

## ORDINANCE NO. 2126-5-120

AN ORDINANCE TO ADD CHAPTER 5.90 TO TITLE 5 OF ORDINANCE IN REVISION NO. 850, COMMONLY KNOWN AS THE MUNICIPAL CODE OF THE CITY OF HURON, SOUTH DAKOTA, PERTAINING TO BUSINESS LICENSES AND REGULATIONS – RENTAL HOUSING PROVISIONS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF HURON, SOUTH DAKOTA:

That Chapter 5.90 be added to Title 5 of Ordinance in Revision No. 850 to read as follows:

### Chapter 5.90 – RENTAL HOUSING PROVISIONS

**5.90.010 Definitions:** The following definitions shall apply in the interpretation and enforcement of this chapter. Whenever the words "dwelling", "dwelling unit", "rooming units", "premises", or "structure" are used in this chapter they shall be construed as though they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular; the masculine gender includes the feminine and the feminine the masculine. Words not specifically defined in this section shall have the common definitions set forth in a standard dictionary.

(1) **ACCESSORY BUILDING OR STRUCTURE:** A detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.

(2) **APPROPRIATE AUTHORITY:** That person within the governmental structure of the city who is charged with the administration of the appropriate code which is specifically designated to deal with situations related to a specific issue pertaining to this chapter. This is generally meant to be the city building inspector or their designee.

(3) **ASHES:** The residue from the burning of combustible materials.

(4) **ATTIC:** Any story situated wholly or partly within the roof, and so designated, arranged or built as to be used for business, storage or habitation.

(5) **BASEMENT:** The substructure or foundation of a building, the lowest habitable story of a building, usually below ground level.

(6) **BULK CONTAINER:** Any metal garbage, rubbish and/or refuse container having a capacity of two (2) cubic yards or greater and which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal

(7) **CENTRAL HEATING SYSTEM:** A single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

(8) **CHIMNEY:** A vertical masonry shaft of reinforced concrete, or other approved noncombustible heat resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

(9) **DWELLING:** Any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating; provided that, temporary housing as hereinafter defined shall not be classified as a dwelling. Industrialized housing and modular construction which conform to nationally accepted industry standards and used or intended for use for living, sleeping, cooking and eating purposes shall be classified as dwellings. Mobile homes are included in the definition of dwelling.

(10) **DWELLING UNIT:** A room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.

(11) **EGRESS:** An arrangement of exit facilities to assure a safe means of exit from buildings.

(12) **EGRESS WINDOW:** A window meeting the specifications in IRC section R310.

(13) **EXTERMINATION:** The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

(14) **FAMILY:** An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four adult (4) persons not all so related, living together as a single housekeeping unit in a dwelling unit and sharing living, sleeping, cooking and eating facilities. See also definition of Household.

(15) **FLUSH WATER CLOSET:** A toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor level.

(16) **GARBAGE:** The animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

(17) **GRADE:** A reference plane representing the average of finished ground level adjoining the building at exterior or walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (6') (1,829 mm) from the building, between the building and a point six feet (6') (1,829 mm) from the building.

(18) **GUEST:** An individual who shares a dwelling unit in a nonpermanent status for not more than thirty consecutive (30) days.

(19) **HABITABLE ROOM:** A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than seventy (70) square feet of floor space, foyers, or communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas.

(20) **HEALTH OFFICER:** The city of Huron health/building/safety inspector or his designated agent.

(21) **HEATED WATER:** Water heated to a temperature of not less than one hundred twenty degrees Fahrenheit (120°F) at the outlet.

(22) **HEATING DEVICE:** All furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.

(23) **HOUSEHOLD:** An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four adult (4) persons not all so related, living together as a single housekeeping unit in a dwelling unit and sharing living, sleeping, cooking and eating facilities. See also definition of Family.

(24) **INFESTATION:** The presence within or around a dwelling of any insects, rodents or other pests.

(25) **KITCHEN:** Any room used for the storage of foods, preparation of foods and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

(26) **KITCHENETTE:** A small kitchen or an alcove containing cooking facilities.

(27) **LEAD BASED PAINT:** Any paint containing more lead than the level established by the U.S. consumer safety commission as being the "safe" level of lead in residential paint and paint products.

(28) **MULTIPLE DWELLING:** Any dwelling containing more than two (2) dwelling units.

(29) **OCCUPANT:** Any individual living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that, in dwelling units a guest shall not be considered an occupant.

(30) **OPERATOR:** Any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are rentals.

