

ORDINANCE NO. 203

HOUSING ORDINANCE REGULATING FACILITIES,
MAINTENANCE, AND OCCUPANCY OF DWELLINGS
AND DWELLING UNITS

AN ORDINANCE 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 AND DUTIES OF OWNERS AND OCCUPANTS OF DWELLINGS: AUTHORIZING THE INSPECTION OF DWELLINGS, AND THE CONDEMNATION OF DWELLINGS UNFIT FOR HUMAN HABITATION: AND FIXING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED by the Mayor and Council of Gothenburg, Nebraska:

SECTION 1. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

- 1.1 Accessory Building or use. A subordinate building, or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is incidental to the main use of the premises.
- 1.2 Basement. A story having a part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations.
- 1.3 Cellar. A story having more than one-half (1/2) of its height below grade.
- 1.4 Council. City Council, City of Gothenburg, Nebraska.
- 1.5 Dormitory. Any dwelling where group sleeping accommodations are provided for persons who are not members of the same family group in which several occupy large rooms or a series of closely associated rooms under joint occupancy and single management. For the purposes of this ordinance, the term "dormitory" shall include, but not be limited to, fraternity houses and sorority houses.
- 1.6 Dwelling. Any building, structure, or portion thereof which is designed for or used wholly or partly or intended to be used for residential purposes for living or sleeping by human occupants. Temporary dwelling as herein defined shall not be regarded as a dwelling.
- 1.7 Dwelling, Temporary. Any mobile home, tent, trailer, other conveyance or 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 utilities system on the same premises for more than 30 consecutive days.
- 1.8 Dwelling Unit. Any portion of a building having one room or a suite of two or more rooms, designed for or used by one family, for independent living and sleeping quarters including cooking and bathing facilities.
- 1.9 Dwelling, Multiple. A dwelling designed for or containing two (2) or more dwelling units.
- 1.10 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 any recognized and legal

insect, rodent and pest elimination method as approved by the Health Officer.

- 1.11 Family. One or more persons occupying a dwelling and living as a single housekeeping unit.
- 1.12 Garbage. Animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- 1.13 Habitable Room. A room or enclosed floor space used, or intended to be used for living, sleeping, cooking, or eating purposes; excluding bathrooms, watercloset compartments, laundries, pantries, foyers, or communicating corridors, closets, storage closets, and basement rooms used only for recreational purposes.
- 1.14 Housing Official. The official or his authorized representatives of the City of Gothenburg, Nebraska, appointed by the Council to administer the provisions of this ordinance.
- 1.15 Infestation. The presence, within or around a dwelling, of any insects, rodents, or other pests.
- 1.16 Occupant. Any person living, sleeping, cooking, or eating in, or having actual possession of, a dwelling, dwelling unit, or rooming unit.
- 1.17 Operator. Any person who has charge, care, or control of a building or part thereof, in which dwelling units or rooming units are let.
- 1.18 Owner. Any person who, alone or jointly or severally with others:
 - a. Shall have legal or equitable title to any dwelling or dwelling unit, with or without actual possession thereof; or
 - b. Shall have charge, care, or control of any dwelling or dwelling unit with or without actual possession thereof.
- 1.19 Person. A natural person for the purposes of the occupancy standards hereof, and for other purposes shall mean a natural person or a legal entity, such as a firm, corporation, association, or partnership.
- 1.20 Plumbing. Shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, oil pipes, oil-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 other similar supplies fixtures, together with all connections to water, sewer, oil, or gas lines.
- 1.21 Premises. A lot, together with all buildings and structures existing thereon.
- 1.22 Rooming House. Any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to one (1) or more persons except those whose relationship to the owner or operator by blood, marriage, or legal adoption was the basis for occupancy, including, but not limited to hotels and motels.
- 1.23 Rooming Unit. Any portion of a dwelling having one room or a suite of two or more rooms, designed for or used by one family for independent living and sleeping quarters but not for cooking or eating purposes.

