

**CHAPTER 152: HOUSING CODE (effective January 29, 2009)**

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#### GENERAL

##### § 152.01 Definitions.

For the purpose of this chapter, unless otherwise specifically provided, the following words and phrases shall have the following meanings ascribed to them respectively:

(A) "**Basement.**" That portion of a building, which is partially or completely below grade. (Amd. Ord. 11/06/2003)

(B) "**Door.**" A swinging or sliding barrier by which an entry is closed or opened. (Amd. Ord. 11/06/2003)

(C) "**Dwelling.**" 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.

(D) "**Dwelling unit.**" 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.

(E) "**Extermination.**" The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest-elimination methods approved by the director of health.

(F) "**Garbage.**" The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(G) "**Habitable room.**" 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.

(H) "**Director of health.**" The legally designated health authority of the town, or his authorized representative.

(I) "**Infestation.**" The presence, within or around a dwelling, of any insects, rodents or other pests.

(J) "**Multiple dwelling.**" Any dwelling containing more than 2 dwelling units.

(K) "**Occupant.**" Any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

(L) "**Operator.**" Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

(M) "**Ordinary minimum winter conditions.**" The temperature 15° F. above the lowest recorded temperature for the previous 10 year period.

(N) **"Owner,"** Any person who, alone or jointly or severally with others:

(1) Shall have legal title to or beneficial interest in any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

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

(O) **"Plumbing."** Shall 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.

(P) **"Rooming unit."** 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.

(Q) **"Rooming house."** Any dwelling, or that part of any dwelling, including motels, hotels, clubs and dormitories, containing one or more rooming units, in which space is occupied by 3 or more persons who are not husband or wife, son or daughter, mother or father, of the owner or operator.

(R) **"Rubbish."** 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 trimming, tin cans, metals, mineral matter, glass, crockery and dust.

(S) **"Supplied."** Paid for, furnished or provided by or under the control of the owner or operator.

(T) **"Temporary housing."** 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.

(U) Meaning of certain words: Whenever the words **"dwelling," "dwelling unit," "rooming house," "rooming unit," "premises,"** are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof " (Adopted 9-5-67)

(V) **"Window."** An opening typically in the wall of a building, for admission of light and air that is usually closed by casements or sashes containing transparent material (such as glass) and capable of being opened or shut. (Amd. Ord. 11/06/2003)

#### **§ 152.02 Director of health to enforce.**

The director of health is authorized to make and, after a public hearing has been held by the director of health of this town, to adopt such written rules

and regulations as may be necessary for the proper enforcement of the provisions of this chapter; provided that the rules and regulations shall not be in conflict with the provisions of this chapter. The director of health shall file a certified copy of all rules and regulations which he may adopt with the clerk of this town. The rules and regulations shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter as hereinafter provided. (Adopted 9-5-67)

## **INSPECTIONS**

### **§ 152.05 Inspection of dwellings, premises, etc.**

The director of health is authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within this town, 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 the inspections, the director of health is 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 director of health free access to the dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of the 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 the dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making the repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter. The foregoing shall not authorize entry by force to make the inspections and in the event the owner or occupant of a dwelling, dwelling unit, or the person in charge thereof, shall refuse to permit entry for the inspection, entry for such purpose shall be allowed only through a properly issued warrant in accordance with law. (Adopted 9-5-67) Penalty, see § 152.199

### **§ 152.06 Coordination of enforcement.**

Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the health department of the municipality. Wherever, in the opinion of the director of health, it is necessary or desirable to have inspections of any condition by any other department, he shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this chapter shall be issued without the approval of the director of health, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question. (Adopted 9-5-67)

### **§ 152.07 Administrative liability.**

Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the housing code shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. No person who institutes, or

assists in the prosecution of, a criminal proceeding under this chapter shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this chapter, shall be defended by the legal representative of the municipality until the final determination of the proceedings therein. (Adopted 9-5-67)

#### **SERVICE OF NOTICE; HEARINGS**

##### **§ 152.10 Notice of violation.**

Whenever the director of health determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of the alleged violation to the person or persons responsible therefore, 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;  
and

(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 contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and the rules and regulations adopted pursuant thereto. (Adopted 9-5-67)

