

# CHAPTER 151: HOUSING CODE

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## 151.01 APPLICABILITY OF CHAPTER

(a) Every portion of a building or its premises used or intended to be used for any dwelling purpose shall comply with the provisions of this chapter, irrespective of when the building has been constructed, altered, or repaired and irrespective of any permits or licenses which have been issued for the use or occupancy of the building and building premises, for the construction or repair of the building, or for the installation or repair of building equipment prior to the effective date of this chapter.

(b) This chapter establishes minimum standards for the initial and continued occupancy of all dwellings and rooming houses, and does not replace or modify standards otherwise established for the construction, repair, or use of buildings or the installation of building equipment, except as they may be in conflict with the provisions of this chapter as provided in 151.03.

(c) Bomb shelter or fall out shelter

This chapter shall have no application to any structure designed originally to be used and used as a bomb or fall out shelter and so approved by the Commissioner of Buildings. ('72 Code, 44.01, 44.02) (Ord. 2231-1966)

## 151.02 DEFINITIONS

(a) For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(b) Whenever the words "DWELLING", "DWELLING UNIT," "ROOMING HOUSE," "ROOMING UNIT," or "PREMISES" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

(c) "ATTIC" - The space between the ceiling beams of the top habitable story and the roof rafters.

(d) "BASEMENT" - A portion of a building located partly underground but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(e) "BUILDING" - Includes all structures of every kind and description including but not limited to dwelling, dwelling unit, rooming house, or rooming unit.

(f) "BUILDING COMMISSIONER" - The Commissioner of Buildings of the city or his authorized representative.

(g) "BUILDING PERMIT" - That permit or permits issued by the Building Commissioner which shall include plumbing permit, electrical permit, or sewer permit.

(h) "CELLAR" - A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(i) "DWELLING" - A building or structure or part thereof which is wholly or partly used or intended to be used for living and sleeping by one or more human occupants. A dwelling may include one or more dwelling units.

(j) "DWELLING UNIT" - Any room or group of rooms within a dwelling and forming a single and separate habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

- (k) "EXTERMINATION" - The control and elimination of insects, rodents, or other pests by eliminating their harborage places through removing or making inaccessible materials that may serve as their food by poisoning, spraying, fumigating, trapping or any other recognized and lethal pest eliminating method approved by the Health Officer.
- (l) "FIRE CHIEF" - The Chief of the Fire Department or his authorized representative.
- (m) "GARBAGE" - Animal and vegetable waste or any other similar material, resulting from the handling, preparation, cooking, or consumption of food.
- (n) "HABITABLE ATTIC" - An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7-1/3 feet above the attic floor is not less than 1/3 the area of the floor next below.
- (o) "HABITABLE ROOM" - A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes. Private laundries, bathrooms, toilet rooms, pantries, store rooms, corridors, rooms for mechanical equipment for services, or spaces in attics other than habitable attics are not habitable.
- (p) "HEALTH OFFICER" - The Health Officer of the city or his authorized representative and any successor to the Health Officer and his authorized representative.
- (q) "INFESTATION" - The presence within or around a dwelling of insects, rodents, or other pests.
- (r) "INSPECTION" - Inspection as authorized and provided by IC 18-5-5-1.
- (s) "MULTIPLE DWELLING" - Any structure containing two or more dwelling units.
- (t) "OCCUPANT" - Any person over one year of age living, sleeping, cooking or renting in or having actual possession of a dwelling unit or rooming unit.
- (u) "OPERATOR" - Any person who has charge or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (v) "OWNER" - Any person who, alone, jointly, or severally with others:
- (1) Shall have legal title to 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 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 the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (w) "PLUMBING" - Includes all of the following supplies, 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 similarly supplied fixtures, together with all connections to water, sewer, and gas lines.

(x) "ROOMING HOUSE" - Any dwelling or that part of any dwelling which contains three or more rooming units in which space is occupied or intended to be occupied by persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

(y) "ROOMING UNIT" - Any room or group of rooms forming a single habitable unit intended to be used for living and sleeping, but not for cooking and eating, except any rooming unit licensed or regulated by the state including hotels and motels.

(z) "RUBBISH" - Combustible or non combustible waste materials except garbage, and shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metal, mineral matter, glass, crockery, and dust, and other similar material.

(aa) "SUPPLIED" - Paid for, furnished, or provided by or under the control of the owner or operator.

