee because of an act performed in the lawful discharge of duties and under the provisions of this law shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Housing, Building and Zoning Officer 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 law. Any officer of the Building Department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or any reason of any act or omission in the performance of official duties.
6. An official record shall be kept of all business and activities of the Building Department or other City Department specified in the provisions of this law, and all such records shall be open to public inspection at all appropriate times, as outlined in the Freedom of Information Law, and according to reasonable rules to maintain the integrity and security of such records.
7. Violations of such provisions of this Chapter which are specifically covered by, or within the scope of, the Sanitary Code of the Chautauqua County Health District and/or the Public Health Law of the State of New York shall be referred to the County Commissioner of Health or the Commissioner's designated representative.
 - (a) These referrals shall be for the following purposes: To make inspections of such referred alleged violations and report, in writing, such findings to the Housing, Building and Zoning Officer.
 - (b) At the time of submitting such referral, the Housing, Building and Zoning Officer shall request that the Commissioner of Health or the Housing, Building and Zoning Officer's representative making the report, inform the Housing,

Building and Zoning Officer in writing that all or part of the violations contained in the report will be administered by, and compliance secured in accordance with the provisions of such Sanitary Code and/or Public Health Law; or all or part of the violations contained in the report may be administered by, and compliance secured in accordance with the provisions of the provisions of the City Code, and the inspector shall cooperate with the Housing, Building and Zoning Officer to obtain compliance.

- (c) The items of violation contained in the report shall be included in any notice or order issued by the Housing, Building and Zoning Officer and in all legal proceedings pertaining thereto.
- (d) Where violations of this Chapter or Chapters 15 or 17 of the City Code exist and pose an immediate hazard or danger to the health, safety or welfare of the building occupants or of the public, the Housing, Building and Zoning Officer or the Housing, Building and Zoning Officer's duly authorized representative may issue an order citing the violation and directing such action by the City as is necessary to remove or abate the immediate hazard or emergency situation.
- (e) The Housing, Building and Zoning Officer, or his designee is authorized to issue citations for the following maintenance violations: **[Added 4-17-2007 as L.L. #4-2007]**
 - (1) Unregistered Vehicles. (§ 56-3030(1)(g) Exterior Site Conditions.) Except as provided for in other regulations, no unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises not more than seven (7) days.
 - (2) Yard Refuse. (§ 56-3060(1) Rubbish and Garbage.) All exterior property and premises, basement, cellars, crawlspaces, porches, garages, storage sheds, and the interior of every structure shall be free from accumulations of rubbish, refuse or garbage. The following shall apply to all buildings and parcels in the City of Dunkirk.
 - (3) Semi Parking. (§ 56-3030(1)(g)(2) Exterior Site Conditions.) Tractors and/or trailers shall not be parked on private residential premises.

- (4) Tag Items (Bulk). (§ 56-9010 General Refuse.) Refuse - Combustible and noncombustible waste materials that include discarded, abandoned or inoperable appliances, inoperable vehicles, ruined furniture, discarded unusable building material, uninhabitable mobile homes, unsightly boat trailers, campers that have come into disrepair due to lack of maintenance, discarded household items and similar material that is inoperable, ruined or discarded.
- (5) High Grass. (§ 56-3030(1)(c)(3) Exterior Site Conditions.) Any grasses over six (6) inches in height, except for cereal grasses, grain or fodder, are hereby declared to be a nuisance.
- (6) Covered Rubbish Containers. (§ 56-3060(1)(b) Rubbish and Garbage.) Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Containers shall not be stored on front yards, front porches, decks, stoops or similar structures.
- (7) Dry Vegetation. (§ 305.1.1 NYS Property Maintenance Code.) Dry vegetation, combustible waste and refuse. Combustible waste, refuse and large quantities of dry vegetation, which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire, shall be removed.
- (8) Refrigerators, Appliances with Doors. (§ 305.2.2 NYS Property Maintenance Code.) Refrigerators and similar equipment shall not be discarded, abandoned, or stored on premises accessible to children without first removing the doors.

The fine for subsections 1 - 7 shall be Twenty-Five Dollars (\$25.00). The fine for subsection 8 shall be Fifty Dollars (\$50.00). Each individual cited shall have fourteen (14) business days from the issuance of the citation to pay the indicated fine to the City Clerk of the City of Dunkirk. Any fines not paid within fourteen (14) business days shall be subject to a late fee of Twenty Dollars (\$20.00) per violation.

§ 56-2050 Conflict of Interest.

An official or employee connected with the enforcement of this law, except one whose only connection is that of a member of the Property Maintenance Board, 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, unless that person is the owner of the building. Such officer or employee shall not engage in any work that conflicts with official duties or with the interests of their responsibilities.

§ 56-2060 Violations.

