

## **Chapter 16**

### **HOUSING STANDARDS**

AN ORDINANCE establishing minimum standards governing the conditions and maintenance of residential dwellings; establishing minimum standards governing in supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation; determining acceptable occupancy of space; 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; providing for the issuance of permits and collection of fees thereof; and fixing penalties for violations of its provisions.

WHEREAS, There are or may be in the City of Sandusky dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or unsanitary, or otherwise substandard in one or more important features of structures, equipment, facility, maintenance or occupancy as to constitute a menace and detriment to the health, safety and general welfare of the people of this City, and

WHEREAS, such dwelling structures are a principal cause of deterioration and blight in residential areas; and

WHEREAS, the owner and occupants of dwelling structures have certain responsibilities to prevent the blighting of residential areas and the burdens they create for the City at large; and

WHEREAS, A Housing Chapter is essential to establish these responsibilities and to set minimum housing standards adequate to protect public health, safety and general welfare and to halt the spread of blight;

#### **16.01.00 Title and Scope**

##### **16.01.01 Title**

This ordinance shall be known as the “Housing Chapter”, and may be cited as such, and will be referred to herein as “this Chapter”.

##### **16.01.02 Purpose**

The purpose of this chapter is to provide minimum requirements for the protection of health, safety, and welfare, of the general public and the owners and occupants of residential buildings.

#### **16.02.00 Definitions**

**General.** For the purpose of this Chapter, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this Section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine. The word “shall” is always

mandatory and not merely directory. Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

**16.02.01 Apartment** shall mean dwelling unit as defined in this Chapter.

**16.02.02 Apartment house** is a building or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in dwelling units as defined in this Chapter.

**16.02.03 Approved** shall mean constructed, installed and maintained in accordance with the provisions of this Chapter and other pertinent ordinances of the City of Sandusky, and with the rules and regulations adopted pursuant thereof.

**16.02.04 Basement** is that portion of a building located partly underground but having less than half of its clear floor-to-ceiling height below the average natural level of the adjoining ground.

**16.02.05 Boarding house** is a lodging house in which meals are provided.

**16.02.06 Building Inspector** shall mean the Building Inspector of the City.

**16.02.07 Ceiling height** shall be the clear vertical distance from the finished floor to the finished ceiling.

**16.02.08 Cellar** is that 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 natural level of the adjoining ground.

**16.02.09 City** of the City of Sandusky.

**16.02.10 Dwelling** is any building or structure, except temporary housing as herein defined, which is wholly or partly used or intended to use for living, sleeping, cooking and eating by human occupants.

**16.02.11 Dwelling unit** is a room or a group of rooms located within a dwelling and forming a single habitable unit with facilities which are used for living, sleeping, cooking and eating.

**16.02.12 Exit** is a continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smoke proof enclosures, horizontal exits, exterior courts and yards.

**16.02.13 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 eliminative methods approved by the Building Inspector.

**16.02.14 Floor area** shall mean the net floor area within the enclosing walls of the room excluding build-in equipment such as wardrobes, cabinets, kitchen units, or fixtures.

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

**16.02.16 Guest room** is any room or rooms used, or intended to be used by a guest for sleeping purposes.

**16.02.17 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, communicating

corridors, stairways, closets, unfinished attics, cellars, basement recreation rooms, private workshops or hobby rooms, utility rooms, and storage spaces.

**16.02.18 Health officer** is the City of Sandusky Health Officer.

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

**16.02.20 Multiple dwelling** shall mean any dwelling containing three or more dwelling units.

**16.02.21 Nuisance** The following shall be defined as nuisances:

- A) Any public nuisance known at common law or in equity jurisprudence.
- B) Any attractive nuisance which may prove detrimental to children whether in a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any trash, fences, debris, lumber, or vegetations which may provide a hazard for inquisitive minors.
- C) Whatever is dangerous to human life or is detrimental to health.
- D) Overcrowding a room with occupants.
- E) Insufficient ventilation or illumination.
- F) Inadequate or unsanitary sewage or plumbing facilities.
- G) Uncleanliness.
- H) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

**16.02.22 Occupant** shall mean any person including an owner or operator living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

**16.02.23 Openable area** shall mean that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**16.02.24 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.

