

## ARTICLE V. - MINIMUM HOUSING CODE

## DIVISION 1. - GENERALLY

## Sec. 105-163. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory use* means a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same premises.

*Approved* means approved by the head of the code enforcement agency.

*Bathroom* means a room containing one or more bathtubs, showers, or both, a toilet and lavatory.

*Building* means a structure that encloses space; a structure that gives protection or shelter for any occupancy. The term "building" shall be construed as if followed by the phrase "or part thereof."

*Code enforcement agency* means development services department.

*Director* means the director of the development services department.

*Dwelling* means a building occupied exclusively for residential purposes and consisting of not more than one housekeeping unit used for cooking, living or sleeping purposes. The term "dwelling" shall be deemed to include dwellings, dwelling duplex, dwelling multiple, dwelling units, roominghouses, rooming units and premises.

*Dwelling duplex* means a building arranged, designed or used to house not more than two dwelling units.

*Dwelling multiple* means a building arranged, designed or used to house three or more dwelling units.

*Dwelling unit* means one or more rooms with living, cooking, sanitary, and sleeping facilities therein, arranged for one family with whom may reside not more than three lodgers or boarders if elsewhere provided for by an ordinance of the city.

*Exterior property area* means open space on the premises and vacant open space on adjacent premises.

*Extermination* means the control and elimination of insects, rodents, and vermin by eliminating their harborage places; by removing, or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other approved means of pest elimination.

*Garbage* means the animal, vegetable, and mineral waste resulting from the handling, preparation, cooking and consumption of food.

*Habitable room* means a room in a residential unit used for living, sleeping, eating or cooking, but excluding baths, toilets, storage spaces or corridors.

*Head of code enforcement agency* means the director of the development services department of the city.

*Infestation* means the presence within or contiguous to a dwelling of insects, rodents, vermin or other pests.

*Kitchen* means a space, 40 square feet or more in floor area, with a minimum width of five feet, used for cooking or preparation of food, and deemed habitable space.

*Kitchenette* means a space, less than 40 square feet in floor area, used for cooking or preparation of food, and not deemed habitable space.

*Multiple-family*, as in a building, means more than two families or household living independently of each other and doing cooking within their living quarters and includes apartments, tenements and flats.

*Occupant* means any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

*Operator* means any person, who has charge, care, or control of a multiple residence or roominghouse, in which dwelling units or rooming units are let or offered for occupancy.

*Owner* means any person, who alone or jointly or severally with others shall have:

- (1) Legal title to any building arranged, designed or used, in whole or in part, to house one or more dwelling units; or
- (2) Charge, care or control of any building arranged, designed or used, in whole or in part, to house one or more dwelling units, as owner or agent of the owner, or as a fiduciary of the estate of the owner or any officer appointed by the court. Any such person thus representing the actual owner shall be bound to comply with the terms of this article and any notice or rules and regulations issued pursuant thereto, to the same extent as if he/she were the owner.

*Premises* means a lot, plot, or parcel of land including the buildings or structures thereon.

*Rooming unit* means 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 or eating purposes.

*Rubbish* means all combustible and noncombustible waste, except garbage.

*Structure* means a combination of any materials, whether fixed or portable, forming a construction, including buildings. The term "structure" shall be construed as though followed by the phrase "or part thereof."

*Supplied facilities* means facilities paid for, furnished, or provided by, or under control of the owner or operator.

*Temporary housing* means any tent, trailer or other structure used for human shelter designed to be transportable and which is not attached to the ground, to another structure, or to any utility system for more than 30 consecutive days. Any tent, trailer, or other structure occupied for more than 30 consecutive days shall meet all requirements of this Code. This shall not be construed as permitting its existence unless specifically provided for by other ordinances.

*Toilet room or compartment* means an enclosed space containing one or more toilets, which may also contain one or more lavatories, urinals, and other plumbing fixtures.

(Code 1958, § 16A-3; Code 1991, § 12-27; Code 2006, § 105-147; Ord. No. 1142, § 1.11, 7-14-1959)

Sec. 105-164. - Penalty for violation of chapter provisions; person defined.

- (a) *Person defined.* The term "person," as used in this section shall include the owner, occupant, mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building.
- (b) *Penalty.* Any person who shall knowingly and willfully violate or assist in the violation of this article shall upon conviction be punished as provided in [section 1-7](#).
- (c) *Separate offenses.* Each day's violation of any of the terms of this article shall be deemed and considered and is hereby specifically declared to be a separate and distinct violation of the terms of this article and punishable as such.

(Code 1958, § 16A-13; Code 1991, § 12-37; Code 2006, § 105-157; Ord. No. 1142, §§ 15.1, 15.2, 7-14-1959)

Sec. 105-165. - Owner to forfeit rental rights for violation of article.

Any owner of leased premises failing to comply with the provisions of this article shall automatically forfeit any rental rights which he/she may have, and any further renting of such premises shall be deemed to constitute a violation of the zoning code.

(Code 1958, § 16A-120; Code 1991, § 12-42; Code 2006, § 105-158; Ord. No. 1262, § 5, 12-19-1961)

Sec. 105-166. - Purpose.