(31) **OWNER:** Any person who, alone or jointly or severally with others:

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

(b) has charge, care, or control of any rental unit, including the executor, administrator, 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 of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(32) PERMISSIBLE OCCUPANCY: The maximum number of individuals permitted to reside in a dwelling unit or rooming unit.

(33) PERSON: Shall mean and include any individual, firm, corporation, association, partnership, cooperative or governmental agency.

(34) PLUMBING: Shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer or gas lines.

(35) PREMISES: A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

(36) PRIVACY: The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted individuals.

(37) PROPERLY CONNECTED: Connected in accordance with all applicable codes and ordinances of this city as from time to time enacted; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

(38) RAT HARBORAGE: Any conditions or place where rats can live, nest or seek shelter.

(39) RATPROOFING: A form of construction which will prevent the ingress or egress of rats to or from a given space or building or from gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods by the use of materials pervious to rat gnawing and by other methods approved by the appropriate authority.

(40) REFUSE: All rotting and non-rotting solids, except body wastes, including garbage, rubbish, ashes and dead animals.

(41) REFUSE CONTAINER: A watertight container that is constructed of metal or other durable material impervious to rodents and insects, that is capable of being serviced without creating unsanitary conditions or such other containers as have been approved by the appropriate authority. Openings into the container such as covers and doors shall be tight-fitting.

(42) RENTAL UNIT: Any dwelling, dwelling unit, rooming house or rooming unit which is leased to another party, and any renter-occupied mobile home, except for the following:

(a) a unit on which there is a signed purchase agreement, including a unit subject to acquisition by contract for deed, which is rented to the purchaser for not more than one hundred twenty (120) days prior to the date of possession by purchaser as set in the purchase agreement;

(b) a temporary housing unit, as temporary housing is defined in section 5.90.010(49).

(c) a unit that is rented to a parent, grandparent, child or grandchild of an owner and for which no rent is paid and/or the parent, grandparent, child or grandchild pays one or more of the following: real estate taxes, insurance and maintenance of the unit.

- (d) a hotel unit, motel unit, bed and breakfast, dormitory rooms, nursing homes, assisted living facilities, and other facilities subject to State of South Dakota inspections.
- (43) ROOMING HOUSE: Any dwelling in which persons either individually or as families are housed with or without meals being provided; the definition of rooming house shall not include hotels, motels, bed and breakfasts, dormitories, nursing homes, assisted living facilities and group homes licensed by the state of South Dakota, and other facilities subject to State of South Dakota inspections.
- (44) ROOMING UNIT: Any room or group of rooms forming a unit used or intended to be used for living and sleeping, but not for cooking purposes.
- (45) RUBBISH: Non rotting solid wastes (excluding ashes) consisting of either:
- (a) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood; or
  - (b) Noncombustible wastes such as tin cans, glass and crockery.
- (46) SAFETY: The condition of being reasonably free from danger and hazards which may cause accidents or disease.
- (47) SPACE HEATER: A self-contained heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space or area such as one room or two (2) adjoining rooms.
- (48) SUPPLIED: Paid for, furnished by, provided by or under the control of the owner, operator or agent.
- (49) TEMPORARY HOUSING: Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days within a twelve month period.
- (50) TOXIC SUBSTANCE: Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.
- (51) YARD: All ground lawn, court, walk, driveway, or other space constituting part of the same premises or dwelling.

**5.90.020 - Standards: Responsibilities Of Owners And Occupants:**

- (1) No owner or other person shall rent to another person any rental unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city governments.
- (2) Every owner or operator of a rental unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.
- (3) Every occupant of a rental unit shall maintain in a clean and sanitary condition that part or those parts of the rental unit and premises thereof that the occupant occupies and controls.
- (4) Every occupant of a rental unit shall store and dispose of all his garbage, rubbish, refuse and any other organic waste which might provide food for insects and/or rodents, in a clean, sanitary, safe manner. All garbage cans and refuse containers shall be rat proof, insect proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight fitting covers or similar closures; and refuse containers shall be maintained at all times in a clean sanitary condition. Plastic bags may be used as refuse container liners, but shall not be used without the container for on-site storage of garbage or refuse.
- (5) The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.
- (6) Every rental unit must have access to a refuse container. In the case of multi-family dwellings, a bulk refuse container may be used.

(7) The owner or operator of a rental unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this chapter or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant and which makes the occupant responsible for compliance of this provision.

(8) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rats in the dwelling; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever that dwelling unit is the only one infested. If a dwelling has more than one dwelling unit and more than one dwelling unit is infested with insects and/or rats, the owner or operator of the rental unit shall be responsible for such extermination.