**16.02.25 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 Chapter and rules and regulation adopted pursuant thereto, to the same extent as if he were the owner.

**16.02.26 Person** shall mean and include an individual, firm, corporation, association or partnership.

**16.02.27 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, bath tubs, shower bathes, installed cloth-washing machines, catch basins, drains, storm

drains, vents, and other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

**16.02.28 Premises** shall mean a lot, plot, or parcel of land including the building and structures thereon.

**16.02.29 Rooming house** shall mean any dwelling, or part thereof 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 to the owner or operator.

**16.02.30 Rooming unit** shall mean any rooms 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.

**16.02.31 Rubbish** shall mean all 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, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and fecal material.

**16.02.32 Single-family dwelling** shall mean any dwelling containing one dwelling unit.

**16.02.33 Substandard building** (See Section 12.)

**16.02.34 Unfit dwelling** shall mean any dwelling, dwelling unit, rooming house or rooming unit, in whole or in part, which shall be found to have any of the following defects shall be deemed to be unfit for human habitation:

- A) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to health or safety of the occupants or to the public.
- B) One which lacks light, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this Chapter.
- 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.

### **16.03.00 Enforcement**

**16.03.01 Authority** The Building Inspector is hereby authorized and directed to administer and enforce all of the provisions of this Chapter.

**16.03.02 Right of Entry** Following notification filed in writing with the owner or occupier of any dwelling or dwelling unit or premises further filed with the City Council, the Building Inspector and/or health Officer, or their duly authorized representatives, upon presentation of proper credentials may at all reasonable times enter any building, dwelling unit or premises to determine if it complies with the provisions of this chapter.

**16.03.03 Notice of Violation** Whenever the Building Inspector and/or Health Officer determines that there exists a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such violation to the person or persons responsible therefore and order compliance. Such notice and order shall:

- A) Be in writing.
- B) Include a list of violations referring to the sections of the Chapter violated.
- C) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Code.
- D) Set a reasonable time, not to exceed 90 days in any event for compliance.
- E) Advise the owner or occupant of the procedure for appeal.
- F) Be served upon the owner, his agent, or the operator, or occupant by delivering the same at his residence, office or place of business with some person of suitable age and discretion who shall be informed of the contents thereof, or by mailing a copy thereof by certified mail, return receipt requested, to his last known address, or if the person to be served is unknown, by posting said notice in some conspicuous place on the premises.
- G) If necessary, and anything herein to the contrary notwithstanding, also require the dwelling or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Inspector.

#### **16.03.04 Duplicate Notice of Violation**

Whenever the owner, his agent or the operator of a dwelling is notified by the building inspector and/or health officer of a violation for which he is responsible, a copy of the notice of violation shall also be posted on the premises, delivered or sent by certified mail, return receipt requested, to the occupants of the dwelling; and whenever an occupant is notified by the building inspector and/or health officer of a violation for which he is responsible, a copy of the notice of violation shall also be delivered, or sent by certified mail, return receipt requested, to the owner of the dwelling. Failure to send such duplicate notice, however, shall not affect the validity of any proceedings against the owner or occupant.

#### **16.03.05 Appeals**

Any person served with a notice of violation or order which has been issued in connection with the enforcement of this Chapter may request and shall be granted a hearing on the matter before the Council of the City, provided that such a person shall file in the office of the building inspector a written petition requesting such hearing and setting forth the name, address, and phone number of the petitioner requesting such hearing. Petition shall be filed within 10 days after the day the notice of violation and order is served. Upon receipt of such a petition, the Building Inspector shall set a date not to exceed 30 days, for a hearing before the Common Council of the City, and shall give the petitioner written notice thereof. If the violator does not appear for the hearing, the provisions of this Code shall be enforced.

### **16.03.06 Decisions**

After the hearing, the Council of the City, shall sustain, modify or withdraw the notice of violation and order depending upon its findings. If it clearly appears that, by reasons of special conditions, undue hardship would result from the strict application of any section of this Chapter, the Council may permit a variance from the mandatory provisions thereof, in such a manner that the public safety shall be secured, substantial justice done and the spirit of the provisions of this Code upheld.