The purpose of this article is to protect the public health, safety, morals and welfare of the people of the city by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, roominghouses, rooming units and premises; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, roominghouses, rooming units, and premises safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents and occupants of dwellings, and dwelling units, roominghouses, and rooming units, and the condemnation and vacating of those dwellings, dwelling units, roominghouses, and rooming units unfit for human habitation; and fixing penalties for violation of any of the provisions of this article; and to authorize the charging of a fee for the issuance of a certificate of occupancy. This article is hereby declared to be remedial and essential to the public interest, and it is intended that this article be liberally construed to effectuate the purposes as stated above.

(Code 1958, § 16A-2; Code 1991, § 12-26; Code 2006, § 105-146; Ord. No. 1142, § 1.3, 7-14-1959)

Sec. 105-167. - Applicability to all dwellings.

Every portion of a building or premises, used or intended to be used for any dwelling purpose shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of the ordinance from which this article was derived. This article establishes minimum standards for the initial and continued occupancy of all buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities except as provided in section 105-168.

(Code 1958, § 16A-5; Code 1991, § 12-29; Code 2006, § 105-149; Ord. No. 1142, § 1.6, 7-14-1959)

Sec. 105-168. - Conflict with other regulations, codes, ordinances, etc.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, electrical, plumbing, fire, safety, or health ordinance, or any regulation adopted pursuant thereto, or any other ordinance, code, or regulation of the city, the provisions in force in such ordinances shall prevail.

(Code 1958, § 16A-6; Code 1991, § 12-30; Code 2006, § 105-150; Ord. No. 1142, § 1.7, 7-14-1959)

Sec. 105-169. - Conflict of permits and licenses.

All departments, officials, and employees of the city, who have the duty or the authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, equipment or facilities, shall conform to the provisions of this article, and no such permit or license shall be issued, if such would be in conflict with this article, except as provided in section 105-168.

(Code 1958, § 16A-7; Code 1991, § 12-31; Code 2006, § 105-151; Ord. No. 1142, § 1.8, 7-14-1959)

Secs. 105-170—105-191. - Reserved.

## DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

## Sec. 105-192. - Declaration of enforcement policy.

In the effective use of this division and its application to correct slum and blighting influences existing in the city, it is recognized by the commissioners that varying degrees of enforcement will be necessary to secure the maximum results intended to be achieved. The provisions of this division shall only be applicable to the dwelling units and/or areas as designated in this section. Upon recommendation of the city manager the city commission may designate specific areas to be classified as follows:

- (1) A conservation area where correction of minor conditions in one or more dwelling units would prevent the formation or spread of the causes of blight.
- (2) A rehabilitation area where one or more dwelling units are detrimental to the health, welfare, safety and morals of the residents of such an area and which requires the uniform application of the housing code and other related ordinances.

(Code 1958, § 16A-4; Code 1991, § 12-28; Code 2006, § 105-148; Ord. No. 1142, § 1.4, 7-14-1959)

## Sec. 105-193. - Rules and regulations.

The director is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of this division and to secure the intent thereof. Such rules and regulations shall not be in conflict with the provisions of this division or any ordinance of the city nor shall they have the effect of waiving any provisions of this division or any ordinance. Such rules and regulations shall have the same force and effect as the provisions of this division and penalty for violation thereof shall be the same as the penalty for violation of the provisions of this division. Such rules and regulations shall be submitted by the director through the appeal board to the city commission for commission approval.

(Code 1958, § 16A-8; Code 1991, § 12-32; Code 2006, § 105-152; Ord. No. 1142, § 14.1, 7-14-1959)

## Sec. 105-194. - Administrative liability.

No officer, agent or employee of the city and/or the director shall render themselves personally liable for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this division. Any suit brought against any officer, agent or employee of the city and/or director, as a result of any act required or permitted in the discharge of his or her duties under this division, shall be defended by the city attorney until the final determination of the proceedings therein.

(Code 1958, § 16A-9; Code 1991, § 12-33; Code 2006, § 105-153; Ord. No. 1142, § 14.2, 7-14-1959)

## Sec. 105-195. - Duties of city attorney.

The city attorney is authorized, upon complaint, or upon their own motion, institute appropriate action to restrain, prevent, enjoin, abate or correct any and all violations under this division, and to take such other legal action as may be necessary to carry out the terms and provisions of this division. The remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law; and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

(Code 1958, § 16A-10; Code 1991, § 12-34; Code 2006, § 105-154; Ord. No. 1142, § 14.3, 7-14-1959))

## Sec. 105-196. - Existing remedies.

Nothing in this division shall be deemed to abolish or impair existing remedies of the city or its officers, or agencies, relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary; but this division shall be deemed and treated as an addition thereto, and cumulative of the powers therein.

(Code 1958, § 16A-11; Code 1991, § 12-35; Code 2006, § 105-155; Ord. No. 1142, § 1.9, 7-14-1959))

Sec. 105-197. - Violation of prior existing regulations.

This division shall not affect violations of any ordinance, code or regulation of the city existing prior to the effective date of the ordinance from which this division was derived, and 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.

(Code 1958, § 16A-12; Code 1991, § 12-36; Code 2006, § 105-156; Ord. No. 1142, § 1.10, 7-14-1959)

Secs. 105-198—105-217. - Reserved.