- 1.24 Rubbish. Combustible and non-combustible waste materials, except garbage and sewage, normally produced by occupants of dwellings; it shall include, but not be limited to, household wastes, and yard and tree trimmings.
- 1.25 Supplied. Paid for, furnished, or provided by or under the control of, the owner or operator.
- 1.26 Meaning of Certain Words. For the purpose of this ordinance, certain terms and words are hereby defined. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "premises", are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof". Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular and use of any gender shall be applicable to all genders; the word "shall" is mandatory and not directory; the word "building" includes the word "structure"; and the word "lot" includes the word "plot".

SECTION 2. INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES.

- 2.1 The Housing Official, or his duly authorized agent, is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within this city in order that he may perform his 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 Housing Official, or his duly authorized agent, upon obtaining permission of the owner or occupant or a search warrant, is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, 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 Housing Official, or his duly authorized agent, free access to such dwelling, dwelling unit, or rooming unit and its premises, at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit 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 ordinance or any lawful order issued pursuant to the provisions of this ordinance. Weekday hours of 8:00 A.M. to 5:00 P.M. or any other time when the owner or a responsible occupant is, by arrangement, present shall be considered reasonable times for inspection.

SECTION 3. ENFORCEMENT: SERVICE OF NOTICES AND ORDERS. HEARING.

- 3.1 Whenever the Housing Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violations to the owner and occupant responsible therefore, as hereinafter provided.
- Such notice shall:
- (a) Be put in writing;
 - (b) Include a statement of the reasons why it is being issued;
 - (c) Allow a specified time, but not less than fifteen(15) days, for the performance of any act it requires;

- (d) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and with rules and regulations adopted pursuant thereto.
- (e) Be served by the Housing Official or his agent, in the manner provided by the laws of the State of Nebraska for the service of original notices.

- 3.2 Any person affected by any notice which has been issued by the Housing Official pursuant to the provisions of this Ordinance, of any rule or regulation pursuant thereto, may request, and shall be granted a hearing on the matter before the Board of Housing Standards and Appeals: provided that such person shall file with the Housing Official and Board of Housing Standards and Appeals a written petition requesting such hearing and specifying the grounds therefore within fifteen (15) days after the date the notice was served. Upon receipt of such petition, the Housing Official shall set a time, date and place for such hearing within such time as shall be prescribed by general rule of the Board of Housing Standards and Appeals. The Housing Official shall give the petitioner written notice of such hearing, and shall take no further enforcement action pending the outcome of the hearing. The Housing Official shall forthwith transmit to the Board of Housing Standards and Appeals all of the papers constituting the record upon which the action appealed from was taken. The hearing shall be commenced not later than thirty (30) days after the date on which the petition was filed provided that, upon application of the petitioner, the Housing Official may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period if in his judgement, the petitioner has submitted a justifiable and sufficient reason for such postponement.
- 3.3 At such hearing the petitioner and/or his duly authorized agent or attorney, shall be given the opportunity to be heard and to show why such notice should be modified or withdrawn. The proceedings at such hearing, including the findings of fact and decision of the Board of Housing Standards and Appeals, shall be summarized, reduced to writing and entered within five (5) days as a matter of public record in the office of the Housing Official. Such record shall also include a copy of every notice, order or correspondence issued by the Housing Official, in connection with the matter. The Board of Housing Standards and Appeals shall render a decision on the appeal without unreasonable delay.
- 3.4 After such hearing, the Board of Housing Standards and Appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this Ordinance and the rules and regulations adopted pursuant thereto have been complied with. If the Board of Housing Standards and Appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Section 3.1 of this Ordinance shall automatically become an order if a written petition for hearing is not filed with the Housing Official and Board of Housing Standards and Appeals within fifteen (15) days after such notice is served.
- After a hearing in the case of any notice suspending any permit required by this Ordinance or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Board of Housing Standards and Appeals, the permit shall be 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 with the Housing Official and Board of Housing Standards and Appeals within fifteen (15) days after such notice is served.

