RESERVATION BAY MILLS

ADOPTED APRIL 22, 1968

BASIC HOUSING CODE RI-8

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

****

SECTION H-100.0. SCOPE

H-101.0. TITLE. This code shall be known as the Minimum Housing Standards Code for dwellings and multi-family dwellings and is herein referred to as the Housing Code or "this code".

H-101.1 PURPOSE. The purpose of this code is to protect the public health, safety and welfare in buildings used for dwelling purposes as hereinafter provided by:

1. Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space use and location; and for safe and sanitary maintenance; for cooking equipment in all dwellings and multi-family dwellings now in existence;

2. Fixing the responsibilities of owners, operators and occupants of dwellings and multi-family dwellings;

3. Providing for administration, enforcement and penalties.

H-120.0. MATTERS COVERED. The provisions of the Housing Code shall apply to all structures used for human habitation, which are now,or may become in the future, sub-standard with respect to structure, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions and overcrowding, or otherwise may be deemed to constitute a menace to the safety, health or welfare of their occupants;except as provided in section H-112. The existence of such conditions, factors or characteristics adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum housing standards.

H-102.1 TRAVEL TRAILERS AND MOBILE HOMES. All moveable units used for human habitation, and the areas, grounds or parcels on which they are located, as provided in section 425 of the Basic Building Code, or such other codes, laws or ordinances of the

municipality applicable thereto, shall comply with the requirements of this Housing Code.

Every portion of a building or premise used or intended to be used for residential purposes, except hotels and motels serving transient guests only, rest homes, convalescent homes, and nursing homes, shall comply with the provisions of this code, irrespective of when such building shall have been constructed, altered, or repaired, except as hereinafter provided.

H-110.1 **APPLICATION OF BUILDING CODE.** Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with applicable sections of the building code of the municipality.

H-110.2 **APPLICATION OF ZONING LAW.** Nothing in this code shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning law; nor the continuation of such nonconforming use in any zone except as provided therein.

H-111.0. **CONFLICT WITH OTHER ORDINANCES.** Except as provided in section H-112.0, in any case where a provision of this code is found to be in conflict with a provision of nay zoning, building, fire, safety, or health ordinance or code of this municipality existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or code of this municipality existing on the effective date of this code which establishes a lower standard for the promotion, and protection of the safety and health of the people, the provisions of this code shall prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this code.

H-112.-0. **EXISTING BUILDING.** Except where obvious hazards to life, sanitation, or adjoining properties are involved, nothing in this code shall require changes in any buildings which were built in full compliance with the applicable codes in force at the time of their construction or alteration, provided such buildings have been properly maintained and used for only such use as originally permitted.

This code establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities except as provided in this section.

Where no code existed at the time of the construction or alteration of a building within the scope of this section, the provisions hereof shall apply except that the building official shall have authority to require safe exits in accordance with section 606.0 of the Basic Building Code or such other codes of the municipality as may be applicable.

H-112.1 **EXISTING REMEDIES.** Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

H-120.1 **ENFORCEMENT OFFICER.** It shall be the duty and responsibility of the building official of the municipality to enforce the provisions of the Housing Code as herein provided.

H-120.11. **COORDINATION OF ENFORCEMENT.** Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the building official it is necessary or desirable to have inspection of any condition by any other owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this code shall be issued without the approval of the building official, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.

H-120.12. **ADMINISTRATIVE LIABILITY.** Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the Housing Code shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of prosecution of, a criminal proceeding under this code shall be liable to damages hereunder unless he acted with actual malice and without reasonable an unlawful act or omission. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this code, shall be defended by the legal representative of the municipality until the final determination of the proceedings therein.

H-121.0 **INSPECTIONS.** The building official shall make or cause to be made inspections to determine the conditions of dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety, moral, and welfare of the pubic under the provisions of this code. The building official is authorized to enter any dwelling, dwelling unit, multi-family dwelling, rooming house, or premises at any reasonable time for the purpose of performing his duties under this

code. The owner, operator, or occupant of every dwelling, multi-family dwelling, dwelling unit, rooming unit, or the person in charge thereof shall give the building official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

It shall be unlawful for any person to refuse entrance or impede an inspector or officer authorized under this code in the performance of duties and every such inspector or officer shall have the right to enter, examine, and survey all premises, grounds, structures, dwellings, and multi-family dwellings and every part thereof at all reasonable times upon display of proper identification.