(bb) "USED FOR" - Includes the phrases arranged for, designed for, intended for, maintained for, and occupied for. ('72 Code, 44.02) (Ord. 2231-1966)

### 151.03 CONFLICTS WITH OTHER ORDINANCES

This housing code shall apply to all buildings used for residential purposes whether or not the buildings were erected, altered, or converted in full or substantial compliance with ordinances in force at the time of their erection, alteration, or conversion and whether or not the buildings were erected, altered, or converted prior to the effective date of this housing code. Whenever any ordinance imposes higher standards of health and safety than the standards imposed by this housing code, then the higher standards shall apply. In the interpretation and application of this chapter, the provisions of this housing code shall be held to the minimum requirements for the promotion of the public health, safety, and welfare. Where the conditions imposed by any provisions of this housing code are either more restrictive or less restrictive than comparable conditions imposed by any provisions of any other law, ordinance, code, rule, or regulation of any kind, the regulations which impose higher standards or requirements shall govern. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city or any regulation adopted pursuant thereto, the provision which establishes the higher standard for the promotion and protection of public health and safety shall prevail. ('72 Code, 44.13) (Ord. 2231-1966)

### 151.04 SHIFT OF RESPONSIBILITIES

Nothing in this chapter shall prevent an owner, operator, or occupant from shifting the responsibility of the one to the other, provided that the primary and final responsibility in every case shall remain on the person herein designated. ('72 Code, 44.15) (Ord. 2231-1966)

## OCCUPANCY REQUIREMENTS

### 151.10 SANITARY FACILITIES

No person shall occupy, either as owner or as tenant, or permit another to occupy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following provisions.

(a) Every dwelling unit shall be provided with a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Health Officer or Plumbing Inspector. The kitchen sink shall be located in the kitchen or kitchen pantry, and shall be other than a wash basin.

- (b) Every dwelling unit shall have supplied within the dwelling unit a room or compartment which affords complete privacy to a person within it and which shall be equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Health Officer or Plumbing Inspector.
- (c) Every dwelling unit shall have supplied within the dwelling unit a room or compartment which affords complete privacy to a person within it and which shall be equipped with a bath or shower in good working condition and properly connected to a water and sewer system, approved by the Health Officer or Plumbing Inspector.
- (d) The floor surface of every bathroom and toilet room or compartment shall be constructed of material impervious to water, or if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All floors shall be kept in a dry, clean, and sanitary condition by the occupant of the dwelling unit.
- (e) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of (a), (b), and (c) above shall be properly connected with both hot and cold water lines.
- (f) Every dwelling unit shall have access provided from a bedroom to a bathroom, toilet room, or compartment without passing through another bedroom, bathroom, toilet room, or compartment or without going outside the dwelling.
- (g) Every dwelling unit shall have a continuous supply of hot water through water heating facilities which are properly installed and maintained in a safe and good working condition. The hot water facilities shall be capable of heating water of such a temperature as to permit an adequate amount of water to be drawn at every required sink, lavatory basin, bathtub, or shower at a temperature of not less than 120°.
- (h) All privies are a public nuisance and shall be eliminated not later than one year from the effective date of this chapter. Such privies shall be properly filled with earth so as to meet the requirements of the Health Officer.
- (i) Every dwelling unit shall be provided with adequate receptacles to hold all garbage and rubbish and shall at all times be maintained in good order and repair. Garbage and rubbish storage containers shall be of the type required under the provisions of Chapter 93. ('72 Code, 44.04) (Ord. 2231-1966; Ord. 2425-1969) Penalty, see 10.99

#### 151.11 HEATING FACILITIES

No person shall occupy, either as owner or as tenant, or permit another to occupy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following provisions.

- (a) Every dwelling and dwelling unit shall be supplied heating facilities which bear the seal of approval of an approved, nationally recognized testing agency and which heating facilities are used in the manner for which they are designed and approved. The heating facilities shall be installed in compliance with the ordinances of the city pertaining thereto and the provisions of this chapter and shall be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms or compartments contained therein to a temperature of at least 70°F when the outside temperature is -10°F. Doors, windows, and other parts of the dwelling or dwelling unit shall be constructed and maintained so as to prevent abnormal heat losses.