### DIVISION 3. - EXTERIOR PROPERTY AREAS

Sec. 105-218. - Provisions deemed additional or alternative to chapter 62.

While chapter 58 makes provisions for disposal of garbage, trash, weeds, refuse and the like, it is felt that this division should provide additional and separate provisions for the treatment of these problems and nothing in this division shall be deemed to abolish or impair the provisions of chapter 62, but on the contrary shall be deemed to provide additional or alternate remedies.

(Code 1958, § 16A-14; Code 1991, § 12-126; Code 2006, § 105-223; Ord. No. 1142, § 2, 7-14-1959)

Sec. 105-219. - Freedom from health, accident or fire hazards.

Exterior property areas shall be free from conditions that might create a health, accident, or fire hazard, such as holes and excavations, sharp protrusions and other objects or conditions which might be a potential cause of personal injury. Undergrowth shall not exceed a height of 12 inches.

(Code 1958, § 16A-15; Code 1991, § 12-127; Code 2006, § 105-224; Ord. No. 1142, § 2.1, 7-14-1959)

Sec. 105-220. - Freedom from rubbish and garbage.

Exterior property areas shall be kept free from organic and inorganic material that might become a health, accident, or fire hazard, whether or not said areas are used for human habitation. Metal containers with covers shall be provided for the temporary storage of garbage and rubbish. Materials of an inflammable nature shall be safely stored or removed from the premises. Rubbish, trash, debris, dead trees or other unsightly or unsanitary matter shall be removed by owner or occupant or both.

(Code 1958, § 16A-16; Code 1991, § 12-128; Code 2006, § 105-225; Ord. No. 1142, § 2.2, 7-14-1959)

Sec. 105-221. - Discharge of sewage.

Sewage must be discharged into a public sewer system, if same is provided by the city or into other means of disposal approved by the city.

(Code 1958, § 16A-17; Code 1991, § 12-129; Code 2006, § 105-226; Ord. No. 1142, § 2.3, 7-14-1959)

Sec. 105-222. - Stormwater drainage.

Stormwater causing recurrent or excessive ponding shall be eliminated through proper filling or grading of ground. The ground should be graded away from the building and foundation, but not so as to cause the water to drain into adjoining property or city rights-of-way, streets or parkways.

(Code 1958, § 16A-18; Code 1991, § 12-130; Code 2006, § 105-227; Ord. No. 1142, § 2.4, 7-14-1959)

Sec. 105-223. - Noxious weeds and plants.

Exterior property areas shall be free from species of weeds or plant growth which are noxious or detrimental to the public health.

(Code 1958, § 16A-19; Code 1991, § 12-131; Code 2006, § 105-228; Ord. No. 1142, § 2.5, 7-14-1959)

Sec. 105-224. - Insect and rodent harborage.

Exterior property areas shall be kept free from sources of insect, vermin, and rodent breeding, harborage, and infestation. Where insect, rodent, or vermin breeding areas, harborage or infestation exist, such areas, harborage, or infestation shall be eliminated.

(Code 1958, § 16A-20; Code 1991, § 12-132; Code 2006, § 105-229; Ord. No. 1142, § 2.6, 7-14-1959)

Sec. 105-225. - Domestic animals and pets.

Domestic animals and pets shall not be kept on any premises in such a manner as to create unsanitary conditions or constitute a nuisance. They may be maintained only in accordance with applicable regulation of the city.

(Code 1958, § 16A-21; Code 1991, § 12-133; Code 2006, § 105-230; Ord. No. 1142, § 2.7, 7-14-1959)

Sec. 105-226. - Accessory structures; repair, freedom from hazards.

Accessory structures, located on exterior property areas, shall be kept in good repair, free from health, fire, and accident hazards, and vermin.

(Code 1958, § 16A-22; Code 1991, § 12-134; Code 2006, § 105-231; Ord. No. 1142, § 2.8, 7-14-1959)

Sec. 105-227. - Depreciation of surrounding property.

Exterior property areas shall be kept free from health, fire and accident hazards so as not to depreciate surrounding property.

(Code 1958, § 16A-23; Code 1991, § 12-135; Code 2006, § 105-232; Ord. No. 1142, § 2.9, 7-14-1959)

Sec. 105-228. - Swimming pools, ponds, basins, grottos, fountains, etc.; stagnant water.

- (a) *Stagnant water prohibited.* Every property in the city that has a swimming pool, pond, basin, grotto, fountain or other body of water shall maintain that body of water in a clean and sanitary fashion. Bodies of water containing stagnant water are prohibited.

- (b) *Definition(s).* [The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Stagnant water* is defined as water that appears dirty or murky or emits a foul odor and has no current or flow.

- (c) *Properties on the city's abandoned property registry.* If a property on the city's abandoned property registry is found

to have stagnant water on its premises, the city may immediately take any and all remedial measures available to it, including, but not limited to, draining the area, puncturing holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, in order to avoid the future collection of stagnant water, or placing a solid cover over the area. The cost of said measures shall be assessed to the property owner, mortgage holder or other responsible party under the city's abandoned real property ordinance.

