DISTRICT OF COLUMBIA BUILDING CODE ADVISORY COMMITTEE

***c/o* DCRA/BLRA · 941 North Capitol Street, NE, Ste. 2000 · Washington, DC 20002**

CODE CHANGE PROPOSAL FORM — 2003 ICC FAMILY OF CODES

CODE: IPMC **SECTION NO.** Chap 1. **SUBCOMMITTEE AMENDMENT NO.** PM-1

PROPOSING SUBCOMMITTEE: **CHAIR:** **PHONE:** **E-mail:**

DATES: OF PROPOSAL: 4/18/05 **BCAC PRESENTATION:** 4/20/05 **BCAC APPROVAL:**

CHECK ONE
- ☐ ***Revise section to read as follows:***
- ☐ ***Add new section to read as follows:***
- ☒ ***Delete section and substitute the following*:**
- ☐ ***Delete section without substitution*.**

TYPE ALL TEXT IN 12-POINT TIMES NEW ROMAN FONT
~~LINE THROUGH TEXT TO BE DELETED~~ *(highlight text, under Format, click font and check strikethrough)*
UNDERLINE TEXT TO BE ADDED
Use additional sheets of the form, if necessary.

(See following pages)

This amendment is being proposed by the Executive Committee. Please contact Marc Fetterman, 202/625-2525 (fetterman-dc@att.net) with questions, comments, etc.

Only changes to the current 2003 12 DCMR Chapter are underlined .

Anticipated impact of code change on cost of construction (CHECK ONE)
☐ ***Increase*** ☐ ***Decrease*** ☒ ***Negligible*** ☐ ***Unknown***

If "Increase" box was checked, indicate estimated range of added cost:
Per 1,000 SF single-family dwelling ***to***
Per 1,000SF of commercial building ***to***

JUSTIFICATION OF CHANGE:

Policy 2. Readoption of administrative provisions.

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DISTRICT OF COLUMBIA
BUILDING CODE SUPPLEMENT OF 2003
DCMR 12G PROPERTY MAINTENANCE CODE

CHAPTER 1G ADMINISTRATION AND ENFORCEMENT

Delete Chapter 1 of the International Property Maintenance Code and substitute the following:

SECTION PM-101 GENERAL

PM-101.1 Title. These regulations shall be known as the District of Columbia Property Maintenance Code of 2005, hereinafter referred to as "this code" or as the "Property Maintenance Code".

PM-101.2 Scope. The scope of the Property Maintenance Code shall be as defined in Section 101.4.5.2 of 12 DCMR.

PM-101.3 Intent. The intent of the Property Maintenance Code shall be as defined in Section 101.4.5.3 of 12 DCMR.

PM-101.4 Severability. The provisions of Sections 102.5, Partial Invalidity, and 102.5.1, Segregation of Invalid Provisions, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

SECTION PM-102 APPLICABILITY

PM-102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

PM-102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

PM-102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the provisions of the District of Columbia Construction Codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Regulations, 11 DCMR.

PM-102.4 Existing Remedies. The provisions in this code 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 insanitary.

PM-102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a

workmanlike manner and installed in accordance with the manufacturer's installation instructions.

PM-102.6 Historic Buildings. The provisions of this code shall not be mandatory for historic buildings or structures meeting the requirements of Chapter 10 of the Existing Building Code, when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

PM-102.7 Referenced Codes and Standards. The provisions of Section 102.4, Referenced Standards, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

PM-102.8 Matters Not Covered by the Code. The provisions of Section 102.3.1, Matters Not Provided For, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

SECTION PM-103 DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

PM-103.1 Department of Consumer and Regulatory Affairs. The provisions of Section 103, Department of Consumer and Regulatory Affairs, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

SECTION PM-104 DUTIES AND POWERS OF THE CODE OFFICIAL

PM-104.1 General. The code official shall enforce the provisions of this code.

PM-104.2 Rule-making Authority. The provisions of Section 104.1, Legal Authority, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

PM-104.3 Inspections. The code official, both prior to issuance of a housing business license and during the license period, may, at all reasonable hours, enter and inspect the premises occupied or to be occupied by a housing business, except as provided in Section PM-104.3.1.

> **PM-104.3.1 Right of Entry of Housing Business License Property with Tenant.** If the operation of a housing business claims that any portion of a premises is under the exclusive control of a tenant, and the operator has so notified the Director, in accordance with the requirements of Commissioners' Order 301260/10 (September 14, 1948), as amended, the code official shall make no inspection of that portion of the premises so designated without first having obtained from the tenant or his agent permission to make any inspection required by this subtitle.
> **PM-104.3.2 Tenant Refusal to Inspect.** If any tenant of a housing business persists in refusing to permit an inspection of that portion of the premises under his or her exclusive control, that tenant shall be in violation of this code. The refusal of any tenant to permit such an inspection shall not result in a revocation or suspension of the business license, nor shall such refusal result in the assessment of penalties against the operator of a housing business license.

