

CHAPTER 41

HOUSING STANDARDS

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[HISTORY: Adopted by the Common Council of the City of Dunkirk 11-8-1962 as Chapter XXXIII of the Ordinances of the City of Dunkirk. Amendments noted where applicable.]

GENERAL REFERENCES

Building Construction -	See Ch. 15
Fumigation of Buildings -	See Ch. 17
Electrical Installations -	See Ch. 28
Fire Prevention -	See Ch. 32
Removal of Plant Growth -	See Ch. 53
Plumbing -	See Ch. 55
Property Maintenance -	See Ch. 56
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**Part 1
Residential Premises**

**ARTICLE I
General Provisions**

§ 41-1. Title.

This Part shall be known as "Housing Standards Applicable to Residential Premises in the City of Dunkirk, New York."

§ 41-2. Purpose.

The purpose of this Part is to provide basic and uniform standards, in terms of performance objectives implemented by specific requirements, governing the condition, occupancy and maintenance of residential premises, and establishing

reasonable safeguards for the safety, health and welfare of the occupants and users thereof.

§ 41-3. Effective date.

This Part shall take effect on the 10th of January, 1963.

§ 41-4. Scope.

This Part shall apply to residential premises as follows:

- A. Lots, plots or parcels of land on which residential buildings, buildings of mixed occupancy or accessory structures are located.
- B. Residential buildings, including one- and two-family dwellings and multiple dwellings, except as specifically excluded in § 41-5.
- C. Residential occupancies in buildings of mixed occupancy.
- D. Accessory structures, accessory to residential occupancies.

§ 41-5. Nonapplicability.

This Part shall not apply to mobile homes and mobile home courts, or to transient-type occupancies and uses, including, but not limited to, nursing and convalescent homes, hotels, motels, tourist camps, farm and labor camps, travel trailers and trailer parks, and other forms of temporary housing.

§ 41-6. Application.

- A. The provisions of this Part shall supersede local laws, ordinances, codes or regulations to the extent that such laws, ordinances, codes or regulations are inconsistent with the provisions of this Part; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this Part, and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.
- B. Where a provision of this Part is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

§ 41-7. Reference to New York State Building Construction Code and other laws.

Installations, alterations and repairs to residential premises, and materials, assemblies and equipment utilized in connection therewith, shall be reasonably safe to persons and property and in conformity with applicable statutes of the State of New York, and orders, rules and regulations issued by authority thereof. Conformity of such work, materials, assemblies or equipment with the applicable requirements of the New York State Building Construction Code shall be prima facie evidence that the same is reasonably safe to person and property.

§ 41-8. Partial invalidity.

If a term, part, provision, section, subdivision or paragraph of this Part shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

§ 41-9. Definitions.

ACCESSORY STRUCTURE - A "structure," the use of which is incidental to that of the residential "building," and which is located on the same premises.

ACCESSORY USE - A use, occupancy or tenancy customarily incidental to the principal use or occupancy of a residential "building." Such "accessory uses" may include, among others, the following:

- A. Offices for the building management.
- B. Dining rooms, banquet rooms, public kitchens, and hall-rooms.
- C. Recreation and playrooms.
- D. Laundries for the use of tenants and occupants, and in connection with the management and operation of a residential "building."
- E. Maintenance and work shops, storage rooms for linen, bedding, furniture, supplies and tenants' equipment and effects.
- F. Rooms or space for the incidental sale or display of merchandise to occupants and tenants, such as newspaper, candy and cigar stands.
- G. Garages within a residential "building" or on the premises thereof, used primarily for the storage of passenger-type motor vehicles.

ALTERATIONS - As applied to "building" or "structure," means a change or rearrangement of the structural parts or in the exit facilities; or an enlargement, whether by extending on the side or by increasing in height; or the moving from location or position to another; the term "alter," in its various modes and tenses and its participial forms, refers to the making of an "alteration." [Added 10-5-1965]

APARTMENT or SUITE - A room or suite of two (2) or more rooms occupied or intended to be occupied as the home or residence of an individual, "family" or household. [Added 10-5-1965]

APPROVED - "Approved" by the administrative officer under the regulations of this chapter, or approved by an authority designated by law or this chapter.

BASEMENT - That space of a "building" that is partly below grade, which has more than half its height, measured from floor to ceiling, above the average established curb level or "finished grade" of the ground adjoining the "building."

