

## CHAPTER 454

### ESTABLISHING A HOUSING CODE FOR THE CITY OF RICHLAND CENTER

**454.01 PURPOSE.** Whereas in the City of Richland Center, Wisconsin, there are, or may in the future be, dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic or unsanitary as to constitute a menace to the health and safety of the people of this City, this Chapter is for the purpose of establishing minimum standards governing the condition and maintenance of dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities of owners and occupants of dwellings, and the condemnation of dwellings unfit for human habitation; coordinating the activities and function of the Superintendent of Inspections and the Health Officer of the City of Richland Center, Wisconsin; fixing penalties for violation; and fixing a time when the same shall take effect.

**454.02 DEFINITIONS.** The following definitions will apply in the interpretation and enforcement of this chapter:

- (1) **BASEMENT:** A space of full story height below the first floor which is not designed or used primarily for year around living accommodations. Space, partly below grade, which is designed and finished as habitable space is not defined as basement space.
- (2) **CELLAR:** A portion of a building located partly or wholly underground, and having two-thirds or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (3) **DWELLING:** Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as dwelling.
- (4) **DWELLING UNIT:** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used or intended to be used for living, sleeping, cooking and eating.
- (5) **EXTERMINATION:** The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials which may serve as their food, by poisoning, spraying, fumigating, trapping or by other recognized and legal pest elimination methods approved by the Health Officer.
- (6) **GARBAGE:** The animal and vegetable waste resulting from the handling, preparation cooking, and consumption of food.
- (7) **HABITABLE ROOM:** A room or other enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.
- (8) **HEALTH OFFICER:** The Health Officer of the City of Richland Center, Wisconsin, or his duly authorized representative.

- (9) INFESTATION: The presence within or around a dwelling of any insects, rodents or other pests.
- (10) MULTIPLE DWELLING: Any dwelling containing more than two dwelling units.
- (11) OCCUPANT: Any person over one year of age living, sleeping, cooking, eating in or having actual possession of a dwelling unit or rooming unit.
- (12) OPERATOR: Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are offered for rent.
- (13) ORDINARY MINIMUM WINTER CONDITIONS: The temperature which is fifteen (15) degrees Fahrenheit above the lowest recorded temperature for the previous ten-year period. Figure, winter base temperature not less -15 degrees Fahrenheit with inside room temperature of +70 degrees Fahrenheit minimum range. (Bathroom +80 degrees Fahrenheit).
- (14) OWNER: Any person who, alone or jointly, or severally with others:
- (a) shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; provided, however, that whenever the dwelling or dwelling unit is subject to conditional sales contract, lease with option to purchase or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title upon payment of a specified sum, the term "owner" shall mean the person who shall have such a contracted right, rather than the person who is holding the legal title; or
- (b) shall have charge, care or control of any dwelling or dwelling unit as executor, executrix, trustee, receiver or guardian of the owner as defined in Subsection (a) immediately preceding. Any person thus representing the actual owner shall be bound to comply with the provisions of this Chapter to the same extent as if he were the owner. Any person acting as the agent of the owner shall not be construed to be the owner within the terms of this Chapter but shall be bound to notify the owner, by means of a registered letter addressed to the owner at his last known address of any order or notice to be issued by the Health Officer or Superintendent of Inspections relating to the property of the owner.
- (15) PERSON: Shall mean and include any individual, firm, corporation, association or partnership.
- (16) PLUMBING: Shall mean and include all of the following~ supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal equipment, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, floor drains, laundry traps, drinking fountains, gutters, downspouts, area drains, lines, sanitary and storm sewer systems, also subsoil drainage and any other supplied fixtures together with all connections to water, sewer or gas lines.
- (17) ROOMING UNIT: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.
- (18) ROOMING HOUSE: Any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to five or more persons who are not husband or wife, sister or brother, son or daughter or father or mother of the owner or operators.
- (19) RUBBISH: Combustible or noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery or dust.

(20) SUPERINTENDENT OF INSPECTIONS: The Director of Public Works of the City of Richland Center, Wisconsin, or his duly authorized representative.