### **16.03.07 Orders to Condemn**

Any dwelling, rooming house, hotel, motel or other structure covered by the provisions of this chapter may be condemned as unfit for human habitation by the Building Inspector and/or Health Officer if the owner, operator or occupant fails to comply with any provision of this Code.

### **16.03.08 Orders to Vacate**

Where a notice of violation and order to comply has been served pursuant to Subsection 3.03 and upon re-inspection at the end of the time specified for compliance it is found that the violation or violations have not been corrected and if no petition for hearing before the Council of the City, is pending, the Building Inspector may order the dwelling or the parts thereof affected by the continued violations vacated in accordance with the following procedures:

- A) Dwellings or parts thereof shall be vacated within a reasonable time not to exceed 60 days.
- B) No owner or operator shall let any person occupy a dwelling unit which has been condemned and posted after the time allowed by the building Inspector for vacating.
- C) Vacated dwellings shall have all outer doors and windows barricaded to prevent entry.
- D) Vacated dwellings shall have posted at each entrance a sign to read **"DO NOT ENTER...UNSAFE TO OCCUPY."**
- E) Vacated dwellings or parts thereof shall not again be used for human habitation until all violations have been corrected and written determination is obtained from, and such notice or placard is removed by the Building Inspector and/or Health Officer indicating that the dwelling complies with this Code.
- F) If a dwelling or part thereof is not vacated within the time specified in the vacation order, the Building Inspector and/or Health Officer may cause the owner of the dwelling prosecuted as a violator of the provisions of this Code, and may cause the order to vacate to be carried out at expense of the City. A statement of the cost of such work shall be transmitted to the City Council who shall cause the cost to be paid and levied as a special assessment against the property.

### **16.03 09 Non-Compliance**

In case the owner shall fail, neglect or refuse to comply with the notice and order to improve, rehabilitate, or demolish and remove the condemned dwelling or portion thereof, the Building Inspector and/or Health Officer may cause the owner of the dwelling prosecuted as violator of the provisions of this notice at the expense of the city. A statement of the cost of such work shall be transmitted to the Council of the City, who shall cause the same to be paid and levied as a special assessment against the property.

### **16.03.10 Right to Demolish**

The Building Inspector and/or Health Officer may cause any vacant building or structure to be demolished and removed at the expense of the City after violation notices and orders for condemnation in a manner provided in subsection 3.03, 3.07, and 3.08, when these buildings or structures constitute an immediate menace to public health, safety or welfare. A statement of the cost of such work shall be transmitted to the Council of the City, which shall cause the same to be paid and levied as special assessment against the property.

### **16.03.11 Unauthorized Removal of Notice or Placard**

**NO PERSON SHALL INTERFERE** with, obstruct, mutilate, deface, or remove the official notice or placard from any dwelling or dwelling unit.

### **16.03.12 Costs**

Costs incurred under Subsection 3.08 f, 3.09 and 3.10 shall be paid out of the City Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments.

## **16.04.00 Minimum Standards for Basic Equipment and Facilities**

No person shall occupy as owner-occupant or shall 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:

### **16.04.01 Kitchen Sink**

Every dwelling unit shall contain a room or space for the storage, preparation, and cooking of food, which shall include space for a stove or other cooking facilities and space for dry food storage, and space for refrigerated food storage; and shall include a kitchen sink installed. The sink shall be of non-absorbent material, in good working condition and properly connected to hot and cold running water system under pressure and sewer system, which sink and systems shall be installed and maintained in a manner prescribed by ordinances, rules and regulations of the City of Sandusky.

#### **16.04.02 Lavatory Facilities**

Every dwelling unit (except as otherwise permitted under Subsection 4.03) shall be equipped with a complete bathroom group consisting of a flush water closet which shall be connected to an approved sewer system and to an approved cold running water system under pressure. The flush water closet and bathtub or shower need not be installed in the same room, but said room or rooms shall afford privacy to a person within said rooms.

#### **16.04.03 Sharing of Facilities by Dwelling Units in Same Structure**

The occupants of not more than two dwelling units which are located in the same structure may share a single bathtub or shower provided:

- A) Neither of the two rooms; however, for the purpose of this subsection, a kitchenette or an efficiency kitchen not more than 60 square feet of floor area shall not be counted as a room.
- B) The water closet, lavatory basin, and bathtub or shower shall be in a good working condition, installed and maintained, and properly connected as required in Subsection 4.02.
- C) The shower facility or facilities shall be located within the dwelling so as to be accessible from a common hall or passageway to all persons sharing such facility or facilities; and that;
- D) The shower facility or facilities are contained within room or rooms, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling.

