

CHAPTER 155: MINIMUM HEALTH AND HOUSING STANDARDS

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§ 155.01 SHORT TITLE.

The ordinance codified in this chapter is known and shall be cited as the "Minimum Health and Housing Standards" of the city.
(1999 Code, § 156.01)

§ 155.02 LEGISLATIVE FINDING.

It is found that there exist and may in the future exist, within the city, premises, dwellings, dwelling units, rooming units or parts thereof which, by reason of their structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health (including the physical, mental and social well-being of persons and families), safety and general welfare. To correct and prevent the existence of adverse conditions, and to achieve and maintain levels of residential environmental quality as will protect and promote public health, safety and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

(1999 Code, § 156.02)

§ 155.03 PURPOSE.

It is the purpose of this chapter to protect, preserve and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is also the purpose of this chapter to ensure that the quality of the housing is adequate for protection of public health, safety and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions for safety from fire and accidents, and for an adequate level of maintenance, determination of the responsibilities of owners, operators and occupants of dwellings; and provisions for the administration and enforcement thereof.

(1999 Code, § 156.03)

§ 155.04 SCOPE.

The provisions of this chapter apply uniformly to the alteration, repair, equipment, use and occupancy and maintenance of all existing residential buildings and structures within the jurisdiction of the city irrespective of the date of construction unless an exception or exemption is specifically made in this chapter.

(1999 Code, § 156.04)

§ 155.05 EXEMPTION FOR OWNER-OCCUPIED SINGLE-FAMILY DWELLINGS.

Owner-occupied single-family dwellings are subject to the following provisions of this chapter: §§ 155.01 through 155.19 and 155.23; but the dwellings shall be inspected only upon receipt of a signed complaint from two different households, objecting to the condition of the dwelling or upon the request of the owner.

(1999 Code, § 156.05)

§ 155.06 DEFINITIONS.

(A) For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. A detached structure which is not used or not intended to be used for living or sleeping by human occupants.

APPROVED. Approved by or in accordance with regulations established by the Housing Inspector.

BATH. A bathtub or shower stall properly connected with both hot and cold water lines.

DWELLING. Any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

DWELLING UNIT. Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit

with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals.

EGRESS. An arrangement of exit routes to assure a safe means of exit from buildings.

EMERGENCY. A condition which has arisen suddenly and unexpectedly, and which immediately and materially threatens the health or safety of occupants of a dwelling or dwelling unit. Emergencies may include, but are not limited to, structural collapse or failure; flood; fire; or failure of a supplied utility.

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating their harboring places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Housing Inspector.

FAMILY. One person or two or more persons occupying a living unit as an individual, housekeeping organization.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food; and also means combustible waste material. The term also includes paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible materials.

HABITABLE ROOM. A room or enclosed floor space used, or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers or communicating corridors, closets, storage spaces and stairways.

HOUSING INSPECTOR. The official or officials of the city appointed to administer the provisions of this chapter.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests.

LAVATORY BASIN. A hand washing basin which is properly connected with both hot and cold water lines and which is separate and distinct from a kitchen sink.

OCCUPANT. Any person, including owner or operator, living, sleeping, cooking in, or having actual possession of a dwelling, dwelling unit or a rooming unit.

OPERATOR. Any person who rents to another or who has custody or control of a building, or part thereof, in which dwelling units or rooming units are let, or who has custody or control of the premises.

OWNER. Any person who has legal title or equitable title, or has custody or control of any dwelling, dwelling unit or rooming unit as executor/executrix, administrator/administratrix, trustee or guardian of the estate of the owner.

PERMIT. A certificate certifying that the unit for which it is issued was in compliance with the applicable provisions of this chapter when last inspected. The permit shall authorize the operation of the rental unit or rooming unit until suspended or revoked pursuant to this chapter.

PLUMBING. Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, installed dishwashers and clothes washing machines, water heating devices, catchbasins, drains, vents and any other similar supplied fixtures together with all connections to water, sewer or gas lines.

PREMISES. A platted or unplatted lot or part thereof, either occupied or unoccupied by any dwelling or accessory structure.

PRIVACY. The existence of conditions which will permit a person or persons to carry out an activity commenced without interruption or interference by unwanted persons.

REFUSE. Waste materials (except human waste) including garbage, rubbish, ashes and dead animals.

RENTAL UNIT. A dwelling unit which is rented or leased to an occupant.