- (b) In every dwelling or dwelling unit where room heaters utilizing gas or a fuel are used and operated, the room heaters shall be connected to the gas supply with either rigid pipe, approved flexible metal tubing and fittings, or approved semi rigid tubing and fittings. No room heater shall be placed so as to cause a fire hazard to walls, curtains, furniture, open doors, or to the free movement of persons within the room where the room heater is located. A room heater of the free standing type shall be placed so as to provide at least six inches clearance between the heater and any combustible material.
- (c) All gas burning room heaters and water heaters shall be connected properly and vented to the outside air by a vitrified flue lined chimney or a flue lined chimney approved in accordance with the regulations established by the American Insurance Association.
- (d) Gas appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section.
- (e) Portable heating equipment employing flame is prohibited.
- (f) Rubber tube or armored rubber tube connections on gas heating facilities are prohibited.
- (g) Where heat is not furnished from a central heating plant, each dwelling unit in such a dwelling or building shall have at least half of the habitable rooms provided with fireproof chimney flues to permit the operation of sufficient heating facilities to meet the standards for heating as herein set forth. ('72 Code, 44.05) (Ord. 2231-1966; Ord. 2425-1969) Penalty, see 10.99

#### 151.12 LIGHTING, VENTILATION, AND ELECTRICAL REQUIREMENTS

No person shall occupy, either as owner or as tenant, or permit another to occupy, any dwelling or dwelling unit, for the purposes of living, sleeping, cooking, or eating therein, which does not comply with the following provisions.

- (a) Every habitable room shall have at least one window which faces directly to the outdoors. The minimum aggregate glass area available for light for every habitable room shall be not less than 10% of the floor area, provided, that if the windows open on covered porches and terraces or are in rooms any portion of which are more than 18 feet from a window, then the glass area shall be not less than 15% of the floor area of the room.
- (b) Whenever walls or other portions of structures face a window of a habitable room in any dwelling or dwelling unit and the light obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, the window shall not be included as contributing to the minimum total window area as required in the preceding paragraph.
- (c) Every habitable room shall have at least one window which can be easily opened, or shall have an approved ventilation system which is capable of changing the air within the room at least four times per hour and which is kept in good working order at all times. The total openable window area shall be equal to at least 5% of the floor area of the room provided the room has no exterior door or shall be equal to at least 2% of the floor area where the room has an exterior door. The foregoing ventilation requirement shall not apply where the room is supplied with some other approved ventilation system.
- (d) Every bathroom, toilet room, or compartment shall comply with the light and ventilation requirements for habitable rooms contained in this section, except in no case shall the minimum glass area of the window be less than 10% of the floor space of the room, provided, that no window shall be required in any bathroom, toilet room, or compartment equipped with an

approved ventilation system which is capable of changing the air within the room at least four times per hour and which is kept in good working order at all times.

(e) Every opening which is used for ventilation purposes from a dwelling or dwelling unit directly to or from outdoor space shall be equipped with screening which shall be provided by the owner. All screening required under this section shall not be less than 16 meshes to the square inch and shall be installed and maintained in a manner affording complete protection against entry in the dwelling or dwelling unit of flies, mosquitoes, and insects.

(f) Every cellar and basement shall have at least two vents or windows opening directly to the outside air sufficient to prevent mildew or structural deterioration, and properly equipped with screening of not less than 16 meshes to the square inch which shall be installed and maintained in a manner affording complete protection against entry into the cellar or basement of flies, mosquitoes, or insects.

(g) A window may not be required in the kitchen or kitchen pantry of an efficiency apartment where the kitchen or kitchen pantry is used only for the preparation of foods and is adjacent to a dinette or alcove off the living room.

(h) Every habitable room shall contain at least two outlets capable of providing electric current. Every toilet room, compartment, bathroom, laundry room, furnace room, and public hallway shall contain at least one ceiling or wall type electric light fixture. Every 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 and meet the requirements of the electrical regulations of the city.

(i) Every stairway or other means of exit, and corridors and passageways appurtenant thereto, shall be provided with an adequate system of lighting, either natural or artificial. Artificial lights for stairways, corridors, and passageways shall have an intensity of not less than ten footcandles. In the absence of natural light, artificial light shall be kept burning at all times when the building served by the stairways or exits are being used or occupied. ('72 Code, 44.06) (Ord. 2231-1966; Ord. 2425-1969) Penalty, see 10.99

### 151.13 GENERAL REQUIREMENTS AND MAINTENANCE

No person shall occupy, either as owner or as tenant, or permit another to occupy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following provisions.