- (d) *Other vacant properties.* If a property is vacant (due to major construction or remodeling, for example) and not on the city's abandoned property registry, the property owner must drain the opening and cover it with a solid cover before vacating the property. If the property owner fails to do so and stagnant water is found on the property, the city shall provide the property owner with a warning giving him/her 48 hours to drain the stagnant water and either puncture holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, or place a solid cover over the area. If the property owner does not comply within the 48-hour period, the city may take any and all remedial measures available to it, as set out in subsection (c) above, and assess the cost of the measures to the property owner.
- (e) *Temporarily vacant properties.* If a property owner intends to leave the property continuously vacant for a period longer than three months, and the body of water on the property will not be serviced regularly to prevent stagnant water, the property owner must drain the opening and cover it with a solid cover before departing. If property owner fails to do so and stagnant water is found on the property, the city shall provide the property owner with a warning giving him/her 48 hours to drain the stagnant water and either puncture holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, or place a solid cover over the area. If the property owner does not comply within the 48-hour period, the city may take any and all remedial measures available to it, as set out in subsection (c) above, and assess the cost of the measures to the property owner.
- (f) *Occupied properties.* Any occupied property with stagnant water in a pool, pond, basin, grotto, fountain or other opening will be given 24 hours to drain the stagnant water and replace it with fresh water or place a solid cover over the area. If the property owner replaces the stagnant water with fresh water, it must be maintained in that fashion. If the property owner does not drain the water and either replace it with fresh water or place a solid cover over the area, within the 24-hour period, the city may take any and all remedial measures available to it, as set out in subsection (c) above, and assess the cost of the measures to the property owner.

(Ord. No. 2016-45, § 2, 9-13-2016)

Secs. 105-229—105-247. - Reserved.

#### DIVISION 4. - STRUCTURE EXTERIOR

Sec. 105-248. - Foundation walls.

The foundation walls of every structure used for human habitation shall be maintained in good repair and be structurally sound. Foundation walls shall be considered to be in good repair and structurally sound if found free from damage or defects and capable of bearing imposed loads.

(Code 1958, § 16A-24; Code 1991, § 12-166; Code 2006, § 105-277; Ord. No. 1142, § 3.1, 7-14-1959)

Sec. 105-249. - Stairs, porches and railings.

The stairs, porches and railings affixed to the exterior of every structure used for human habitation shall be kept in good repair and structurally sound. They shall be free from holes and serious cracks, and shall be capable of supporting imposed loads.

(Code 1958, § 16A-25; Code 1991, § 12-167; Code 2006, § 105-278; Ord. No. 1142, § 3.2, 7-14-1959)

Sec. 105-250. - Weather and watertightness.

Every structure used for human habitation shall be so maintained that it will be weather and watertight. Exterior walls, roofs and all openings around doors, windows, chimneys and all other parts of the structure shall be so maintained as to keep water from entering the structure and to prevent undue heat loss. Damaged materials must be repaired or replaced. All parts of the structure that show evidence of dry rot or other deterioration shall be repaired, replaced and refinished to be in conformity with the rest of the structure. Window panes permitting entrance of water shall be replaced.

(Code 1958, § 16A-26; Code 1991, § 12-168; Code 2006, § 105-279; Ord. No. 1142, § 3.3, 7-14-1959)

Sec. 105-251. - Protective coating for wood surfaces.

All exterior wood surfaces of a structure used for human habitation, that are not of a species inherently resistant to decay, shall be treated with a protective coating or other preservative as often as extensive and serious evidence of deterioration shall appear. The protective coating shall be approved as to use and color by the city.

(Code 1958, § 16A-27; Code 1991, § 12-169; Code 2006, § 105-280; Ord. No. 1142, § 3.4, 7-14-1959)

Sec. 105-252. - Overhanging objects.

Every structure used for human habitation shall be free of loose overhanging objects. Exterior walls, roofs, and all other parts of the structure shall be free from loose and unsecured objects and materials.

(Code 1958, § 16A-28; Code 1991, § 12-170; Code 2006, § 105-281; Ord. No. 1142, § 3.5, 7-14-1959)

Sec. 105-253. - Vermin and rodent free.

The exterior of every structure used for human habitation shall be so maintained as to be vermin and rodent free. All exterior windows that are not fixed, doors, and other openings, up to four feet aboveground level, shall be screened or protected with acceptable wire mesh or other approved materials. Defects, cracks, or holes shall be tightly sealed to prevent the entrance of vermin and rodents.

(Code 1958, § 16A-29; Code 1991, § 12-171; Code 2006, § 105-282; Ord. No. 1142, § 3.6, 7-14-1959)

Sec. 105-254. - Screening required.

Every window, door, and other opening to outdoor space in the exterior of every structure used for human habitation shall be effectively protected against the entrance of insects. Such doors and other openings to outdoor space shall be supplied with either a self-closing device or a self-closing screen door. Every window and other opening to outdoor space shall be equipped with approved screening. A residential entrance with an ornamental solid door shall not be required to be screened.

(Code 1958, § 16A-30; Code 1991, § 12-172; Code 2006, § 105-283; Ord. No. 1142, § 3.7, 7-14-1959)

Sec. 105-255. - Depreciation of surrounding property.

