A PROPOSED HOUSING ORDINANCE

Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings and Dwelling Units

This report was prepared by the Committee on the Hygiene of Housing and its publication has been approved by the Committee on Research and Standards of the American Public Health Association

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Regulating Supplied Facilities, Maintenance, and Occupancy of Dwellings and Dwelling Units

The First Draft was prepared by a special Subcommittee on the Substance of Housing Regulation

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Foreword

THE Committee on the Hygiene of Housing, during the past fifteen years, has prepared an outline of the *Basic Principles of Healthful Housing* and has elaborated the ideals of sound future practice in three monographs on *Standards for Healthful Housing.* It has also worked out a detailed technique, now in extensive use throughout the United States, for the quantitative appraisal of deficiencies in substandard housing.

It has become obvious that health officers have responsible administrative roles to play in the elimination of the more serious health hazards associated with substandard dwellings. For this purpose, each jurisdiction will require a formal code having the force of law. To provide a general guide as a prototype on which such a code may be based is the object of the present report. In the formulation of a code of this type and in determining policies of administrative enforcement, it is essential that the health officer should have the best available legal advice from lawyers conversant with local precedent and judicial attitudes.

Major credit for this document is due to Dr. E. R. Krumbiegel, Chairman of our special Subcommittee, who has displayed remarkable devotion and outstanding leadership in its preparation; to Mr. Joseph Burany, who worked with Dr. Krumbiegel in the preparation of the basic draft; to Mr. W. M. Cochrane, who has handled the legal formulation of the code with remarkable skill, and to the members of the Subcommittee, who have provided many helpful criticisms.

It is important to note that there are two things which the proposed ordinance does not do:

1. It does not contemplate any rigid uniformity to be imposed on all local areas. The *Ordinance* represents the best thinking available to us on regulations which appear reasonably enforceable in the average American city. As Dr. Krumbiegel points out, there will probably be certain communities in which special local conditions will make it desirable to omit or modify certain sections. There are other communities in which standards higher than those set forth could be included with advantage. The *Ordinance* can, and should, be modified to suit such local conditions.

2. The suggestion that a housing ordinance should be enacted to be enforced by the health officer does not imply any infringement of the powers and duties of building departments or fire departments. Dr. Krumbiegel points out in his statement of principles and policies that the problems of structural safety and of fire safety belong, and should continue to belong, to the departments now responsible for their control. These bodies should exercise jurisdiction over the construction of all new dwellings. Health inspectors who discover defects influencing or involving structural safety which arise during occupa-

tion should refer them to building or fire inspectors for legal action.

It would be unrealistic, however, to assume that the more active functioning of the health department in the housing field will not have indirect long-range influence on general social policy with respect to housing. The adoption by the health department of sound and well balanced codes dealing with the health aspects of occupied dwellings may perhaps lead to instructive comparison of overlapping features of health codes and building codes and to gradual voluntary modification and improvement of both.

From the angle of administration, the development of a health department inspection staff with a real understanding of the objectives of healthful housing may lead, not to rivalry, but to more effective cooperation among all agencies concerned. Mutual agreements for cross-reporting of defects between the various field inspectors and flexible reciprocal arrangements which would permit integration of inspection service to minimize duplication or overlapping should be possible in most areas.

In any case, the health officer has a definite responsibility, which should no longer be ignored, to control the health hazards associated with substandard housing. The health department already has machinery which provides for direct and continuing contacts (through its nurses and inspectors) with almost every household in substandard areas and is therefore in a unique position to effect needed improvements. To accomplish this task a clearly formulated ordinance based on health standards is essential. To provide a suggestive framework for such an ordinance is the purpose of the present formulation.

The Committee on the Hygiene of Housing expresses particular appreciation to the Directors of the Milbank Memorial Fund who have again made possible the publication of a Committee report.

C.-E. A. Winslow, Dr.P.H.

Chairman, Subcommittee on the Hygiene of Housing

PRINCIPLES AND POLICIES

THE Subcommittee on the Substance of Housing Regulations was appointed by the Committee on the Hygiene of Housing of the American Public Health Association and assigned the task of preparing an ordinance which the Committee could recommend for application in communities interested in promoting improvement in the hygiene of existing housing.

A number of "model" codes, relating to selected facets of environmental sanitation, have been promulgated by various health agencies. Several "model" building codes have also been developed by a number of organizations. For reasons which will be set forth, the Subcommittee does not believe it possible to formulate a "model" ordinance, designed to serve the purpose of promoting significant improvement in the quality of existing housing, which could today be adopted in verbatim form and be rigidly and realistically enforced in all communities within these United States.

The hygiene of housing is a broad and complex branch of the realm of environmental health. Into its fabric are woven a wide variety of health, safety, economic, general social and political factors. The content of a housing law must necessarily be applicable to all dwellings, irrespective of date and type of construction, character of ownership, and nature of occupancy.

Housing conditions vary tremendously in different geographical regions within the United States, in different communities within comparable regions, and in different sections within the same community. The current median status of existing housing in any single community has been influenced by many factors, including the community's age, the average economic status of its citizens, the general level of its peoples' social consciousness, the nature of its past and present health and building laws, and the extent to which those laws have been enforced. The attainment of an optimal level of housing hygiene might prove to be a relatively simple task which could be completely accomplished within a year or two in a young and prosperous city. The achievement of the same goal in a comparatively old city whose inhabitants' average per capita income is low will usually prove to be a difficult and time-consuming undertaking.

The Subcommittee recognizes that local housing laws must be tailored to meet existing local conditions and needs. It has prepared a *Housing Ordinance Regulating Supplied Facilities, Maintenance, and Occupancy of Dwellings and Dwelling Units* which its members hope may serve as a useful guide to health officers who undertake to prepare a local housing code, based on sound health reasons, as a part of a local general health or sanitary code. The Subcommittee hopes that the *Housing Ordinance* will also serve as a *useful guide* to other local officials in those communities where the primary responsibility for

the formulation and enforcement of a law relating to the hygiene of existing housing has been, or is to be, vested in an official other than the health officer.