PM-104.4 Right of Entry. Any duly designated agent of the code official may, at all reasonable hours, lawfully enter any premises for the purpose of enforcing this subtitle.

PM-104.4.1 Withholding License for Refusal to Permit Inspection. Refusal to permit the code official or his or her agent to inspect the premises occupied or to be occupied by a housing business shall be cause for withholding the issuance of a license for those premises until the inspection is permitted.

PM-104.4.2 Revocation of License for Refusal to Permit Inspection. Refusal to permit the code official or his or her agent to inspect the premises occupied or to be occupied by a housing business shall be cause for the revocation of any existing license.

PM-104.5 Identification. The provisions of Section 104.5, Credentials, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

PM-104.6 Notices and Orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

PM-104.7 Department Records. The provisions of Section 104.7, Department Records, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

PM-104.8 Coordination of Inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the District is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

SECTION PM-105 APPROVAL

PM-105.1 Modifications. Any owner, licensee, or operator required to perform an act by this code may request to be excused by the code official from the performance of that act, either in whole or in part. Upon a written finding by the code official that the full performance of the act would result in exceptional or undue hardship by reason of extreme material difficulty, or impracticability of brining the premises affected into full compliance with the requirements of this code, the requirement shall be waived.

PM-105.1.1 Grant of Variance. A variance may be granted only where, and to the extent necessary to ameliorate exceptional or undue hardship and only when compensating factors are present which give adequate protection to the public health, welfare, safety, or morals, and the variance can be granted without impairing the intent and purposes of the housing program of the District of Columbia as embodied in this code.

PM-105.1.2 Written Request for Variance. The owner, licensee, or operator may submit, on his or her own initiative, a written request for a variance setting forth the nature of the act required to be performed, the exceptional or undue hardship which would result from its performance, and any variance from the terms of the notice and requirements of this code which the owner, licensee, or operator may seek.

PM-105.1.3 Filing Request for Variance. Each request for a variance shall be filed

with the code official within the period specified in the notice of compliance, but in no case more than thirty (30) days after the service of that notice.

PM-105.1.4 Referral of Requests to Board of Appeals and Review. The code official may refer requests for variances, without final decision, to the Board of Appeals and Review for the action of the Board.

PM-105.1.5 Written Record of Decision. A written record shall be maintained of each variance granted or denied and the written record shall be available for inspection by the public.

PM-105.2 Alternative Materials, Methods and Equipment. The provisions of Section 104.11, Alternative Materials, Equipment, Methods of Construction and Design, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

PM-105.3 Required Testing.

PM-105.3.1 Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

PM-105.3.2 Testing Agency. All tests shall be performed by an approved agency.

PM-105.3.3 Test Reports. The provisions of Section 104.7, Department Records, Equipment and Devices, of 12 DCMR, regarding retention of test reports, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

PM-105.4 Material and Equipment Reuse. The provisions of Section 104.9.1, Used Materials, Equipment and Devices, of 12 DCMR, shall apply to the Property Maintenance Doe and are hereby incorporated by reference.

PM-105.5 Permits for Repairs and Improvements. Any repair or improvement which may be required by a notice issued under the authority which may be required by a notice issued under the authority of this code for which a permit is required to be issued shall not be made until a permit has been issued by the District.

PM-105.5.1 Issuance of Permit. The permit shall not be conditioned on the making of any repair or improvement, except as required under this code or in order to comply with a notice issued under the authority of this code.

PM-105.5.2 Compliance with Applicable Laws. All work under a permit shall be done in accordance with all applicable laws and regulations. The provisions of Section 102.4.1, Conflicts, of 12 DCMR, shall apply to the Property Maintenance Code and are hereby incorporated by reference.

SECTION PM-106 VIOLATIONS

PM-106.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

PM-106.2 Notice of Violation. The code official shall serve a notice of violation or order in accordance with Section PM-107.

PM-106.3 Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section PM-107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

PM-106.4 Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to the penalties established hereafter and shall be subject to prosecution. In the event of any failure to comply with any provision of this code following service of a notice of violation, each and every day such violation continues beyond a seven (7) day period to correct such violation following service of a notice of violation, shall constitute a separate offense.

PM-106.4.1 Penalty for Other Than a Licensed Business. Any person, other than a person licensed as a housing business under authority of D.C. Code Section 47-2828 (2001 ed.), who fails to comply with any provision of this code after expiration of the time for compliance established by regulations in accordance with this code, shall, upon conviction, be punished by a fine not to exceed one thousand dollars ($1,000), or by imprisonment for not more than ninety (90) days, in lieu of or in addition to any fine, for each such failure to comply.