H-121.1 **ACCESS BY OWNER OR OPERATOR.** Every occupant of a dwelling unit or rooming unit, shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit, or this premises, at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

SECTION H-130.0 CONDEMNATION

Dwellings or multi-family dwellings shall be condemned as dangerous structures or unsafe for human habitation as herein provided.

H-130.1 **DANGEROUS STRUCTURES.** If all or part of any building or structure (including among others a fence, billboard or sign) or the equipment of the operation thereof (including among others the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the building official, to be in an unsafe condition--dangerous to life, limb, or property, he shall proceed to have the same condemned pursuant to the applicable provisions of section 125 of the Basic Building Code or such other code or codes of the municipality pertaining to unsafe structures.

H-130.2 **STRUCTURES UNFIT FOR HUMAN OCCUPANCY.** Whenever the building official finds that any dwelling or multi-family dwelling constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary, vermin infested or rodent-infested; or because it lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this code, but as not yet reached such state or complete disrepair as to be condemned as a dangerous structure as hereinbefore provided, he may declare such dwelling or multi-family dwelling as UNFIT FOR HUMAN HABITATION and order it to be vacated.

If any dwelling or multi-family dwelling or any part thereof is

occupied by more occupants than permitted under this code, or was erected, altered or occupied contrary to law, such dwelling or multi-family dwelling shall be deemed an unlawful structure and the building official may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

H-130.3. **NOTICE.** Notice of the declaration of any building under the Hosing Code as unfit for human habitation and order to vacate it shall be served as provided in the following sections. When the condition requires the removal or demolition of the building such notice shall be given as provided in section 125 of the Basic Building Code and the building official shall have authority for emergency measures as provided in section 126, subject to the provisions of section 127 of the Basic Building Code or such other codes or ordinances of the municipality pertaining to unsafe buildings.

H-130.31 **POSTING OF NOTICE.** Any dwelling or multi-family dwelling declared as UNFIT FOR HUMAN HABITATION shall be posted with a placard by the building official. the placard shall include the following:

1. Name of City;
2. The name of the authorized department having jurisdiction;
3. The chapter and section of the code under which it is issued;
4. An order that the dwelling or multi-family dwelling when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
5. The date that the placard is posted;
6. A statement of the penalty for defacing or removal of the placard.

H-130.32. **FORM OF NOTICE.** Whenever the building official has declared a dwelling or multi-family dwelling as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the dwelling or multi-family dwelling as unfit for human habitation; such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;

3. Include a statement of the reason or reasons why it is being issued;

4. State the time to correct the conditions;

5. State the time occupants must vacate the dwelling units.

H-130.33. SERVICE OF NOTICE. Service of notice to vacate shall be as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or

2. By depositing the notice in the United States Post Office addressed to the owner at this last known address with postage prepaid thereon; or

3. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

H-130.34 REMOVAL OF PLACARD OR NOTICE. No person shall deface or remove the placard from any dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation except by authority in writing from the building official.

H-130.4 VACATING OF DECLARED BUILDING. Any dwelling or multi-family dwelling which has been declared and placarded as unfit for human habitation by the building official shall be vacated within a reasonable time as required by the building official, and it shall be unlawful for any owner or operator to let any person for human habitation said dwelling, multi-family dwelling or dwelling unit; and no person shall occupy any dwelling official as unfit for human habitation after the date set forth in the placard.

H-130.41 OCCUPANCY OF BUILDING. No dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the building official. The building official shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

H.130.5 REPORT OF NOTICE TO VACATE. The building official shall furnish a copy of each notice to vacate a building to the health officer and the chief of the fire prevention bureau, and any other designated official of the municipality concerned therewith.

SECTION H-140.0 VIOLATIONS

Notice of violation shall be served upon the owner of record; provided that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

H-140.1. SERVICE OF NOTICE. Whenever the building official determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provision of this code, he shall give notice of such violation or alleged violation to the person or persons responsible therefore. Such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Specify the violation which exists and the remedial action required;
4. Allow a reasonable time for the performance of any act it requires.