#### **16.04.04 Rubbish Storage and Garbage Disposal**

Every dwelling unit shall have adequate rubbish and garbage storage containers in which to place the garbage and rubbish produced therein. The containers shall consist of watertight cans, not more than 20 gallons in capacity, equipped with adequate handles.

#### **16.04.05 Water Heating Facilities**

Every dwelling unit shall have supplied water heating facilities which are properly installed, maintained in a safe and good working condition, properly connected with hot waterlines required under subsection 4.01, 4.02 and 4.03 of this Code, 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 degrees F, even when the heating facilities required by this Code are not in operation.

#### **16.04.06 Rooming House – Additional Sanitary Standards**

No rooming house shall be occupied unless all of the following conditions are complied with:

- A) Lavatories**



Every rooming house shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each 6 persons or fraction thereof living within the rooming house, including members of the family of the owner or operator if they share the use of facilities. Such facilities shall be properly connected to approved water and sewage systems. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this subsection except when approved by the building inspector and/or the health officer. Every flush water closet, flush urinal, lavatory basin, and bathtub or shower required by the subsection shall be located within the rooming house in a room or rooms which:

- i) Afford privacy and are separate from the habitable rooms.
- ii) Are accessible from a common hall and without going outside the rooming house.
- iii) Are not more than one story removed from the rooming unit or any occupant intended to share facilities.

**B) Bedding and Towels**

Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

**16.05.00 Minimum Standards for Light, Ventilation and Heating**

No person shall occupy as owner-occupant or let to another for occupancy and dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for ventilation, light and heating:

**16.05.01 Windows**

Every habitable room shall have at least one window facing directly to the outdoors. The minimum total window area for every habitable room shall be not less than one-eighth of the floor area of such room or less than 12 square feet, whichever is greater. Wherever 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 percent of the total floor area of such rooms.

**16.05.02 Electric Lighting**

Every habitable room 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 bathroom, water closet, compartment, laundry room, furnace room and public hall shall contain least one supplied

ceiling or wall-type electric light fixture. Every such outlet and fixture shall be in working condition.

#### **16.05.03 Lighting of Public Halls**

Every public hall and stairway in every multiple dwelling and rooming house shall be adequately lighted with lighting facilities sufficient to provide at least one foot candle of light at the floor or stair tread level at all times. Every public hall and stairway in a structure 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.

#### **16.05.04 Lighting of Bathrooms**

Every bathroom and water closet compartment shall conform to the lighting requirements for habitable rooms.

#### **16.05.05 Ventilation**

Every habitable room shall have at least one window or skylight opening directly to the outdoors 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 one-half of the minimum total window area required in subsection 5.01.

#### **16.05.06 Ventilation of Bathrooms**

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsection 5.02, 5.03, and 5.05, except where the bathroom or water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation.

#### **16.05.07 Screening**

Every door opening directly from a dwelling unit to outdoor space shall have supplied screens and 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. Screens shall not be required on windows in rooms above the fourth story. All screens shall not be less than number 16 wire mesh.

#### **16.05.08 Screens on Basement Windows**

Every basement or cellar window used for 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.

#### **16.05.09 Heating**

Every dwelling shall have heating facilities which are properly installed, maintained in 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 68 degrees F. at a distance of 3 feet above floor level, when the outside temperature is 10 degrees F. Such facilities shall be installed and maintained in a safe condition and in accordance with all other applicable laws. No un-vented or open flame gas heater shall be permitted. All heating devices or appliances shall be an approved type.

#### **16.06.00 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 minimum standards for space, location and occupancy;

##### **16.06.01 Size of Rooms**

In every dwelling unit every room shall contain at least 80 square feet of floor area, except that kitchens, kitchenettes and dinettes may be 60 square feet in area. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 80 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. Every room used as a living room shall have a minimum dimension of not less than 10 feet. Every other habitable room except a kitchen, shall have a minimum dimension of not less than 7 feet.