1. 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 structure or equipment regulated by this law, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this law, or to fail to obey a lawful order of the Housing, Building and Zoning Officer, or to remove or deface a placard or notice posted under the provisions of this law.
2. Whenever the Housing, Building and Zoning Officer determines that there has been a violation of this law or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible. Such notice shall:
 - a) Be in writing.
 - b) Include a description of the property sufficient for identification;
 - c) Include a statement of the reason or reasons why the notice is being issued, and;
 - d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this law.
 - e) Such notice shall be deemed to be properly served if a copy is:
 - (1) Delivered to the owner personally or;
 - (2) Sent by mail addressed to the owner at the address of record. If the letter is returned, a copy shall be posted

in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

- (3) Violations of this Chapter shall be punishable by any of the following, or combination thereof:
 - a) Imprisonment for not more than thirty (30) days;
 - b) A fine of not more than One Thousand Dollars (\$1,000.00);
 - c) A conditional discharge;
 - d) An unconditional discharge.
- (4) Each day that a violation continues after due notice has been served shall be deemed a separate offense and shall be considered a continuing violation until the violation is corrected and shall be punishable by any of the above remedies, or combination thereof, for each day that the property remains in violation.
- (5) All individuals that have been duly served with a notice of violation issued by the Housing, Building and Zoning Officer and who fail to correct the violations of this Chapter or Chapters 15 or 17 of the City Code, as directed therein, resulting in the issuance of appearance tickets for enforcement by City Court, shall be required to pay mandatory court costs in the amount of Fifty Dollars (\$50.00) for each and every appearance which is required in City Court, except for those cases where the City Court Judge makes a determination that there was no legal basis for the service of the notice of violation or appearance ticket. Such mandatory court costs shall be separate and independent from any fines or penalties imposed by this Chapter or other Chapters of the City Code, and shall be payable to the City in any manner directed by the City Court Judge. **[Amended 4-3-2007 as L.L. #3-2007]**

- (6) The City Attorney or the City Attorney's designee may, upon complaint of the Housing, Building and Zoning Officer, or upon his or her own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove violations of this Chapter and to take such other legal action as is necessary to carry out the terms and provisions of this Chapter.
- (7) The remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.
- (8) Any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of any right to pursue any and all of the others.
- (9) An order to remedy that outlines legal action to be taken will be issued to the property owner if the violation is not corrected within the time frame outlined. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Housing, Building and Zoning Officer shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (10) In case of any unlawful acts, the Housing, Building and Zoning Officer shall institute an appropriate action or proceeding at law to exact the penalty provided in this law. Also, the Housing, Building and Zoning Officer shall ask the jurisdiction's legal representative to proceed in law or in equity against the person responsible for the violation of the purpose of ordering that person:
 - a) To restrain, correct or remove the violation or refrain from any further execution of work;
 - b) To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
 - c) To require the removal of work in violation or;

- d) To present the occupancy of the structure that is not in compliance with the provisions of this law.
- (11) Any person who shall occupy a placarded premises and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this law. The Housing, Building and Zoning Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Housing, Building and Zoning Officer shall be subject to the penalties provided by this law.
- (12) If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Housing, Building and Zoning Officer is authorized to post a placard of condemnation on the premises and order the structure closed up. Upon failure of the owner to close up the premises within the time specified in the order, the Housing, Building and Zoning Officer shall cause the premises to be closed through any available public agency such as the City of Dunkirk Department of Public Works or by contract or arrangement by private persons and the cost shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and/or personally recovered from the owner.
- (13) 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 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 Housing, Building and Zoning Officer and shall furnish to the Housing, Building and Zoning Officer a signed and notarized statement from the grantee, transferee,

mortgagee or lessee, acknowledging the receipt of such compliance order or 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.

§ 56-2070 Emergency Measures.

1. When, in the opinion of this Housing, Building and Zoning Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of fire damage, explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Housing, Building and Zoning Officer is authorized and empowered to order and require the occupants to vacate the premises. The Housing, Building and Zoning Officer shall cause to be posted at each entrance to such structure a notice reading as follows:

**"THIS STRUCTURE IS UNSAFE AND
ITS OCCUPANCY HAS BEEN
PROHIBITED BY THE CITY OF
DUNKIRK HOUSING, BUILDING AND
ZONING OFFICER."**

2. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.
3. Whenever, in the opinion of the Housing, Building and Zoning Officer, there is imminent danger due to an unsafe condition, the Housing, Building and Zoning Officer shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure described has been instituted. For the purpose of this Section, the Housing, Building and Zoning Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the Housing, Building and Zoning Officer. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

4. When necessary for the public safety, the Housing, Building and Zoning Officer shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
5. Any person ordered to take emergency measures shall comply with such order. Any affected person shall, upon petition direct to the Property Maintenance Board, be afforded a hearing to discuss the situation.

§ 56-2080 Demolition.

1. The Housing, Building and Zoning Officer shall order the owner of any premises with any structure, which in the Housing, Building and Zoning Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to raze and remove such structure. If such structure is capable of being made safe by repairs, the owner shall repair and make safe and sanitary or raze and remove (in compliance with the Housing, Building and Zoning Officer's instructions and conditions) at the owner's option. Where there has been a cessation of normal construction of any structure for a period of more than two years, the Housing, Building and Zoning Officer may order the owner to raze and remove such structure (in compliance with the Housing, Building and Zoning Officer's instructions and conditions).
2. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Housing, Building and Zoning Officer shall notify the owner of his/her right to request a hearing between the owner of the structure and the City Council to allow the owner an opportunity to be heard and explain reasons for non-compliance. If the owner fails to request a hearing within ten (10) days of the date of the Housing, Building and Zoning Officer's letter, the matter shall go forward without a hearing. If a hearing is requested within the designated time, it shall be scheduled for the next available Council Meeting. A decision will be made at the hearing or within a reasonable time thereafter and the owner shall abide by the decision of the City Council. If the owner fails to comply with the decision of the City Council, the Building and Zoning Officer shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged

against the areas estate upon which the structure is located and shall be a lien upon such real estate, and/or shall be recovered by Civil Action against the owner(s), and/or shall be added to the City tax levy against the relevant parcel.