(a) Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight and rodent proof, and shall be kept in good, safe, sound condition, and repair.

(b) Every window, exterior door, and basement hatchway shall be reasonably weather tight and rodent proof, and shall be kept in good, safe, sound, and workable condition and repair.

(c) Every inside and outside stair, every porch and every appurtenance thereto shall be constructed as to be safe to use, and capable of supporting the load that normal use may place thereon, and shall be kept in sound condition and in good repair at all times.

(d) Every basement and every cellar shall be maintained in a safe and sanitary condition.

(1) Water shall not be permitted to accumulate or stand on the floor.

(2) All sewer connections shall be properly trapped.

- (3) All cellar and slab drains shall be covered with gratings.
- (4) Junk, rubbish, and waste shall not be permitted to accumulate to such an extent as to create a fire hazard or to endanger health or safety.
- (e) Every plumbing fixture, water and waste pipe shall be properly installed and maintained in good sanitary, working condition free from defects, leaks, and obstructions and in accordance with existing ordinances in respect thereto.
- (f) 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 good working condition.
- (g) Every roof shall be maintained so as not to leak, and all rain water shall be drained and conveyed therefrom so as not to cause dampness in the walls and ceiling.
- (h) All structures used as dwellings shall be maintained in proper repair so as to give adequate protection from the elements.
- (i) There shall be no storage of combustible materials beneath stairways in any dwelling or in any rooming house. No combustible or flammable materials, fluids, or compounds shall be placed, stored, or kept in any place inside or outside of any building where the ignition or burning of the materials, fluids, or compounds would obstruct or render hazardous the egress from any dwelling unit or rooming house unit. ('72 Code, 44.07) (Ord. 2231-1966) Penalty, see 10.99

#### 151.14 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS

No person shall occupy, either as owner or as tenant, or permit another to occupy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following provisions.

- (a) Every room used for sleeping purposes by one occupant shall have a minimum gross floor area of at least 70 square feet. Every room used for sleeping purposes by more than one person shall have a minimum gross floor area of 50 square feet per occupant thereof.
- (b) Every dwelling unit shall contain a minimum gross floor area, in addition to the requirements set forth in (a) above, of at least 150 square feet for the first occupant and at least 100 additional square feet of floor space for every additional occupant. The floor space is to be calculated on the basis of total habitable room area.
- (c) Occupant as used in (a) and (b) above shall not apply to or include children under ten years of age.
- (d) The minimum clear floor-to-ceiling heights in all habitable rooms shall be as follows:
  - (1) Basements: seven feet clear under joists.
  - (2) Main floor of living units: seven feet.
  - (3) Above main floor of living units: seven feet clear; under sloping roofs, seven feet for not less than 50% of the floor having five feet or more headroom.
- (e) No cellar space shall be used as a habitable dwelling room or unit.

- (f) No basement space shall be used as a habitable room or dwelling unit unless:
  - (1) The clear floor-to-ceiling height is at least seven feet.
  - (2) The floors and walls are damp-proof in accordance with accepted and approved methods.
  - (3) The total window area in each room is equal to at least the minimum window area requirements of 151.12 (a), (b), and (c).
- (g) Every dwelling unit shall have a safe and unobstructed means of egress leading to a safe and open space at ground level, without passing through any other dwelling unit, except that when two or more dwelling units are above ground floor level, there shall be two such means of egress required when the dwelling is not fire proof or fire resistant as defined by the Indiana Administrative Building Council. ('72 Code, 44.08) (Ord. 2231-1966; Ord. 2425-1969) Penalty, see 10.99

## RESPONSIBILITIES OF PERSONS

### 151.20 RESPONSIBILITIES OF OWNERS, OPERATORS, AND OCCUPANTS

The following provisions shall pertain to the responsibilities of owners, operators, and occupants of dwellings and dwelling units and their premises.

- (a) In the absence of a written agreement between the occupant and the owner or operator to the contrary, every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that portion of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- (b) Every owner or operator of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwelling and premises.
- (c) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a sanitary manner by placing it in the rubbish containers required by Chapter 93.
- (d) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and other organic waste which may provide food for rodents in a clean, safe, and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by Chapter 93. The containers shall be kept tightly closed.
- (e) Every occupant of a dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever they are required under the provisions of this chapter or of any regulation adopted pursuant thereto, except where the owner has agreed to supply the service.
- (f) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests in or on the premises, and 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.
- (g) Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat proof or reasonable insect proof condition,

extermination shall be the responsibility of the owner. Whenever infestation exists in two or more 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.