##### **§ 152.11 Grounds for content may be filed.**

Any person aggrieved by a notice of the director of health issued in connection with any alleged violation of this chapter or of applicable rules and regulations issued pursuant thereto, or by any order requiring repair or demolition, may petition the director of health for a conference on the matter. The petition may be filed by means of a letter, setting forth the petitioner's grounds for contesting the notice or order and must be received by the director of health within 21 days after such notice or order was served on the petitioner. (Adopted 9-5-67)

##### **§ 152.12 Time limit.**

The director of health shall set a time and place for the conference and shall advise the petitioner in writing of such time and place within 10 days of the receipt of his petition. (Adopted 9-5-67)

##### **§ 152.13 Designation of referees.**

The director of health shall designate one or more referees to preside at the conference, such referee or referees to be a member or members of the board of review, which shall consist of the fire marshal, the planning director and the building inspector. (Adopted 9-5-67)

**§ 152.14 Powers of referee.**

The referee is authorized to administer oaths and affirmations and to subpoena any witnesses or documents, which may be introduced before him. (Adopted 9-5-67)

**§ 152.15 Record of proceedings.**

A verbatim record of the proceedings before the referee shall be kept for each conference. (Adopted 9-5-67)

**§ 152.16 Time limit for decision.**

Within 10 days following the close of each conference, the referee shall affirm, set aside or modify the notice or order contested by the petitioner, and shall advise the petitioner and the board of review of his decision in writing. (Adopted 9-5-67)

**§ 152.17 Further hearing by board of review.**

Any person aggrieved by the decision of the referee may file a petition for hearing before the board of review within 21 days after such decision has been rendered and served upon petitioner in the manner prescribed for the service of notice in § 152.10. (Adopted 9-5-67)

**§ 152.18 Board of review to grant hearing.**

Upon receipt of a valid petition, the board of review shall grant the hearing requested, and shall advise petitioner of its decision in writing within 10 days of the day on which his petition was received. (Adopted 9-5-67)

**§ 152.19 Notice of hearing.**

When the board of review determines to hold a hearing, it shall serve petitioner with notice of its decision in the manner provided for service of notice in § 152.10. The board of review shall also notify the director of health of its determination, and shall request that a transcript of the record of the conference held pursuant to § 152.11 be filed with the board of review within 10 days of the announcement of the decision. (Adopted 9-5-67)

**§ 152.20 Rights of petitioner.**

At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn, or why the period of time permitted for compliance should be extended. (Adopted, 9-5-67)

**§ 152.21 Conditions for extension of time.**

The hearing shall be on the record of the conference. The board of review, after consideration of the record as a whole, may affirm, modify or revoke the notice of order, and may grant an extension of time for the performance of any act of not more than 6 additional months, where the board of review finds that there is practical difficulty or undue hardship connected with the performance of any act

required by the provisions of this chapter or by applicable rules or regulations issued pursuant thereto, and that the extension is in harmony with the general purpose of this chapter to secure the public health, safety and welfare.  
(Adopted 9-5-67)

**§ 152.22 Conditions for variances.**

The board of review may grant variances from the provisions of this chapter, or from applicable rules and regulations issued pursuant thereto, when the board of review finds that there is practical difficulty or undue hardship connected with the performance of any act required by this chapter and applicable rules and regulations pursuant thereto; that strict adherence to the provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand; and that the variance is in harmony with the general purpose of this chapter to secure the public health, safety and welfare.  
(Adopted 9-5-67)

**§ 152.23 Conditions for setting aside final decision.**

Any person aggrieved by the final decision of the board of review may obtain judicial review by filing in a court of competent jurisdiction, within 21 day? of the announcement of the decision, a petition praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the board of review which shall file in a court a record of the proceedings upon which it based its decision. Upon the filing of the record, the court shall affirm, modify, or vacate the decision complained of in whole or in part. The findings of the board of review with respect to questions of fact shall be sustained if supported by substantial evidence on the record, considered as a whole. (Adopted 9-5-67)

**§ 152.24 Emergency determined by director of health.**

Whenever, in the judgment of the director of health, an emergency exists which requires immediate action to protect the public health, safety or welfare, he may, without notice, conference or hearing, issue an order directing the owner, occupant or other person in charge of the structure to which the provisions of this chapter or applicable rules and regulations pursuant thereto apply, to take such action as is necessary to correct or abate the emergency; or, if circumstances warrant may himself act to abate or correct it. (Adopted 9-5-67)

**§ 152.25 Conference granted to owner.**

The owner, occupant or other person in charge of the structure shall be granted a conference on the matter upon his request, as soon as practicable, but the conference shall in no case stay the abatement or correction of the emergency.  
(Adopted 9-5-67)