(9) No owner or occupant of a dwelling or dwelling unit shall store, place or allow to accumulate any materials which may serve as food for rats in a site accessible to rats or other rodents or shall accumulate rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide a rat harborage, insects, rodents, or fire hazard in or about any dwelling or dwelling unit.

(10) In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty eight degrees Fahrenheit (68°F) shall be maintained in all habitable rooms, bathroom and water closet compartments at a distance of thirty six inches (36") above the floor level.

(11) Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances.

(12) No owner or occupant shall apply a lead based paint to any surface in any dwelling, dwelling unit, rooming house and/or rooming unit.

(13) Every owner of a rental unit shall have within each dwelling unit and rooming unit operable smoke alarms. Every owner of a rental unit shall have a fire extinguisher as required by the International Residential Code as adopted by the City, including any amendments or modifications thereto, which does not include one or two-family dwellings or townhouses.

(14) All rental properties will also be subject to 2009 IPMC adopted by the City of Huron and HUD minimum housing standards.

**5.90.030 - Minimum Standards For Basic Equipment And Facilities:** No person shall rent to another person for occupancy any rental unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

(1) Every dwelling unit shall have a kitchen with all parts properly connected and in good working condition which shall have adequate circulation area. A stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied or when there is a written agreement between the owner and the occupant by which the occupant is expected to provide same.

(2) Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be properly connected to a sewer system which is approved by the appropriate authority.

(3) Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the appropriate authority. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

(4) Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

(5) Every dwelling unit and rooming unit shall have at least two (2) means of egress (2 doors or 1 door and 1 egress window), one of which leads to safe and open space at ground level. Every dwelling unit in rooming units shall have immediate access to two (2) or more approved means of egress, one of which leads to safe and open space at ground level, or as otherwise may be required by the laws of this state and this city. Bedrooms located below the fourth floor shall be provided with an exterior door or window of such dimensions to be used as a means of emergency egress.

(6) Structurally sound handrails shall be provided on any steps containing four (4) risers or more. Porches, patios, and/or balconies located more than thirty inches (30") higher than the adjacent area shall have structurally sound protective guard or handrails.

(7) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

(8) All exterior doors leading directly into the dwelling or dwelling unit shall be equipped with functioning locking devices.

**5.90.040 - Minimum Standards For Light And Ventilation:** No person shall rent to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the requirements of this subsection:

(1) Every habitable room shall have at least one window or skylight facing outdoors provided that if connected to a room or area used seasonally (e.g., porch) adequate daylight must be possible through this interconnection.

(2) Every habitable room shall have at least one window or skylight facing directly outdoors which can be opened easily or such other device as will ventilate the room adequately, provided that if connected to a room or area used seasonally then adequate ventilation must be possible through this interconnection.

(3) Every bathroom and water closet compartment and every non habitable room used for food preparation shall comply with the light and ventilation requirement for habitable rooms contained in subsections (1) and (2) of this section, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition which is approved by the appropriate authority.

(4) Every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the city. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:

(a) Every dwelling unit shall be supplied with at least one fifteen (15) ampere circuit and such circuit shall not be shared with another dwelling unit.

(b) Every habitable room shall contain at least two (2) separate wall type duplex electric convenience outlets or one such duplex convenience outlet and one supplied wall or ceiling type electric light fixture. No duplex outlet shall serve more than two (2) fixtures or appliances.

(c) Temporary wiring or extension cords shall not be used as permanent wiring.

(d) All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock and such lights and outlets shall be installed and maintained in such condition as to minimize the danger of electrical shock.

(5) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or artificial light at all times, so as to provide in all parts thereof at least ten (10) foot-candles of light at the tread of floor level. Every public hall and stairway in structures containing not more than two (2) 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.

**5.90.050 - Minimum Thermal Standards:** No person shall rent to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every rental unit shall have heating equipment and appurtenances 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 located therein to a temperature of at least sixty eight degrees Fahrenheit (68°F) at a distance of thirty six inches (36") above floor level under ordinary winter conditions.

(2) No owner or occupant shall install, operate or use a heating device, including hot water heating units, which employs the combustion of carbonaceous fuel, which is not vented to the outside of the structure in an approved manner, and which is not supplied with sufficient air to continuously support the combustion of the fuel. All heating devices shall be constructed, installed and operated in such a manner as to minimize accidental burns.

(3) When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures containing dwelling units or rooming units, such facilities shall be maintained and operated in a continuous manner and in accordance with the designed capacity of the installed equipment.