(h) Every occupant of a dwelling unit shall keep all plumbing fixtures in a sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

(i) Whenever a dwelling unit is vacated it shall be the duty of the owner to place it in a sanitary, habitable condition, and free from infestation before renting the dwelling unit to another occupant.

(j) No owner shall occupy or let to any other person any dwelling unit unless it is sanitary and fit for human habitation.

(k) No owner, operator, or occupant shall cause any service facility, equipment, or utility which is required under this chapter to be removed or shut off from, or discontinued for any occupied dwelling, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process.

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

(m) Every owner or operator of a dwelling who permits to be occupied any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants shall maintain the heat at the temperature specified in 151.11(a). The provisions of this section shall not apply when the failure to maintain the required air temperature level is because of a shortage of fuel, a negligent or malicious act of the occupant, repairs being expeditiously made to the heating equipment, or any cause beyond the control of the owner or operator.

(n) An owner shall be responsible for violation of duties imposed on him by this chapter even though:

(1) An obligation is also imposed on the occupants by this chapter; or

(2) The owner has by agreement imposed on the occupant the duty of complying with this chapter. ('72 Code, 44.09) (Ord. 2231-1966) Penalty, see 10.99

#### 151.21 MAINTENANCE OF NEIGHBORHOOD ENVIRONMENT

(a) Every owner of residential properties shall be responsible for the general maintenance and repair of his entire premises.

(b) All yards shall be kept free of unnecessary storage and debris.

(c) All accessory buildings shall be maintained in proper repair and all exterior surfaces shall be maintained so as not to contribute to neighborhood blight.

(d) In the event the Building Commissioner shall determine that any shed or accessory building is in a dilapidated condition which contributes to neighborhood blight and which should be repaired or removed, he shall proceed to order the repair or removal in accordance with the provisions of 151.35 through 151.41.

- (e) All fences shall be maintained in good repair. ('72 Code, 44.11) (Ord. 1966) Penalty, see 10.99

## ROOMING HOUSES

### 151.25 ROOMING HOUSES

No person shall occupy, either as owner or as tenant, or permit another to occupy any rooming house or rooming unit for the purpose of living or sleeping purposes therein, which does not comply with the following provisions and the remainder of this sub chapter.

- (a) The provisions of 151.11(a), (b), and (g), 151.12 (a), (b), (c), (d), (e), (g), (h), and (i), and 151.13 (a) through (i). The foregoing provisions shall be applicable to every rooming house and rooming unit. For the purposes of this section, wherever in the above enumerated paragraphs the term "dwelling" is used, it shall be construed to mean "rooming house," and wherever the term "dwelling unit" is used it shall be construed to mean "rooming unit."
- (b) The provisions of 151.14 (c), (d), (e), and (f) and 151.20 (i), (j), (k), and (m) shall be applicable to every rooming house. For the purposes of this section, wherever in the above enumerated sections the term "dwelling" is used, it shall be construed to mean "rooming house," and wherever the term "dwelling unit" is used it shall be construed to mean "rooming unit." ('72 Code, 44.10) (Ord. 2231-1966) Penalty, see 10.99

### 151.26 ROOMING HOUSE LICENSE

- (a) Every owner or operator of a rooming house shall make application for a rooming house license in the office of the City Controller on a form provided by the City Controller. A fee of \$10 to cover the cost of inspection must accompany each application. On receipt of an application for a rooming house license, an inspection shall be made of the rooming house for which the application has been made. Inspection of the rooming house shall be made by the Building Commissioner, Health Officer, and Fire Chief and if the rooming house complies with all of the provisions of this chapter, then the City Controller shall issue a rooming house license to the applicant for the calendar year. Rooming house licenses must be renewed annually and the period of renewal shall be between September 1 and December 1 of the year from which the existing license was issued. A fee of \$10 to cover reinspection expense must accompany each renewal application.
- (b) Whenever an inspection is made of any rooming house by the Building Commissioner, Health Officer, or Fire Chief and it is found that conditions or practices exist which are in violation of any provision of this chapter, the Building Commissioner shall give notice in writing to the operator of the rooming house that unless the conditions or practices are corrected within a reasonable period, the operator's rooming house license may be suspended. Notice of the alleged violation shall be served on the person or persons responsible therefor in the manner set forth in 151.35 through 151.41. If the work involved in correcting the alleged violation shall not be completed within the time allotted in the notice, the rooming house operator's license shall be immediately suspended until full compliance is made. It shall be the duty of the Building Commissioner to proceed forthwith to cause the rooming house, or part thereof, to be brought in compliance with the orders issued in the manner prescribed. On receipt of any notice suspending a rooming house license, the operator shall immediately cease operation of the rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein.
- (c) Rooming house licenses shall designate the maximum number of persons who may occupy a rooming house and each rooming unit therein.