**BASIC EQUIPMENT AND FACILITIES, MINIMUM STANDARDS**

**§ 152.30 Compliance required.**

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 provided in §§ 152.30 to 152.39, inclusive. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.31 Kitchen sink required.**

Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the director of health. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.32 Flush water closet and lavatory basin.**

Every dwelling unit (except as otherwise permitted under § 152.34) shall contain a room which affords privacy to a person within the 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 director of health. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.33 Bathtub or shower.**

Every dwelling unit (except as otherwise permitted under § 152.34) shall contain, within a room which affords privacy to a person within the room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the director of health. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.34 Limitation of use of facilities.**

The occupants of not more than 2 dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if;

(A) Neither of the 2 dwelling units contains more than 2 rooms; provided that, for the purposes of this paragraph, a kitchenette or an efficiency kitchen with not more than 60 square feet of floor area shall not be counted as a room;

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

(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 director of health. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.35 Hot and cold water lines.**

Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of §§ 152.31 to 152.34, inclusive, shall be properly connected with both hot and cold water lines. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.36 Rubbish storage.**

Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are approved by the director of health. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.37 Garbage disposal.**

Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, type and location of which are approved by the director of health. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.38 Water-heating facilities.**

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 § 152.35, 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. The supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of § 152.70 are not in operation. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.39 Means of egress.**

Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level. (Adopted 9-5-67) Penalty, see § 152.199

**LIGHT, HEATING; MINIMUM STANDARDS**

**§ 152.45 Compliance required.**

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 provided in §§ 152.45 to 152.53, inclusive. (Adopted 9-5-67) Penalty, see § 152.199

**§152.46 Total Window Area.**

(A) Every habitable room shall have at least one window or skylight facility directly to the outdoors. The minimum total window area measured between stop, for every habitable room shall be 8% of the floor area of such room. Whenever walls or other portions of structures face a window of any portions of structures face a window of any room and light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, the 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 the room, the total window area of the skylight shall equal at least 15% of the total floor area of the room.

**(B) Emergency Egress**

- 1) Every sleeping room shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of a key or tool. Where the windows are provided as a means of egress or rescue, they shall have a sill height of not more than forty-four (44) inches above the floor. All egress or rescue windows from sleeping rooms must have a net clear opening of 5.7 square feet. The minimum net clear opening height shall be twenty-four (24) inches. The minimum net clear opening width shall be twenty (20) inches. Grade floor windows may have a minimum net clear opening of 5.0 square feet. Existing windows shall be permitted to utilize removable sash. To achieve required opening sash shall be capable of being removed without use of key or tool.
- 2) Sliding glass doors may be considered to meet the required window area provided the required square foot area is met.

**(C) Ventilation**

- (1)The glazed areas need not be openable where the opening is not required by §152.46 (B)(2) above, and an approved mechanical ventilation system is provided and capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute per occupant computed on the basis of two (2) occupants for the first bedroom and one (1) occupant for each additional bedroom.

(2) The glazed area may be omitted in rooms where the opening is not required by §152.46 (B)(1) above, and an approved mechanical ventilation system is provided and capable of producing 0.35 air change per hour in the room of a whole-house mechanical ventilation system is installed and capable of supplying outdoor ventilation air of 15 cubic feet per minute per occupant computed on the basis of two (2) occupants for the first bedroom and one (1) occupant for each additional bedroom, and artificial light is provided capable of producing an average illumination of six (6) foot candles over the area of the room at a height of thirty (30) inches above the floor level.

(3) When alcove rooms open without obstruction into adjoining rooms, the required window openings to the outer air shall be based on the combined floor area of room and alcove. For the purposes of determining light and ventilation requirements, any room may be considered as a portion of the adjoining room when at least one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10<sup>th</sup>) of the floor area of the interior room but not less than twenty five (25) square feet. (Adopted 9-5-67) (Am. Ord. 491, passed 11-6-03) Penalty, see §152.199

#### **§ 152.47 Adequate ventilation.**

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 % of the minimum window area size or minimum skylight-type window size, as required in § 152.46, except where there is supplied some other device affording adequate ventilation and approved by the director of health. (Adopted 9-5-67) Penalty, see § 152.199

#### **§ 152.48 Requirements for bathroom and water closet.**

Every bathroom and water-closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in §§ 152.46 and 152.47, 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 director of health. (Adopted 9-5-67) Penalty, see § 152.199