PM-106.4.2 Penalty for a Licensed Business. Any person licensed as a housing business entity under authority of D.C. Code Section 47-2828 (2001 ed.), who fails to comply with any provision of this code shall, upon conviction, be punished by a fine not to exceed three hundred dollars ($30) or imprisonment for not more than ninety (90) days for each such failure to comply.

PM-106.4.3 Alternative Penalty. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this code, or any rules or regulations issued under authority of this code or pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code, sec. 6-2700, *et seq*.

PM-106.4.4 Suspension of Penalty. No further penalties shall be imposed under Sections PM-106.4.1 through PM-106.4.3 for an offense during the period in which any appeal from a conviction of that offense is pending.

PM-106.4.5 Culpability. Any person, including a tenant, who causes a violation of this code is subject to the same penalties as those provided in Sections PM-106.4.1 through PM-106.4.3.

PM-106.4.6 Separate Offenses. The penalties prescribed in Sections PM-106.4.1 through PM-106.4.3 shall be applicable to each separate offense.

PM-106.4.7 Revocation of License. The violation of any applicable provision of this

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code or the failure to comply with any of the applicable requirements of Sections PM-106.4.1 through PM-106.4.6 shall be grounds for the institution of proceedings for revocation of a license issued under 14 DCMR, as provided in the license act.

PM-106.5 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

PM-106.6 Deposit of Collateral. If orders are issued for one (1) or more violations specified in Sections PM-106.4.1 or PM-106.4.2, and no appeal from the orders has been taken, and re-inspection of the premises indicates that one or more of the items have not been corrected, then the code official or his or her authorized representative may issue a notice requiring the deposit of collateral for the uncorrected item or items, until such time as such violation(s) is corrected. Such deposit of collateral shall not exceed ten percent (10%) of the cost of correction of such violation. Cash, bond or a letter of credit are deemed to be acceptable forms of deposit.

PM-106.6.1 Subject Violations. The following violations of this code shall be subject to the provisions of Section PM-106.6:

a) Bedding
b) Cleanliness and Sanitation
c) Drainage
d) Extermination
e) Facilities for Food Preparation and Storage
f) Gutters and Downspouts
g) Heating
h) Locks and Keys
i) Mattresses
j) Receptacles for Ashes, Garbage or Refuse
k) Registered
l) Screening
m) Sheds and Fences
n) Storage of Ashes, Garbage and Refuse
o) Unoccupied and Uncompleted Buildings
p) Water Heating Facility
q) Windows and Doors

PM-106.6.2 Residential Property. The code official shall be authorized to, with respect to residential property, enforce the following regulatory requirements by the use of the procedure authorized in Section PM-106.6 as they are discovered in the course of standard housing inspections:

a) Safeguarding of unused or discarded refrigerators, iceboxes, freezer lockers, or other boxes or containers capable of confining children
b) Keeping fowl without a permit
c) Keeping pigeons without a permit
d) Obstructed pipes or drains

PM-106.6.3 Notice. The notice authorized by this section shall: (a) state the nature of

the violation; (b) provide for a period of five (5) days after receipt of notice for the responsible person to deposit collateral as directed; and (c) provide for the responsible person the options of forfeit of collateral or requesting a court trial.

SECTION PM-107 NOTICES AND ORDERS

PM-107.1 Notice to Owner or to Person or Persons Responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections PM-107.2 and PM-107.3. Notices for condemnation procedures shall also comply with Section PM-108.3.

PM-107.2 Form. Such notice prescribed in Section PM-107.1 shall be in accordance with all of the following:

a) Be in writing.
b) Include a description of the real estate sufficient for identification.
c) Include a statement of the violation or violations and why the notice is being issued.
d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
e) Inform the property owner of the right to appeal.

PM-107.3 Method of Service. The notice shall be deemed to be properly served upon the person to be notified by any of the following means: (a) by serving a copy of the notice upon him or her personally; or (b) by leaving a copy of the notice at his or her usual place of business or his or her usual residence with a person over the age of sixteen (16) years then employed or residing at that place; or (c) if not residence or place of business can be found in the District by reasonable search, by leaving a copy of the notice with any agent of the person to be notified who has any authority or duty with reference to the premises to which the notice relates, or by leaving a copy of the notice at the office of that agent or with any person employed in that office; or (d) by mailing a copy of the notice, postage prepaid, to the last known address of the person to be notified, if the mailed notice is not returned by the Post Office authorities; or (e) if no address is known or can be ascertained by reasonable diligence, or if any notice mailed as authorized by section (d) of this subsection is returned undeliverable by the Post Office authorities, or, if by reason of an outstanding unrecorded transfer of title, the name of the owner in fact cannot be ascertained by a reasonable search, by publishing a copy of the notice on three (3) consecutive days in a daily newspaper published in the District.