(21) SUPPLIED: Paid for, furnished or provided by or under the control of the owner or operator.

(22) TEMPORARY HOUSING: Any tent, trailer or other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days. 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".

#### **454.03 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS, AND PREMISES.**

The Health Officer and Superintendent of Inspections are hereby severally authorized and directed to make inspections to determine the condition of dwellings, dwelling units, and premises located within this 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. For the purpose of making such inspections the Health Officer and Superintendent of Inspections are hereby severally authorized to enter, examine, and survey, at proper times after due notice, all dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Health Officer and Superintendent of Inspections access to such dwelling, dwelling unit or rooming unit and its premises, at proper times after due notice, for the purpose of such inspection, examination and survey. Every occupant of a dwelling unit or dwelling shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter.

#### **454.04 ENFORCEMENT; SERVICE OF NOTICES AND ORDERS; HEARINGS.**

- (1) Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter which affects the health of the occupants of any dwelling, dwelling unit or rooming unit or the health of the general public, or whenever the Superintendent of Inspections determines that there are reasonable grounds to believe that there has been a violation of any such provision which affects the safety of any such occupants or the safety of members of the general public, The Health Officer of the Superintendent of Inspections, as the case may be, shall give notice of such alleged violation to the person or persons responsible therefor, and to any known agent of such person, as hereinafter provided. Such notice shall:
  - a) Be in writing;
  - b) Include a statement of the reason why it is being issued;
  - c) Allow a reasonable time for the performance of any act it requires;
  - d) Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.

e) Such notice must contain an outline of remedial action which, if taken, will affect compliance with the provision of this Chapter.

(2) Any person affected by any such notice issued by the Health Officer or Superintendent of Inspections may request and shall be granted a hearing on the matter before the Board of Appeals of the City of Richland Center, provided that such person shall file in the office of the Health Officer or the Superintendent of Inspections, as the case may be, within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. Upon receipt of such petition, the Health Officer or Superintendent of Inspections, respectively, shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of request therefore. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.

(3) After such hearing the Board shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Chapter have been complied with. If the Board shall sustain or modify such notice, it shall be deemed to be an order. Any such notice served pursuant to subsection 454.03(1)(d) of this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer or Superintendent of Inspections within ten (10) days after such notice is served. After a hearing in the case when such notice has been sustained by the Board, the permit shall be deemed to have been sustained by the Board, the permit shall have been deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Health Officer or Superintendent of Inspections within ten (10) days after such notice is served.

(4) The proceeding at such hearing, including the findings and decisions of the Board shall be summarized, reduced to writing and entered as a matter of public record in the offices of the Board. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief there from in any court of competent jurisdiction, as provided by the laws of this state.

(5) Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately, but upon petition to the Health Officer any person aggrieved thereby shall be afforded a hearing as soon as possible, in the manner provided in subsection 454.04 (2). After such hearing, depending upon the findings as to whether the provisions of this Chapter have been complied with, the Board shall continue such order in effect, or modify it, or revoke it.

#### **454.05 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.**

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

(1) Every dwelling unit shall contain a kitchen sink and laundry tray in good working condition and properly connected to a water and sanitary sewer system approved by the Plumbing Division of the Superintendent of Inspections.

- (2) Every dwelling unit shall contain a room within its walls, separate from the habitable rooms, which affords privacy to a person within said room and which is equipped with a flush water closet, a lavatory basin and a bathtub or shower and the necessary fixtures and accessories therefore in good working condition and properly connected to hot and cold water lines and sanitary sewer system approved by the Health Officer or Superintendent of Inspections.
- (3) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of subsections 454.05 (1) and (2) shall be properly connected with a water line and a sanitary sewer system.
- (4) Every dwelling unit shall be supplied with adequate rubbish storage facilities.
- (5) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, as required herein and in Chapter 355.
- (6) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the State of Wisconsin and ordinances of the City of Richland Center.
- (7) Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained and 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, shower and laundry facility or other similar units at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.
- (8) Where there is electric service available to the building, every habitable room of a dwelling unit shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall type electric light fixture. Every public hall, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition, every bathroom and laundry room shall be provided with at least one (1) electric outlet.
- (9) From May 1 to October 1, in every dwelling unit for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space, shall have supplied and installed screens and a self closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.