- 3.5 Any person or persons, jointly or severally aggrieved by any decision of the Board of Housing Standards and Appeals, or any tax payer, or any officer, department, board, or bureau of the City of Gothenburg shall have recourse to such relief therefrom in any court of competent jurisdiction, as provided by the laws of the State of Nebraska.
- 3.6 Whenever the Housing Official finds that an emergency exists which requires immediate action to protect the public, 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 Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Housing Official shall be afforded a hearing before the Board of Housing Standards and Appeals as soon as possible. After such hearing, depending upon their findings as to whether the provisions of this Ordinance and the rules and regulations adopted pursuant thereto have been complied with, the Board of Housing Standards and Appeals shall continue such order in effect, or modify it, or revoke it.

SECTION 4. BOARD OF HOUSING STANDARDS AND APPEALS

- 4.1 A Board of Housing Standards and Appeals is hereby established.
- 4.2 Members of the Board shall be citizens of the City of Gothenburg and shall be qualified by training and experience to act in matters pertaining to the provisions of this Ordinance. The Board shall consist of five (5) members, who shall not hold any elective office in the municipal government, and, who shall be appointed by the Mayor, subject to the approval of the Council. Each member shall be appointed for a term of five (5) years excepting that when the Board shall first be created one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. If any vacancy shall exist on said Board caused by resignation, or otherwise, the Mayor, subject to the approval of the Council, shall appoint a successor for the remainder of said term.
- 4.3 All members of the Board shall serve without compensation except for their actual expenses accrued, which shall be subject to the approval of the Council.
- 4.4 Such Board shall choose, annually, at its first regular meeting, one of its members to act as chairman of the Board, and another of its members as vice-chairman, who shall perform all the duties of the chairman during his absence or disability. The Board shall also choose one of its members to act as secretary who shall record all minutes and proceedings of the Board and who shall be responsible for filing same in the office of the Housing Official.
- 4.5 The duties and functions of the Board of Housing Standards and Appeals are:
- (a) To consider and determine appeals filed pursuant to Sections 3.2 and 3.5 of this Ordinance.
 - (b) To invite conferences with persons charged with violations of this Ordinance, to the end that controversy may be resolved without court action.
 - (c) To recommend improvements, amendments or modifications to this Ordinance.

- 4.6 All meetings or hearings on appeals of the Board shall be held at the call of the chairman and at such times as the Board may determine. All hearings of official meetings conducted by said Board shall be open to the public. The Board shall keep minutes of its hearings and official meetings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions which shall be placed on file in the office of the Housing Official.
- 4.7 The Board shall adopt its own rules of procedure for accomplishment of its duties and functions not in conflict with this Ordinance or with the Nebraska statutes in such case made and provided, and may select or appoint such officers, ex-officio officers or advisors as it deems necessary.

SECTION 5. 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:
- 5.1 Upon adoption of this Ordinance every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Housing Official.
- 5.2 Upon adoption of this Ordinance every dwelling unit, shall contain a room which affords privacy to a person within said room and which is 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 Housing Official.
- 5.3 Upon adoption of this Ordinance every dwelling unit, shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Housing Official.
- 5.4 Upon adoption of this ordinance every kitchen sink, lavatory basin, and bath tub or shower required under the provisions of Section 5.1, 5.2, and 5.3 of this Ordinance shall be properly connected with both hot and cold water supply lines.
- 5.5 All plumbing shall be so designed and installed as to prevent contamination of the water supply through back-flow, back-siphonage, and any other method of contamination and so that no potable water line or plumbing fixture is directly connected to a non-potable water supply.
- 5.6 Every water supply line shall be so constructed that there is no possibility of a cross-connection between a potable and non-potable water supply.
- 5.7 Every water supply inlet shall be located above the flood level of any installed sink, lavatory, bath tub, or automatic clothes washing or dish washing machine and similar water using fixtures, or above some unobstructible overflow thereof; and there shall be no submerged inlets, except those which are provided with a vacuum breaker of a type approved by the Housing Official.
- 5.8 In multiple dwellings the plumbing shall be adequate to permit a proper flow of water from all open outlets at all times.