NEED FOR LEGAL COUNSEL

The *Housing Ordinance* is essentially a legal code which covers most of the housing factors related to health. Its provisions are intended to serve as a guide to officials concerned with the preparation of a local housing ordinance. Since local statutory and charter provisions vary considerably throughout the United States, it is recommended that the health officer who wishes to secure adoption of the *Housing Ordinance* by the legislative body of the corporate unit in which he exercises jurisdiction first obtain legal counsel from the official legal adviser of the corporate unit. Legal counsel should be sought particularly in relation to the following:

1. *The manner of legally adopting rules or regulations.*

   The *Ordinance* contains provisions authorizing the health officer to formulate and adopt administrative rules and regulations in keeping with and in furtherance of the basic standards set by the *Housing Ordinance.* In those jurisdictions where the health officer has not been granted the rule-making power, it may be necessary to substitute the words "board of health" for "health officer" at the appropriate places. In some jurisdictions it may be necessary for the board of health or the municipal or other governing body to give its specific approval to any regulation adopted by the health officer before it can take effect.

2. *The prescription of penalties for violation of the Ordinance.*

   The penalties which may be prescribed for violations will be governed by state constitutional or statutory limitations. Application of only misdemeanor penalties may be permissible in some jurisdictions. The application of a civil penalty clause may be possible in certain communities. In some corporate units it may be possible for the enforcing official to cause repair of a dwelling or dwelling unit or to cause installation of required facilities if the owner fails to carry out his legally promulgated order. Under such circumstances the cost of the repair or installation of a facility is usually placed as a lien against the property.

3. *The date on which provisions of the Ordinance are to become effective.*

   In some states a local ordinance cannot become effective until it has been published, or until a specific period of time has elapsed following its adoption.

4. *The manner in which the person aggrieved by decision of the enforcing official may seek relief therefrom in the courts.*

   The *Housing Ordinance* provides for appeal ". . . in any court of competent jurisdiction, as provided by the laws of this state."

In some states the laws provide for alternative methods of appeal. One method permits review of the enforcing official's fact-determinations by writ of error or appeal. The other method, which precludes review of the enforcing official's fact-determinations by the court, is characteristically accomplished by writ of certiorari.

If the health officer is convinced that the *Housing Ordinance* requires modification to meet local conditions or preferences, he should have his recommended additions, deletions, or other modifications subjected to critical legal review. A change in one section or subsection may materially affect other sections or subsections in which reference is made to any such modified provisions of the ordinance.

It is recommended that the health officer review, in cooperation with the official legal adviser of the corporate unit in which he exercises jurisdiction, all the state laws and rules and regulations of state agencies, as well as all local ordinances and rules and regulations of local official agencies which pertain to the regulation of housing. It is necessary that the formulators of a local housing ordinance have a clear picture of the entire range of the currently existing laws and regulations governing local housing. This is essential in order to prevent conflicts between the provisions of a local housing ordinance and other existing housing laws and regulations, as well as to prevent conflicting responsibilities and fields of jurisdiction between local officials engaged in the enforcement of housing laws and regulations.

An appendix to the *Ordinance* contains suggested regulations which the enforcing officer may wish to adopt in accordance with the provisions of the *Housing Ordinance*. These suggested regulations consist essentially of simple specifications based on provisions set forth in the *Ordinance*.

VARIATION OF OPINION RELATING TO STANDARDS FOR EXISTING HOUSING

Some individuals may consider certain provisions of the *Housing Ordinance* to be "idealistic" and impractical of enforcement. Others may regard the same or other provisions as establishing "substandard standards." Such differing opinions may be based on the varying levels of social consciousness which different individuals possess. The divergence of opinion may also be predicated upon the fact that some individuals have already been confronted with the actual responsibility of enforcing a local housing law, while others have to date been principally interested, though often vociferous bystanders.

Those who argue for the establishment of optimal standards are usually not familiar with the practical economic and social problems which confront an official charged with the responsibility of enforcing a law relating to the hygiene of existing housing. For obvious reasons,

the optimal concepts of housing standards cannot be incorporated in an ordinance relating to existing housing, as they might be within a building code regulating only new construction. The Committee on the Hygiene of Housing has set forth the essentials of healthful housing for the future in a series of three publications entitled, *Planning the Neighborhood, Planning the Home for Occupancy,* and *Construction and Equipment of the Home.*[1]

Those who claim that certain standards set forth in the *Housing Ordinance* are "idealistic" may be influenced by the relationship of these standards to common housing conditions currently prevailing in a community with which they are familiar. The Subcommittee, obviously, could not prepare a housing ordinance designed to meet conditions peculiar to Atlanta, Baltimore, Memphis, Milwaukee, Los Angeles, or any other specific city. Instead, the attempt was made to incorporate within the provisions of the *Housing Ordinance* the minimal standards for dwelling facilities, maintenance, and occupancy which members of the Subcommittee believed essential to the promotion and protection of the public health. This was undertaken with the realization that practically all the larger urban areas currently include numerous dwellings which fail to comply with these standards.

LOCAL ADAPTATION OF HOUSING ORDINANCE STANDARDS

Members of the Subcommittee reiterate the fact that the *Housing Ordinance* is regarded solely as a *useful guide* to local officials engaged in the preparation of a local housing code. They recognize that certain types of dwelling construction, facilities, and occupancy are peculiar to particular communities. These factors may require that certain provisions of the *Housing Ordinance* be modified to meet local conditions. Members of the Subcommittee believe that local modifications which may result in the lowering of standards incorporated in provisions of the *Housing Ordinance* should be seriously considered only when based on typical conditions prevailing in a large proportion of a community's existing dwellings. The fact that a small proportion fails to meet a desirable standard is hardly a legitimate reason for retrogressive modification or abolition of the standard.

A housing ordinance is but a means to an end. The end is the eventual elimination of all housing which fails to provide each and every item required to conform with contemporary minimum health standards. This objective cannot be attained if a community adopts a housing law which fails to incorporate all those standards essential to the improvement of the public health. Wherever local conditions preclude the possibility of immediate enforcement of a provision based on a necessary health standard, the Subcommittee recommends that a time interval for compliance be designated in the local housing law.

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[1] Obtainable from the American Public Health Association, 1790 Broadway, New York 19, or from the Public Administration Service, 1313 East 60th Street, Chicago, Ill. Price of each volume, $2.50.

For example, Subsection 5.3 of Section 5 of the *Housing Ordinance,* which requires that every dwelling unit contain a bathtub or shower, might be prefaced by the words, "Within 5 (or 10) years. . . ." Such a procedure is preferable to eliminating entirely the subsection relating to bathing facilities or that dealing with flush water closets and lavatory basins (Subsection 5.2 Section 5).