H-140.2. PROSECUTION OF VIOLATION. In case any violation order is not promptly complied with, the building official may request the legal representative to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, or alteration of such building;
3. To require the removal of work in violation;
4. To prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued; or

5. To enforce the penalty provisions of this code.

H-140.3. PENALTY FOR VIOLATIONS. Every person, firm, or corporation who shall violate any provision of this code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or by imprisonment as provided in the laws of the municipality for such misdemeanor. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

SECTION H-150.0. VALIDITY

H-150.1. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect; and to this end the provisions of this code are hereby declared to be severable.

H-150.2. SAVING CLAUSE. This code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

ARTICLE 2
DEFINITIONS

SECTION H-200.0 SCOPE

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

H-200.1. INTERCHANGEABILITY. Words used in the present tense include the future; works in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

H-200.2. TERMS DEFINED IN BUILDING CODE. Where terms are not defined in this section and are defined in the Basic Building Code, they shall have the meanings ascribed to them as in the building code.

H-200.3. TERMS NOT DEFINED. Where terms are not defined under the provisions of this code or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION H-210.0. APPLIED MEANING OF WORDS AND TERMS

APPROVED. Approved as applied to a material, device, or method of construction shall mean approved by the building official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

BASEMENT. A portion of the building partly underground, but having less than half it s clear height below the average grande of the adjoining ground. (See cellar).

BASIC BUILDING CODE. The Basic Building Code, latest edition and current accumulative supplement officially adopted by the municipality; or such other code as may be officially designated by the legislative body of the municipality for the regulation of construction, alteration, addition, repair, removal, demolition, use location, occupancy and maintenance of buildings and structures.

BUILDING OFFICIAL. The official designated by the municipality to

enforce building, zoning or similar laws and this code, or his duly authorized representative.

CELLAR. The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

DWELLINGS:

1-FAMILY A building containing one dwelling unit with not more than five (5) lodgers or boarders.

2-FAMILY A building containing two (2) dwelling unity with not more than five (5) lodgers or boarders per family but not more than twenty (20) individuals.

MULTI-FAMILY/ APARTMENT HOUSE A building containing more than two (2) dwelling units.*

BOARDING HOUSE/ LODGING HOUSE/ TOURIST HOUSE A building arranged or used for lodging with or without meals, for compensation, more than five (5) and not more than twenty (20) individuals.

DORMITORY A building arranged or used for lodging six (6) but not more than twenty (20) individuals and having common toilet and bathroom facilities.

HOTEL A building arranged or used for sheltering, sleeping, or feeding, for compensation, of more than twenty (20) individuals.

DWELLING UNIT One or more rooms arranged for the use of one (1) or more individuals living together as a single house-keeping unit, with cooking, living, sanitary and sleeping facilities.*

ENFORCEMENT OFFICER The official designated herein or otherwise charged with the responsibilities of administer this code, or his authorized representatives.

EXTERIOR PROPERTY AREAS The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION The control and elimination of insects, rodents or other pests by eliminating their harborage places;

by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

*Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "rooming house", "rooming units", or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof".

FAMILY A group of persons related by blood, marriage, or adoption within and including the degree of first cousins.

GARBAGE The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GROSS FLOOR AREA The total area of all habitable space in a building or structure

HABITABLE ROOM A room or enclosed floor space arranged for living, eating and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces).

HOTEL (See dwellings).

INFESTATION The presence, within or contiguous to a multi-family dwelling, dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin or other pests.

MOTEL For purposes of this code, a motel shall be defined as a hotel.

MULTI-FAMILY MULTIPLE DWELLING (See Dwellings).

OCCUPANT Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

OPENABLE AREA That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR Any person who has charge, care or control of a multi-family dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

OWNER The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possessions, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation.

PERSON An individual, firm, corporation, association or partnership.

PLUMBING OR PLUMBING FIXTURES. Water heating facilities, waters pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

PREMISES. A lot, plot or parcel of land including the buildings or structures thereon.*

RESIDENCE BUILDING A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.*

ROOMING HOUSE Any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of the family. (See dwellings--Boarding house).*

RUBBISH Combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar material.

SUPPLIED. Installed, furnished or provided by the owner or operator.

VENTILATION. The process of supplying and removing air by natural or mechanical means to or from any space.

