

The International Property Maintenance Code, 2015 Edition, as published by the International Code Council and cited appendices listed below are adopted by reference and shall be the Property Maintenance Code of the City of Benson.

The International Property Maintenance Code, 2015 Edition, adopted by the City of Benson by enacting this resolution is amended as follows:

CHAPTER 1

SECTION 101

Amend

101.1 Title: These regulations shall be known as the *Property Maintenance Code* of The City of Benson, hereinafter referred to as "this code".

SECTION 103

Amend

103.5 Fees: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in Chapter 16 of the Benson City Code and as issued and authorized by the Building Official.

SECTION 104

Add sub-section

104.1.1 Conflicting Provisions: When conflicting provisions or requirements occur between this Chapter, the technical codes and other codes or laws, the Building Official and Fire Code Official shall have the discretion to determine which provision shall apply. When conflicts occur between the technical codes, those provisions providing the greater degree of safety to life as determined by the Building Official and the Fire Code Official shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the Building Official shall have the discretion to determine which provision shall apply. Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the Building Official and Fire Code Official shall have the discretion to determine which provision shall apply. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

SECTION 106

Amend

106.4 Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or perform work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class 1 misdemeanor, punishable by a fine of not more than \$2500.00 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 111

Amend

111.1 General: In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

111.2 Limitations on authority: An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

111.3 Qualifications: The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

Delete

111.2 Membership of Board: Delete this section and sub-sections in its entirety.

111.3 Notice of Meeting: Delete this section and sub-sections in its entirety.

111.4 Open Hearing: Delete this section and sub-sections in its entirety.

111.5 Postponed Hearing: Delete this section and sub-sections in its entirety.

111.6 Board Decision: Delete this section and sub-sections in its entirety.

111.7 Court Review: Delete this section and sub-sections in its entirety.

111.8 Stays of Enforcement: Delete this section and sub-sections in its entirety.

SECTION 112

Amend

112.4 Failure to Comply: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class 1 misdemeanor, punishable by a fine of not more than \$2500.00 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

CHAPTER 3

SECTION 302

302.4 Weeds: Premises and exterior property shall be maintained free from weeds or plant

growth in excess of twelve (12") inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

SECTION 304

Amend

304.14 Insect screens: 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 minimum 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.

CHAPTER 6

SECTION 602

602.3 Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

602.4 Occupiable Work Spaces: Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.