The *Appraisal Method of Measuring the Quality of Housing*[2] is an admirable tool for use in determining the extent to which various housing deficiencies exist within a community. In most jurisdictions the health officer will find it profitable to perform an appraisal of existing housing, at least on a sample basis, before formulating a local housing ordinance and recommending its adoption. Data secured as a result of the appraisal will enable him to formulate any necessary modifications of the *Housing Ordinance* on the basis of typical local conditions. The data will enable him to avoid recommending local modifications based on the condition of a few rock-bottom slum dwellings or of a large number of good homes with which he may otherwise be personally familiar. A dwelling which complies with the provisions of the *Housing Ordinance* will incur no dwelling penalty score points, or only a very low penalty score, when subjected to appraisal through use of the aforesaid method.

The adoption of a housing ordinance which establishes low standards for existing housing serves mainly to legalize and perpetuate the existence of unhygienic housing. The Subcommittee condemns the practice of adopting a local housing ordinance incorporating low standards with the expectation that through a process of frequent amendment the standards will be progressively elevated. Such a legal-administrative concept is manifestly unfair to the owners of dwellings. The owner has a right to know that once he has brought a dwelling into compliance with a contemporary local housing law, the provisions of that law will not be significantly altered every few years.

INSPECTION OF DWELLINGS

The Subcommittee wishes to advise the health officer that any information obtained as a result of the inspection, examination, or survey of any dwelling, dwelling unit, or rooming unit should be used only for the purpose of enforcing statutes and ordinances regulating health and safety in occupied dwellings. Utilization of such information for any other purpose might serve to invalidate the provisions of Section 2 of the *Housing Ordinance.*

DESIGNATION OF ENFORCING OFFICER

The form of the *Housing Ordinance* provides for its enforcement by the health officer. In some communities it may be regarded as

[2] Obtainable from the American Public Health Association, 1790 Broadway, New York 19. Price: Part I, $1.00; Part II, $5.00; Part III, $3.00.

more feasible to provide for enforcement of a local housing ordinance by a public official other than the health officer. The Subcommittee has attempted to incorporate within a single ordinance all those facets of housing which are predicated upon a health basis. It is far less important who is to enforce a satisfactory housing law than that the law be appropriately enforced.

In most communities the authority to act in public health matters is delegated solely to the health officer. The control of rodents and insects, the elimination of insanitary conditions in yards as well as dwellings, the provision of facilities required to maintain a proper thermal environment, and the prevention of overcrowding of dwelling units with occupants are but a few examples of common housing matters of purely public health concern. If, therefore, an official other than the health officer is designated to enforce a local housing ordinance, the statutory authority of that official to enforce each provision of the ordinance should be carefully reviewed.

Local designation of the official who is to be charged with the responsibility for enforcement of a housing ordinance should be consistent with the promotion of efficiency and economy in the operation of the enforcement program. Needless duplication of inspection by the personnel of several official agencies should be avoided. Such practices are not only economically wasteful but are irritating to the public.

In some communities an official other than the health officer may be designated to enforce a local housing ordinance. In such instances it may be legally possible for the health officer to deputize the enforcing official so that the latter could legally enforce all provisions of the housing ordinance. Any administrative arrangement which provides that the designated enforcement official refer all common health nuisances to the health officer for reinspection and enforcement should be scrupulously avoided. Such arrangements are almost certain to result in administrative confusion, loss of operational efficiency, and sheer economic waste.

CONDITIONS OF STRUCTURAL SAFETY, INCLUDING MEANS OF EGRESS

In the vast majority of American communities, conditions relating to the structural safety of dwellings, including means of egress, are currently regulated by the provisions of state or local building codes, or both. The responsibility for enforcement of such codes is not commonly vested in the health officer but is usually the responsibility of an inspector of buildings. The Subcommittee believes the inclusion of detailed provisions relating to structural safety, including means of egress, in the *Housing Ordinance* would ultimately have resulted in needless administrative confusion at the local level. The Subcommittee believes all detailed criteria relating to the elements

of structural safety should be incorporated in one law, the building code. Where applicable state or local building codes do not make provision for adequate structural safety, including safe means of egress, the remedy lies in modification of those codes.

It is the opinion of the Subcommittee that effective housing ordinance enforcement will not materialize locally unless effective cooperation between the health officer and other inspectors of buildings is established, irrespective of which official is vested with the primary responsibility for enforcement. For example, the health officer who attempts to assume the technical functions of an inspector of buildings or the building inspector who attempts to act in the capacity of a public health official will usually create administrative chaos, irritate the public, and see his contemplated enforcement program become mired in a bog of legal difficulties.

The Subcommittee recommends that health officers engaged in housing ordinance enforcement activities secure the cooperation of local building inspection officials in the conduct of inservice training programs for health inspectors who are to be assigned to the inspection of dwellings. Such inspectors should become reasonably familiar with the local building code provisions relating to structural safety requirements for the common types of dwellings. They should also be familiar with those provisions of any existing fire prevention code which relate to the common types of dwellings. It is recommended that such health officers cooperate with other inspectors of buildings by reporting to the latter those actual or suspected violations of the building code and fire prevention code which health inspectors may observe in the course of performance of their duties.

It is also recommended that orders or notices relating to the more technical structural safety requirements, including means of egress, be issued and followed up for enforcement only by the inspector of buildings. If this practice is followed, the Subcommittee also believes it to be essential that the local inspector of buildings promptly follow up all actual or suspected building code violations reported to him by the health officer. Such coordination is imperative if the owner of a dwelling is to be promptly apprised of all existent violations of all applicable laws relating to his dwelling.

The Subcommittee believes it is important for the local health officer and other inspectors of buildings jointly to formulate a detailed, written policy statement setting forth the character of those safety items which are to be dealt with directly by the health officer and those which are to be routinely referred to other officials for enforcement. The content of such a policy statement is the very foundation upon which avoidance of needless reinspections and interagency conflicts can be based. It should include a list of common, relatively obvious defects which could be appropriately corrected through the direct enforcement efforts of the properly trained health inspector. It should also include a list of all defects which, because of technical problems

involved in their evaluation or correction, are to be routinely referred to other officials for reinspection, issuance of appropriate corrective orders and their follow-up.

