

Ordinance

7-1002

Proposed PROPERTY MAINTENANCE CODE, Article 7, Chapter 7-1001

An ordinance of the Town of Eastover adopting the 2006 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupations and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Town of Eastover.

The Council of the Town of Eastover does ordain as follows:

Sec. 1. Adoption; conflicting provisions; penalties.

(a) There is hereby adopted by and for the Town of Eastover the *International Property Maintenance Code*, 2006 edition as published by the International Code Council Inc., which code is published separately in book form and is adopted by reference as though copied fully in this section.

Specifically excluded from the adoption of the Property Maintenance Code are subsection 102.3 and Section 103, and its subsections (enumerated as 103.1 103.2, 103.3, 103.4 and 103.5). Any other provision not specifically excluded above which concerns the qualification, removal, dismissal and duties of the building official or any other Town official or employee are deemed excluded from this section. A file of record of this code is in the offices of the Town clerk and building official.

(b) Section 111.1 of the 2006 *International Property Maintenance Code* is amended to read as follows:

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intention of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

(c) Section 302.4 of the 2006 *International Property Maintenance Code* is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of one foot on the average. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

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

(d) Section 304.14 of the 2006 *International Property Maintenance Code* is amended to read as follows:

304.14 Insect Screens. During the period from January 1st to December 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

(e) The following sections are hereby revised:

Section 101.1. Insert: *The Town of Eastover*

Section 106.4. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws, *and upon conviction be subject to a fine not to exceed \$200.00 for each offense.* Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 602.3. Insert: *September through March of each year*

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(h) In the event of any conflict between the provisions of the code adopted by this section and state law or Town ordinances, rules or regulations, then the code adopted by this section shall prevail and be controlling unless the code is specifically amended by state law which shall prevail and be controlling.

This ordinance shall be effective as of _____, 2011.

Done in Council Meeting this _____ day of _____, 2011.

Mayor: _____

Town Clerk: _____

First Reading: May 2, 2011.

Final Reading: _____

Form Approved by Attorney: _____