The exterior of every structure used for human habitation shall be so maintained with reasonable attractiveness so as not, in the case of excessive scaling of paint or excessive mildew, to cause a substantial depreciation in property values in the immediate neighborhood. The exterior wall surfaces shall be kept free from materials, objects, and conditions which will have an adverse effect on adjacent premises.

(Code 1958, § 16A-31; Code 1991, § 12-173; Code 2006, § 105-284; Ord. No. 1142, § 3.8, 7-14-1959)



Secs. 105-256—105-273. - Reserved.

#### DIVISION 5. - STRUCTURE INTERIOR

Sec. 105-274. - Freedom from dampness.

To the end that crawl spaces in every structure used for human habitation may be reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure, cross ventilation shall be provided, consisting of at least one opening located near each corner of the structure, except in case of poured slab.

(Code 1958, § 16A-32; Code 1991, § 12-174; Code 2006, § 105-285; Ord. No. 1142, § 4.1, 7-14-1959)

Sec. 105-275. - Structural members.

Supporting structural members of every structure used for human habitation shall be structurally sound, and free of any evidence of deterioration.

(Code 1958, § 16A-33; Code 1991, § 12-175; Code 2006, § 105-286; Ord. No. 1142, § 4.2, 7-14-1959)

Sec. 105-276. - Chimneys, flues, and vents.

Chimneys and all flue and vent attachments thereto of every structure used for human habitation, and all other flues and vents, shall be structurally sound, free from defects, performing the function for which they were designed and are used. Chimneys, flues, gas vents, or other draft producing equipment shall provide sufficient draft to develop the rated output of the connected equipment. Chimneys, flue linings, where required, flues, gas vents, and their supports shall be structurally safe, durable, smoke tight, and capable of withstanding the action of flue gases.

(Code 1958, § 16A-34; Code 1991, § 12-176; Code 2006, § 105-287; Ord. No. 1142, § 4.3, 7-14-1959)

Sec. 105-277. - Stairs and railings.

Interior stairs of every structure used for human habitation shall be structurally sound and free from defects dangerous to life and limb. Railings shall be provided for stairs, balconies, and stairwells. Treads and risers that are broken, wrapped or loosened shall be repaired or replaced.

(Code 1958, § 16A-35; Code 1991, § 12-177; Code 2006, § 105-288; Ord. No. 1142, § 4.4, 7-14-1959)

Sec. 105-278. - Floors, walls, ceilings and roofs.

Floors, walls, ceilings and roofs of every structure used for human habitation shall be structurally sound, and maintained in a clean and sanitary condition. They shall be free from cracks, breaks, loose plaster and similar conditions so serious as to endanger the safety of occupants or to seriously mar the attractiveness of the premises.

(Code 1958, § 16A-36; Code 1991, § 12-178; Code 2006, § 105-289; Ord. No. 1142, § 4.5, 7-14-1959; Ord. No. 2013-07, § 2, 5-28-2013)

Sec. 105-279. - Bathroom floors.

Bathroom, shower room, and toilet room or compartment floors, of every structure used for human habitation, shall be water resistant and shall be kept in a dry, clean and sanitary condition.

(Code 1958, § 16A-37; Code 1991, § 12-179; Code 2006, § 105-290; Ord. No. 1142, § 4.6, 7-14-1959)

Sec. 105-280. - Interior free from rubbish and garbage.

The interior of every structure used for human habitation shall be maintained free from rubbish and garbage that might become a health, accident, or fire hazard. Containers with covers shall be provided for the temporary storage of rubbish and garbage and other refuse. Materials of an inflammable nature shall be stored safely or removed from the premises.

(Code 1958, § 16A-38; Code 1991, § 12-180; Code 2006, § 105-291; Ord. No. 1142, § 4.7, 7-14-1959)

Sec. 105-281. - Insect and rodent harborage.

The interior of every structure used for human habitation shall be kept free from insect, rodent, and vermin infestation. Where insect, rodent, or vermin infestation, harborage, or breeding areas exist, such areas, harborage, or infestation shall be eliminated.

(Code 1958, § 16A-39; Code 1991, § 12-181; Code 2006, § 105-292; Ord. No. 1142, § 4.8, 7-14-1959)

Secs. 105-282—105-310. - Reserved.

DIVISION 6. - BASIC FACILITIES

Sec. 105-311. - Hot water.

Every dwelling shall have an adequate supply of hot water, properly connected to kitchen sink, laundry trays or washing machine, lavatory, tub and/or shower. Water heating equipment, except where a solar water heater is installed, shall be properly maintained and capable of delivering water at a minimum temperature of 120 degrees Fahrenheit at each hot water outlet.

(Code 1958, § 16A-40; Code 1991, § 12-144; Code 2006, § 105-241; Ord. No. 1142, § 5.1, 7-14-1959)

Sec. 105-312. - Plumbing fixtures required.

Every dwelling and dwelling unit shall have the following plumbing fixtures: kitchen sink, toilet, bathtub or shower, and lavatory. Kitchen sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines. Required plumbing fixtures shall be installed in accordance with the plumbing code of the city.

(Code 1958, § 16A-44; Code 1991, § 12-148; Code 2006, § 105-245; Ord. No. 1142, § 5.2, 7-14-1959)

Sec. 105-313. - Required plumbing fixtures in roominghouses.