3. When any structure has been ordered razed and removed, the City Council or other designated officer under said contract or arrangement shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be remitted to the owner, with a report of such sale or transaction, including the items of expense and the amounts deducted for the person who is entitled, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§ 56-2090 Property Maintenance Board. [Amended on 2-20-1996 as L.L. #2 (Intro No. 4) 1996]

1. Unless an alternate hearing is provided for herein or included in the notice or order issued by the Housing, Building and Zoning Officer, any person affected by a decision of the Housing, Building and Zoning Officer or a notice or order issued under this law shall have the right to appeal to the Property Maintenance Board, 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 law or the rules legally adopted have been incorrectly interpreted, the provisions of this law do not fully apply or the requirements of this law are adequately satisfied by other means.

ARTICLE III
General Requirements

§ 56-3010 General.

1. The provisions of this Article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided in this law. A person shall not occupy as owner-occupancy or permit another person to occupy premises which do not comply with the requirements of this law. Owners who reside outside Chautauqua County shall be required to designate in writing an agent within Chautauqua County who is authorized to accept service on the owner's behalf of all notices, orders and appearance tickets relevant to the property. Such designation shall be filed with the Housing, Building and Zoning Officer within one (1) month of the filing of this Law or the purchase of the property by the owner.
2. All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure and sanitary condition as

provided so as not to cause a blighting problem or adversely affected the public health or safety.

3. Vacant buildings shall be kept secure. If boarding is necessary the material used shall be cut to fit the opening not beyond the frame of the window or door. The material shall be able to accept paint or stain and be painted or stained similar to the color of the surrounding material of the building. **[Added 4-3-2007 as L.L. #3-2007]**

§ 56-3020 Unsafe and Unlawful Structures and Equipment.

1. When a structure or equipment is found by the Housing, Building and Zoning Officer to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant the provisions of this law.
2. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.
3. An unlawful structure is one found in whole or in part to be occupied by more persons permitted under this law, or was erected, altered or occupied contrary to law.
4. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
5. A structure is unfit for human occupancy whenever the Housing, Building and Zoning Officer finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this law, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

6. Owners of premises shall be responsible for compliance with this Chapter and Chapters 15 and 17 of the City Code and shall remain responsible therefor, regardless of the fact that this Chapter may also place certain responsibilities on the occupants regardless of any agreements between owners and occupants as to which party shall assume such responsibility. Owners of premises shall be responsible for the proper maintenance, condition and operation of service facilities and for furnishing heat and hot-water supply in dwellings.
7. Occupants of dwelling units shall be responsible for compliance of the following conditions:
 - (a) Limiting occupancy of that part of the premises which he or she occupies or controls to the maximum permitted by this Chapter and any other Chapter of the City Code.
 - (b) Maintaining that part of the premises which he or she occupies or controls in a clean, sanitary and safe condition.
 - (c) Maintaining all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, in that part of the premises which he or she occupies or controls in a clean and sanitary condition, and providing reasonable care in the operation and use thereof.
 - (d) Disposing of garbage and refuse into provided facilities in a clean and sanitary manner.
 - (e) Exterminating insects, rodents or other vermin within his or her dwelling unit, if his or her unit is the only one infested in the premises.
 - (f) Hanging and removing required screens.
 - (g) Keeping his or her domestic animals and pets in a lawful manner.

§ 56-3030 Exterior Site Conditions. [Amended 2-20-1996 as L.L. #2 (Intro No. 4) 1996]

1. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupancy shall keep that part of the exterior property which such occupancy occupies or controls in a clean and sanitary condition. The following shall apply to the exterior of all structures in the City of Dunkirk:

- (a) All premises with detention or retention areas shall be graded and maintained to prevent the accumulation of stagnant water, or within any structure located on site.
- (b) 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.
- (c) All premises and exterior property shall be maintained free from excessive weeds or plant growth.
 - (1) Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy or other weeds or wild growth of a like kind are hereby declared to be a nuisance.
 - (2) Any plants other than trees, flowers, or ornamental bushes and plants are hereby declared to be a nuisance.
 - (3) Any grasses over six (6) inches in height, except for cereal grasses, grain or fodder, are hereby declared to be a nuisance. **[Amended 2-20-1996 as L.L. #2 (Intro No. 4) 1996]**
 - (4) It shall be unlawful for any owner of real property in the City to permit any weeds, plants or grasses herein declared to be a nuisance to grow or remain anywhere in the City.
 - (5) It shall be the duty of the owner of any real property in the City of Dunkirk to cut and remove such weeds, grasses or brush.
 - (6) It shall be the duty of the Housing, Building and Zoning Officer to serve a notice upon the owner of any property on which said plants are permitted to grow in violation of this chapter, and to demand abatement of the nuisance within seven (7) days. Notice shall be given either personally or in writing by certified mail addressed to the owner at his address as it appears on the current tax assessment roll of the City of Dunkirk. **[Amended 7-20-1999 as L.L. #5 (Intro No. 4) 1999]**