**454.06 MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING.** No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every habitable room shall have at least one window or sky-tight facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. (See Federal Housing Administration Bulletin No. 300 Minimum Property Requirements for skylight area).
- (2) Every habitable room shall have at least one window or sky-tight which can easily be opened, or such other device which will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to not less than four (4) percent of the floor area, except where there is supplied a mechanical device affording adequate ventilation per Federal Housing Administration Regulations.
- (3) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsection 6.1 and 6.2 of this section, except that no window or skylight shall be required in bathrooms and water closet compartments equipped with a mechanical

ventilation system per Federal Housing Administration Regulations approved by the Health Officer or Superintendent of Inspections.

- (4) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees F., at a distance of thirty (30) inches above the floor level, under ordinary minimum winter conditions.
- (5) Every public hall and stairway in every multiple dwelling shall be adequately lighted in conformity with the current issue of the National Electrical Code and Federal Housing Administration Regulations.
- (6) Every basement shall receive natural and artificial light and shall be ventilated according to Federal Housing Administration requirements or equal minimum. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

#### **454~07 GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE**

**OF PARTS OF DWELLINGS AND DWELLING UNITS** No person shall occupy as owner, occupant or Let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following:

(1) Every foundation, floor, wall, ceiling and roof shall be reasonably weather tight, watertight, and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.

(2) Every window, skylight, exterior door, and basement hatchway shall be reasonably weather tight, watertight and rodent proof; and shall be kept in sound condition and good repair.

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

(4) Every plumbing fixture and water waste pipe shall be properly installed in good sanitary working condition, free from defects, Leaks and obstructions.

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

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

(7) No owner, operator, or occupant shall cause any service facility, equipment or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary

emergencies or when discontinuance of service is approved by the Health Officer or Superintendent of Inspections.

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

**454.08 MINIMUM SPACE USE AND LOCATION REQUIREMENTS.** No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, one hundred (100) square feet for the second occupant, and seventy-five (75) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(2) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least eighty (80) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least forty (40) square feet of floor space for each occupant thereof over twelve (12) years of age and at least thirty (30) square feet for each occupant thereof under twelve (12) years of age.

(3) At least on half of the floor area of every habitable room shall have a ceiling height of at least seven feet-six inches (**7'6"**) and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(4) No basement or cellar space shall be used as a dwelling unit unless it complies with the Minimum Property Requirements (No. 300) of the Federal Housing Administration (current issue).

(5) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room. Room arrangements shall not be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

**454.09 RESPONSIBILITIES OF OWNERS And OCCUPANTS.**

- (1) Every owner of a dwelling containing more than four dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- (3) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish container required by 454.05 (4) of this Chapter and as required by Chapter 355.
- (4) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by 454.05 of this

Chapter. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and from all dwelling units located on premises here more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

- (5) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this Chapter or of any rule or regulation adopted pursuant thereto, except where the owner had agreed to supply such service.
- (6) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of the subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof of reasonable insect-proof condition, extermination shall be the responsibility of the owner.
- (7) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

**454.10 ROOMING HOUSES.** No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house except in compliance with the provisions of every section of this Chapter except the provisions of 454.05 and 454.09.

(1) No person shall operate a rooming house unless he holds a valid rooming house license issued by the office of the City Clerk in the name of the operator and for the specific dwelling unit. The operator shall apply to the office of Superintendent of Inspections for a permit for license, which shall be issued by the officer of the City Clerk upon compliance by the operator to the satisfaction of the Superintendent of Inspections, with the applicable provisions of this Chapter. This license shall be displayed in a conspicuous place within rooming house, at all times. No such license shall be transferable. Every person holding such a license shall give notice in writing to the office of the City Clerk and the Superintendent of Inspections within twenty-four (24) hours after having sold transferred, given away or otherwise disposed of ownership of, interest in, or control of such rooming house. Every rooming house license shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

(2) Any person whose application for a permit to obtain a license to operate a rooming house has been denied may request and shall be granted a hearing on the matter, under the procedure provided by Section 454.04 of this Chapter.