**5.90.060 - Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units:** No person shall rent to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.

(2) Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weather tight, watertight and damp free and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint which is not lead based paint or by other protective covering or treatment. Walls shall be capable of affording privacy for the occupants. Repainting or other repairs may be required when conditions requiring the repair pose a threat to the health or safety of the occupants, or when the structural/physical integrity of the dwelling is adversely affected.

(3) Every premise shall be graded, drained, free of standing ground water and maintained in a clean, sanitary and safe condition.

(4) Unless other provisions are made, existing gutters, leaders and downspouts shall be maintained in good working condition as to provide proper drainage of storm.

(5) Every window, exterior door and hatchway or similar device shall be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other insects.

(6) Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which located shall be maintained in a rat free and rat proof condition.

(7) Accessory structures present or provided by the owner, agent or tenant-occupant on the premises of a dwelling shall be structurally sound and be maintained in good repair and free of insects and rats, or such structures shall be removed from the premises. The exterior of such

structures shall be made weather resistant through the use of decay resistant materials or the use of lead free paint or other preservatives. Repainting or other repairs may be required when conditions requiring the repair adversely affect the physical/structural integrity of the accessory structure.

(8) Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition.

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

(10) Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment or utility which is present in a dwelling or dwelling unit, or which is required under this chapter, shall be properly constructed and connected.

(11) 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 or dwelling unit rented 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 appropriate authority.

(12) All construction and materials, ways and means of egress and installation and use of equipment shall conform to the appropriate statutes, ordinances and regulations dealing with the health and fire protection of this city and the state.

**5.90.070 - Maximum Density, Minimum Space, Use and Location Requirements:** No person shall let to be occupied any rental unit, for the purpose of living therein, unless there is compliance with the requirements of this subsection:

(1) The maximum occupancy of any dwelling unit shall not exceed the following requirement: For the first occupant there shall be at least one hundred fifty (150) square feet of floor space and there shall be at least one hundred (100) square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area.

(2) The ceiling height of any habitable room shall be at least seven feet (7'); except that in any habitable room under a sloping ceiling at least one-half (1/2) of the floor area shall have a ceiling height of at least seven feet (7'), and the floor area of that part of such a room where the ceiling height is less than five feet (5') 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.

(3) No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling unit.

(4) The requirements set forth in 5.90.070 may be waived by the City based on the age and structural design of the dwelling or dwelling unit.

**5.90.080 - Rooming House or Rooming Units:** In addition to other provisions of this chapter, the following provisions shall apply to all rooming houses:

(1) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the appropriate authority and in good working condition, shall be supplied for each six (6) 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:



(a) In a rooming house where rooms are rented only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of water closets and provided that there shall be at least one water closet.

(b) All such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway and provided that such facilities are not located more than one floor above or below the rooming unit or units served.

(c) Every lavatory basin and bathtub or shower stall be supplied with heated and unheated water under pressure at all times.

(2) Cooking in rooming units is prohibited unless done by using a microwave oven, crock pot, toaster/toaster oven, or coffee pot.

(3) Communal cooking and dining facilities in a rooming house are prohibited, except as approved by the appropriate authority in writing.

(4) All food service and dining facilities provided in a rooming house for the occupants of same shall comply with applicable food service legislation.

(5) Access doors to rooming units and shall have operating locks to ensure privacy.

(6) Every rooming unit shall comply with all the requirements of this subsection pertaining to a habitable room. Every rooming unit occupied by one person shall contain at least one hundred ten (110) square feet of floor space and every rooming unit occupied by more than one person shall contain at least ninety (90) square feet for each occupant thereof. Every rooming unit shall contain closet/storage space for each occupant. (Ord.2012)

#### **5.90.090 Registration, Permits , Fees and Inspections:**

(1) Each residential rental unit is required to be registered and have a permit issued prior to the owner or operator renting the unit.

(2) An owner or operator of rental property responsible for a rental unit on September 30, 2013, must have the rental unit registered and a permit issued for one (1), two (2) or three (3) years prior to the rental unit being rented on or after October 1, 2013. The initial permit required pursuant to this provision shall be valid through December 31, 2014, unless earlier revoked in accordance with this Chapter.

(3) Commencing in 2014, registration and permits for rental units applicable to the 2015 calendar year are required to be obtained before January 1, 2015, and prior to January 1 of each calendar year thereafter.

(4) In lieu of annual registration and permits, owners and operators of rental property may register and receive a permit which shall be valid for two (2) or three (3) calendar years, unless revoked in accordance with this Chapter. If a two (2) or three (3) year registration and permit are requested, the owner or operator shall pay the registration and applicable permit fee.