ROOMING HOUSE. Any dwelling containing one or more rooming units.

ROOMING HOUSE OPERATOR. Any person who rents to another or who has custody or control of a building, or part thereof, in which that person resides and in which rooming units are let.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking purposes or preparation of food.

RUBBISH. Inorganic waste material consisting of combustible and/or noncombustible materials.

SUPPLIED. Paid for, furnished, provided by or under the control of the owner or operator.

TOILET. A water closet, with a bowl and trap made in one piece, which is of the shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rim.

U.L. APPROVED. Listed or approved by Underwriters' Laboratories.

WRITTEN APPLICATION FOR PERMIT. A request in writing filed by an owner or operator with the Housing Inspector seeking issuance of a permit.

(B) Whenever the words **DWELLING, DWELLING UNIT, ROOMING HOUSE, ROOMING UNIT** or **PREMISES** are used in this chapter, they shall be construed as if they were followed by the words "or any part thereof."

(1999 Code, § 156.06)

§ 155.07 OFFICE OF HOUSING INSPECTION SERVICES.

There is established an Office of Housing Inspection Services. The staffing and funding of this office shall be pursuant to resolution of the Council.

(1999 Code, § 156.07)

§ 155.08 AUTHORITY OF HOUSING INSPECTOR.

The Housing Inspector is authorized to administer and enforce the provisions of this chapter and to make inspections to determine the condition of all dwellings, dwelling units, rooming units, rental units, structures and premises located within the city, in order that the Housing Inspector may perform the duty of safeguarding the safety and welfare of the occupants of dwellings and of the general public. No Housing Inspector shall inspect a property that the Inspector has financial interest in or which is owned by someone related to the Inspector.

(1999 Code, § 156.08)

§ 155.09 ACCESS BY OWNER OR OPERATOR.

Every occupant of a dwelling, dwelling unit, rooming unit or rental unit shall give the owner or operator thereof access to any part of the dwelling, dwelling unit, rooming unit, rental unit or its premises at all reasonable times for the purpose of effecting the maintenance, making the repairs or making the alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful notice or order issued pursuant to the provisions of this chapter.

(1999 Code, § 156.09) Penalty, see § 155.99

§ 155.10 RIGHT OF ENTRY.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Housing Inspector has reasonable cause to believe that there exists in any dwelling, dwelling unit, rooming unit, rental unit, structure or premises any condition which makes the unit or premises in violation of any provisions of this chapter, or in response to a complaint that an alleged violation of the provision of this chapter or of applicable rules or regulations pursuant thereto may exist, the Housing Inspector must, before attempting to inspect any dwelling unit, obtain consent to conduct an inspection from the owner and/or any person lawfully entitled to possession of the dwelling, dwelling unit, rooming unit, rental unit, structure or premises. Consent is not effective to authorize an inspection unless obtained from both the owner and the person lawfully entitled to possession. In seeking to obtain consent to conduct an inspection, the Housing Inspector shall:

(A) Identify himself or herself and his or her position;

(B) Explain why entry is sought;

(C) Explain that the owner or other person having charge or control of the premises may refuse, without penalty, entry without an order to allow inspection; and

(D) Explain that if entry is refused, the Housing Inspector may apply to a magistrate for an order to allow inspection.

(1999 Code, § 156.10)

§ 155.11 ORDER TO ALLOW INSPECTION.

The Housing Inspector is authorized to conduct consensual inspections of any dwelling within the city, on a reasonable and regular basis or upon request or complaint, in order to perform the duty of safeguarding the health and safety of the occupants or the public. If consent to inspect the building is withheld by any person or persons from whom consent must be obtained to conduct a consensual inspection, the Housing Inspector may apply to a magistrate of the State District Court in and for the county for an order to allow inspection of the building. No order to allow inspection shall be issued until the Housing Inspector files with the Clerk of the District Court an affidavit signed by the Housing Inspector attesting to the fact that the Housing Inspector has attempted to obtain consent to conduct an inspection, but has failed to obtain the consent, and further naming the party or parties who refused to consent to the inspection.

(1999 Code, § 156.11)

§ 155.12 OWNER OR OCCUPANT TO PERMIT ENTRY.

No owner or occupant or any other person having charge, care of or control of any dwelling, dwelling unit, rooming unit, rental unit, structure or premises shall fail or neglect, after presentation of an order to allow inspection or a search warrant, to properly permit entry therein by the Housing Inspector for the purpose of inspection and examination pursuant to this chapter.