In a single-family residence, with rooms to let, and if licensed by the city to rent rooms, the occupants of not more than three rooming units (maximum number of roomers; three) may share single bathroom facilities with the occupants of the dwelling unit. Bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines. All fixtures shall be so located as to be accessible to the occupant of each rooming unit sharing the use of such facilities, without his or her going through a dwelling unit or rooming unit of another occupant.

(Code 1958, § 16A-41; Code 1991, § 12-145; Code 2006, § 105-242; Ord. No. 1142, § 5.3, 7-14-1959)

Sec. 105-314. - Plumbing fixtures connected to sewer lines.

All plumbing fixtures installed within a structure used for human habitation shall be connected to sewer lines that discharge into a public sewerage system or other approved means of disposal. Private sewerage systems shall be connected and repairs or additions made in accordance with the applicable regulations of the city.

(Code 1958, § 16A-42; Code 1991, § 12-146; Code 2006, § 105-243; Ord. No. 1142, § 5.4, 7-14-1959)

Sec. 105-315. - Privies not permitted.

No privy shall be constructed or continued in operation.

(Code 1958, § 16A-43; Code 1991, § 12-147; Code 2006, § 105-244; Ord. No. 1142, § 5.5, 7-14-1959)

Sec. 105-316. - Electrical service.

Every dwelling, dwelling unit, roominghouse, and rooming unit shall be provided with electric service, properly connected.

(Code 1958, § 16A-45; Code 1991, § 12-149; Code 2006, § 105-246; Ord. No. 1142, § 5.6, 7-14-1959)

Sec. 105-317. - Cooking facilities.

Every dwelling unit shall be provided with installed cooking facilities or utility connections for such facilities. Where cooking facilities are not supplied, adequate space and utility connections shall be provided where such connections are necessary.

(Code 1958, § 16A-46; Code 1991, § 12-150; Code 2006, § 105-247; Ord. No. 1142, § 5.7, 7-14-1959)

Sec. 105-318. - Refrigerated space.

In every dwelling unit where perishable foods are kept, refrigerated space for their storage or appropriate utility connections shall be provided. Where refrigeration equipment is not provided, adequate space and utility connections shall be provided.

(Code 1958, § 16A-47; Code 1991, § 12-151; Code 2006, § 105-248; Ord. No. 1142, § 5.8, 7-14-1959)

Secs. 105-319—105-339. - Reserved.

DIVISION 7. - INSTALLATION AND MAINTENANCE OF BASIC FACILITIES

Sec. 105-340. - Maintenance of plumbing fixtures.

Every water line, plumbing fixture, and drain located in a structure used for human habitation shall be properly installed, connected, and maintained, and capable of performing the function for which it was designed. All repairs to installations must be made in accordance with the plumbing regulation of the state building code adopted in section 105-26 .

(Code 1958, § 16A-48; Code 1991, § 12-152; Code 2006, § 105-249; Ord. No. 1142, § 6.1, 7-14-1959)

Sec. 105-341. - Maintenance of plumbing systems.

Every stack, waste, and sewer line located in a structure used for human habitation and every connecting sewer line shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard. All lines shall be kept free from obstructions, leaks, and defects. All necessary repairs and installations shall be made in accordance with the plumbing code and other applicable regulations of the city.

(Code 1958, § 16A-49; Code 1991, § 12-182; Code 2006, § 105-293; Ord. No. 1142, § 6.2, 7-14-1959)

Sec. 105-342. - Installation of heating equipment.

Every heating, cooking, and water heating device located in a structure used for human habitation shall be properly installed, connected and capable of performing the function for which it was designed. All such equipment burning solid fuels should be rigidly connected to a chimney, or flue, and such heating equipment burning liquid or gaseous fuels, shall be rigidly connected to a supply line and, where required, to a chimney, flue or vent. Such installations shall be made in a manner to avoid dangerous concentration of fumes and gases. All installations or repairs shall be made in accordance with the applicable regulations of the city.

(Code 1958, § 16A-50; Code 1991, § 12-183; Code 2006, § 105-294; Ord. No. 1142, § 6.3, 7-14-1959)

Sec. 105-343. - Maintenance and operation of heating equipment.

Every heating, cooking and water heating device located in a structure used for human habitation shall be so maintained and operated as to be free from fire, health, and accident hazards. All such equipment shall be free from leaks and obstructions. Repairs shall be made in accordance with the applicable regulations of the city.

(Code 1958, § 16A-51; Code 1991, § 12-184; Code 2006, § 105-295; Ord. No. 1142, § 6.4, 7-14-1959)

Sec. 105-344. - Storage of fuels.

All fuels stored on the premises for the operation of heat producing equipment shall be stored in a safe manner. Fuels shall be stored in accordance with generally accepted practice and in a manner that will minimize the danger of fire. No fuel oil, gasoline, or highly inflammable fuel shall be stored within any structure used for human habitation, except in a manner approved by the fire department of the city.

(Code 1958, § 16A-52; Code 1991, § 12-185; Code 2006, § 105-296; Ord. No. 1142, § 6.5, 7-14-1959)

Sec. 105-345. - Maintenance of electrical wiring and devices.