(3) Whenever upon inspection of any rooming house the Health Officer or Superintendent of Inspections finds that conditions or practices exist which are in violation of any provision of this Chapter, the Health Officer or Superintendent of Inspections, as the case may be, shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the Health Officer or Superintendent of Inspections respectively, the operator's rooming house license will be suspended. At the end of such period the Health Officer of Superintendent of Inspections, as the case may be, shall reinspect such rooming house, and if he finds that such conditions or practices have not

been corrected, he shall give notice in writing to the operator that the latter's license has been suspended. upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

(4) Any person whose license to operate a rooming house has been suspended, or who has received notice from the Health Officer or Superintendent of Inspections that his license is to be suspended unless existing conditions or practices at his rooming house are corrected may request and shall be granted a hearing on the matter before the Board of Appeals under the procedure provided by Section 454.04 of this Chapter, provided that if no petition for such hearing is filed within ten (10) days following the day on which such license was suspended, such license shall be deemed to have been automatically revoked.

(5) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sanitary sewer system approved by the Plumbing Inspector of the Superintendent of Inspections officer and in good working condition, shall be supplied for each ten (10) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities, provided that in a rooming house where rooms are let only to males, tank system urinals of the floor resting type fixtures may be substituted for not more than one-half of the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Health Officer or Superintendent of Inspections.

(6) The operator of every rooming house shall change supplied bed linen and towels at least once week and prior to the Letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(7) Every room occupied for sleeping purposes by one person shall contain at least eighty (80) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least forty (40) square feet of floor space for each occupant thereof over twelve (12) years of age and at least thirty (30) square feet for each occupant therein under twelve (12) years of age, as computed in accordance with Subsection 454.08 (2).

(8) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this State and this City.

(9) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house and shall be further responsible for the sanitary maintenance of the entire premises where leased or occupied by the operator.

(10) Every provision of this Chapter which applies to rooming houses shall also apply to efficiency apartments, motels, cabins, hotels, and similar accommodations except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State board or agency.

(11) The Health Officer is empowered to suspend the operation of subsection 454.08 (1), (2) and/or 454.10 (7) hereof by special or general order in writing when he shall deem an emergency exists, which in his discretion shall warrant such suspension, provided however, that no such general or special order so suspending operation of subsection 454.08 (1) (2) and/or 454.10 (7) shall be of a duration longer than ten days.

#### **454.11 DESIGNATION OF UNFIT DWELLINGS LEGAL PROOF OF CONDEMNATION.**

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

(a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer or Superintendent of Inspections:

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

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

3. One which because of the general condition or location is unsanitary or otherwise dangerous to the health or safety of occupants or of the public.

(2) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer or Superintendent of Inspections, shall be vacated within sixty (60) days as ordered by the Health Officer or Superintendent of Inspection.

(3) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Health Officer or Superintendent of Inspections. The Health Officer or Superintendent of Inspections shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(4) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded same as such, except as provided by subsection 454.10

(5) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Appeals, under the procedure set forth in section 454.04.

**454.12 PENALTIES.** (1) Any person, firm or corporation violating any of the terms of this Chapter shall forfeit not Less than \$10.00 nor more than \$200.00, together with the costs of prosecution provided that for violation of any condition in said Chapter, which condition can be corrected by modification or repair, then failure to correct or rectify such defect within a reasonable time after receiving notice thereof shall constitute a separate violation and be subject to penalties herein provided.

**454.13 CONFLICT OF ORDINANCES--EFFECT OF PARTIAL INVALIDITY.**

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

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

454.14 EFFECTIVE DATE. This Chapter shall be in full force and effect from and after July 17, 1969. (History: Ord 454)