##### **16.06.02 Ceiling Height**

At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7.6 feet. The floor area of that part of any room where the ceiling height is less than 5 feet or when the room width is less than 7 feet shall not be considered in the computing the useable floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

##### **16.06.03 Privacy**

Access to all rooms of a dwelling unit shall be provided without passing through a public corridor or passageway. Access to every living room and to every bedroom shall be had without passing through a bedroom or through a room containing a water closet. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to bathroom or water closet compartment intended for use by the occupants of more than one sleeping room can be had only by going through another sleeping room. In a one and two-family dwelling, the provisions of this section shall not apply to a sleeping porch, sun parlor, solarium or other enclosed outside porch adjacent to and entered by way of a bedroom.

##### **16.06.04 Cellars**

No cellar space shall be used as a habitable room or dwelling unit; provided, however, that this subsection shall not prohibit a recreation room in a cellar as long as it is not used for sleeping purposes. Such room cannot be used in computing the total floor area of the dwelling for the purpose of determining the maximum permissible occupancy thereof.

#### **16.06.05 Basements**

No basement shall be used for living purposes unless:

- A) The floor and walls are substantially watertight.
- B) The total window area, total operable area and ceiling height are in accordance with subsection 6.01 through 7.03 of the Ordinance.
- C) The required minimum window area of every habitable room is entirely above grade of the ground adjoining such window area, not including stairwells or access ways.

#### **16.06.06 Kitchen, use of Jointly by More Than One Family Prohibited**

No kitchen or cooking accommodation shall be permitted or maintained in any room or space of any building for the common or joint use of the individual occupants of a two-family or multiple family dwelling.

#### **16.06.07 Prohibited Uses**

No horse, cow, calf, swine, sheep, goat, chickens, geese, ducks, donkeys, or rabbits shall be kept in any dwelling or part thereof. No such animal or fowl shall under any circumstances be kept on the same lot or premises with a dwelling unless they are maintained in connection with the operation of a bona-fide farm. No dwelling, or the lot or premises thereof, shall be used for the storage or handling of rags or junk.

#### **16.06.08 Temporary or Garage Dwellings**

It shall be unlawful to erect or occupy any structure which is intended to be occupied in whole or in part as a temporary dwelling unless it complies with all the provisions of this Code.

#### **16.06.09 Access to Public Street**

Every dwelling shall have direct vehicular access to a public street. For those dwellings which do not front upon a public street, there shall be a recorded permanent, unobstructed easement, other than an alley, not less than 20 feet in width which leads to a public street.

#### **16.06.10 Certificate of Compliance**

No building constructed as or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the building inspector that said dwelling substantially conforms in all respects to the requirements of this Code. Such certificate shall be issued within 15 days after written application therefore if said dwelling at the date of such application shall be entitled thereto.

#### **16.06.11 Unlawful Occupation**

If any building constructed as or altered into a dwelling be occupied in whole or in part for human habitation in violation of subsection 6.11, during such unlawful occupation no rent shall be recoverable by the owner or lesser of such premises for said period, and no action or special proceedings shall be maintained therefore or payment of such for possession of said premises for non-rent, and aid premises shall be deemed unfit for human habitation and the building inspector may cause them to be vacated accordingly.

#### **16.07.00 General Requirements Relating to the Safe and Sanitary Maintenance of Dwellings and Non-Dwelling Structures**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, rooming house, or guest room which does not comply with the following minimum standards for safe and sanitary maintenance:

##### **16.07.01 Foundations, Exterior Walls and Roofs**

Every foundation, exterior wall and roof shall be substantially weather tight, watertight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

##### **16.07.02 Floors, Interior Walls and Ceiling**

Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

##### **16.07.03 Windows, Exterior Doors and Basement Hatchways**

Every window, exterior door and basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent proof and shall be kept in sound working condition and good repair.

##### **16.07.04 Stairways and Porches**

Every inside and outside stair, porch, and any appurtenance thereto shall 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.

##### **16.07.05 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.

##### **16.07.06 Bathroom Floor Surface**

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

**16.07.07 Drains**

All rain water shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceiling or floor of any habitable room, or of any bathroom or water closet compartment.

