

CITY OF CLAREMONT - IN THE YEAR TWO THOUSAND AND FIVE

ORDINANCE #465

“PROPERTY MAINTENANCE STANDARDS”

The City of Claremont Ordains:

A new Article VIII of Chapter 5 is hereby enacted and adopted as follows, pursuant to RSA Chapter 153, RSA Chapter 155-A, RSA Section 47:17, RSA Section 674:51 and RSA Section 674:51-a.

Section 1 Article VIII Property Maintenance Standards

Sec. 5-163 Purpose

The purpose of this Article VIII is to provide minimum property maintenance standards for existing residential and non-residential property and structures in order to safeguard the public health, safety and welfare of the City. Copies of all codes related to building standards adopted herein shall be kept on file in the office of the City Clerk and the office of the Chief Building and Code Enforcement Officer, which copies shall all be for the use and examination by the public.

Sec. 5-164 Property Maintenance Code Adopted

The International Property Maintenance Code 2003, and any amendments, revisions and re-adoptions thereto, is hereby adopted by reference.

Sec. 5-165 Local Modifications to International Property Maintenance Code of 2003

The International Property Maintenance Code 2003, and any amendments, revisions and re-adoptions thereto, as adopted by Section 5-163, is amended as follows for application to the City of Claremont.

1. All references to “applicable jurisdiction” are amended in all instances to the “City of Claremont.”
2. All references to the International Existing Building Code and the International Zoning Code shall be of no force or effect until such time as said codes are enacted and adopted by the City of Claremont.

3. All references to the International Fire Code are amended in all instances to “currently adopted versions of state and local fire and life safety standards, including but not limited to NFPA 1 and NFPA 101.
4. All references to “department of property maintenance inspection” are amended in all instances to the “Building and Code Enforcement Office.”
5. All references to the “chief appointing authority” are amended in all instances to the “City Manager.”
6. All references to the “code official” are amended in all instances to the “Chief Building and Code Enforcement Officer or his or her designee.”
7. Section 102.7 Referenced codes and standards also include those adopted by the State of New Hampshire and the City of Claremont.
8. Section 103.3 Deputies. Delete the authority of the code official to appoint deputies and revise so that the section shall read:

“In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official may have deputy code officials, and other related technical officers and inspectors.”
9. Section 103.5 Fees. Delete
10. Section 104.2 Rule-Making Authority. Delete
11. Section 104.4 Right of Entry. Any right of entry is permitted only to the extent authorized by state and local law and regulation.
12. Section 105.1 Modifications. Delete
13. Section 106.3 Prosecution of Violation. Delete
14. Section 107.1 Notice to Person Responsible. Delete section references; notice of violations shall be pursuant to state and local law and regulation.
15. Section 107.2 Forms and Section 107.3 Method of Service. Delete
16. Section 107.4 Penalties. Delete section reference; penalties shall be pursuant to state and local law and regulation.
17. Section 108.1 General. Insert at the end of the section that condemnation shall be pursuant to state and local law and regulation.
18. Section 108.3 Notice. Delete section reference; notice of condemnation shall be pursuant to state and local law regulation.

19. Sections 109.3 Closing Streets, 109.4 Emergency Repairs, 109.5 Costs of Emergency Repairs and 109.6 Hearings, inclusive. Delete
20. Section 110.1 General. Delete “two years” and insert in its place “twelve (12) consecutive months.”
21. Section 110.2 Notices and Orders. Delete section reference; order for demolition shall be pursuant to state and local law regulation.
22. Section 110.4 Salvage Materials. Delete
23. Sections 111.1 through 111.8, inclusive. Delete. Means of appeal shall be as set forth in Article II of this Chapter 5.
24. Section 202 General Definitions. Add to the definition of Dwelling Unit: “and as defined in Chapter 22 of the Claremont City Code.
25. Section 202 General Definitions. Add to the definition of Inoperable Motor Vehicle: “and as defined in New Hampshire RSA Chapter 236.”
26. Section 202 General Definitions. Delete definition of Strict Liability Offense.
27. Section 302.4 Weeds. Delete the first paragraph of the section and insert in its place:

“All premises and exterior property shall be maintained free from excessive plant growth and weeds.”
28. Section 304.2 Protective Treatment. Delete all after the first sentence.
29. Sections 304.3 Premises Identification, 304.14 Insect Screens, 304.17 Guards for Basement Windows, 304.18 Building Security, 304.18.2 Windows and 304.18.3 Basement Hatchways. Delete
30. Section 304.18.1 Doors. All references to “deadbolt” are amended in all instances to “security.”
31. Section 402.1 Habitable Spaces. Delete all after the first sentence, including the Exception.
32. Section 404.3 Minimum Ceiling Heights. Delete entire section, including the Exception.
33. Section 404.4.1 Area for Sleeping Purposes. At the end of the section add: “and shall meet all egress requirements under fire and life safety standards adopted by the State of New Hampshire.
34. Sections 404.4.2 Access from Bedrooms and 404.5.1 Sleeping Area. Delete

35. Section 404.4.3 Water Closet Accessibility. Delete all after the word “lavatory in the second line.
36. Section 404.6 Efficiency Unit. Delete subsection 1.
37. Section 602.2 Residential Occupancies. Change “68°F (20°C)” to “65°F (18°C).”
38. Section 602.3 Heat Supply. Insert October 1 to May 31 where indicated, and change “68°F (20°C)” to “65°F (18°C).”
39. Section 602.4 Occupiable Work Spaces. Insert October 1 to May 31 where indicated.
40. Sections 704.1-704.4, inclusive. Modify in accordance with the provisions of the State Fire Code, as adopted by Department of Safety by regulation Part Saf-C 6015.

Sec. 5-166 Notice On Conveyance

Notice of noncompliance with any provisions of this Article, whether based on actual or constructive knowledge of such deficiency, shall be included with the conveyance by any means of any interest in property or structures subject to the provisions of this Article.

Section 2 Chapter 7, Housing Standards

Chapter 7, Housing Standards, is repealed in its entirety.

Section 3 Validity

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 4 Construction

In the event any provision of this ordinance is found to be in conflict with any other provision of the Claremont City Code, the more stringent shall apply.

Section 5 Effective Date

This Ordinance shall take effect and be enforced immediately upon passage.

Introduced and passed on first reading _____, 2005

Adopted by the Claremont City Council on _____, 2005

James C. Neilsen, IV

Andy A. Austin

Roger Formidoni

Bruce Temple

Christopher Irish

Heather Giannuzzi

Michael L. Prozzo, Jr.

Deborah L. Cutts

Mayor Scott Pope

Adopted by the City Council on _____, 2005

Attest: _____
Clerk to the Council