Electrical wiring and devices located in a structure used for human habitation shall be so designed, installed, and maintained as not to be a potential source of ignition of combustible material or an electrical hazard. The rating or setting of overcurrent devices shall not be in excess of the carrying capacity of the circuit conductor. Defective wiring and equipment shall be repaired or replaced. No temporary wiring shall be installed as a permanent method of wiring. Extension cords shall be run directly from portable electrical fixtures or appliances to outlets and shall not lie under floor covering or extend through doorways, transoms, or other openings through structural elements. When the capacity of circuits within a building is insufficient to carry the load imposed by normal use of appliances and fixtures, as indicated by the nameplate rating of such appliances, additional circuits shall be provided or the use of excessive appliances discontinued. Necessary repairs, alterations, and installations shall be made in accordance with the electrical regulations of the city.

(Code 1958, § 16A-53; Code 1991, § 12-186; Code 2006, § 105-297; Ord. No. 1142, § 6.6, 7-14-1959)

Secs. 105-346—105-363. - Reserved.

DIVISION 8. - OCCUPANCY STANDARDS

Sec. 105-364. - Required space in dwelling units.

Every dwelling unit shall contain a minimum gross floor area of at least 150 square feet for the first occupant, at least 100 square feet for each of the next two occupants, and at least 75 square feet of gross floor area for each occupant thereafter. Every habitable room shall have a minimum ceiling height of seven feet over 50 percent of the floor area. Any portion of a room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

(Code 1958, § 16A-54; Code 1991, § 12-201; Code 2006, § 105-328; Ord. No. 1142, § 7.2, 7-14-1959)

Sec. 105-365. - Efficiency apartments.

Every dwelling unit which is occupied by two or more occupants, and which contains a room not intended primarily for cooking or sleeping but which is properly designed and equipped or especially furnished with a kitchenette and bed furniture properly designed for daytime storage or other daytime uses to be maintained as a combination of regular living and efficiency sleeping, may contain 100 square feet less gross floor area than required in section 105-364. Every habitable room shall have a minimum ceiling height of seven feet over 50 percent of the floor area. Any portion of a room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

(Code 1958, § 16A-55; Code 1991, § 12-202; Code 2006, § 105-329; Ord. No. 1142, § 7.3, 7-14-1959)

Sec. 105-366. - Required space in sleeping rooms.

In every dwelling unit of two or more habitable rooms, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least 70 square feet. Every room occupied for sleeping purposes by more than one occupant shall have a minimum gross floor area of 50 square feet per occupant thereof. In the case of children under six years of age, the requirement shall be 35 square feet per child for two or more children. Every room used for sleeping purposes shall have a minimum width of seven feet. Kitchens shall not be used for sleeping purposes. Every habitable room shall have a minimum ceiling height of seven feet over 50 percent of the floor area. Any portion of a room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

(Code 1958, § 16A-56; Code 1991, § 12-203; Code 2006, § 105-330; Ord. No. 1142, § 7.4, 7-14-1959)

Sec. 105-367. - Required space in rooming units.

Rooms let to one or more persons shall contain a minimum gross floor area for sleeping purposes of 90 square feet for a single occupant, and every such room occupied by more than one occupant shall contain a minimum gross floor area of 60 square feet per occupant thereof. Every habitable room shall have a minimum ceiling height of seven feet over 50 percent of the floor area. Any portion of a room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

(Code 1958, § 16A-57; Code 1991, § 12-204; Code 2006, § 105-331; Ord. No. 1142, § 7.5, 7-14-1959)

Sec. 105-368. - Habitable rooms only.

No room other than a habitable room shall be used for living, sleeping, or the preparation or eating of meals.

(Code 1958, § 16A-58; Code 1991, § 12-205; Code 2006, § 105-332; Ord. No. 1142, § 7.6, 7-14-1959)

Sec. 105-369. - Subdivision of habitable rooms.

No habitable room shall be divided in any manner into space intended for living, sleeping, eating or cooking purposes by an installed partition or divider of any type above four feet in height unless each such subdivided part complies with the requirements for a habitable room.

(Code 1958, § 16A-59; Code 1991, § 12-206; Code 2006, § 105-333; Ord. No. 1142, § 7.7, 7-14-1959)

Sec. 105-370. - Notice of maximum occupancy.

Every owner or operator shall advise the occupant in writing or by insertion in the lease between the parties of the maximum number of occupants permitted in the occupied premises under this division. A copy of such notice or lease shall be available to the director.

(Code 1958, § 16A-60; Code 1991, § 12-207; Code 2006, § 105-334; Ord. No. 1142, § 7.8, 7-14-1959)

Secs. 105-371—105-398. - Reserved.

#### DIVISION 9. - LIGHT AND VENTILATION STANDARDS

Sec. 105-399. - Natural light in habitable rooms.

Every habitable room shall have at least one window facing directly to the outdoors. The minimum aggregate area available for unobstructed light shall be not less than ten percent of the floor area of such rooms.

(Code 1958, § 16A-61; Code 1991, § 12-208; Code 2006, § 105-335; Ord. No. 1142, § 8.1, 7-14-1959)

Sec. 105-400. - Light—Uninhabitable space.