MECHANICAL Ventilation by power-driven devices.

NATURAL. Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.

WORKMANLIKE. Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

YARD. An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.

*Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof".

ARTICLE 3

ENVIRONMENTAL REQUIREMENTS

SECTION H-300.0. SCOPE

The provisions of this article shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure occupied by humans, except as exempted by section H-112.0, and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply thereto.

SECTION H-310.0 EXTERIOR PROPERTY AREAS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living therein, or premises, which does not comply with the following requirements. The building official of the municipality shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements.

H-310.1. SANITATION. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

H-310.2. GRADING AND DRAINAGE. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

H-310.3. NOXIOUS WEEDS. All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

H-310.4. INSECT AND RODENT HARBORAGE. Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

H-310.5. ACCESSORY STRUCTURES. All accessory structures including detached garages shall be maintained structurally sound and in good repair.

SECTION H-320.0 EXTERIOR STRUCTURE

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof for the purpose of living therein; which does not comply with the following requirements.

H-321.0 FOUNDATIONS, WALLS AND ROOF. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

H-321.1 FOUNDATIONS. The foundation elements shall adequately support the building at all points.

H-321.2 EXTERIOR WALLS. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building.

H-321.3. ROOFS. The roof shall be structurally sound, tight, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

H-322.0 STAIRS, PORCHES AND RAILING. Stairs and other exit facilities shall be adequate for safety as provided in Section 606 of the Basic Building Code, and shall comply with the following subsections.

H-322.1 STRUCTURAL SAFETY. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code; and shall be kept in sound condition and good repair.

H-322.2. HANDRAILS. Where the building official deems it necessary for safety, every flight of stairs, which is more than two (2) risers high shall have handrails which shall be located as required by the building code; and every porch which is more than two (2) risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

H-323.0. WINDOWS, DOORS AND HATCHWAYS. Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

H-323.1. WINDOWS TO BE GLAZED. Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

H-323.2. WINDOWS TO BE TIGHT. Every window sash shall be in good condition and fit reasonably tight within its frame.

H-323.3. WINDOWS TO BE OPENABLE. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

H-323.4. DOOR HARDWARE. Every exterior door, door hinge, and door latch shall be maintained in good condition.

H-323.5. DOORS TO FIT IN FRAME. Every exterior door, when closed, shall fit reasonably well within its frame.

H-323-6. WINDOW AND DOOR FRAMES TO FIT IN WALL. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or multi-family dwelling.

H-323-7. BASEMENT HATCHWAYS. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or multi-family dwelling.

H-323-8. EXIT DOORS. Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

H-324.0. SCREENING. Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements.

H-324.1. GUARDS FOR BASEMENT WINDOWS. Every basement or cellar window which is openable shall be supplied with corrosion-resistive rodent-proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum, or No. 16 U.S. gage expanded metal or wire mesh screens, with not more than one-half (1/2) inch mesh opening; or with other material affording equivalent protection against the entry of rodents, including storm windows.

H-324.2. INSECT SCREENS. From June 1st to October 15th of every year every door opening directly from any dwelling or multi-family dwelling to the outdoors, and every window or outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every screen door shall have a self-closing device in good working condition; except that no such screens shall be required for a dwelling unit on a floor above the fifth floor.

SECTION H-330.0 INTERIOR STRUCTURE

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof, for the purpose of living therein which does not comply with the following requirements.

H-331.0 FREE FROM DAMPNESS. In every dwelling, multi-family dwelling, dwelling unit, rooming house, and rooming unit, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conducive to decay or deterioration of the structure as required by the building code.

H-332.0 STRUCTURAL MEMBERS. The supporting structural members of every dwelling and multi-family dwelling used for human habitation shall be maintained structurally sound; showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provision of the building code.

H-333.0 INTERIOR STAIRS AND RAILINGS. Stairs shall be provided in every dwelling, multi-family dwelling, rooming and boarding house as required by the building code.

H-333.1 MAINTAINED IN GOOD REPAIR. All interior stairs of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained to be safe to use and capable of supporting a load as required by the provisions of the building code.

H-333-2 HANDRAILS. Every stairwell and every flight of stairs, which is more than two (2) risers high, shall have handrails or railings located in accordance with the provisions of the building code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs, balconies, landings and stairwells.