- (7) If the owner so notified does not abate the nuisance within seven (7) days the Building Inspector shall order the removal of such nuisance and shall cause removal either by private contractor or the City of Dunkirk. All costs and expenses incurred by the City of Dunkirk in connection with said removal shall be assessed against the land and, if unpaid for thirty (30) days after billing, shall become a lien on the real property, and the City Treasurer shall be directed to file same as a special assessment to be levied, collected and enforced in the same manner, by the same proceedings and with the same penalties and having the same lien upon the property as special assessments and taxes. **[Amended 7-20-1999 as L.L. #5 (Intro No. 4) 1999]**
- (d) All structures and exterior property shall be kept free from rodent and insect infestation. Where rodents 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 re-infestation.
- (e) 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.
- (f) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (1) Any fence in a residential district shall be of open construction, such as an ornamental iron, wire, chain, or picket (iron or wood). No fence of any description, except a hedge, shall be built nearer the street line than the front line of the dwelling on such lot unless approved by the Property Maintenance Board.
- (2) No fence or hedge shall be built nearer than two (2) feet of the inside of the street side of the property line. In any case where the rear lot line of a lot is adjacent to the side lot line of another lot, no fence, except a hedge, shall be built on the side of the rear lot line nearer the street line than the front line of the dwelling

on such adjacent lot unless approved by the Property Maintenance Board.

- (3) No hedge fence placed along the front property line shall exceed four (4) feet in height. This hedge fence shall also be the limit for the front and side of a corner lot abutting an open street.
 - (4) Any fence shall have the finished side of the fence facing the abutting property. All supporting posts shall be placed inside the property line.
 - (5) No hedge shall be planted directly on the property line but planting shall provide for growth of hedge. Hedges shall be planted a minimum of twelve (12) inches from the property line. The owner of such hedge fences shall keep the hedges trimmed in line with the abutting property line.
 - (6) All fences shall be maintained in a safe and substantial condition. All exposed surfaces, shall be periodically protected with paint or other preservative to retard deterioration. Use of barbed wire for fencing is prohibited in any zone unless approved by the Property Maintenance Board.
 - (7) Fences, whether hedge, ornamental iron, solid board, picket, interwoven, etc., where used for purposes of privacy, shielding of patio, etc., when exceeding the height limit, shall be built six (6) inches inside the property line for every foot of additional height and in no case shall exceed eight (8) feet in height.
- (g) Except as provided for in other regulations, no unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises not more than seven (7) days.
- (1) 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.
 - (2) Tractors and/or their trailers shall not be parked on private residential premises.

- (3) 1. If the vehicle is not removed within the seven (7) days specified, the Building Inspector may cause removal either by private contractor or the City of Dunkirk, in addition to any other available remedy. All costs and expenses incurred by the City of Dunkirk in connection with said removal shall be assessed against the land and, if unpaid for thirty (30) days after billing, shall become a lien on the real property, and the City Treasurer shall be directed to file same as a special assessment to be levied, collected and enforced in the same manner, by the same proceedings and with the same penalties and having the same lien upon the property as special assessments and taxes. **[Amended 2-20-1996 as L.L. #2 (Intro No. 4) 1996; Amended 7-20-1999 as L.L. #5 (Intro No. 4) 1999]**
2. If, after notice and removal, the same unregistered or uninspected motor vehicle shall again be parked, kept or stored on any premises in violation of this local law, an appearance ticket may be immediately issued and no seven (7) day period need elapse before such issuance. **[Amended 2-20-1996 as L.L. #2 (Intro No. 4) 1996; Amended 7-20-1999 as L.L. #5 (Intro No. 4) 1999]**
- (4) Motor vehicles, trailers, watercraft, recreational vehicles or any other vehicles not road worthy, not useable or are unsightly due to conditions from lack of maintenance, shall not be stored on the exterior of the property. **[Amended 4-3-2007 as L.L. #3-2007]**
- (h) All exterior sites shall be kept free from excessive rubbish and debris and yard refuse. Lumber intended for construction use may be stored on the property for a period not to exceed ninety (90) days.
- (i) Furniture, unless specifically manufactured and intended for exterior use, shall be prohibited on porches, decks or elsewhere on the exterior of the property. This includes, but not limited to, tables, chairs, equipment and upholstered furniture. Refuse shall not be stored on porches. **[Added 4-3-2007 as L.L. #3-2007]**

- (j) Material used for compost shall be of acceptable standards material. Compost shall be kept in bins properly designed for such use and kept at least three feet from property lines. Compost bins shall not be located in front yards, porches, decks or entry areas. **[Added 4-3-2007 as L.L. #3-2007]**
- (k) Driveways, parking lots, accessory structures and equipment shall be maintained in good condition. Driveways and parking lots shall be kept dust free and surfaces maintained in good condition. Structures and equipment shall be kept structurally sound and in good repair. **[Added 4-3-2007 as L.L. #3-2007]**

§ 56-3040 Exterior Structure Conditions. [Amended 4-3-2007 as L.L. #3-2007]

1. 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 following shall apply to all structures in the City of Dunkirk:
 - (a) 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 at least 3 inches high and 1/2 inch stroke. These numbers shall contrast with their background and be applied by generally accepted lettering/numbering standards. **[Amended 4-3-2007 as L.L. #3-2007]**
 - (b) All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
 - (c) 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.
 - (d) All exterior walls shall be free from holes, breaks, loose or rotting materials, including paint, and maintained weatherproof and properly surface coated, where unprotected, to prevent deterioration.
 - (e) 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 water shall not be discharged in a manner that creates a public nuisance.