#### **§ 152.49 Electric service requirements.**

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 2 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. (Adopted 9-5-67) Penalty, see § 152.199

#### **§152.50 Heating Facilities.**

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 a least sixty five (65) degrees Fahrenheit at a distance of three (3) feet above floor level, under ordinary minimum winter conditions. (Amd. Ord. 11/06/2003)

**§ 152.51 Public halls and stairways lighted.**

Every public hall and stairway in every multiple dwelling containing 5 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 4 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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.52 Screens required.**

During that portion of each year when the director of health 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. 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 director of health 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 town which are deemed by the director of health to have so few such insects as to render screens unnecessary. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.53 Rodent control.**

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. (Adopted 9-5-67) Penalty, see § 152.199

**DWELLING UNITS, SANITARY MAINTENANCE**

**§ 152.55 Compliance required.**

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 provided in §§ 152.55 to 152.62, inclusive. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.56 Foundation, wall, roof, etc.**

Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight, and rodentproof, and shall be capable of affording privacy and shall be kept in good repair. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.57 Window, exterior door and hatchway.**

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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.58 Stairs and porch.**

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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.59 Installation of plumbing fixtures.**

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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.60 Floor surfaces maintained.**

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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.61 Maintenance of all facilities.**

Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition. (Adopted 9-5-67) Penalty, see § 152.199

**§151.62 Rental or occupancy of vacant dwelling or dwelling unit.**

No owner shall occupy or let to any other occupant any vacant dwelling or dwelling unit unless it is clean, sanitary and fit for human occupancy in compliance with all applicable requirements of this chapter. Penalty, see §152.199. (Amd. Ord. 11/06/2003)

**§ 152.63 Discontinuance of service.**

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling, let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the director of health. (Adopted 9-5-67) Penalty, see § 152.199

**MINIMUM SPACE, USE AND LOCATION REQUIREMENTS**

**§ 152.65 Compliance required.**

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 as provided in §§ 152.65 to 152.69, inclusive. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.66 Floor space.**

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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.67 Space requirement for sleeping rooms.**

In every dwelling unit of 2 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. (Adopted 9-5-67) Penalty, see § 152.199

### **§151.68 CEILING HEIGHT.**

(A) At least ½ of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five 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. (Adopted 9-5-67) Penalty, see §152.199.

(B) Ceiling height in existing basements being converted to habitable space shall not be less than 6 feet, 10 inches clear except under beams, girders, pipes, ducts or other obstructions where the clear height shall be a minimum of 6 feet 6 inches. .

### **§152.69. SMOKE ALARMS.**

(A) Smoke alarms: Smoke alarms shall be installed in the following locations:

- (1) In each sleeping room.
- (2) Outside each separate sleeping area in the immediate vicinity of the bedrooms.
- (3) On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwelling units with split levels and without an intervening door between the adjacent levels a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

The smoke detectors may be battery operated and are not required to be interconnected when other remodeling considerations do not require the removal of the appropriate wall and ceiling coverings to facilitate concealed interconnected wiring.

(B) Carbon Monoxide Detectors:

- (1) Carbon Monoxide detectors shall be installed outside of each sleeping area in the immediate vicinity of the bedroom.
- (2) Exception: Carbon monoxide detectors shall not be required in dwelling units not containing a fuel-burning appliance, fireplace or attached garage.

C) Penalty, see §152.199

### **§ 152.70 Basement space prohibited; conditions.**

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 § 152.45;

(C) The required minimum window area is located entirely above the grade of the ground adjoining the window area; and

(D) The total of openable window area in each room is equal to at least the minimum as required under § 152.47, except where there is supplied some other device affording adequate ventilation and approved by the director of health. (Adopted 9-5-67) Penalty, see § 152.199

#### **OWNER'S RESPONSIBILITY**

##### **§ 152.75 Maintenance of premises.**

Every owner of a dwelling containing 2 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. (Adopted 9-5-67) Penalty, see § 152.199

##### **§ 152.76 Responsibilities of occupant.**

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. (Adopted 9-5-67) Penalty, see § 152.199

##### **§ 152.77 Rubbish disposal.**

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 § 152.36 of this chapter. (Adopted 9-5-67) Penalty, see § 152.199

##### **§ 152.78 GARBAGE DISPOSAL.**

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 § 152.37 of this chapter. It shall be the responsibility of the owner to supply the facilities or containers for all dwelling units in a dwelling containing more than 4 dwelling units and for all dwelling units located on premises where more than 4 dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers. (Adopted 9-5-67) Penalty, see § 152.199