H-334.0 BATHROOM FLOORS. Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

H-335.0. SANITATION. The interior of every dwelling and multi-family dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under Section H-404.0 and H-405.0 of this code.

H-336.0 INSECT AND RODENT HARBORAGE. Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken prevent reinfestation.

H-336.1 EXTERMINATION FROM BUILDINGS. Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two (2) or more of the dwelling units, or in the shared or public parts of the structure.

H-336.2 EXTERMINATION FROM SINGLE DWELLING UNITS. The owner of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

H-336.3 RESPONSIBILITY OF OWNER. Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

ARTICLE 4

SPACE AND OCCUPANCY REQUIREMENTS

SECTION H-400.0 BASIC FACILITIES

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements.

H-401.0. SANITARY FACILITIES. The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition.

H-401.1. WATER CLOSET. Every dwelling unit shall contain within its walls, a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet.

H-401.2. LAVATORY. Every dwelling unit shall contain a lavatory, which, when a closet is required, shall be in the same room with said water closet.

H-401.3. BATHTUB OR SHOWER. Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower.

H-401.4. KITCHEN SINK. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under section H-401.2.

H-402.0. WATER AND SEWER SYSTEM. Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of section H-401 shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

H-402.1. WATER HEATING FACILITIES. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under section H-402. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.

H-403.0. HEATING FACILITIES. Every dwelling and multi-family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of seventy (70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero (0). The owner shall maintain a minimum average room temperature of seventy (70) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero (0) outside.

H-403.1. OPERATION OF HEATING FACILITIES AND INCINERATORS. Every heating or water heating facility and incinerator shall be installed and shall operate in accordance with the requirements of the building code or the air pollution control ordinances of the municipality.

H-404.0. RUBBISH STORAGE FACILITIES. Every dwelling, multi-family dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling or multi-family dwelling shall be responsible for the removal of such rubbish.

H-405.0. GARBAGE STORAGE OR DISPOSAL FACILITIES. Every dwelling or multi-family dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility; which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit; or an incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit; or an approved outside garbage can.

SECTION H-410.0 INSTALLATION AND MAINTENANCE

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, or rooming unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements.

H-410.1. FACILITIES AND EQUIPMENT. All required equipment and all building space and parts in every dwelling and multi-family dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.

H-401.2. MAINTAINED CLEAN AND SANITARY. All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

H-411.0. PLUMBING FIXTURES. In buildings and structures used for human habitation, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function from which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

H-412.0. PLUMBING SYSTEMS. In buildings and structures used for human habitation, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

H-413.0. HEATING EQUIPMENT. Every space heating, cooking, and water heating device located in a dwelling or multi-family dwelling shall be properly installed, connected, and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the building code.

H-414.0. ELECTRICAL OUTLETS AND FIXTURES. Every electrical outlet and fixture, as required in Section H-430.0 shall be installed, maintained and connected to the source of electrical power in accordance with the provisions of the building code or electrical code of the municipality.

H-414.1. CORRECTION OF DEFECTIVE SYSTEM. Where it is found, in the opinion of the building official, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

SECTION H-420.0. OCCUPANCY REQUIREMENTS

No person shall occupy or let to another for occupancy, any dwelling unit for the purpose of living therein which does not comply with the following requirements.

H-421.0. MINIMUM CEILING HEIGHTS. Habitable rooms in existing buildings, except as provided in Section H-112, shall have a clear ceiling height of not less than seven and one-third (7-1/3) feet, except that in attics or top half-stories the ceiling height shall be not less than seven (7) feet over not less than one-third (1/3) of the area when used for sleeping, study or similar activity. In calculating the floor area of such rooms only those portions of the floor area have a clear ceiling height of five (5) feet or more may be included.

H-422.0. REQUIRED SPACE IN DWELLING UNITS. Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

H-423.0. REQUIRED SPACE IN SLEEPING ROOMS. In every dwelling unit every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

H-424.0. ACCESS LIMITATION OF DWELLING UNIT TO COMMERCIAL USES. No habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist examination or treatment room, or similar room used for public purposes.

H-425.0. LOCATION OF BATH AND SECOND SLEEPING ROOM. No residence building or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; no shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. No bathroom shall be so located that access thereto is solely through a kitchen.