- (d) Rooming house licenses shall designate the room number assigned to each rooming unit.
- (e) No rooming house license shall be transferable.
- (f) It shall be the duty of the owner or operator holding a rooming house license to notify the City Controller in writing within 24 hours of any transfer or other disposition of the premises for which a rooming house license shall have been issued. The notice shall include the name and address of the persons succeeding to the ownership or control of each rooming house.
- (g) The owner or operator shall display the rooming house license at all times in a conspicuous place near the main entrance of the rooming house.
- (h) No person shall alter, tamper, or remove a rooming house license from the rooming house without written permission of the City Controller. The City Controller shall keep a duplicate of the rooming house license in his file.
- (i) All rooming houses within the city must have been issued a rooming house license by January 1, 1967, and after that date, no person shall operate a rooming house which has not been licensed in accordance with this sub chapter.
- (j) Any person whose application for a rooming house license has been denied, may file within ten days after the denial with the Board of Public Works and Safety a written appeal, including a brief statement of the reasons therefor and a detailed statement of facts supporting the appeal.
- (k) The owner or operator of a rooming house containing two or more rooming units shall place or cause to be placed a number on the outside of the main door of each unit. The number on the outside of the door to the rooming unit shall correspond to the number for that unit designated on the rooming house license for that particular rooming house. No two rooming units shall bear the same number. The maximum number of persons who may occupy the rooming unit shall be posted in each unit and shall not be changed without the written approval of the Building Commissioner. ('72 Code, 44.10) (Ord. 2231-1966) Penalty, see 10.99

#### 151.27 ROOMING HOUSE FACILITIES

- (a) Every rooming house shall be supplied with at least one approved flush toilet and lavatory basin in good working condition for each six persons or fewer, residing within the rooming house. In counting the persons, members of the operator's family who share the use of the sanitary facilities shall be included but the occupants of any rooming units that are otherwise provided with an approved flush toilet and lavatory basin shall be excluded. All sanitary facilities shall be so located within the rooming house as to be directly accessible to all persons sharing the facilities without entering another rooming unit.
- (b) Every rooming house shall be supplied with at least one bathtub or showerbath in good working condition for each six persons or fewer residing within the rooming house. In counting the persons, members of the operator's family who share the use of the sanitary facilities shall be included but the occupants of any rooming units who are otherwise provided with an approved bathtub or shower bath shall be excluded. All sanitary facilities shall be so located within the rooming house so as to be directly accessible to all persons sharing the facilities without entering another rooming unit.
- (c) In addition to the requirements contained in 151.10 (b) and (c), each compartment containing a flush water closet and lavatory basin and each compartment containing a bath or shower shall be capable of being locked from the inside.

(d) Every lavatory basin, flush toilet, flush urinal, bathtub, or shower bath required under the provisions of this section shall be properly connected to a sanitary sewer line of the city if the sewer lines lie within 100 feet of the rooming house premises, and to a water line of the city if the water line lies within 100 feet of the rooming house premises. If a sewer line does not lie within 100 feet of the rooming house premises the lavatory basin, flush toilet, flush urinal, bathtub, or shower bath shall be connected through an approved sewer connection to an adequate septic tank or other waste disposal system approved by the Health Department or its successor. If a water line does not lie within 100 feet of the rooming house premises, the lavatory basin, flush toilet, flush urinal, bathtub, or shower bath shall be properly connected to an adequate supply of safe, potable water approved by the Health Department or its successor.

(e) Every lavatory basin and bathtub or shower bath required under this section shall be supplied with hot and cold water properly connected as required in the preceding paragraphs.

(f) The floor surface of every bathroom, toilet room, or compartment shall be constructed of material impervious to water, or if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All floors shall be kept in a dry, clean, and sanitary condition by the owner or operator.