- 5.9 Every water closet shall be of the trapped type, with facilities for safe and clean flushing. No water closet shall be of the so-called "flush-hopper", "frost-proof hopper", or similar type.
- 5.10 The waste line of every water using fixture shall be trapped and every waste line shall drain freely without obstructions and shall be free of leaks.
- 5.11 All plumbing, plumbing fixtures, and appurtenances thereof shall be maintained in good working condition and reasonable repair by the owner.
- 5.12 Upon adoption of this Ordinance, every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Section 5.4 of this Ordinance, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bath tub or shower at a temperature of not less than one hundred-twenty (120) degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit hearing facilities required under the provisions of Section 6.7 of this Ordinance are not in operation.
- 5.13 All fuel burning hot water heaters shall be properly vented in accordance with Section 6.8 of this Ordinance.
- 5.14 Every gas and water pipe shall be sound and tightly joined and shall be free of leaks, corrosion, or obstructions that reduces pressure or volume.
- 5.15 Every gas appliance shall be connected to a gas line with rigid iron piping except that flexible tubing may be used if approved by the Housing Official.
- 5.16 Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.
- 5.17 Every gas-burning heating unit and water heater shall be equipped with a pilot light and an automatic control to interrupt the flow of gas to the unit in the event of pilot light failure, and all gas heating units with plenum shall have a limit control in good working condition to prevent overheating.
- 5.18 Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are approved by the Housing Official.
- 5.19 Every dwelling unit shall have garbage disposal facilities or supplies garbage storage containers, type and location of which are approved by the Housing Official.
- 5.20 Upon adoption of this Ordinance every dwelling unit or rooming unit shall have access to two (2) independent unobstructed means of egress remote from each other. At least one shall be a doorway which discharges directly or via corridors or stairways or both, to the exterior of the building at ground level.
- 5.21 Every dwelling, dwelling unit or rooming unit shall have safe unobstructed means of egress leading to safe and open space at ground level, as required by laws of the State of Nebraska and the City of Gothenburg.

5.22 All stairs and steps, either interior or exterior, having four (4) or more risers shall be equipped with a substantial handrail situated between thirty (30) and thirty-four (34) inches above the nose of the stair treads. Fire escape stairs shall have a tread width of at least nine (9) inches and a riser not in excess of nine (9) inches. Winders shall not be used on fire escapes unless approved by the Housing Official. All areas accessible to occupants of any dwelling and situated more than one-half story above adjacent areas shall be protected by substantial guardrails at least thirty-six (36) inches high.

SECTION 6. MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEAT.

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:

6.1 Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors, unless a suitable means for adequate light, ventilation and egress are provided for, subject to the approval of the Housing Official. The minimum total window area, measured between stops, for every habitable room shall be 12.5 percent of the floor area of such room or twelve (12) square feet whichever is greater. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

6.2 Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least fifty (50) percent of the minimum window area size or minimum skylight type window size, as required in Section 6.1 of this Ordinance, except where there is supplied some other device affording adequate ventilation and approved by the Housing Official.

6.3 Every bath room and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Sections 6.1 and 6.2 of this Ordinance, except that no window or skylight shall be required in adequately ventilated bath rooms and water closet compartments equipped with a ventilation system which is approved by the Housing Official.

6.4 All dwellings shall be serviced with electricity. Electrical systems shall be in accordance with the electrical code of the City of Gothenburg.

6.5 Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) 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. The continuous or available light intensity at floor or stair tread level shall be at least two (2) foot candles.