**16.07.08 Exterior Wood Surfaces**

All exterior wood surfaces shall be adequately protected from water seepage and against deterioration with a paint covering or some other suitable material.

**16.07.09 Walls, Ceilings and Interior Woodwork**

All walls, ceilings, interior woodwork, doors and windows shall be kept free from flaking, peeling or loose paint.

**16.07.10 Maintenance of Required Equipment and Utilities**

Every supplied facility, piece of equipment or utility which is required under this Ordinance, and every chimney and smoke-pipe, shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

**16.07.11 Cooking Equipment**

No owner, operator or occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards.

- A) Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.
- B) Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited.

**16.07.12 Removal of Service, Facility, Utility or Equipment**

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 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 Building Inspector and/or Health Officer.

**16.07.13 Occupancy of Vacant Dwelling**

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

**16.07.14 Non-Dwelling Structures and Fences**

Every non-dwelling structure and fence shall be properly maintained and kept in good repair or shall be removed.

#### **16.08.00 Egress**

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. For each dwelling unit of every multiple dwelling above the first story, there shall be access to 2 separate usable, unobstructed means of egress either of which is accessible without passing through the other, and every exit from such dwelling units shall lead to a public thoroughfare either directly or through a court or yard.

#### **16.09.00 Responsibilities of Owners, Operators and Occupants**

The following responsibilities of owners, operators and occupants are in addition to those specified elsewhere throughout this Code.

##### **16.09.01 Public Areas**

Every owner or operator of a dwelling containing more than two dwelling units or rooming house shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. In all other cases it shall be the responsibility of the occupant.

##### **16.09.02 Dwelling Unit**

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

##### **16.09.03 Supplied Facilities**

Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

##### **16.09.04 Removal of Waste Matter**

Every occupant of a dwelling unit shall dispose of all his rubbish, ashes, garbage, and other organic waste, which might provide food for rodents, in a clean and sanitary manner by placing it in garbage disposal facilities, or garbage storage containers or rubbish containers, required in subsection 4.04 of this Code. Every occupant shall provide such facilities for and within his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a dwelling containing more than 2 dwelling units shall be responsible for the clean and sanitary manner. The owner or operator of a dwelling containing more than 2 dwelling units shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection or disposal by owner or occupant of all common garbage and rubbish containers, except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection. Every owner or operator of every

rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in storage or disposal facilities required by subsection 5.04.

#### **16.09.05 Screens**

Every owner or operator of a dwelling containing more than 2 dwelling units shall be responsible for hanging and removing all supplied screens, screen doors or storm doors or windows. In all other cases, it shall be the responsibility of the occupant.

#### **16.09.06 Extermination of Pests**

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Every occupant of a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any 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 shall be the responsibility of the owner or operator. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises.

#### **16.09.07 Notice of Maximum Occupancy**

Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under this Code.

### **16.10.00 Rooming Housed, Motels and Hotels**

No person shall operate a rooming house, motel or hotel, or shall occupy or let to another for occupancy any rooming unit in any rooming house, motel or hotel, except in accordance with the provisions of every section of this Code except the provisions of Section 4 and 9.

#### **16.10.01 Basic Equipment**

Every rooming house, motel or hotel shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower, properly connected to a water and sewer system approved by the Building Inspector and the Health Officer and in good working condition. These facilities shall be supplied for each 6 persons or fraction thereof residing within a rooming house, including members of the operator's family if they share the use of the facilities. In a rooming house, motel or hotel in which both sexes are accommodated, a minimum of 2 flush water closets and lavatory basins located in separate rooms which are conspicuously marked shall be required. In a rooming house, motel or hotel in which 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 rooming house, motel or hotel as to be accessible from a common hall to all persons sharing such facilities, afford privacy and be separated from the habitable rooms. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in basement except by a written approval of the Building Inspector and/or Health Officer.

#### **16.10.02 Bedding, Bed Linen and Towels**

The owner or operator of every rooming house, motel or hotel shall maintain the supplied bedding in a clean and sanitary manner, shall change supplied bed linens and towel therein at least once a week, and prior to the letting of any room to any occupant.

#### **16.10.03 Minimum Space**

Every room occupied for sleeping purposes by one person shall contain at least 80 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.