PM-107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.4.

PM-107.5 Transfer of Ownership. 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 of such dwelling unit or structure 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 o r notice of violation issued by the code official and shall furnish to the code official 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.

PM-107.6 Tenant Notification. After an inspection of a habitation, the Director shall provide the tenant of the habitation a copy of any notification with respect to that habitation issued to the owner pursuant to this code.

PM-107.6.1 Content of Notification. The notification to the tenant shall state plainly and conspicuously that it is only for the tenant's information; provided, that if the notice places duties on the tenant, it shall state those duties.

PM-107.6.2 Notification for Multiple Tenants. In any instance where a violation of this code directly involves more than one habitation, the Director shall post a copy of any notification issued to the owner pursuant to Sections PM-107.2 and PM-107.3 for a reasonable time in one or more locations within the building or buildings in which the deficiency exists. The locations for posting the notification shall be reasonably selected to give notice to all tenants affected.

PM-107.6.3 Tampering with Notification. No person shall alter, modify, destroy or otherwise tamper with or mutilate a notification posted under Sections PM-107.6.1 through PM-107.6.3.

PM-107.6.4 Tenant Request for Notification. Any tenant directly affected by the violation(s) shall, upon request to the Director, be sent a copy of the posted notification.

PM-107.6.5 Application of Other Notice Provisions. The notification provisions of Sections PM-107.6.1 through PM-107.6.5 shall not be subject to any other notice requirement in this code.

SECTION PM-108 UNSAFE STRUCTURES AND EQUIPMENT

PM-108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

PM-108.1.1 Unsafe Structures. 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 possible.

PM-108.1.2 Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or with in 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.

PM-108.1.3 Structure Unfit for Human Occupancy. A structure is unfit for human

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occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

PM-108.1.4 Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

PM-108.2 Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

PM-108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section PM-107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section PM-107.2.

PM-108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official 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.

PM-108.5 Prohibited Occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, 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 code.

PM-108.6 Removal of Placard. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

SECTION PM-109 EMERGENCY MEASURES

PM-109.1 Imminent Danger. When, in the opinion of the code official, there is imminent danger or 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 explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code

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official is hereby authorized and empowered to order and r4equire the occupants to vacate the premises forthwith. The coded official 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 Code Official." 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 of demolishing the same.

PM-109.2 Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official 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 herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM-109.3 Closing Streets. When necessary for public safety, the code official shall temporarily close structures and close, or under the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

PM-109.4 Emergency Repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

PM-109.5 Costs of Emergency Repairs. The code official may assess all reasonable costs of barricading the structure and all expenses incident thereto, including, but limited to, administrative costs, occupancy relocation costs including temporary housing, security deposit and the first month's rent if required, costs associated with cleaning the premises as defined by this subtitle, utility removal costs, court costs, fines, and penalties, as an assessment against the property.

> **PM-109.5.1 Interest on Unpaid Assessments.** All assessments authorized to be levied by the District to reimburse it for money expended to remove imminently dangerous premises pursuant to this section shall bear interest at the rate of 1.5% per month or part of a month from the date the assessment was levied.
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> **PM-109.5.2 Sale of Property.** If any part of the assessment remains unpaid after the expiration of sixty (60) days from the date the assessment was levied, the property against which the assessment was levied may be sold for the outstanding assessment, plus interest and penalties, at the next ensuing tax sale in the same manner and under the same conditions as property sold for delinquent property taxes, if the assessment plus interest is not paid in full prior to the sale.

SECTION PM-110 DEMOLITION

PM-110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

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PM-110.2 Notices and Orders. All notices and orders shall comply with Section PM-107.

PM-110.3 Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-110.4 Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid 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 demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shat so state.

SECTION PM-111 MEANS OF APPEAL

PM-111.1 Appeal and Hearing. Any owner, licensee, or operator of any premises subject to the provisions of this code who is adversely affected by a determination made pursuant to this code or title I or II of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 may file an appeal in writing with the Board of Appeals and Review.

PM-111.2 Timing of Appeal. The appeal shall be filed within ten (10) days after the date of service of the notice of violation unless, in the public interest, the notice of violation specifies a period of less than ten (10) days, but not less than twenty-four (24) hours, within which to file an appeal, except as provided in Section PM-111.3.

PM-111.3 Timing of Appeal and Request for Variance. If a request for a variance has been submitted to the Director in accordance with the provisions of Section PM-105, the appeal shall be filed within ten (10) days after the date of service of the notice of the final determination on that request for a variance.

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