The fundamental principle involved in the formulation of such a cooperative policy statement is exemplified by the fact that a competent health inspector is perfectly capable of recognizing and ordering the repair of a loose or broken stair tread or handrail. On the other hand, he might suspect that the fastenings of a steel fire escape were weak, but the demonstration of the actual presence or absence of a hazard to safety would usually have to be based upon examination by a trained building inspector.

TEMPORARY HOUSING

The Subcommittee believes that housing of any type designed to be transportable, but which has been attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days, is no longer serving as temporary housing and should be required to meet the same standards established for all other dwellings.

The subcommittee has not included in the *Housing Ordinance* any provision relating to bona fide temporary housing. The local regulation of camps for trailers, migratory agricultural workers, construction crews, etc., poses problems peculiar to climate and season. It is the opinion of the Subcommittee that regulation of temporary housing should not be included within the scope of a local housing ordinance. For various administrative reasons, temporary housing can best be dealt with at the local level in an entirely separate ordinance.

APPROVAL BY THE HEALTH OFFICER

In a number of subsections of the *Housing Ordinance,* a general performance provision is qualified by a requirement that a particular facility, or the character of its operation, meet with the approval of the health officer. For example, in Section 5 it is specified that the required kitchen sink, lavatory basin, flush water closet, and bathtub or shower be connected to a water and sewer system approved by the health officer. The criteria upon which the health officer bases his approval or disapproval must, of course, be predicated upon sound public health reasons.

INCLUSION OF ADDITIONAL ITEMS IN LOCAL HOUSING ORDINANCE

Some health officers may wish to include within a local housing ordinance some provisions of public health significance which have not been included within the *Housing Ordinance.* One example might be a requirement that when heat is furnished to a tenant by an owner, a minimum indoor temperature be maintained in habitable rooms whenever the outdoor temperature drops below a specified level. The prob-

lems peculiar to different geographical regions barred the possibility of including this type of temperature provision within the *Housing Ordinance.* Another example might be a provision forbidding the keeping of certain species of animals within or on the premises of dwellings. The Subcommittee could formulate no section relating to this subject because the *Housing Ordinance* was designed as a useful guide to health officers serving in densely populated urban areas, as well as to those whose jurisdictions include urban-fringe and rural areas.

GARBAGE AND RUBBISH

The health officer is urged to read carefully the definitions of garbage and rubbish as contained in the *Housing Ordinance.* They are applicable in communities where the prevailing practice of collecting and disposing of garbage and rubbish require garbage to be kept separately, while all rubbish, combustible and noncombustible, including ashes, is collected together.

An examination of prevailing practices in the residential sections of 189 cities throughout the country was conducted in 1940 by the Committee on Refuse Collection and Disposal of the American Public Works Association.[3] It disclosed that the method of required separation was as outlined above in 21 per cent of the cities. Another 21 per cent required a separation into garbage with combustible rubbish, and ashes with noncombustible rubbish. In 20 per cent of the cities all refuse, including garbage, was collected together and no separation by householders was required. In all, 14 different separation practices were followed by the 189 cities.

When formulating a local housing ordinance, it will usually be necessary to change the definitions of garbage and rubbish, as contained in the *Housing Ordinance,* to correspond with the prevailing local separation practice. Separation of materials classes is usually based upon the collection and disposal facilities currently being used by a community.

The prevailing local separation practice and the frequency of collections will serve to determine the number of types and sizes of required refuse disposal containers. It should be noted that installation of garbage grinders is prohibited in some municipalities where sewer grades or sewage treatment plant digester capacity make their use impractical. On the other hand, a few municipalities require the installation of such grinders and install one in the kitchen sink of every dwelling unit at municipal expense.

RELATIONSHIP OF EDUCATION TO HOUSING ORDINANCE ENFORCEMENT

The effective enforcement of a local housing ordinance containing minimum standards closely approximating those established by the

[3] *Refuse Collection Practice, 1941.* American Public Works Association, 1313 East 60th Street, Chicago, Ill.

provisions of the *Housing Ordinance* will be a challenging and difficult task to the health officer of most communities. In so far as is practical within the content of an ordinance, the Subcommittee has attempted to set the framework for desirable administrative-legal techniques within the *Housing Ordinance*. The nonlegal administrative techniques of effective housing ordinance enforcement are also of the utmost importance. The Subcommittee believes the wise health officer will incorporate health education especially tailored to fit the hygiene of housing problems as a major segment of his housing enforcement program.

E. R. Krumbiegel, M.D.
Chairman, Subcommittee on the
Substance of Housing Regulations

HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE, AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS

AN ORDINANCE establishing minimum standards governing the condition and maintenance of dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of dwellings; authorizing the inspection of dwellings, and the condemnation of dwellings unfit for human habitation; and fixing penalties for violations.

WHEREAS, in the (*name of corporate unit*), there are, or may in the future be, dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or insanitary as to constitute a menace to the health and safety of the people of this (*name of corporate unit*):

BE IT THEREFORE ORDAINED by the (*name of legislative body*) of the (*name of corporate unit*), as follows:

SECTION 1. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1.1 *Basement* shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

1.2 *Cellar* shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

1.3 *Dwelling* shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants: *Provided* that temporary housing as hereinafter defined shall not be regarded as a dwelling.

1.4 *Dwelling Unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

1.5 *Extermination* shall mean 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 poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

1.6 *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

1.7 *Habitable Room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

1.8 *Health Officer* shall mean the legally designated health authority of the (name of corporate unit), or his authorized representative.

1.9 *Infestation* shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.

1.10 *Multiple Dwelling* shall mean any dwelling containing more than two dwelling units.

1.11 *Occupant* shall mean any person, over 1 year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

1.12 *Operator* shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

1.13 *Ordinary Minimum Winter Conditions* shall mean the temperature 15° F. above the lowest recorded temperature for the previous 10-year period.

1.14 *Owner* shall mean any person who, alone or jointly or severally with others:

(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

1.15 *Person* shall mean and include any individual, firm, corporation, association, or partnership.

1.16 *Plumbing* shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

1.17 *Rooming Unit* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

1.18 *Rooming House* shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

1.19 *Rubbish* shall mean combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

1.20 *Supplied* shall mean paid for, furnished, or provided by or under the control of, the owner or operator.

