

CHAPTER 1

ADMINISTRATION

101 TITLE AND SCOPE

101.1 Title

Provisions in the following chapters and sections shall constitute and be known and may be cited as “The Standard Housing Code” hereinafter referred to as “this code.”

101.2 Code Remedial

This code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use or occupancy of residential buildings and accessory structures.

101.3 Scope

101.3.1 The provisions of this code shall apply to all buildings or portions thereof, all accessory structures or portions thereof located on residential property, used or unused, designed or intended to be used for human habitation or the storage of materials associated with human habitation.

101.3.2 This code establishes minimum standards for occupancy, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this code.

101.3.3 Buildings or structures moved into or within the jurisdiction shall comply with the requirements in the Standard Building Code[®] for new buildings.

101.4 Existing Buildings

101.4.1 Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of this code provided that the alteration, repair or rehabilitation work conforms to the requirements of this code for new construction. The housing official shall determine, subject to appeal to the Board of Adjustments and Appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of this code for new construction.

101.4.2 Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in 103.2.

101.4.3 If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of this code for the new occupancy classification as established by the housing official.

101.4.4 Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed, but not more than 25% of the roof covering of a building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of this code for new buildings.

101.5 Special Historic Buildings And Districts

The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the housing official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

101.6 Maintenance

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises.

101.7 Application Of Zoning Ordinance

Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning ordinance of the authority having jurisdiction.

102 ORGANIZATION

102.1 Enforcement Officer

There is hereby established by the applicable governing body provisions for the enforcement of this code by the housing official.

102.2 Restrictions On Employees

An officer or employee connected with the department, except one whose

only connection is as a member of the board, established by this act, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

102.3 Records

The housing official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

103 POWERS AND DUTIES OF HOUSING OFFICIAL

103.1 Right Of Entry

The housing official shall enforce the provisions of this code, and he, or his duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply.

103.2 Unsafe Residential Buildings

103.2.1 All residential buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with 103.2.2, 103.2.3 and 103.2.4.

103.2.2 Whenever the housing official determines that there are reasonable grounds to believe that there has been a violation of any provision of this code or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and such alleged violations shall constitute a nuisance. Such notice shall:

1. Be put in writing;
2. Include a statement of the reasons why it is being used;
3. Allow 45 days to correct major violations and 60 days to correct minor violations with a maximum time limit of 120 days for either, subject to approval of the housing official; and

4. State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the housing official shall institute such legal proceedings charging the person or persons, firm, corporation or agent with a violation of this code.

103.2.3 Service of notice shall be as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
3. By posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises to be repaired.

103.2.4 When a residential building is to be demolished, it shall be done so in accordance with the provisions of the Standard Unsafe Building Abatement Code.

103.3 Requirements Not Covered By Code

Any requirement, not specifically covered by this code, found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the housing official subject to appeal to the Housing Board of Adjustments and Appeals.

103.4 Liability

Any officer or employee, or member of the Housing Board of Adjustments and Appeals, charged with the enforcement of this code, in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of this code shall be defended by the Department of Law until the final termination of the proceedings.

103.5 Reports

The housing official shall annually submit a report to the chief administrator covering the work of the department during the preceding year. He shall incorporate in said report a summary of the decisions of the Housing Board of Adjustments and Appeals during said year.

103.6 Letter Of Compliance

A letter indicating compliance with the provisions of this code may be issued by the housing official.

104 INSPECTIONS

The housing official shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public. For the purpose of making such inspections, the housing official, or his agent, is hereby authorized to enter, examine, and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge thereof shall give the housing official free access to such residential building and its premises, at all reasonable times for the purpose of such inspection, examination, and survey.

105 HARDSHIPS

Where the literal application of the requirements of this code would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this code or any of the regulations therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the housing official to the Housing Board of Adjustments and Appeals, as set forth in 107.

106 HOUSING BOARD OF ADJUSTMENTS AND APPEALS

106.1 Appointment

106.1.1 There is hereby created by the applicable governing body a board to be known as the Housing Board of Adjustments and Appeals, which shall consist of not less than three members appointed by the governing body. The members shall be residents of the governed area. Members of the board shall be appointed for 3 year terms, except that on the initial appointment, one shall be appointed for 1 year, one for 2 years, and one for 3 years. Any one or more members of said board shall be subject to removal or replacement by the appointing authority at any time for cause of stated charges after a public hearing before the appointing authority, and a vacancy on said board shall be filled by the appointing authority for the unexpired term of such vacancy. The members of said board shall serve without compensation.

106.1.2 As soon as practical after their appointment, the members of the Housing Board of Adjustments and Appeals shall meet and organize by electing a chairman, vice-chairman, and secretary. Thereafter officers of the board shall be elected by the members at the first annual meeting of the board.

106.2 Meetings

The board shall meet at regular intervals to be determined by the chairman but in any event the board shall meet within 10 days after notice of appeal has been received. Reasonable notice of the place, time and date of such meetings shall be given all the members of the board and all interested parties in each case to be heard by the board.

106.3 Records

All minutes of the board meetings shall be public records and the secretary of the board shall keep all records and perform such additional duties as the board may deem proper.

106.4 Duties

106.4.1 The duties of the Housing Board of Adjustments and Appeals shall be:

1. To consider and determine appeals whenever it is claimed that the true intent and meaning of this code or any of its regulations have been misconstrued or wrongly interpreted.
2. To permit, in appropriate cases where the application of the requirement of this code in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, one or more extensions of time, not to exceed 120 days each, from the date of such decision of the board. Applications for additional extensions of time shall be heard by the board. Such requests for additional extensions of time shall be filed with the housing official not less than 30 days prior to the expiration of the current extension.

106.4.2 An appeal should not be considered where an appeal case has been previously decided involving the same premises.

106.5 Procedure

The Housing Board of Adjustments and Appeals shall establish its own rules of procedure for accomplishment of its duties and functions, provided that such rules shall not be in conflict with the provisions of this code and the laws of the state.

106.6 Decisions

All decisions of the Housing Board of Adjustments and Appeals to vary the application of any provision of this code or to modify an order of the housing official shall specify in what manner such variance or modification is made, the condition upon which it is made, and the reasons therefor. Every decision shall be in writing and shall indicate the vote upon the decision. A copy of all decisions shall be promptly filed in the office of the housing official and shall be open to public inspection. The secretary shall notify the appellant in writing of the final action of the board.

107 APPEALS

Any person receiving written notice from the housing official of deficiencies in his property under this code may within 30 days following the date of such notice enter an appeal in writing to the Housing Board of Adjustments and Appeals. Such appeal shall state the location of the property, the date of the notice of violations, and the number of such notice. The appellant must state the variance or modification requested, the reasons therefor, and the hardship or conditions upon which the appeal is made.

108 VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this code shall be prosecuted within the limits provided by state or local laws. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, or continued and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

109 VALIDITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

110 PERMITS

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change a residential building or structure or to cause any such work to be done, shall first make application to the housing official and obtain the required permit therefor. Ordinary minor repairs may be made with the approval of the housing official without a permit, provided that such repairs shall not violate any of the provisions of this code.