(1999 Code, § 156.12) Penalty, see § 155.99

§ 155.13 EVIDENCE.

Evidence obtained by use of an order to allow inspection may be used to effectuate the purposes and provisions of this chapter in any ensuing action brought by the city for a violation of this chapter; provided, that no evidence obtained by use of an order to allow inspection may be used for any purpose if the Housing Inspector did not first make reasonable effort to obtain consent to conduct the inspection as required by § 155.10.

(1999 Code, § 156.13)

§ 155.14 SERVING NOTICE.

Whenever the Housing Inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Housing Inspector shall give the notice of the violation or alleged violation to the owner and person legally entitled to possession of the dwelling, dwelling unit, rooming unit or rental unit. The notice shall:

(A) Be put in writing;

(B) Include a description of the real estate sufficient for identification;

(C) Include a statement of the reason or reasons why it is being issued;

(D) Allow a reasonable time for the performance of any act it requires; in no event to exceed 60 days, unless sufficient evidence is produced to require a time extension;

(E) Be served upon the owner or the operator, provided that the notice shall be deemed to be properly served upon the owner or the operator by means of regular United States mail. The notice shall contain an outline of remedial action which, if taken, will effect

compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

(F) Be effective to anyone having an interest in the property whether recorded or not at the time of giving the notice; and shall be effective against any subsequent owner of the premises as long as the violation exists and there of housing inspection services.

(1999 Code, § 156.14) (Ord. 2253, passed 2-12-2002)

§ 155.15 APPEALS.

(A) Any person affected by any notice which has been issued by the Housing Inspector pursuant to the provisions of this chapter, or any rule or regulation pursuant thereto, may request, and shall be granted a hearing on the matter before the Housing Board of Appeals as established in the International Residential Code; provided that the person shall file with the Housing Inspector a written petition requesting the hearing and specifying the grounds therefor within 15 days after the date the notice was served. Upon receipt of the petition, the Housing Inspector shall set a time, date and place for the hearing within the time as shall be prescribed by general rule of the Housing Board of Appeals as established in the International Residential Code. The Housing Inspector shall give the petitioner written notice of the hearing and shall take no further enforcement action pending the outcome of the hearing. The Housing Inspector shall forthwith transmit to the Housing Board of Appeals as established in the International Residential Code all of the papers constituting the record upon which the action appealed from was taken. The hearing shall be commenced not later than 30 days after the date on which the petition was filed provided that upon application of the petitioner, the Housing Inspector may postpone the date of the hearing for a reasonable time beyond the 30-day period if in the Inspector's judgment, the petitioner has submitted a justified and sufficient reason for the postponement.

(B) At the hearing the petitioner, authorized agent or attorney, shall be given the opportunity to be heard and to show why the notice should be modified or withdrawn. The proceedings at the hearing, including the findings of fact and decision of the Housing Board of Appeals as established in the International Residential Code, shall be summarized, reduced to writing and entered within five days as a matter of public record in the office of the Housing Inspector. The record shall also include a copy of every notice, order or correspondence issued by the Housing Inspector in connection with this matter. The Housing Board of Appeals as established in the International Residential Code shall render a decision on the appeal without unreasonable delay.

(C) After the hearing, the Housing Board of Appeals as established in the International Residential Code shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have been complied with. If the Housing Board of Appeals as established in the International Residential Code sustains or modifies the notice, it shall be deemed to be an order. Any notice served pursuant to § 155.14 shall automatically become an order if a written petition for hearing is not filed with the Housing Inspector within 15 days after the notice is served. After a hearing in the case of any notice suspending any permit required by this chapter or by any rule or regulation adopted pursuant thereto, when the notice has been sustained by the Housing Board of Appeals as established in the International Residential Code, the permit shall be deemed to have been revoked. Any permit which has been suspended by a notice shall be deemed automatically revoked if a petition for hearing is not filed with the Housing Inspector within 15 days after the notice is served.

(D) Any person or persons jointly or severally aggrieved by any decision of the Housing Board of Appeals as established in the International Residential Code, or any taxpayer, or any officer, department board or bureau of the city shall have recourse to the relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.

(E) Whenever the Housing Inspector finds that an emergency exists which requires immediate action to protect the public, the Inspector may call for an emergency meeting of the Housing Board of Appeals as established in the International Residential Code. The meeting may be held as soon as possible but in no event shall the meeting be held sooner than 24 hours after notice has been given to the owner of the premises of the time and place of the meeting, and the situation or conditions which created the emergency. At the meeting, the Board shall take action as it deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, the order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but nothing in this section shall be construed so as to deny any person affected by the order any remedy otherwise available.