1.21 *Temporary Housing* shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

1.22 *Meaning of Certain Words.* Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 2. INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES

2.1 The health officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within this (*name of corporate unit*), in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the health officer is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the health officer free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the pro-

visions of this ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this ordinance.

SECTION 3. ENFORCEMENT: SERVICE OF NOTICES AND ORDERS: HEARINGS

3.1 Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

(a) Be put in writing;

(b) Include a statement of the reasons why it is being issued;

(c) Allow a reasonable time for the performance of any act it requires;

(d) Be served upon the owner or his agent, or the occupant, as the case may require: *Provided* that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

Such notice may:

(e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.

3.2 Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the health officer: *Provided* that such person shall file in the office of the health officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition the health officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed: *Provided* that upon application of the petitioner the health officer may postpone the date of the hearing for a reasonable time beyond such 10-day

period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

3.3 After such hearing the health officer shall sustain, modify, or withdraw the notice, depending upon his finding as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the health officer sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Subsection 3.1 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the health officer within 10 days after such notice is served. After a hearing in the case of any notice suspending any permit required by this ordinance or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the health officer, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the health officer within 10 days after such notice is served.

3.4 The proceedings at such hearing, including the findings and decision of the health officer, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the health officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the health officer may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

3.5 Whenever the health officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the health officer shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the health officer shall continue such order in effect, or modify it, or revoke it.

SECTION 4. ADOPTION OF RULES AND REGULATIONS BY THE HEALTH OFFICER

4.1 The health officer is hereby authorized to make and, after a public hearing has been held in accordance with the laws governing the conduct of public hearings by the health officer of this

(name of corporate unit), to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this ordinance: *Provided* that such rules and regulations shall not be in conflict with the provisions of this ordinance. The health officer shall file a certified copy of all rules and regulations which he may adopt with the clerk of this (*name of corporate unit*). Such rules and regulations shall have the same force and effect as the provisions of this ordinance, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this ordinance, as hereinafter provided.

SECTION 5. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

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

5.1 Every dwelling unit shall contain a *kitchen sink* in good working condition and properly connected to a water and sewer system approved by the health officer.

5.2 Every dwelling unit (except as otherwise permitted under Subsection 5.4 of this Section) shall contain a room which affords privacy to a person within said room and which is equipped with a *flush water closet* and a *lavatory basin* in good working condition and properly connected to a water and sewer system approved by the health officer.

5.3 Every dwelling unit (except as otherwise permitted under Subsection 5.4 of this Section) shall contain, within a room which affords privacy to a person within said room, a *bathtub* or *shower* in good working condition and properly connected to a water and sewer system approved by the health officer.

5.4 The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if:

(a) Neither of the two dwelling units contains more than two rooms: *Provided* that, for the purposes of this Subsection, a kitchenette or an efficiency kitchen with not more than 60 square feet of floor area shall not be counted as a room; and that

(b) The habitable area of each of such dwelling units shall equal not more than 250 square feet of floor area; and that

(c) Such water closet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the health officer.

5.5 Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of Subsections 5.1, 5.2, 5.3, and 5.4 of Section 5 of this ordinance shall be properly connected with both *hot* and *cold water lines.*

5.6 Every dwelling unit shall be supplied with adequate *rubbish storage* facilities, type and location of which are approved by the health officer.

5.7 Every dwelling unit shall have adequate *garbage disposal* facilities or garbage storage containers, type and location of which are approved by the health officer.

5.8 Every dwelling shall have supplied *water-heating facilities* which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Subsection 5.5 of Section 5 of this ordinance, and are 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 or shower at a temperature of not less than 120° F. Such supplied water-heating facilities shall be capable of meeting the requirements of this Subsection when the dwelling or dwelling unit heating facilities required under the provisions of Subsection 6.5 of Section 6 of this ordinance are not in operation.

5.9 Every dwelling unit shall have safe, unobstructed *means of egress* leading to safe and open space at ground level, as required by the laws of this state and this (*name of corporate unit*).

SECTION 6. MINIMUM STANDARDS FOR LIGHT, VENTILATION, AND HEATING

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

6.1 Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum *total window area,* measured between stops, for every habitable room shall be 10 per cent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than 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 and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 per cent of the total floor area of such room.

6.2 Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will *adequately ventilate* the room. The total of openable window area in every habitable room shall be equal to at least 45 per cent of the minimum window area size or minimum skylight-type window size, as required in Subsection 6.1 of Section 6 of this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the health officer.

6.3 Every *bathroom* and *water closet* compartment shall comply with the *light* and *ventilation* requirements for habitable rooms contained in Subsections 6.1 and 6.2 of Section 6, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and approved by the health officer.

6.4 Where there is *electric service* available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor- or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling- or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

6.5 Every dwelling shall have *heating facilities* which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70° F., at a distance three feet above floor level, under ordinary minimum winter conditions.

6.6 Every *public hall* and *stairway* in every multiple dwelling containing five or more dwelling units shall be *adequately lighted* at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

6.7 During that portion of each year when the health officer deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied *screens* and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens: *Provided* that such screens shall not

be required during such period in rooms deemed by the health officer to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of this (*name of corporate unit*) which are deemed by the health officer to have so few such insects as to render screens unnecessary.

6.8 Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for *rodents,* shall be supplied with a screen or such other device as will effectively prevent their entrance.

SECTION 7. GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

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

7.1 Every *foundation, floor, wall, ceiling,* and *roof* shall be reasonably weathertight, watertight, and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.

7.2 Every *window, exterior door,* and *basement hatchway* shall be reasonably weathertight, watertight, and rodentproof; and shall be kept in sound working condition and good repair.

7.3 Every *inside* and *outside stair,* every *porch,* and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

7.4 Every *plumbing fixture* and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

7.5 Every water closet compartment *floor surface* and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

7.6 Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will *function safely and effectively,* and shall be maintained in satisfactory working condition.

7.7 No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary inter-

ruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when *discontinuance of service* is approved by the health officer.

7.8 No owner shall occupy or let to any other occupant any *vacant dwelling unit* unless it is clean, sanitary, and fit for human occupancy.

SECTION 8. MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS

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

8.1 Every dwelling unit shall contain at least 150 square feet of *floor space* for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

8.2 In every dwelling unit of two or more rooms, every *room* occupied for *sleeping* purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

8.3 No dwelling or dwelling unit containing two 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 sleeping room can be had only by going through another sleeping room; nor shall room arrangements 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.