- 6.6 All multiple dwelling units or rooming houses shall be equipped with properly lighted exits.
- 6.7 Every dwelling shall have heating facilities which are properly installed, are maintained in a good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least seventy (70) degrees Fahrenheit, at a distance three (3) feet above floor level at all times. Such heating facilities shall be so operated and equipped that heat, as herein specified is available to every dwelling unit and rooming unit.
- 6.8 Every central heating unit, space heater, water heater, and cooking appliance shall be located and installed in such a manner so as to afford reasonable protection against involvement of egress facilities or egress routes in the event of uncontrolled fire or explosion in them, and protection against ignition of fire in the structure or materials in the structure. Every fuel burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building and shall be furnished with adequate air supply. The vents shall be of such design as to assure proper draft, shall be adequately supported, and shall be kept free of obstructions and in good working condition.
- 6.9 No fuel burning space heater shall be located within any dwelling unit unless provided with adequate ducting for air supply from the exterior, and the combustion chamber for such heating unit shall be sealed from the room in an airtight manner.
- 6.10 Every steam or hot water boiler and water heater shall be protected against overheating by proper pressure and temperature relief equipment.
- 6.11 When necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit or rooming unit to outdoor space, shall have supplied screens of not less than sixteen (16) mesh per inch and a self-closing device; and every window or other device with openings to the outdoor space, used or intended to be used for ventilation, shall likewise be supplied with such screens; provided that, such screens shall not be required during such period in rooms deemed by the Housing Official to be located high enough in the upper stories of buildings as to be free from such insects.
- 6.12 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 heavy wire screen of not larger than one-fourth (1/4) inch mesh or such other device as will effectively prevent their entrance.

SECTION 7. GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF DWELLINGS AND DWELLING UNITS.

- 7.1 Every foundation, roof, floor, wall, and ceiling shall be reasonably weathertight, watertight, and rodent proof; shall be so constructed as to be safe to use and capable of affording privacy and of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- 7.2 Every window, exterior door and exterior basement hatchway shall be reasonably weathertight, watertight, and rodentproof; and shall be kept in good working condition and good repair.

- 7.3 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 the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- 7.4 All structural, insulating, and wall, ceiling and floor finish materials, and the installation thereof shall be such as to provide fire resistivity and flame spread characteristics as required by City of Gothenburg Building Code, and the surfaces shall be of such character as to be easily cleanable.
- 7.5 Every entrance doorway to each habitable room, bathroom, water closet compartment, kitchen, hall, and stairwell shall be at least six foot-four inches (6'-4") high and twenty-four (24) inches wide. All entrance doorways to dwelling units and rooming units shall be equipped with doors which effectively close the doorway and afford security and privacy to the occupants thereof.
- 7.6 Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- 7.7 Every supplied facility, piece of equipment, or utility which is required under this Ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in a satisfactory working condition.
- 7.8 The premises and grounds of every dwelling shall be maintained in such condition to preclude hazards to life, health, or property.
- 7.9 The exterior of every dwelling and its accessory buildings, porches, exterior stairways, and similar appurtenances shall be maintained to prevent excessive deterioration from weathering.
- 7.10 All fences, accessory buildings, and other appurtenances on the premises of any dwelling and all eaves troughs, downspouts, and other roof drainage equipment of the dwelling and its accessory buildings shall be maintained in a sound and functional condition, and otherwise in such manner so as not to constitute a fire, health, or safety hazard.
- 7.11 All pipe passages, chutes and similar openings through walls or floors shall be adequately enclosed or sealed to prevent the spread of fire or passage of vermin.
- 7.12 No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this Ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or, during temporary emergencies when discontinuances of service are approved by the Housing Official.
- 7.13 No owner shall occupy or let to any other occupant any vacant dwelling, dwelling unit or rooming unit unless it is clean, sanitary, and fit for human occupancy

SECTION 8. 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, sleeping, cooking, or eating therein, which does not comply with the following requirements:

- 8.1 Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area. Each bedroom in such unit shall contain at least eight (80) square feet of floor space, with the least horizontal room dimension not less than eight (8) feet.
- 8.2 In every dwelling unit of two (2) or more habitable rooms, every room occupied for sleeping purposes shall contain at least four hundred (400) cubic feet of air space for each occupant twelve (12) years of age or older and at least two hundred (200) cubic feet of air space for each child under twelve (12) years of age.
- 8.3 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 (1) 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 or a bathroom or water closet compartment.
- 8.4 Every habitable room shall have a ceiling height of not less than seven feet, six inches (7'6"). In rooms with sloping ceilings the required ceiling height shall be provided in at least 50 percent of the room and no portion of any room having a ceiling height of less than five feet (5') shall be considered as contributing to the minimum areas required by this Ordinance.
- 8.5 No basement or cellar space shall be used as a habitable room or dwelling unit if the finished floor is more than an average 48 inches below finished grade and unless:
 - (a) The floor and walls are impervious to leakage of underground and surfaces runoff water and are insulated against dampness.
 - (b) The total window area in each room is equal to at least the minimum window area sizes as required in Section 6.1 of this Ordinance.
 - (c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area or a window below grade in whole or in part shall have a minimum clear space of three (3) feet from the face of said window.
 - (d) The total openable window area in each room is equal to at least the minimum as required under Section 6.2 of this Ordinance, except where there is supplied some other device affording adequate ventilation and approved by the Housing Official.

SECTION 9. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- 9.1 Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- 9.2 Every occupant of a dwelling or dwelling unit shall keep in a clean, safe, and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies.

- 9.3 Every owner of a dwelling shall be responsible for the prevention of stagnant water to accumulate or stand anywhere about the premises or grounds.
- 9.4 Every occupant of a dwelling unit shall dispose of all his rubbish, garbage, and any other organic waste in a clean and sanitary manner, by placing it in the disposal facilities or storage containers required by Sections 5.19 and 5.20 of this Ordinance. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in multiple dwellings and for all dwelling units located on premises where more than two (2) dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers.
- 9.5 Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Ordinance, except where the owner has agreed to supply such service.
- 9.6 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 (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this Subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.
- 9.7 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean, safe, and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. In shared facilities serving two (2) or more dwelling units the owner shall be responsible for the maintenance and sanitary condition of said fixtures.

SECTION 10. ROOMING HOUSES - MULTIPLE DWELLINGS

- No person shall operate or occupy a rooming house or multiple dwelling except in compliance with the provisions of every section of this Ordinance.
- 10.1 No person shall operate a rooming house or multiple dwelling unless he holds a valid rooming house permit or multiple dwelling permit issued by the Housing Official in the name of the operator and for the specified dwelling or dwelling unit. The operator shall apply to the Housing Official for such permit, which shall be issued by the Housing Official upon compliance by the operator with the applicable provisions of this Ordinance and of any rules or regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house or multiple dwelling at all times.
- No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the Housing Official within one (1) week after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house or multiple dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house or multiple dwelling. Every rooming house and multiple dwelling permit shall expire at the end of one (1) year

following its date of issuance, unless sooner suspended or revoked as hereinafter provided and shall be renewed annually.

- 10.2 Whenever, upon inspection of any rooming house or multiple dwelling, the Housing Official finds that conditions or practices exist which are in violation of any provisions of this Ordinance, the Housing Official shall give notice in writing to the operator of such rooming house or multiple dwelling that unless such conditions or practices are corrected within a reasonable period, to be determined by the Housing Official, the operator's permit will be suspended. At the end of such period, the Housing Official shall re-inspect such rooming house or multiple dwelling 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 permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house or multiple dwelling and no person shall occupy for sleeping or living purposes any rooming unit therein, provided that in instances where violations of this Ordinance are confined to one (1) of several dwelling units or rooming units within a dwelling and, in the judgement of the Housing Official may limit the application of the requirement to vacate premises to the areas in which the violations exist.
- 10.3 Any person whose permit to operate a rooming house or multiple dwelling has been denied or suspended, or who has received notice from the Housing Official that his permit is to be suspended unless existing conditions or practices at his rooming house or multiple dwelling are corrected, may request, and shall be granted, a hearing on the matter before the Board of Housing Standards and Appeals under the procedure provided by Section 3 of this Ordinance provided that, if no petition for such hearing is filed within fifteen (15) days following the day on which such permit was denied or suspended, such permit shall be deemed to have been automatically revoked.
- 10.4 In dwellings in which rooming units are let, at least one (1) flush water closet, lavatory basin, and bath tub or shower, properly connected to a water and sewer system approved by the Housing Official and in good working condition, shall be supplied for each eight (8) persons or fraction thereof, including members of the operator's family whenever they share the use of the said facilities provided that, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.
- 10.5 In dwellings in which rooming units are let, the operator supplying bed linen and towels therein, shall provide same at least once each 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.
- 10.6 Every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) feet of floor space for each occupant thereof.
- 10.7 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 the State of Nebraska, City of Gothenburg.