Every stair and hallway located in a structure used for human habitation shall have either adequate natural or artificial light available at all times with not less than three footcandles of light measured at any point.

(Code 1958, § 16A-62; Code 1991, § 12-209; Code 2006, § 105-336; Ord. No. 1142, § 8.2, 7-14-1959)

Sec. 105-401. - Same—Public halls and stairways.

Every public hall and common stairway located in a structure used for human habitation and which is used primarily for ingress and egress in connection with two or more dwelling units or rooming units shall be supplied with a proper amount of natural light or lighting facilities controllable by the occupants of the structure and be available at all times. Such light shall not be less than five footcandles measured in the darkest portions of normally traveled stairs and passageways during the darkest hours of the day.

(Code 1958, § 16A-63; Code 1991, § 12-210; Code 2006, § 105-337; Ord. No. 1142, § 8.3, 7-14-1959)

Sec. 105-402. - Electric outlets.

Every habitable room shall have electric outlets and/or electric fixtures properly connected to a source of power. There shall be a minimum of one outlet and one fixture or two outlets.

(Code 1958, § 16A-64; Code 1991, § 12-211; Code 2006, § 105-338; Ord. No. 1142, § 8.4, 7-14-1959)

Sec. 105-403. - Electric fixtures in bathrooms.

Every bathroom, shower room, toilet room or compartment, located in a structure used for human habitation, shall have permanently installed artificial lighting fixtures. The switches shall be so located as to avoid danger of electrical hazards.

(Code 1958, § 16A-65; Code 1991, § 12-212; Code 2006, § 105-338; Ord. No. 1142, § 8.5, 7-14-1959)

Sec. 105-404. - Ventilation—Habitable rooms.

Every habitable room shall be ventilated by either openable areas equal to 50 percent of the required window area or by equivalent mechanical ventilation.

(Code 1958, § 16A-66; Code 1991, § 12-213; Code 2006, § 105-340; Ord. No. 1142, § 8.6, 7-14-1959)

Sec. 105-405. - Same—Bathrooms.

Every bathroom, shower room, toilet room or compartment located in a structure used for human habitation shall be ventilated as prescribed in the city's building code.

(Code 1958, § 16A-67; Code 1991, § 12-214; Code 2006, § 105-341; Ord. No. 1142, § 8.7, 7-14-1959)

Secs. 105-406—105-423. - Reserved.

DIVISION 10. - RELATIVE RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Sec. 105-424. - Maintenance—Private space.

Every occupant of a dwelling or dwelling unit shall keep in clean and sanitary condition that part of the dwelling, or premises thereof, which he/she occupies or controls.

(Code 1958, § 16A-68; Code 1991, § 12-136; Code 2006, § 105-233; Ord. No. 1142, § 9.1, 7-14-1959)

Sec. 105-425. - Same—Plumbing equipment.

Every occupant of a dwelling or dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment therein.

(Code 1958, § 16A-69; Code 1991, § 12-137; Code 2006, § 105-234; Ord. No. 1142, § 9.2, 7-14-1959)

Sec. 105-426. - Waste disposal.

Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage, and other matter as provided in section 105-280. In a dwelling containing three or more dwelling units, adequate rubbish and garbage containers and necessary replacements shall be supplied by the owner.

(Code 1958, § 16A-70; Code 1991, § 12-138; Code 2006, § 105-235; Ord. No. 1142, § 9.3, 7-14-1959)

Sec. 105-427. - Extermination.

Every occupant of a single dwelling unit shall be responsible for the extermination of any rodents, vermin or other pests therein or on the premises. Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this division, extermination shall be the responsibility of the owner. When three or more dwelling units within a building are so infested, it shall be the responsibility of the owner to carry out the provisions of this division within such building, as cited above with respect to extermination.

(Code 1958, § 16A-71; Code 1991, § 12-139; Code 2006, § 105-236; Ord. No. 1142, § 9.4, 7-14-1959)

Sec. 105-428. - Maintenance of public space.

Every owner of a building containing three or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(Code 1958, § 16A-72; Code 1991, § 12-140; Code 2006, § 105-237; Ord. No. 1142, § 9.5, 7-14-1959)

Sec. 105-429. - Supplied facilities.

Every owner of a dwelling shall be responsible for keeping supplied facilities in proper operating condition.

(Code 1958, § 16A-73; Code 1991, § 12-141; Code 2006, § 105-238; Ord. No. 1142, § 9.6, 7-14-1959)

Sec. 105-430. - Discontinuance of utilities.

No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required to be supplied by the provisions of this division to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations, or emergencies.

(Code 1958, § 16A-74; Code 1991, § 12-142; Code 2006, § 105-239; Ord. No. 1142, § 9.7, 7-14-1959)

Sec. 105-431. - Occupancy of vacant units.

No person shall occupy as owner-occupant or permit to be occupied by another any vacant dwelling or dwelling unit, unless or until it is in good repair, clean, sanitary, in habitable condition, and in full compliance with all the provisions of this division.

(Code 1958, § 16A-75; Code 1991, § 12-143; Code 2006, § 105-240; Ord. No. 1142, § 9.8, 7-14-1959)

Secs. 105-432—105-460. - Reserved.