8.4 At least one-half of the floor area of every habitable room shall have a *ceiling height* of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

8.5 No *cellar space* shall be used as a habitable room or dwelling unit.

8.6 No *basement space* shall be used as a habitable room or dwelling unit unless:

(a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;

(b) The total of window area in each room is equal to at

least the minimum window area sizes as required in Subsection 6.1 of Section 6 of this ordinance;

(c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

(d) The total of openable window area in each room is equal to at least the minimum as required under Subsection 6.2 of Section 6 of this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the health officer.

SECTION 9. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

9.1 Every owner of a dwelling containing two 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.

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

9.3 Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Subsection 5.6 of Section 5 of this ordinance.

9.4 Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Subsection 5.7 of Section 5 of this ordinance. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

9.5 Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this ordinance or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

9.6 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the

foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

9.7 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SECTION 10. ROOMING HOUSES

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this ordinance except the provisions of Section 5 and Section 9.

10.1 No person shall operate a rooming house unless he holds a valid *rooming house permit* issued by the health officer in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the health officer for such permit, which shall be issued by the health officer upon compliance by the operator with the applicable provisions of this ordinance and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house, at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the health officer within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

10.2 Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a *hearing* on the matter before the health officer, under the procedure provided by Section 3 of this ordinance.

10.3 Whenever upon *inspection* of any rooming house the health officer finds that conditions or practices exist which are in violation of any provision of this ordinance or of any rule or regulation adopted pursuant thereto, the health officer shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable

period, to be determined by the health officer, the operator's rooming house permit will be suspended. At the end of such period the health officer shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

10.4 Any person whose *permit* to operate a rooming house has been *suspended,* or who has received notice from the health officer that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the health officer, under the procedure provided by Section 3 of this ordinance: *Provided* that if no petition for such hearing is filed within 10 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.

10.5 At least one *flush water closet, lavatory basin,* and *bath tub* or *shower,* properly connected to a water and sewer system approved by the health officer and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities: *Provided* that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the health officer.

10.6 The operator of every rooming house shall change supplied *bed linen and towels* therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

10.7 Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of *floor space,* and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

10.8 Every rooming unit shall have safe, unobstructed *means of egress* leading to safe and open space at ground level, as required by the laws of this state and this (*name of corporate unit*).

10.9 The operator of every rooming house shall be responsible for the *sanitary maintenance* of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

10.10 Every provision of this ordinance which applies to rooming houses shall also apply to *hotels,* except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

SECTION 11. DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

11.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer:

11.1.1 One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

11.1.2 One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

11.1.3 One which because of its general condition or location is insanitary, or otherwise dangerous, to the health or safety of the occupants or of the public.

11.2 Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the health officer, shall be vacated within a reasonable time as ordered by the health officer.

11.3 No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the health officer. The health officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

11.4 No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human

habitation and placarded as such, except as provided in Subsection 11.3.

11.5 Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the health officer, under the procedure set forth in Section 3 of this ordinance.

SECTION 12. PENALTIES *

12.1 Any person who shall violate any provision of this ordinance, or any provision of any rule or regulation adopted by the health officer pursuant to authority granted by this ordinance, shall upon conviction be punished by a fine of not less than ..... dollars or more than ..... dollars, or by imprisonment for not less than ..... days or more than ..... days; and each day's failure to comply with any such provision shall constitute a separate violation.

SECTION 13. CONFLICT OF ORDINANCES: EFFECT OF PARTIAL INVALIDITY

13.1 In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this (*name of corporate unit*) existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of this (*name of corporate unit*) existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

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

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* The penalties which may be prescribed for violations will of course be governed by state constitutional or statutory limitations, and since these vary from state to state, it is necessary to leave blank spaces in the penalty section of this ordinance, to be filled in by local authorities.

SECTION 14. EFFECTIVE DATE *

14.1 This ordinance shall be effective on and after the _____ day of _____, 19__.

* In many states a local ordinance cannot become effective until it has been published, or until a specific period of time after adoption has elapsed, etc. Even in the absence of such requirements, however, it will probably be considered advisable to prescribe an effective date which is at least 30 to 60 days later than the date of adoption of this ordinance, to give ample time for compliance.

APPENDIX

Suggested Set of Rules and Regulations Which May Be Adopted by the Health Officer Pursuant to Authority Granted by Section 4 of the Housing Ordinance

EXPLANATORY NOTE

This set of proposed regulations is intended to be suggestive of the form and substance of the administrative regulations which a health officer administering the *Housing Ordinance* may see fit to formulate and adopt, pursuant to the authority granted by Section 4 of that *Ordinance*. It is emphasized that this draft should serve only as a starting point for the local health officer setting out to formulate a set of regulations, which should be tailored to fit the needs and preferences of the particular community.

It is recommended that the health officer obtain legal counsel from the official legal adviser of the corporate unit in which he exercises jurisdiction before the adoption of regulations which are at variance with, or additive to, those which are set forth in this appendix to the *Housing Ordinance*. All regulations adopted by the health officer, pursuant to the authority granted by Section 4 of that *Ordinance*, must be based on the provisions of, and not be in conflict with, the provisions of that *Ordinance*. For convenience, the following suggestive regulations are referred by section and subsection numbers to pertinent sections of the *Housing Ordinance*. The health officer in a corporate unit which has adopted a modified version of the *Housing Ordinance* should obtain legal counsel before adopting any regulations based on the provisions of the *Ordinance* as adopted.