- (f) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage in a safe condition.
- (g) All canopies, marquees, signs, metal awnings, stairways, 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 safe and sound condition. When unprotected, 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.
- (h) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.
- (i) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (j) Every window, door and frame shall be kept in sound condition, good repair and weather tight.
- (k) All glazing materials shall be maintained free from cracks and holes.
- (l) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (m) During the period from April 15 to October 15, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing 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 and every

swinging door shall have a self-closing device in good working condition.

- (n) All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door. Exterior storm/screen or exterior doors without storm/screen doors shall be equipped with closers to close the door from any interior portion of the structure to protect the property from the weather. **[Amended 4-3-2007 as L.L. #3-2007]**
 - (o) Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
 - (p) Graffiti shall be removed from all buildings, structures, signs, windows or wherever it may have been placed. **[Added 4-3-2007 as L.L. #3-2007]**
 - (q) Garage roll up, sliding, or swinging doors shall be properly installed on their tracks, hinges or rollers and shall be in good condition free from damaged, broken, missing panels. **[Added 4-3-2007 as L.L. #3-2007]**
2. Every basement window that is openable shall be supplied with rodent proof shields, storm windows or other approved protection against the entry of rodents.

§ 56-3050 Interior Structure Condition.

1. The interior of a structure shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. The following conditions shall apply to the interior condition of all buildings in the City of Dunkirk:
- (a) The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

- (b) All interior surfaces, including windows and doors, shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (c) All interior stairs and railings shall be maintained in sound condition and good repair.
- (d) Toilet room, bathroom and laundry room floors shall be maintained in a water resistant condition. **[Added 4-3-2007 as L.L. #3-2007]**

§ 56-3060 Rubbish and Garbage.

1. All exterior property and premises, basement, cellars, crawlspaces, porches, garages, storage sheds, and the interior of every structure shall be free from any accumulation of rubbish, refuse or garbage. The following shall apply to all buildings and parcels in the City of Dunkirk. **[Amended 4-3-2007 as L.L. #3-2007]**
 - (a) Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
 - (b) Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Containers shall not be stored on front yards, front porches, decks, stoops or similar structures. **[Amended 4-3-2007 as L.L. #3-2007]**
 - (c) The owner of every dwelling shall supply an approved leak proof, covered, outside garbage container.
 - (d) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leak proof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

§ 56-3070 Extermination.

1. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. All

structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property as well as each apartment, dwelling unit and/or room.

ARTICLE IV
Light, Ventilation and Occupancy Limitations

§ 56-4010 General.

1. The provisions of this Article shall govern the minimum conditions and standards for light, ventilation and space for the occupancy of a structure in the City of Dunkirk.
2. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements and the requirements of the New York State Uniform Fire Prevention and Building Code. A person shall not occupy as owner-occupant, or permit another person to occupy any premises that do not comply with the requirements of this law.
3. In lieu of the means for natural light and ventilation prescribed, artificial light or mechanical ventilation complying with the New York State Uniform Fire Prevention and Building Code and other applicable codes shall be permitted.

§ 56-4020 Light.

1. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be eight (8) percent of the floor area of such room, except in kitchens and baths where artificial light is provided in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code. Wherever exterior walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face 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.
2. Every common hall and stairway, other than in one and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated with a minimum of 1 foot candle at floors, landings and treads.
3. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the

safe occupancy of the space and utilization of the appliances, equipment and fixtures.

§ 56-4030 Ventilation.

1. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least four (4) percent of the total floor area of the building. The following requirements shall be complied with in the City of Dunkirk:
 - (a) Bathrooms - Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by this law, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:
 - (1) Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
 - (2) Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.
 - (b) Cooking Facilities - Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit unless specifically approved, in writing, by the Housing, Building and Zoning Officer.
 - (c) Fumes - Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
 - (d) Clothes Dryer - Clothes dryer venting systems shall be independent of all other systems and shall be vented to the exterior in accordance with the manufacturer's instructions.

§ 56-4040 Occupancy Limitations.

1. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces. The following provisions for occupancy limitations shall apply in the City of Dunkirk:
 - (a) Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces. This provision does not apply to dwelling units that contain fewer than two bedrooms.
 - (b) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
 - (c) Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.
 - (d) Dwelling units shall not be occupied by more occupants than permitted by the New York State Uniform Fire Prevention and Building Code. This includes:
 - (1) In dwelling units, the maximum number of occupants shall be limited to the number determined on the basis of the floor areas of habitable rooms, other than kitchens, as follows:
 - (i) one (1) occupant per room having floor area of at least seventy five (75) but less than one hundred twenty (120) square feet;
 - (ii) two (2) occupants per room having floor area of at least one hundred twenty (120) but less than one hundred eighty (180) square feet and;
 - (iii) three (3) occupants per room having floor area of one hundred eighty (180) or more square feet.
 - (2) In lodging units, the maximum number of occupants shall be limited to the number determined on the same basis as for dwelling units.