##### **§ 152.79 SCREENS, STORM DOORS AND WINDOWS.**

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 chapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply the service. (Adopted 9-5-67) Penalty, see § 152.199

##### **§ 152.80 EXTERMINATION OF INSECTS, RODENTS.**

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. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition extermination shall be the responsibility of the owner. Whenever infestation exists in 2 or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing 2 or more dwelling units, extermination thereof shall be the responsibility of the owner. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.81 PLUMBING FIXTURES.**

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. (Adopted 9-5-67)  
Penalty, see § 152.199

**ROOMING HOUSES**

**§ 152.85 COMPLIANCE REQUIRED; EXCEPTION.**

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 chapter, except the provisions of §§ 152.30 through 153.53. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.86 ROOMING HOUSE PERMIT.**

No person shall operate a rooming house unless he holds a valid rooming house permit issued by the director of health in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the director of health for the permit, which shall be issued by the director of health upon compliance by the operator with the applicable provisions of the chapter 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. The permit shall be nontransferable. Every person holding such a permit shall give notice in writing to the director of health within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of the rooming house. The notice shall include the name and address of the person succeeding to the ownership or control of the 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. For every permit issued hereunder and for each annual renewal, there shall be paid to the health department, for the use of the town, a permit fee of \$10 by each rooming house of 5 rooming units or less and \$50 by each rooming house of 6 rooming units or more. (Adopted 9-5-67; amend. Ord. 167, passed 4-18-78) Penalty, see § 152.199

**§ 152.87 Inspection.**

Whenever, upon inspection of any rooming house, the director of health finds that conditions or practices exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the director of health shall give notice in writing to the operator of such rooming house that unless the conditions or practices are corrected within a reasonable period, to be determined by the director of health, the operator's rooming house permit will be suspended. At the end of the period the director of health shall reinspect the rooming house, and if he finds that the 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, the operator shall immediately cease operation of the rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.88 Permit suspended; conference granted.**

Any person whose permit to operate a rooming house has been suspended, or who has received notice from the director of health 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 conference and hearing on the matter under the procedure provided by §§ 152.10 to 152.25, inclusive; provided that, if no petition for such conference and hearing is filed within 21 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. (Adopted 9-5-67)

**§ 152.89 Plumbing facility requirements.**

At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the director of health and in good working condition, shall be supplied for each 6 persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the facilities; provided that, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1/2 the required number of water closets. All of the facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing the 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 director of health. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.90 Bed linen and towels supplied.**

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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.91 Floor space in sleeping rooms.**

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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.92 Means of egress.**

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 town. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.93 Sanitary maintenance.**

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. 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. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.94 Hotels, motels, dormitories, clubs.**

Every provision of this chapter which applies to rooming houses shall also apply to hotels, motels, dormitories and clubs, 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. (Adopted 9-5-67) Penalty, see § 152.199

**UNFIT DWELLINGS; LEGAL PROCEDURE**

**§ 152.100 Compliance required.**

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 as provided in §§ 152.100 to 152.105, inclusive. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.101 Defects in unfit dwellings.**

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 director of health:

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

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

(C) One which because of its general condition or location is unsanitary, or otherwise dangerous, to the health or safety of the occupants or of the public. (Adopted 9-5-67) Penalty, see §152.199

**§ 152.102 Unfit dwellings vacated.**

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the director of health, shall be vacated within a reasonable time as ordered by the director of health. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.103 Written approval required to reoccupy.**

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 the placard is removed by, the director of health. The director of health shall remove the placard whenever the defect or defects, upon which the condemnation and placarding action were based, have been eliminated. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.104 Placards on unfit dwellings.**

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 § 152.103. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.105 Conference and hearing granted.**

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 conference and hearing on the matter under the procedure set forth in §§ 152.10 to 152.25, inclusive. (Adopted 9-5-67)

**VIOLATION**

**§ 152.110 Prohibited.**

No person shall violate any provision of this chapter, or any provision of any rule or regulation adopted by the director of health pursuant to authority granted by this chapter. (Adopted 9-5-67) Penalty, see § 152.199

**§ 152.199 Penalty.**

Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be fined not less than \$10 nor more than \$25 or imprisoned not less than 10 days nor more than 25 days. Each day's violation shall constitute a separate offense. (Adopted 9-5-67)

AMENDMENTS

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