(1999 Code, § 156.15)

§ 155.16 INSPECTION; FREQUENCY.

Every dwelling unit shall be inspected upon receipt of a written application for permit or upon receipt of a signed complaint from members of two different households. Upon issuance of a valid permit, the dwelling unit should thereafter be inspected at least once in every 24-month period.

(1999 Code, § 156.16) Penalty, see § 155.99

§ 155.17 INSPECTION FEES.

Inspection fees and, if needed, reinspection fees, as established City Council resolution, shall be paid within 90 days after initial billing. In the event the rental inspection fees are not paid within 90 days after the initial billing date, a penalty in the amount of the inspection/reinspection fee due and payable, will be assessed to the property owner.

(1999 Code, § 156.17) (Ord. 2253, passed 2-12-2002) Penalty, see § 155.99

§ 155.18 FILING OF LIEN FOR NONPAYMENT.

Each inspection fee/penalty and filing fee levied pursuant to this chapter shall be a lien against the property. In the event the rental housing inspection fee is not paid within 90 days after the original billing date, a penalty in the amount of the inspection fee due and payable will be assessed to the property owner and certified to the County Auditor, with the sum of \$4 added thereto as a filing fee, and the Clerk so certifying the charges to the County Auditor, shall specify the amount thereof, the period covered, the description of the premises, the name of the owner thereof, and the amount so certified shall be entered upon the tax lists against the premises in the same manner as other taxes and collected by the County Treasurer and paid to the city, along with other taxes.

(1999 Code, § 156.18) Penalty, see § 155.99

§ 155.19 MAINTENANCE OF OWNED AND RENTAL DWELLINGS.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit, or portion thereof, for the purpose of living therein, which does not comply with the requirements set forth in this section.

(A) Maintenance of structure.

(1) Every foundation, roof, floor, wall, ceiling, stair, step, sidewalk and every window, door and other aperture covering shall be maintained in good condition.

(2) Every door, door hinge, door latch and door lock leading to the exterior, shall be in good condition and every door, when closed, shall fit reasonably well within its frame. There shall be no exposed cracks or openings in or around door frame. All windows and exterior doors and their frames shall be constructed and maintained in weatherproof condition.

(3) Every doorway providing egress or ingress from any dwelling unit, rooming unit or habitable room shall be of the height and width so as to provide reasonable access to the dwelling unit, rooming unit or habitable room. All entrance doorways to dwelling units and rooming units shall be equipped with doors which effectively close the doorway.

(4) Every interior partition, wall, floor and ceiling shall be capable of affording visual privacy and maintained so as to permit them to be kept in a clean and sanitary condition.

(5) Every foundation, exterior wall, exterior door and roof shall be reasonably weathertight, watertight, rodent-proof and insect-proof.

(B) *Rainwater drainage.* All eaves, troughs, downspouts and other roof drainage equipment of the dwelling and its accessory structures shall be maintained in a good state of repair and so installed as to direct rainwater away from the structure or adjoining property.

(C) *Chimneys and smokepipes.* Every chimney, every supplied smokepipe and fireplace shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair, so as to not be a health, fire or safety hazard.

(D) *Grading, drainage and landscaping.* Every premises shall be graded and drained so no stagnant water will accumulate or stand on the premises and premises shall be continuously maintained in a sanitary, erosion-free and dust-free condition by suitable landscaping with grass, trees, shrubs or other planted ground cover or by paving with asphalt, concrete or by other suitable means as shall be approved by the Housing Inspector.

(E) *Protection of exterior wood surfaces.* All exterior wood surfaces, other than decay-resistant wood, shall be protected from

the elements and decay by paint or other protective covering or treatment.

(F) *Electrical system.* The electrical system of every dwelling shall not by reason of overloading, dilapidation, lack of insulation or improper fusing, or for any other cause, expose the occupants to hazards of electrical shock or to the hazards of fire.

(G) *Gas appliances and facilities.*

(1) Every gas appliance shall be connected to a gas line with approved solid metal piping except that listed metal appliance connectors or semi-rigid tubing may be used if approved by the Housing Inspector.

(2) Every gas pipe shall be sound and tightly put together and shall be free of leaks, corrosion or obstruction so as to reduce gas pressure or volume.