- (3) In building occupied as clubs, dormitories, sorority or fraternity houses and providing sleeping accommodations for more than five (5) persons, the maximum number of occupants so accommodated in any habitable room shall be limited to the number determined on the basis of the floor area, in square feet, of the room divided by fifty (50) square feet per occupant.
- (4) No room in any dwelling unit or rooming unit shall be used for sleeping purposes unless there is a minimum floor space of seventy (70) square feet for the first occupant and a minimum floor space of fifty (50) square feet for each additional occupant.
- (e) Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.
- (f) Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than 7 feet 6 inches. Hallways, corridors, laundry areas, bathrooms, toilet rooms and kitchens shall have a clear ceiling height of not less than 7 feet 6 inches. The following shall be considered exceptions:
 - (1) Beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height, provided that the minimum clear height is not less than 7 feet.
 - (2) Dropped or furred ceilings over not more than one-half of the minimum floor area required by this law, provided that no part of such dropped or furred ceiling is less than 7 feet in height.
 - (3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area of such rooms with a clear ceiling height of 5 feet or more shall be included.

- (4) Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
- (g) A habitable room, other than a kitchen, shall not be less than 10 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.
- (h) All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

ARTICLE V

Plumbing Facilities and Fixture Requirements

§ 56-5010 General.

1. The provisions of this Article shall govern the minimum plumbing facilities and plumbing fixtures to be provided. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this law.

§ 56-5020 Required Facilities.

1. The following shall be required facilities for plumbing facilities in the City of Dunkirk:
 - (a) Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The

lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. Hot water at 130° F to 140° F shall be provided to every dwelling unit by acceptable plumbing equipment.

- (b) Rooming Houses shall have at least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
- (c) Where private water closets, lavatories, and baths are not provided in hotels, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (d) A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
- (e) Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
- (f) Privies, privy vaults and outhouses shall be prohibited.

§ 56-5030 Toilet Rooms and Bathrooms.

1. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space or to the exterior. The following shall apply to toilet rooms in the City of Dunkirk:
 - (a) Hotel/Motel - Toilet rooms and bathrooms serving hotel/motel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
 - (b) Employee Facilities:
 - (1) Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or public customer facilities.

- (2) Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership lease or control, shall not exceed a travel distance of 500 feet. Employee facilities shall either be separate facilities or public customer facilities.

§ 56-5040 Plumbing Fixtures.

1. Plumbing fixtures shall have adequate clearances for usage and cleaning.

§ 56-5050 Water System.

1. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the City of Dunkirk public water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.
2. The water system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

§ 56-5060 Water Heating Facilities.

1. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° Fahrenheit. A gas-burning water heater shall not be located in any bathroom, kitchen, toilet room, bedroom or other occupied room normally kept closed. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

§ 56-5070 Sanitary Drainage System.

1. All plumbing fixtures shall be properly connected to the City of Dunkirk public sewer system. Every plumbing stack, vent waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

§ 56-5080 Storm Drainage.

1. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance and shall not be discharged into any combined sewers without the approval of the Housing, Building and Zoning Officer and the Department of Public Works.

§ 56-5090 Fuel Gas.

1. General requirements.
 - (a) Fuel gas piping systems shall be installed and maintained so as to remain gastight, safe and operative under conditions of use.
 - (b) Fuel gas piping systems shall provide a supply of gas sufficient to meet the maximum expected demand of the installed gas-burning appliances connected thereto.
2. Shutoff valves.
 - (a) Gas piping systems shall have at least one (1) accessible means for shutting off all gas supply, and such means shall be maintained in good operating condition.
 - (b) An easily accessible shutoff valve or cock shall be provided in the piping in close proximity to, and ahead of, every outlet for gas appliance.
3. Service equipment for gas supplied from utility mains. Gas services, gas meters and gas pressure regulators shall be located so that they are protected from damage.
4. Gas refrigerators and ranges. Gas refrigerators and ranges shall be installed with clearance for ventilation and shall be maintained in good operating condition.
5. High-pressure gas. Any service connection supplying gas at a pressure in excess of one (1) pound per square inch gauge shall be provided with a device to reduce such pressure to not more than one-half (1/2) pound per square inch gauge prior to entering the meter, except where such service supplies equipment using gas at high pressures.
6. Liquefied petroleum gas.

- (a) Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in buildings.
- (b) Liquefied petroleum gas shall not be vaporized by devices utilizing open flame or open electrical coil.
- (c) Where two (2) or more containers are installed, connection shall be arranged so that containers can be replaced without shutting off the flow of gas to equipment.
- (d) Containers shall be designed, stored and located so as not to be a hazard to the premises served or to the surrounding property.
- (e) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- (f) Systems shall have at least one (1) accessible means for shutting off the gas. Such means shall be located outside the building and shall be maintained in good operating condition.

ARTICLE VI
Mechanical and Electrical Requirements

§ 56-6010 General.

1. The provisions of this Article shall govern the minimum mechanical and electrical facilities and equipment to be provided. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements.
2. 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 Article.

§ 56-6020 Heating Facilities.

1. Heating facilities shall be provided in structures as required by this Article and the New York State Uniform Fire Prevention and Building Code:
 - (a) Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms, kitchens and toilet rooms based on the outside design temperature required by the New York State Uniform Fire Prevention and Building Code. Occupied dwellings shall be provided with such heating facilities in full working condition from October 15th to May 15th.
 - (b) Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 15th to May 15th to maintain room temperatures at a minimum of 68° Fahrenheit.
 - (c) When the outdoor temperature is below the outdoor design temperature, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.
 - (d) Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 15 to April 15 to maintain a temperature of not less than 65° Fahrenheit during all working hours. Exemptions include:

- (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.
2. The required room temperatures shall be measured at a point 5 feet above the floor and 3 feet from the exterior walls.

§ 56-6030 Mechanical Equipment.