#### **16.10.04 Means of Egress**

Every rooming unit in a rooming house, motel or hotel shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the laws of the State of Michigan.

#### **16.10.05 Sanitary Maintenance by Owner**

The owner or operator of every rooming house, motel or hotel shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the 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 is a building leased or occupied by the operator.

### **16.11.00 Substandard Buildings**

Any building or portion thereof including any dwelling, dwelling unit, rooming house, rooming unit or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the health, safety and welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building and shall be condemned as unfit for human habitation:

#### **16.11.01 Inadequate Sanitation**

Which shall include but not be limited to the following:

- A) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.
- B) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of persons in a rooming house, motel or hotel.
- C) Lack of, or improper kitchen sink.

- D) Lack of hot and cold running water to plumbing fixtures in a dwelling unit, rooming house, motel or hotel.
- E) Lac of adequate heating facilities.
- F) Lack, or improper operation of required ventilating equipment.
- G) Lack of minimum amounts of light and ventilation required by this Code.
- H) Room and space dimensions less than required by this Code.
- I) Dampness of habitable rooms.
- J) Infestation of insects, vermin or rodents.
- K) General dilapidation or improper maintenance.
- L) Lack of connection or required sewage disposal system.
- M) Improperly enclosed, ventilated or unsanitary under floor area.
- N) Lack of adequate garbage and rubbish storage and removal facilities.

#### **16.11.02 Structural Hazards**

Which shall include but not be limited to the following:

- A) Deteriorated or inadequate foundations.
- B) Defective or deteriorated flooring or floor supports.
- C) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- D) Members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- E) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
- F) Members of ceilings, roofs, ceiling and roof supports or other horizontal members with sag, split, or buckle due to defective material or deterioration.
- G) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- H) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration, or which are of insufficient size or strength to carry imposed loads with safety.

#### **16.11.03 Nuisance**

Any nuisance as defined in subsection 16.02.21 of this Code.

#### **16.11.04 Unfit Dwelling**

Any dwelling or dwelling unit unfit for human habitation as defined in subsection 2.34 of this code.

#### **16.11.05 Hazardous Wiring**

All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

#### **16.11.06 Hazardous Plumbing**

All plumbing except that which is specifically allowed or approved by this Code and other applicable chapters of the City of Sandusky and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

#### **16.11.07 Hazardous Mechanical Equipment**

All mechanical equipment including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

#### **16.11.08 Faulty Weather protection**

Which shall include but not be limited to the following:

- A) Deteriorated, crumbling, or loose plaster.
- B) Deteriorated or ineffective waterproofing of exterior walls, roof, foundation, or floors, including broken windows or doors.
- C) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
- D) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

#### **16.11.09 Fire Hazard**

Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation on surrounding property which in the opinion of the Chief of the Fire Department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

- A) Any building having been damaged by fire, water, or acts of God must be repaired, improved, rehabilitated or demolished within six (6) months after the date of such damage to meet proper City chapters.
- B) Section 16.03.09 shall prevail.

#### **16.11.10 Relocated Dwellings**

Dwellings which have been moved in the City shall be brought up to meet minimum City and County chapters within sixty (60) days.

#### **16.11.11 Hazardous or Unsanitary Premises**

Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards.

#### **16.11.12 Inadequate Exits**

All buildings or portions thereof not provided with adequate exit facilities as required by this Code except those buildings or portions thereof whose exit facilities conform with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition or any change in occupancy.

#### **16.11.13 Inadequate Fire Protection or Fire Fighting Equipment**

All buildings or portions thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by this Code except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and which fire resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

#### **16.11.14 Improper Occupancy**

All buildings or portions thereof occupied for living, sleeping, cooking, or eating purposed which were not designed or intended to be used for such occupancies.

#### **16.12.00 Penalties**

Any person violating any provisions of this Code shall upon conviction be responsible for a second degree civil infraction each day's failure to comply with any such provision shall constitute a separate violation. (Amended\_\_\_\_\_)

#### **16.13.00 Conflict with Other Ordinances and Laws**

When a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety and health ordinances or chapter of the City of Sandusky existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. Where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or chapter of the City of Sandusky which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Code shall be deemed to prevail.

#### **16.14.00 Partial Invalidity**

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