Regulations Adopted by the (*name of corporate unit*) Health Officer Pursuant to Authority Granted by Section 4 of the Housing Ordinance of This (*name of corporate unit*), Regulating Supplied Facilities, Maintenance, and Occupancy of Dwellings and Dwelling Units

SECTION A. DEFINITIONS

The definitions contained in Section 1 of the *Housing Ordinance* of this (*name of corporate unit*) *Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings and Dwelling Units,* together with the definitions contained in this Section, shall apply in the interpretation and enforcement of these regulations:

A.a *Housing Ordinance* shall mean the *Housing Ordinance* of this (*name of corporate unit*) *Regulating Supplied Facilities, Maintenance, and Occupancy of Dwellings and Dwelling Units.*

SECTION B. PLUMBING AND PLUMBING FIXTURES

(Housing Ordinance Sections 5, 7, 9) *

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to plumbing and plumbing fixtures unless:

B.a All plumbing is so designed and installed as to prevent contamination of the water supply through backflow, back-siphonages, and any other method of contamination. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.b All plumbing is so designed and installed that no potable water supply line or plumbing fixture is directly connected to a nonpotable water supply. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.c Every water supply line is so constructed that there is no possibility of a cross-connection between a potable and nonpotable water supply. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.d Every water supply line is in good working condition and every valve therein is in good working condition. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.e Every water supply inlet is located above the flood level of any installed sink, lavatory, bathtub, or automatic washing machine and similar water-using fixture, or above some unobstructible overflow thereof; and there are no submerged inlets, except submerged inlets installed with a vacuum breaker of a type approved by the health officer. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.f The waste line of every water-using fixture is trapped. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.g Every waste line drains freely without obstruction or leaks. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.h All plumbing and plumbing fixtures are maintained in good working condition, and all plumbing fixtures are kept clean. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.i Water pressure is adequate to permit a proper flow of water from all open water faucets at all times. (Subsections 5.1, 5.2, 5.3, 5.5, 7.4, 9.7.)

B.j Every water closet is of the trap type, with facilities for safe and clean flushing. (Subsection 5.2.)

B.k No water closet is of the so-called "flush hopper," "frostproof hopper," or similar type. (Subsection 5.2.)

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* See explanatory note at the beginning of this appendix.

SECTION C. RUBBISH STORAGE AND DISPOSAL

(Sections 5, 9)

No dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to rubbish storage and disposal unless:

C.a Rubbish stored outdoors is stored in one or more rubbish storage boxes or containers which are flytight, rodentproof, nonflammable, and reasonably waterproof. (Subsections 5.6, 9.3.)

C.b Rubbish stored in the basement or cellar, or in an enclosed structure such as a shed, is stored in nonflammable containers. (Subsections 5.6, 9.3.)

C.c No loose rubbish is placed upon or strewn about on the floor of any basement or cellar or other part of any dwelling, or on the ground surrounding any dwelling. (Subsections 5.6, 9.3.)

SECTION D. GARBAGE STORAGE AND DISPOSAL

(Subsections 5, 9)

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to garbage and garbage storage and disposal unless:

D.a Garbage is disposed of in a garbage incinerator located within the dwelling and installed and operated in a sanitary manner. OR

Garbage is disposed of in one or more flytight and watertight metal garbage storage containers equipped with tightly fitting metal covers, no one of which is smaller than 15 gallons in capacity or larger than 30 gallons in capacity. OR

Garbage is disposed of in a garbage grinder which grinds garbage finely, and is discharged into the kitchen sink drain in a sanitary manner. (Subsections 5.7, 9.4.)

D.b Every outside garbage storage container is so maintained and so located on the premises that no odors will permeate any dwelling or dwelling units. (Subsections 5.7, 9.4.)

D.c Every garbage storage container is cleaned at least weekly. (Subsections 5.7, 9.4.)

D.d No loose garbage is placed upon or strewn about on the floor of any basement or cellar or any other part of any dwelling, or on the ground surrounding any dwelling. (Subsections 5.7, 9.4.)

SECTION E. GAS FACILITIES **(Sections 5, 6)**

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to gas facilities unless:

E.a All gas-burning hot water heaters and space heaters are properly vented to a chimney or duct leading to outdoor space. (Subsections 5.8, 6.5.)

E.b Every gas pipe is sound and tightly put together, with no leaks. (Subsections 5.8, 6.5.)

E.c No gas pipe is corroded or obstructed so as to reduce gas pressure or volume. (Subsections 5.8, 6.5.)

E.d Every gas appliance is connected to a gas line with solid metal piping. (Subsections 5.8, 6.5.)

E.e Gas pressure is adequate to permit a proper flow of gas from all open gas valves at all times. (Subsections 5.8, 6.5.)

SECTION F. ELECTRIC WIRING AND FACILITIES

(Section 6)

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to electric wiring and facilities unless:

F.a Every exposed electric wire has insulation which is in good condition. (Subsection 6.4.)

F.b Every switch plate and outlet plate is properly fastened in position. (Subsection 6.4.)

F.c No short circuit or break exists in any electric line. (Subsection 6.4.)

F.d Every fixture and outlet functions properly and is properly fastened in place. (Subsection 6.4.)

F.e No obvious shock hazard exists. (Subsection 6.4.)

F.f No temporary wiring is used, except extension cords which run directly from portable electric fixtures to convenience outlets, and which do not lie underneath floor-covering materials or extend through doorways, transoms, or other similar apertures through structural elements. (Subsection 6.4.)

F.g No electric circuit is overloaded as a result of connecting appliances which operate at high wattages to outlets supplied with wire of inadequate size. (Subsection 6.4.)

SECTION G. HEATING AND HEATING FACILITIES

(Section 6)

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to heating and heating facilities unless:

G.a When the dwelling or dwelling unit is heated by a central heating system:

(1) The central heating unit is in good operating condition.

(2) Every heat duct, steam pipe, and hot water pipe is free of leaks and functions so that adequate heat is delivered where intended.

(3) Every seal between the sections of a hot air furnace is in good repair. (Subsection 6.5.)

G.b When the dwelling or dwelling unit is heated by space heaters:

(1) Every space heater burning solid, liquid, or gaseous fuels is properly vented to a chimney or duct leading to outdoor space.

(2) Every coal-burning space heater has a fire-resistant panel beneath it.

(3) Every space heater located close to a wall is equipped with insulation sufficient to prevent overheating of the wall.

(4) Every space heater smoke pipe is equipped with guards made of metal or other nonflammable material at the point where the pipe goes through a wall, ceiling, or partition. (Subsection 6.5.)

G.c There are no portable heaters burning solid, liquid, or gaseous fuels. (Subsection 6.5.)

G.d Every smoke pipe and every chimney is adequately supported, reasonably clean, and maintained in such condition that there will be no leakage or backing up of noxious gases. (Subsection 6.5.)

SECTION H. LIGHTING **(Section 6)**

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to lighting unless:

H.a Every public hall, stairway, and foyer has sufficient lighting through windows or from electric lights to provide illumination of at least one foot-candle on every part of such areas at all times of the day and night, except as otherwise provided by Subsection 6.6 of the *Housing Ordinance*. (Subsection 6.6.)