1. All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. The following shall apply:
 - (a) All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.
 - (b) All fuel burning equipment and appliances shall be connected to an approved chimney or vent. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.
 - (1) Exception: unvented room heaters shall be installed per New York State Uniform Fire Prevention and Building Code, Title 19 (NYCRR), Chapter XXXIII, Subchapter A. **[Added 4-3-2007 as L.L. #3-2007]**
 - (c) All required clearances to combustible materials shall be maintained.
 - (d) All safety controls for fuel-burning equipment shall be maintained in effective operation.
 - (e) A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.
 - (f) Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

- (f) Fuel burning equipment shall be permanently fastened and connected in place. Fuel supply connection to such equipment shall be made with pipe or tubing of solid metal.

§ 56-6040 Electrical Facilities.

1. Every occupied building shall be provided with an electrical system in compliance with the requirements of this Article and generally accepted standards. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.
2. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Housing, Building and Zoning Officer shall require the defects to be corrected to eliminate the hazard.

§ 56-6050 Electrical Equipment.

1. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. The following shall be required in the City of Dunkirk:
 - (a) Every habitable space in a dwelling shall contain at least two separate and remote grounded type receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one grounded type receptacle.
 - (b) Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

§ 56-6060 Elevators, Escalators and Dumbwaiters.

1. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

2. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.
3. Elevators, dumbwaiters, escalators and similar lifts shall be inspected at least once yearly or more often as indicated by a certified elevator inspector.

ARTICLE VII Fire Safety Requirements

§ 56-7010 General.

1. The provisions of this Article 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 in the City of Dunkirk.

2. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Article.

§ 56-7020 Means of Egress.

1. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way. The following provisions shall be adhered to for all structures in the City of Dunkirk.
 - (a) The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the New York State Uniform Fire Prevention and Building Code.
 - (b) In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.
 - (c) A single exit is acceptable under any one of the following conditions:
 - (1) Where the building is equipped throughout with an automatic sprinkler system and automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
 - (2) Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke proof enclosure or pressurized stairway.
 - (3) Where an exiting fire escape conforming to the New York State Uniform Fire Prevention and Building Code is provided in addition to the single exit.
 - (4) Where permitted by the New York State Uniform Fire Prevention and Building Code.

- (d) Exits from dwelling units, rooming units, guest rooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.
 - (1) Safe, continuous and unobstructed exit shall be provided from the interior of the building to the exterior at street or grade level.
 - (2) Exits shall be arranged, constructed and proportioned so that occupants may escape safely from the building in case of emergency.
 - (3) In one and two family dwellings, in addition to a primary exit from each dwelling unit, there shall be provided a secondary exit placed remotely from the primary exit.
 - (4) In multiple dwellings, approved exits shall be provided.
- (e) All means of egress shall be indicated with approved "Exit" signs where required by the New York State Uniform Fire Prevention and Building Code. All "Exit" signs shall be maintained visible and all illuminate "Exit" signs shall be illuminated at all times that the building is occupied.
- (f) Arrangements of chairs or tables and chairs shall provide for ready access by aisle access ways and aisles to each egress door. The minimum clear width of each aisle in occupancies shall be maintained in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code. In all other occupancies, aisles shall have a minimum required clear width of 44 inches where serving an occupant load greater than 50 people, and 36 inches where serving an occupant load of 50 or less people. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

- (g) Every exterior and interior flight of stairs having three or more risers, and every open portion of a stair, landing or balcony which is more than 18 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches nor more than 36 inches 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 high above the floor of the landing or balcony.
- (h) A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be marked with approved signs in accordance with the requirements for new buildings in the New York State Uniform Fire Prevention and Building Code.
- (i) An emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the New York State Uniform Fire Prevention and Building Code.
- (j) Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:
 - (1) In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safely in case of fire or other emergency.
 - (2) In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
 - (3) Where the door hardware conforms to that permitted by the New York State Uniform Fire Prevention and Building Code.

§ 56-7030 Accumulations and Storage.

1. Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

2. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the New York State Uniform Fire Prevention and Building Code.

§ 56-7040 Fire Resistance Ratings.

1. The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained as required by the New York State Uniform Fire Prevention and Building Code. All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

§ 56-7050 Fire Protection Systems.

1. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained. This includes:
 - (a) Fire suppression systems shall be in proper operating condition at all times.
 - (1) Control valves shall be in the fully open position.
 - (2) Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least 18 inches below sprinkler deflectors.
 - (3) Piping shall be properly supported and shall not support any other loads.
 - (b) Standpipe systems shall be in proper operating condition at all times.
 - (1) Water supply control valves shall be in the fully open position.
 - (2) Hose connections shall be identified and have ready access thereto.

- (3) Where provided, the hose shall be properly packed, dry and free from deterioration.
- (c) All portable fire extinguishers shall be visible, provided with ready access thereto, and maintain in an efficient and safe operating condition. Extinguishers shall be of an approved type.
- (d) A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guest room, suite or sleeping area in occupancies installed in each guest room, suite or sleeping area in occupancies in Use Groups R-1 and R-2, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
 - (1) All detectors shall be installed in accordance with the New York State Uniform Fire Prevention and Building Code. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.
 - (2) The power source for smoke detectors shall be either an AC primary power source or a motorized battery primary power source.
 - (3) No person shall at any time make any required safety device or electrical protective device inoperative, except where necessary during tests, inspections or maintenance.
- (e) Fire protective signaling systems shall be in proper operating condition at all times.
 - (1) The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.
 - (2) All manual fire alarm boxes shall be operational and unobstructed.