(g) The operator shall be responsible for the supply, maintenance, and cleanliness of storage containers as required by Chapter 93. The occupant shall be responsible for the removal of all rubbish and garbage from the rooming unit and the storage of the waste in a clean, safe, and sanitary manner by placing it in the required containers.

(h) The operator shall be responsible for the clean, safe, and sanitary maintenance of all walls, floors, and ceilings in every rooming unit and every common area of the rooming house.

(i) The operator shall be responsible for the extermination of rodents, vermin, or other pests within every portion of the rooming house and in every portion of the structure that is leased or occupied by him. However, whenever infestation is caused by failure of the owner to carry out the provisions of this chapter, extermination shall be the responsibility of the owner.

(j) The operator shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment. The owner of the above plumbing fixtures, sanitary facilities, appliances, and equipment shall be responsible for the maintenance thereof in absence of a written agreement to the contrary.

(k) Every room in any rooming house rented for sleeping purposes for one person shall contain at least 70 square feet of floor space, exclusive of hall and closet space; for two persons shall contain at least 100 square feet of floor space exclusive of hall and closet space; and for each additional person at least 50 additional square feet of floor space, exclusive of hall and closet space.

(l) No cooking shall be permitted in any rooming unit.

(m) The operator of every rooming house shall provide clean bed linen and towels at least once each week. Bed linen and towels shall be newly laundered before the letting of any rooming unit.

(n) Each story of a rooming house shall have two approved and unobstructed means of egress leading to a safe and open space at ground level. Each rooming unit shall have

unobstructed access to the means of egress. ('72 Code, 44.10) (Ord. 2231-1966; Ord. 2425-1969) Penalty, see 10.99

## UNFIT DWELLINGS

### 151.35 DESIGNATION OF UNFIT DWELLINGS AND ROOMING HOUSES

The designations of dwelling and dwelling units or rooming houses or rooming units as unfit for human habitation, and the procedure for the condemnation and placarding of the unfit dwelling, dwelling units, rooming houses, or rooming units shall be carried out in the following manner.

- (a) Any dwelling or dwelling unit, which is found by an inspector conducting an inspection under 151.45, to violate 151.10 (a), (b), (c), (e), or (g), 151.11(a), 151.12(a), (b), (c), (f), (g), or (h), or 151.14, shall be designated as unfit for human habitation.
- (b) Any rooming house or rooming house unit which shall be found by an inspector conducting an inspection under 151.45 to violate any provisions of 151.25 through 151.27 shall be designated as unfit for human habitation.
- (c) Any dwelling, dwelling unit, rooming house, or rooming house unit designated as unfit for human habitation by this section shall be so indicated by a placard posted by the Building Commissioner, Health Officer, or Fire Chief. ('72 Code, 44.12) (Ord. 2231-1966)

### 151.36 OFFICIALS POWER TO CONDEMN AND REMOVE UNFIT DWELLINGS

If the condition of any dwelling, dwelling unit, rooming house, or rooming house unit and appurtenance thereto requires repair in order to promote the public welfare, but the repair to the dwelling, dwelling unit, rooming house, or rooming house unit and appurtenance thereto is not feasible in the opinion of the Building Commissioner, then the dwelling, dwelling unit, rooming house, or rooming house unit and the appurtenance thereto shall be forthwith condemned and removed pursuant to I.C. 36-7-9 et seq. ('72 Code, 44.12) (Ord. 2231-1966)

### 151.37 NOTICE TO VACATE DWELLING

Whenever any dwelling, dwelling unit, rooming house, or rooming house unit is found unfit for human habitation under this section, and the necessary action to effect compliance with this chapter is not accomplished prior to re-inspection, the owner, occupants, and operator, if any, shall be notified by registered mail to vacate the dwelling, dwelling unit, rooming house, or rooming house unit within 60 days of the date of the mailing of the notice to vacate, unless compliance with the provisions of this chapter is accomplished within the 60-day period. ('72 Code, 44.12) (Ord. 2231-1966)

### 151.38 IMMEDIATE EVACUATION WHEN IMMEDIATE DANGER TO OCCUPANTS

Whenever a dwelling, dwelling unit, rooming house, or rooming house unit is found by an inspector to violate this chapter and to present an immediate danger of injury to the occupants, the Building Commissioner, Health Officer, or Fire Chief shall order the immediate evacuation of the structure and the structure shall remain vacated until the danger is eliminated. ('72 Code, 44.12) (Ord. 2231-1966)

### 151.39 PLACARDS

- (a) No dwelling, dwelling unit, rooming house, or rooming house unit which has been 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 Building Commissioner, Health Officer, or Fire Chief. The Building Commissioner, Health Officer, or Fire Chief shall remove the

placard whenever the defect or defects on which the placarding action was based have been eliminated.