(3) Gas lines shall be adequate to permit a proper flow of gas from all open gas valves at all times. Each gas appliance shall have a gas shutoff valve which leads directly to it.

(H) *Supplied plumbing fixtures.*

(1) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good, sanitary working condition.

(2) All plumbing shall be so designed and installed as to prevent contamination of the water supply through backflow, back siphonage, cross connection and any other method of contamination.

(3) Water lines shall be adequate to permit a proper flow of water from all open outlets at all times.

(I) *Supplied facilities.* No owner or operator shall cause any service, facility, equipment or utility which is required to be supplied under the provisions of the housing standards to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit or occupied by the person except for the temporary interruption as may be necessary while actual repairs, replacements or alterations are being made.

(J) *Covered cisterns.* All cisterns or similar water storage facilities shall be safely covered or filled in a way as not to create a hazard to life or limb.

(K) *Sealed passage.* All pipe passages, chutes and similar openings through walls or floors shall be adequately enclosed or sealed to prevent the spread of fire or passage of vermin.

(L) *Pest extermination.* Every owner of a dwelling containing two or more dwelling units shall be responsible for the extermination of insects, rodents or other pests on the premises. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(M) *Prohibited animals.* No horses, cows, calves, swine, sheep, goats, chickens, rabbits, geese or ducks shall be kept in any dwelling or part thereof. No animal shall be kept on the same lot or premises with a dwelling except under the conditions as may be prescribed by the Housing Inspector.

(N) *Cleaning of vacant dwelling units required.* No owner shall permit occupancy of any vacant dwelling unit or rooming unit unless it is clean, sanitary and fit for human occupancy.

(O) *Public areas.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a safe and sanitary condition the shared or public areas of the dwelling and premises thereof.

(P) *Fences.* Every fence shall be kept in a reasonably good state of maintenance and repair or shall be removed.

(Q) *Accessory structures.* Every foundation, exterior wall, roof, window, exterior door, basement hatchway and every other entranceway of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage of rats and shall be kept in a reasonably good state of repair.

(R) *Alterations.* All structural alterations of dwellings and accessory structures shall be done in accordance with all applicable provisions of this code of ordinances and with all rules and regulations adopted pursuant thereto.

(S) *Heating facilities.* All rental units shall be equipped with safe heating facilities capable of heating all habitable rooms, bathrooms and water closet compartments to at least 68 degrees at a distance of 18 inches above the floor.

(T) *Early warning fire detection systems.* Every rental unit shall be provided with smoke detectors as provided in this division. In

new construction, detectors shall be hard wired to separate circuits mounted on the ceiling or wall centrally located in the corridor or area giving access to rooms used for sleeping purposes in existing units, any U.L. approved detector, properly installed and maintained, shall be deemed to be in compliance with this division. In an efficiency rental unit, the detector shall be centrally located on the ceiling of the main room. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. All wall mounted detectors shall be located between six inches and 12 inches of the ceiling. Care should be exercised to ensure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm in the rental unit. Smoke detectors shall be maintained by the owner.

(U) *Sanitary maintenance.* The owner of every rental unit shall be responsible for the maintenance and sanitary condition of all public areas therein.

(V) *Hand railings.*

(1) Stairways having four or more risers will require one hand railing except that the stairways open on one the or both sides shall have hand railings provided on the open side or sides. Hand railings shall be placed not less than 30 inches nor more than 34 inches above the nosing of the treads. They shall be continuous the full length of the run of the stairs.

(2) Hand railings projecting from a wall shall have a space of a standard bracket or a minimum of one and one-half inches between the wall and the hand railing. The hand railing portion of the hand rails shall be not less than one and one-quarter inches nor more than two inches in cross-sectional dimension and shall have a smooth surface with no sharp corners.

(1999 Code, § 156.20) (Ord. 2253, passed 2-12-2006) Penalty, see § 155.99

§ 155.20 MAINTENANCE OF DWELLINGS AND ROOMING UNITS.

(A) *Occupant responsible for controlled area.*

(1) Every occupant of a dwelling or dwelling unit shall keep in a clean, safe and sanitary condition that part of the dwelling, dwelling unit and premises thereof that person occupies and controls.

(2) The floor and floor covering shall be kept reasonably clean and sanitary.

(3) Every wall and ceiling shall be reasonably clean and free of dirt or greasy film.

(4) No dwelling or the premises thereof shall be used for the storage or handling of refuse.