- 10.8 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 he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- 10.9 A "Class A" type fire extinguisher shall be provided on each floor of every multiple dwelling and rooming house. Extinguishers shall be so hung so that the top is not over five (5) feet from the floor and easily accessible to the occupants and spaced so that no person must travel more than seventy-five (75) feet from any point to reach the nearest extinguisher. Extinguishers shall be recharged or periodically examined as directed by the manufacturer and a dated tag showing such maintenance shall be attached to each extinguisher at all times.
- 10.10 Every provision of this Ordinance which applies to rooming houses shall also apply to hotels, motels, dormitories, fraternities and sororities, except to the extent that any such provision may be found in conflict with the laws of the State of Nebraska or with the lawful regulations of any State Board or Agency.

SECTION 11. DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION.

- 11.1 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 shall be found to have any of the following defects and which shall have been condemned as unfit for human habitation and which shall have been so designated and placarded by the Housing Official:
- 11.1.1 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.
- 11.1.2 One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- 11.1.3 One which, because of its general condition or location, is undanitary or otherwise dangerous to the health or safety of the occupants or the public.
- 11.2 Any dwelling or dwelling unit or any portion thereof, condemned as unfit for human habitation and so designated and placarded by the Housing Official shall be vacated within fifteen (15) days as ordered by the Housing Official or may be appealed in accordance with Section 11.5 of the Ordinance.
- 11.3 No dwelling or dwelling unit or any portion thereof 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 Housing Official. The Housing Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

- 11.4 No person shall deface or remove the placard from any dwelling or dwelling unit, or any portion thereof, which has been condemned as unfit for human habitation and placarded as such, except as provided in Section 11.3 of this Ordinance.
- 11.5 Any person affected by any notice or order relating to the condemnation 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 Housing Board of Appeals under the procedure set forth in Section 3 of this Ordinance.
- 11.6 When the Housing Official determines that the building or structure or portion thereof is unsafe or unfit for human habitation and condemns such pursuant to this section, he shall order and direct the owner to, within a reasonable time, demolish or repair said building or structure or portion thereof. In the event that the owner fails to comply with said order, the Housing Official may order the demolition of said building or structure or portion thereof, he shall then certify the cost of such demolition to the Council, which cost shall be paid by the City and shall then be assessed against such property by the Council and certified to the County Treasurer for collection as other taxes, except that the materials of any building or structure, fences, or other things that may be removed as a nuisance may be first levied upon and sold by the City of Gothenburg, and if any of the proceeds remain after satisfying the expense of the removal, such balance must be paid by the City of Gothenburg to the defendant, or to the owner of the property levied upon, within thirty (30) days following the date of sale; and if said proceeds are not sufficient to pay such expenses the City of Gothenburg must collect the residue thereof as provided in this Section.

SECTION 12. PENALTIES.

- 12.1 Any person who shall violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine or not less than ten (\$10.00) dollars or more than one-hundred (\$100.00) dollars, or by imprisonment for not more than thirty (30) days and each day's failure to comply with any provision of this Ordinance shall constitute a separate violation.

SECTION 13. CONFLICT OF ORDINANCES.

- 13.1 In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City of Gothenburg, Nebraska, existing on the effective date of this Ordinance or any subsequent date, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

SECTION 14. SAVINGS CLAUSE.

- 14.1 If any article, section, or subsection of this Ordinance shall be judged invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole or any article, section, subsection or part not judged invalid or unconstitutional.