(b) No person shall deface or remove the placard from any unfit dwelling, dwelling unit, rooming house, or rooming house unit except as provided in (a) above. ('72 Code, 44.12) (Ord. 2231-1966) Penalty, see 10.99

#### 151.40 SECURING UNFIT DWELLING AGAINST ENTRY

The owner or operator of any dwelling, dwelling unit, rooming house, or rooming house unit vacated under the provisions of this chapter shall make the structure safe and secure from entry by unauthorized persons. ('72 Code, 44.12) (Ord. 2231-1966)

#### 151.41 REMOVAL BY CITY

(a) If any person shall fail to comply with any order or orders directing compliance with this chapter the Building Commissioner, Health Officer, or Fire Chief shall send notice pursuant to I.C. 36-7-9.

(b) The procedure specified by I.C. 36-7-9 et seq., commonly referred to as the Unsafe Building Statute, shall be followed regarding hearings, enforcement, orders, demolition, recovery of costs, and appeals.

#### ADMINISTRATION AND ENFORCEMENT

#### 151.45 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND APPURTENANCES

(a) The Building Commissioner, Health Officer, and Fire Chief are jointly and severally authorized to make inspections to determine the condition of dwellings, dwelling units, and premises located within the city in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

(b) For the purpose of making these inspections the Building Commissioner, Health Officer, and Fire Chief are authorized to enter, examine, and survey, at all reasonable times, any dwelling, dwelling unit, rooming unit, and the appurtenances thereto. The owner or occupant of every dwelling unit and rooming unit, or the person in charge thereof, shall allow the officials access to each dwelling.

(c) Every occupant of a dwelling, dwelling unit, or rooming unit shall allow the owner thereof, his agents, or employees, access to any part of the premises at all reasonable times for the purpose of making repairs, installations, or alterations as may be necessary to effect compliance with the provisions of this chapter. ('72 Code, 44.03) (Ord. 2231-1966)

#### 151.46 ISSUANCE OF PERMITS

All departments, officials, and employees of the city which have the duty or authority to issue permits or licenses in regard to the construction, installation, repair, use, or occupancy of dwellings, dwelling units, rooming houses, rooming house units, or the premises of any dwelling or rooming house, or dwelling equipment or facilities, shall conform to the provisions of this chapter except as provided in 151.03. Any permit or license issued in conflict with the provisions of this chapter, except as provided in 151.03 shall be null and void. ('72 Code, 44.14) (Ord. 2231-1966)

#### 151.47 PROSECUTION OF EXISTING VIOLATION

This chapter shall not affect violations of any other ordinance, code, or regulation of the city existing prior to the effective date of this chapter. Such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of these ordinances, codes, or regulations in effect at the time the violation was committed. ('72 Code, 44.16) (Ord. 2231-1966)

#### 151.48 COOPERATION

Cooperation shall be established between the Building Commissioner, Health Officer, and the Fire Chief, and the Director of Planning and Redevelopment for the purpose of effecting a program of slum elimination, rehabilitation, neighborhood conservation, and slum prevention. It shall be the duty of these persons to place into effect the purpose and spirit of this chapter. ('72 Code, 44.17) (Ord. 2231-1966)

#### 151.49 MAINTENANCE OF RECORDS

The Building Commissioner shall maintain accurate and up-to-date records in respect to the conditions of buildings as reported to him by Building Inspectors, Plumbing Inspectors, Electrical Inspectors, Health Inspectors, Sanitary Inspectors, Zoning Inspectors, Fire Inspectors, Police Department members, or any other governmental agency. The records shall be available for immediate referral to the Board of Public Works and Safety, the City Attorney, and the Mayor. ('72 Code, 44.18) (Ord. 2231-1966)

#### 151.50 PENALTIES

Any person, firm or corporation violating any of the provisions of this chapter, shall, upon conviction, be fined in any amount not exceeding three hundred dollars (\$300.00) and each day that said violation is permitted to exist shall constitute a separate offense.