(5) No occupant shall keep or store property of any kind in any shared or public area of the dwelling and premises thereof, nor shall any occupant place any garbage, refuse or rubbish in any shared or public area.

(B) *Plumbing fixtures.* The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the use and operation thereof.

(C) *Extermination of pests.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling containing one dwelling unit shall be responsible for the extermination within the unit occupied by that person whenever the dwelling unit is the only one infested. Notwithstanding, the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a reasonably rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

(D) *Storage and disposal of garbage.* Storage and disposal of garbage and rubbish shall comply with the requirements of the provisions of this code of ordinances concerning the same and the Housing Inspector shall enforce the requirements contained therein.

(E) *Supplied heating facilities.* Every occupant of a dwelling unit shall be responsible for the exercise of reasonable care, proper use and proper operation of supplied heating facilities.

(F) *Electrical wiring.* No temporary wiring or extension cords shall be used except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms or similar apertures in structural elements or attached thereto.

(G) *Smoke detectors.* No tenant shall remove or disconnect any smoke detecting device.

(H) *Prohibited animals.* No horses, cows, calves, swine, sheep, goats, chickens, rabbits, geese or ducks shall be kept in any

dwelling or part thereof. No animal shall be kept on the same lot or premises with a dwelling except under the conditions as may be prescribed by the Housing Inspector.

(1999 Code, § 156.21) Penalty, see § 155.99

§ 155.21 ROOMING HOUSES.

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house except in compliance with the provisions of this section.

(A) *Toilets and lavatory basins.* At least one toilet, and one lavatory basin in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the rooming house operator's family wherever they share the facilities; provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of toilets.

(B) *Baths.* At least one bath, in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the rooming house operator's family whenever they share the use of the facilities.

(C) *Location of sanitary facilities.* Every toilet, lavatory basin and bath shall be located within a room or rooms which afford privacy to a person within the room or rooms. All facilities shall be so located within the rooming house as to be accessible to the occupants of each rooming unit sharing facilities without going outside of the dwelling and without going through a dwelling unit or through a rooming unit of another occupant.

(D) *Sanitary maintenance.* The rooming house operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained, is leased or occupied by the owner. The occupant of every rooming unit shall keep personal belongings contained within the unit in a clean, neat and orderly condition so as to facilitate the ability of the operator to discharge responsibilities for sanitary maintenance within every rooming unit as set forth in this section.

(1999 Code, § 156.22) Penalty, see § 155.99

§ 155.22 RENTAL UNITS.

No person shall operate a rental unit or rooming unit or let to another for occupancy any dwelling unit in any rental unit except in compliance with the requirements set forth in this section.

(A) *Permit required.* It is illegal for any owner or operator to rent or offer for rent any rental unit or rooming unit for use in whole or in part for human habitation unless a written application for a permit has been filed for the rental unit or rooming unit or a permit has been issued for the rental unit or rooming unit. Each written application for permit shall contain the address or addresses of the rental unit(s) or rooming unit(s), and the name, address and telephone number of the owner or the owner's authorized agent. Only one written application for permit is required per dwelling. After a written application for permit has been filed, or after a permit has been issued, the owner or operator shall be authorized to rent or offer for rent the rental unit or rooming unit until a time as the Housing Inspector denies a permit for the rental unit or rooming unit or the permit is revoked or suspended pursuant to the terms of this section. A permit to operate a rental unit or rooming unit shall not be denied on the ground that other rental units or rooming units located in the same dwelling are not in compliance with this section.

(B) *Issuance of permit implies conformance with this chapter.* The issuance of a rental permit to any rental unit shall signify or imply that the rental unit conforms with the minimum health and housing standards contained in this chapter and with the zoning regulations contained in Chapter 159 hereof. No person shall operate a rental unit unless all of the requirements for rental units as previously set forth in this chapter are complied with.

(C) *Hearing on denial of permit.* Any person whose application for a permit to operate a rental unit has been denied may request and shall be granted a hearing on the matter before the Housing Board of Appeals as established in the International Residential Code.