- (3) All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.
- (f) A complete written record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises.

§ 56-7060 Elevator Recall.

1. All elevators having a travel distance of 25 feet or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code.

§ 56-7070 Mechanical Equipment Control.

1. Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm and serving more than one floor in buildings that exceed six stories in height in accordance with the New York State Uniform Fire Prevention and Building Code. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

ARTICLE VIII
Appeals

§ 56-8010 Board of Appeals.

1. There is hereby created a Property Maintenance Board of Appeals consisting of three (3) members, each appointed for terms of three (3) years, by the Mayor, upon confirmation by the Common Council.
2. All appointments to fill vacancies shall be for the unexpired term.
3. No member of the Board shall hold public office or be a member of any other board or commission of the City.
4. The Board shall choose its own Chairman, and the Housing, Building, and Zoning Officer or the Housing, Building and Zoning Officer's duly authorized representative shall act as Secretary but shall not vote on any issues presented to the Board.
5. It shall be the duty of the Secretary to prepare an agenda and minutes for each meeting which briefly explain the nature of each matter to be considered by the Board and the Housing, Building and Zoning Officer shall send a copy of such agenda to each

member of the Board and to the City Attorney. The Board shall meet upon call by the Chairman.

6. The Property Maintenance Board of Appeals shall hear and determine appeals from any person presented with a notice of violation in accordance with the provisions of this Chapter.
7. Any person seeking relief from the Board following a notice of violation must file a notice of appeal with the Housing, Building and Zoning Officer or the Housing, Building and Zoning Officer's duly authorized representative of his or her desire to appeal to the Board prior to the expiration of the time limit for compliance stated in the notice of violation.
8. It shall be the function of the Board to vary or modify the application of any of the provisions of this Chapter when strict enforcement would result in practical difficulties or unnecessary hardship.

ARTICLE IX Definitions

§ 56-9010 General.

Except where specifically defined, all words used in this Chapter shall carry their customary meanings. The following rules shall apply to the text of this Chapter:

1. words in the present tense include the future;
2. words in the singular include the plural and the plural the singular;
3. the word "shall" is intended to be mandatory;
4. the word "lot" shall include the word "plot" or "parcel";
5. the word "person" shall include an individual, firm or corporation;
6. the words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied";
7. a building or structure includes any part;
8. the word "and" indicates that all connected items, conditions, provisions or events shall apply;

9. the word "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination;
10. the words "either...or" indicates that the connected items, conditions, provisions or events may apply singly but not in any combination.

Where terms are not defined in this Chapter and are defined in the other building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. For the City of Dunkirk Property Maintenance Code, the following definitions shall apply.

APPROVED - Approved by the Housing, Building and Zoning Officer.

BATHROOM - A room containing plumbing fixtures including a bathtub or shower.

BUILDING - Any structure occupied or intended for supporting or sheltering any occupancy.

BUILDING CODE - The New York State Uniform Fire Prevention and Building Code adopted by the legislative body of the State of New York or other such codes officially designated by the State of New York for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

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.

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/MOTEL - Any building containing six or more guest rooms, 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 four lodgers or boarders.

TWO FAMILY DWELLING - A building containing two dwelling units with not more than four lodgers or boarders per family.

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.

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, rodents 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 that are environmentally sound.

FAMILY - One (1) or more persons living together in one (1) dwelling unit and maintaining a common household, including domestic servants and gratuitous guests, together with boarders, roomers or lodgers not in excess of four (4) unrelated persons occupying a dwelling unit and living together as a single housekeeping unit.

GARBAGE - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE SPACE - Space in a structure for living, sleeping or eating. Bathroom, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSING, BUILDING and ZONING OFFICER - The City of Dunkirk Housing, Zoning and Housing, Building and Zoning Officer who is charged with the administration and enforcement of this code, or any duly authorized representative.

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

LET FOR OCCUPANCY - To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building 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.

OCCUPANCY - The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT - Any person living or sleeping in a building; or having possession of a space within a building.

OPENABLE AREA - That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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.

PLUMBING - The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code.

PLUMBING FIXTURE - A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

PREMISES - A lot, plot or parcel of land including any structures thereon.

PUBLIC NUISANCE - Includes the following:

- (1) The physical condition or occupancy of any premises regarded as a public nuisance at common law or;

- (2) Any physical condition or occupancy of any premises or its appurtenances considered an attraction to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures or;
- (3) Any premises that has unsanitary sewerage or plumbing facilities or;
- (4) Any premises designated as unsafe for human habitation or;
- (5) Any premises that is manifestly unsafe or unsecured so as to endanger life, limb or property or;
- (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 or;
- (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.

REFUSE - Combustible and noncombustible waste materials that include discarded, abandoned or inoperable appliances, inoperable vehicles, ruined furniture, discarded unusable building material, uninhabitable mobile homes, unsightly boats, trailers, campers that have come into disrepair due to lack of maintenance, discarded household items and similar material that is inoperable, ruined or discarded. **[Added 4-3-2007 as L.L. #3-2007]**

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.

STRUCTURE - Anything constructed or erected which requires permanent location on the ground or attachment to something having such location having a minimum floor area of 25 square feet.

TOILET ROOM - A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION - The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

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

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

YARD, FRONT – An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of the main building. **[Added 4-3-2007 as L.L. #3-2007]**