(5) (a) New owners of rental units who purchase a rental property during a period when the unit is currently registered and has a valid permit are required to register the property within thirty (30) days of property acquisition but shall not be required to pay an additional registration and permit fee until the owner or operator submits a registration for the following year;

(b) if the rental unit at the time has a two (2) or three (3) permit issued, the new owner or operator is not required to pay a registration and permit fee until the period applicable to the permit for which a fee was paid has expired.

(c) if an owner of a rental unit sells the same during the year for which the fee has been paid, no refund shall be given for the balance of the calendar year after the rental was sold.

(6) The annual registration and permit fee shall be established by resolution of the governing board. The annual registration and permit fee must be paid before a Permit may be issued.

(7) Inspections:

(a) If registered and the permit issued on or before July 1, 2013, the fee for registration and issuance of a permit applicable through December 31, 2014, shall be waived and no

inspection shall be required for initial registration and issuance of a permit. If the owner or operator is issued a permit on or before July 1, 2013, for two (2) years, valid through December 31, 2015, or three (3) year valid through December 31, 2016, no inspection shall be required for the initial registration and issuance of a permit, and the fee attributable to the first year shall be waived.

(b) If the rental unit is registered and the permit issued after July 1, 2013, and on or before October 1, 2013, there shall be no reduction in the registration and permit fee and an inspection shall be required and standards met prior to issuance of a permit.

(c) Rental by an owner or operator after October 1, 2013, without the rental unit having been registered and permit issued shall subject the owner or operator to the penalties set for in ordinance 1.04.030. Each day the unit is rented without the unit being registered and a permit issued shall constitute a separate offense.

(d) Inspection zones:

(i) The City is divided into three (3) zones for inspection purposes: zone 1 shall be all area north of 3<sup>rd</sup> Street, zone 2 shall be all area south of 3<sup>rd</sup> Street and east of Dakota Avenue, and zone 3 shall be all area south of 3<sup>rd</sup> Street and west of Dakota Avenue.

(ii) Commencing in 2014, all rental units in zone 1 shall be inspected, and every three years thereafter;

(iii) In 2015, all rental units in zone 2 shall be inspected, and every three years thereafter;

(iv) In 2016, all rental units in zone 3 shall be inspected, and every three years thereafter;

(e) Notwithstanding (7)(a), (b) or (d), inspections may be done when:

(i) there is a complaint which warrants an inspection;

(ii) the tenant moves, and before the unit is rented again; it shall be the responsibility of the owner or operator to notify the Building and Inspections Department of such vacancy.

(iii) the rental unit is sold and before the new owner receives a rental permit if the property was not inspected within the previous twelve (12) months;

(iv) re-inspection following an inspection to confirm/verify correction which was required; for purposes of(e)(iv), the governing board shall by resolution establish the re-inspection fee.

(f) The Building and Inspections Department shall schedule the inspections and notify the owner or operator of a rental unit of the scheduled inspection. Failure by the owner or operator to have the premises available for inspection at the designated time shall result in the inspection being rescheduled and a late inspection fee to be paid by owner or operator. The governing board shall by resolution establish the late inspection fee. A late inspection fee which has been assessed must be paid prior to the rescheduled inspection. Failure by the owner or operator to have the premises available for the rescheduled inspection shall result in the Building Inspector recommending to the governing board that the registration and permit for the rental unit be suspended.

#### **5.90.100 - Penalty for violation:**

(1) Rental by an owner or operator after October 1, 2013, without the rental unit having been registered and permit issued shall subject the owner or operator to the penalties set forth in ordinance 1.04.030. Each day the unit is rented without the unit being registered and a permit issued shall constitute a separate offense.

(2) Failure by the owner, operator, or tenant to comply with the rental property standards as set forth in this Chapter shall result in the Building Inspector issuing a written notice to correct the specific violations within the time period identified in the notice. Upon re-inspection, if a violation still exists a summons and complaint for violation of municipal ordinance shall be served on the owner or operator and the penalties set forth in ordinance 1.04.030 shall apply.

**5.90.110 - Effective Date:** The effective date of Chapter 5.90 shall be April 1, 2013.

\_\_\_\_\_  
David McGirr, Mayor

Attest:

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Paullyn Carey, Finance Director

**First Reading:** January 28, 2013

**Second Reading:** February 25, 2013

**Published:** \_\_\_\_\_

**Effective:** \_\_\_\_\_