H-426.0. OCCUPANCY OF DWELLING UNITS BELOW GRADE. No dwelling unit below grade shall be used for living purposes unless:

1. Floors and walls are watertight;

2. Total window area, total openable area and ceiling height are in accordance with this code; and

3. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

SECTION H-430.0 LIGHT AND VENTILATION

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit for the purpose of living therein which does not comply with the following requirements.

H-431.0. NATURAL LIGHT IN HABITABLE ROOMS. Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors of to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room, except in kitchens when article light may be provided in accordance with the provisions of the Basis Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

H-432.0. LIGHT IN NON-HABITABLE WORK SPACE. Every laundry, furnace room, and all similar non-habitable work spaces located in a dwelling or multi-family dwelling shall have one (1) supplied electric light fixture available at all times.

H-433.0. LIGHT IN PUBLIC HALLS AND STAIRWAYS. Every public hall and inside stairway in every dwelling or multi-family dwelling shall be adequately lighted at all times with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

H-434.0 ELECTRIC OUTLETS REQUIRED. Where there is electric service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall-type electric light fixture. In kitchens three (3) separate and remote wall-type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.

H-435.0. ADEQUATE VENTILATION. Every habitable room shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable rooms shall be equal to at least forty-five (45) percent of the minimum window area size required in section H-431, except where mechanical ventilation is provided in accordance with the provisions of the Basic Building Code.

H-436.0 VENTILATION AND LIGHT IN BATHROOM AND WATER CLOSET. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Section H-431 and H-434, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

SECTION H-440.0. MINIMUM REQUIREMENTS FOR SAFETY FROM FIRE

No person shall occupy as owner-occupant, or shall let to another or occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, lodging house or lodging unit which does not comply with the applicable provisions of the fire prevention sections of the Basic Building Code ordinances of the municipality and the following additional requirements for safety from fire.

H-441.0. STORAGE OF FLAMMABLE LIQUIDS PROHIBITED. No dwelling, multi-family dwelling, dwelling unit, or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degree Fahrenheit or lower.

H-442.0. COOKING AND HEATING EQUIPMENT. All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances of the municipality applicable thereto. Portable cooking equipment employing flame is prohibited.

ARTICLE 5

RESPONSIBILITIES OF PERSONS

SECTION H-500.0 SCOPE

Occupants of dwellings, multi-family dwellings, and dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this article.

H-501.0. CLEANLINESS. Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises thereof which he occupies, controls or uses in a clean and sanitary condition.

H-502.0. DISPOSAL OF RUBBISH. Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers required by section H-404 of this code.

H-503.0. DISPOSAL OF GARBAGE. Every occupant of a dwelling unit shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all burnable matter and securely wrapping such garbage and placing it in tight metal garbage storage containers as required by section H-405 of this code; or by such other disposal method as may be required by applicable laws or ordinances of the municipality.

H-504.0. USE AND OPERATION OF SUPPLIED PLUMBING FIXTURES. Every occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

H-505.0. INSTALLATION AND CARE OF PLUMBING FIXTURES FURNISHED BY OCCUPANT. Every plumbing fixture furnished by the occupant of a dwelling unit shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

SECTION H-510.0. ROOMING HOUSES

Every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, shall comply with the provisions of every section of this code, except as provided in the following sections.

H-511.0. **WATER CLOSET, HAND LAVATORY, AND BATH FACILITIES.** At least one (1) water closet, lavatory basin, and bathtub or shower properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence served and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basis and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

H-512.0. **MINIMUM FLOOR AREA FOR SLEEPING PURPOSES.** Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than three (3) persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.

H-513.0. **BED LINEN AND TOWELS.** The operator of every rooming house shall supply bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

H-514.0. **SHADES, DRAPES, ETC.** Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices or materials which, when properly used, will afford privacy to the occupant of the rooming unit.

H-515.0. **SANITARY CONDITIONS.** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he 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 operator.

H-516.0. **SANITARY CONDITIONS.** Every water closet, flush urinal, lavatory basin and bathtub or shower required by section H-511.0 shall be located within the rooming house and within a room or rooms which:

1. Afford privacy and are separate from the habitable rooms;

2. Are accessible from a common hall and without going outside the rooming house or through any other room therein.