(D) *Suspension of permit.* Whenever, upon inspection of any rental unit, the Housing Inspector finds that conditions or practices exist which are in violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto the Housing Inspector shall give notice in writing to the owner of the rental unit that unless the conditions or practices are corrected within a reasonable period, to be determined by the Housing Inspector, the rental permit will be suspended. At the end of the period, the Housing Inspector

shall reinspect the rental unit and, if the Inspector finds that the conditions or practices have not been corrected, shall suspend the permit and give notice in writing to the operator that the permit has been suspended. Nothing in this section shall be construed to authorize the Housing Inspector to suspend a permit for any rental unit or rooming unit which is in compliance with this chapter on the ground that the rental unit or rooming unit is located in a dwelling in which is located a noncomplying rental unit or rooming unit.

(E) *Hearing on suspension of permit.* Any person whose permit to operate a rental unit has been suspended or who has received notice from the Housing Inspector that the permit is to be suspended unless existing conditions or practices at the rental unit are corrected, may request and shall be granted a hearing on the matter before the Housing Board of Appeals as established in the International Residential Code, provided, that if no petition for the hearing is filed within 15 days following the day on which the permit was suspended, the permit shall be deemed to be automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of the rental unit and after the elapse of a reasonable period of time, to be determined by the Housing Inspector, no person shall occupy for sleeping or living purposes any rental unit or rooming unit therein. Any notice of permit suspension or revocation shall be effective only as to noncomplying rental or rooming units, and shall not affect the operation of rental or rooming units in compliance with this chapter even though other rental or rooming units in the dwelling are not in compliance. The Housing Inspector shall reinspect work completed by or at the direction of the owner or occupant within two working days after being notified.

(1999 Code, § 156.23) (Ord. 2253, passed 2-12-2002) Penalty, see § 155.99

§ 155.23 LEGAL PROCEDURE FOR CONDEMNATION OF UNFIT DWELLINGS.

(A) *Generally.* No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein which shall be found to have any of the following defects and which shall have been condemned as unfit for human habitation and shall have been so designated and placarded by the Housing Inspector:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested, that it creates a serious hazard to the health and safety of the occupants or of the public;

(2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public; and

(3) One which because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

(B) *Order to vacate.* Any dwelling or dwelling unit or any portion thereof, condemned as unfit for human habitation and so designated and placarded by the Housing Inspector shall be vacated within 30 days as ordered by the Housing Inspector or may be appealed in accordance with division (E) below of this section.

(C) *Conditions for reinhabiting.* No dwelling or dwelling unit or any portion thereof which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and the placard is removed, by the Housing Inspector. The Housing Inspector shall remove the placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(D) *Removal of placard prohibited.* No person shall deface or remove the placard from any dwelling or dwelling unit, or any portion thereof, which has been condemned as unfit for human habitation and placarded as such, except as provided in division (C) above.

(E) *Appeal.* Any person affected by any notice or order relating to the condemnation and placarding of a dwelling or dwelling unit as unfit for human habitation may request, and shall be granted a hearing on the matter before the Housing Board of Appeals as established in the International Residential Code under the procedure set forth in § 155.15.

(F) *Demolition or repair of condemned building.* When the Housing Inspector determines that the building or structure or portion thereof is unsafe or unfit for human habitation and condemns such pursuant to this section, the Inspector shall notify the Council. The Council may order and direct the owner to demolish or repair the building or structure or portion thereof. In the event that the owner fails to comply with the order, the Council may order the demolition of a building or structure or portion thereof. The Inspector shall then certify the cost of the demolition to the City Council, which cost shall be paid by the city and shall then be assessed against the property by the Council and certified to the County Treasurer for collection as other taxes, except that the materials of any building or structure, fences or other things that may be removed as a nuisance may be first levied upon and sold by the city, and if any of the proceeds remain after satisfying the expense of the removal, the balance must be paid by the city to the defendant, or to the owner of the property levied upon, within 30 days following the date of sale; and if the proceeds are not sufficient to pay the expenses, the city must collect the residue thereof as provided in this chapter.

(1999 Code, § 156.24) (Ord. 2253, passed 2-12-2002) Penalty, see § 155.99

§ 155.99 PENALTY.

Any person who violates any provision of this chapter is guilty of a simple misdemeanor. In addition to the standard penalty, any owner who permits the occupancy of a dwelling unit after it has been found unfit for human habitation and placarded, as set forth in § 155.23, shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine of \$10 per day for each day the dwelling unit is occupied in violation of this chapter. In addition to the standard penalty, any occupant who occupies a dwelling unit after it has been found unfit for human habitation and placarded as set forth in § 155.23 shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine of \$10 per day for each day the dwelling unit is occupied in violation of this chapter

(1999 Code, § 156.25)