SECTION I. EXCLUSION OF INSECTS AND RODENTS **(Sections 6, 7, 9)**

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to exclusion of insects and rodents unless:

I.a During the period beginning on the _____ day of _____ and ending on the _____ day of _____ in each year, every door opening directly from a dwelling unit to outdoor space is supplied with a screen of not less than 16 mesh per inch and a self-closing device in good operating condition; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, is supplied with a

screen of not less than 16 mesh per inch. (Subsections 6.7, 7.2, 9.5.)

I.b Every basement or cellar window is supplied with a heavy wire screen of not larger than one-fourth inch mesh, which fits tightly and is securely fastened. (Subsections 6.7, 7.2, 9.5.)

SECTION J. FOUNDATION, FLOORS, WALLS, CEILINGS AND ROOMS **(Section 7)**

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to foundations, floors, walls, ceilings, and roofs unless:

J.a The foundation elements adequately support the building at all points. (Subsection 7.1.)

J.b Every floor is free of holes and wide cracks which might admit rodents, or which constitute a possible accident hazard. (Subsection 7.1.)

J.c Every floor is free of loose, warped, protruding, and rotting floor boards. (Subsection 7.1.)

J.d Every exterior wall is free of holes, breaks, loose or rotting boards and timbers, and any other conditions which might admit rodents, rain, or dampness to the interior portions of the walls or to the interior spaces of the dwelling. (Subsection 7.1.)

J.e Every interior wall and ceiling is free of holes and large cracks. (Subsection 7.1.)

J.f Every interior wall and ceiling is free of loose plaster and other structural material, the collapse of which might constitute an accident hazard. (Subsection 7.1.)

J.g Plaster, paint, and all other surface materials are of such character as to be easily cleanable, and are reasonably smooth, clean, and tight. (Subsection 7.1.)

J.h The roof is tight and has no defects which admit rain. (Subsection 7.1.)

SECTION K. WINDOWS, EXTERIOR DOORS, AND BASEMENT HATCHWAYS **(Section 7)**

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to windows, exterior doors, and basement hatchways unless:

K.a Every window is fully supplied with window panes which are without open cracks or holes. (Subsection 7.2.)

K.b Every window sash is in good condition and fits reasonably tightly within its frame. (Subsection 7.2.)

K.c Every window other than fixed windows is capable of being easily opened and held in open position by window hardware. (Subsection 7.2.)

K.d Every exterior door, door hinge, and door latch is in good condition. (Subsection 7.2.)

K.e Every exterior door, when closed, fits reasonably well within its frame.

K.f All windows and doors and their frames are constructed and maintained in such relation to wall construction as completely to exclude rain and substantially to exclude wind from entering the structure. (Subsection 7.2.)

K.g Every basement hatchway is so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling. (Subsection 7.2.)

SECTION L. STAIRWAYS AND PORCHES **(Section 7)** *

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to stairways and porches unless:

L.a Every flight of stairs and porch is free of holes, grooves, and cracks which are large enough to constitute possible accident hazards. (Subsection 7.3.)

L.b Every stair well, and every flight of stairs which is more than two risers high has rails not less than 2 feet, 6 inches, measured vertically from the nose of the treads to the top of the rail, and every porch which is more than two risers high has rails not less than 3 feet, 6 inches above the platform. (Subsection 7.3.)

L.c Every rail and balustrade is firmly fastened and is maintained in good condition. (Subsection 7.3.)

L.d No flight of stairs has settled more than one inch out of its intended position or has pulled away from supporting or adjacent structures. (Subsection 7.3.)

L.e No flight of stairs has rotting or deteriorating supports. (Subsection 7.3.)

L.f The treads of every flight of stairs are uniform in height. (Subsection 7.3.)

L.g Every stair tread is sound and is securely fastened in position. (Subsection 7.3.)

L.h Every stair tread is strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through. (Subsection 7.3.)

L.i Every porch has a sound floor. (Subsection 7.3.)

L.j No porch has rotting or deteriorating supports. (Subsection 7.3.)

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* In accordance with the provisions of Subsection 5.9 of Section 5 of the *Housing Ordinance Regulating Supplied Facilities, Maintenance, and Occupancy of Dwellings and Dwelling Units*, means of egress are governed by the requirements of other state and local laws. The health officer is cautioned to check carefully the existing applicable laws relating to means of egress and not to adopt any regulation which may be in conflict with any provision of said laws.

SECTION M. WATER CLOSET COMPARTMENT AND BATHROOM FLOOR **(Section 7)**

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to water closet compartment and bathroom floors unless:

M.a Every water closet compartment floor and bathroom floor is made of terrazzo, tile, smooth concrete, dense hardwood with tightly fitting joints, rubber, asphalt tile, linoleum, or other similar material providing a surface which is reasonably impervious to water and is easily cleanable; OR

Such floor is made of one of the denser soft woods, with tightly fitting joints, and is covered with varnish, lacquer, or other similar coating providing a surface which is reasonably impervious to water and is easily cleanable. (Subsection 7.5.)

SECTION N. GENERAL SANITATION **(Section 9)**

No dwelling or dwelling unit shall be deemed to comply with the requirements of the *Housing Ordinance* relating to general sanitation unless:

N.a Every floor and floor covering is kept reasonably clean and is not littered or covered with dirt, dust, garbage, human or animal fecal matter, or any other insanitary thing. (Subsections 9.1, 9.2.)

N.b Every wall and ceiling is reasonably clean and is not littered or covered with dust, dirt, cobwebs, or greasy film. (Subsections 9.1, 9.2.)

N.c No stagnant water is allowed to accumulate or stand anywhere about the premises. (Subsections 9.1, 9.2.)

SECTION O. ADOPTION OF REGULATIONS *

I, (*name of health officer*), duly authorized by law to act as health officer of the (*name of corporate unit*) do hereby adopt, on (*date of adoption*) to be effective on and after (*effective date*), the above-listed written regulations pursuant to the authority granted me by Section 4 of the *Housing Ordinance* of this (*name of corporate unit*), *Regulating Supplied Facilities, Maintenance, and Occupancy of Dwellings and Dwelling Units.*

(SIGNATURE) _____

(TITLE) _____

* The health officer cannot legally adopt regulations pursuant to authority granted by Section 4 of the *Housing Ordinance* until after the local effective date of that *Ordinance*, as set forth in Section 14.