BATHROOM - Enclosed space containing one (1) or more bathtubs or showers, or both, and which may also contain water closets, lavatories or fixtures serving similar purposes. See definition of "toilet room."

BUILDING - A "structure" wholly or partially enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to "persons," animals or property.

CELLAR - That space of a "building" that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or "finished grade" of the ground adjoining the "building."

DWELLING, ONE-FAMILY - A "building" containing not more than one (1) "dwelling unit" occupied exclusively for residential purposes.

DWELLING, TWO-FAMILY - A "building" containing not more than two (2) "dwelling units" occupied exclusively for residential purposes.

DWELLING UNIT - One (1) or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one (1) "family."

EXIT - A way of departure from the interior of a "building" or "structure" to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress and escape.

FAMILY - A household constituting a single housekeeping unit occupied by one (1) or more "persons."

GARBAGE - All putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food. **[Added 4-6-1965]**

GENERALLY ACCEPTED STANDARD - A specification, code, rule, guide or procedure in the field of construction or related thereto, recognized and accepted as authoritative.

GRADE, FINISHED - The natural surface of the ground, or surface of ground after completion of any change in contour, abutting "building" or premises.

HABITABLE SPACE - Space occupied by one (1) or more "persons" for living, sleeping, eating or cooking. "Kitchenettes" shall not be deemed to be "habitable space." See definitions of "nonhabitable space," "public space" and "exit."

HUMAN OCCUPANCY - Space occupied by one (1) or more "persons" for living, sleeping, eating or cooking. **[Added 10-5-1965]**

INFESTATION - The presence, within or contiguous to a dwelling, "dwelling unit," "lodging house," "lodging unit" or premises, of insects, rodents, vermin or other pests.

JUNKED VEHICLE - Any vehicle, including a trailer, which is without a currently valid license plate or plates, and is in either a rusted, wrecked, discarded, dismantled, partly dismantled, inoperative or abandoned condition.

KITCHEN - Space, sixty (60) square feet or more in floor area, with a minimum width of five (5) feet, used for cooking or preparation of food.

KITCHENETTE - Space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

LODGING HOUSE - A multiple dwelling used primarily for the purpose of furnishing lodging, with or without meals, for compensation.

LODGING UNIT - A room or group of rooms forming a single habitable unit, used or intended to be used for lodging.

LOT - A portion or parcel of land considered as a unit, vacant or dedicated to a certain use or occupied by a "building" or group of "buildings" that are

united by a common interest or use, and customary accessories and open spaces belonging to same. **[Added 4-6-1965]**

MIXED OCCUPANCY - Occupancy of a "building" in part for residential use and in part for some other use not accessory thereto.

MULTIPLE DWELLING - (See § 41-5 for certain multiple dwellings not within scope of this chapter.)

- A. "Building" containing three (3) or more "dwelling units."
- B. "Building" containing living, sanitary and sleeping facilities occupied by one (1) or two (2) "families" and more than four (4) lodgers residing with either one of such "families."
- C. "Building" with one (1) or more sleeping rooms, other than a "one- or two-family dwelling," used or occupied by permanent or transient paying guests or tenants.
- D. "Building" with sleeping accommodations for more than five (5) "persons," used or occupied as a club, dormitory, fraternity or sorority house or for similar uses.
- E. "Building" used or occupied as a convalescent, old-age or nursing home, but not including private or public hospitals or public institutions.

MULTIPLE RESIDENCE - See definition of "multiple dwelling."

MUNICIPALITY - A city, town or village.

NONHABITABLE SPACE - Space used as "kitchenettes," pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets and other spaces for service and maintenance of the "building," and those spaces used for access and vertical travel between stories. See definitions of "habitable space," "public space" and "exit."

OWNER - See "person." **[Added 10-5-1965]**

PERSON - The "owner," occupant, mortgagee or vendee in possession, assignee of rents, receiver, administrator, executor, trustee, lessee, agent or any other "person," firm or corporation directly or indirectly in control of a "building" or part thereof. **[Added 10-5-1965]**

PLUMBING SYSTEM - The water supply system, the drainage system, the vent system, fixtures and traps, including their respective connections, devices and appurtenances within the property lines of the premises.

POTABLE WATER - Water which is approved for drinking, culinary and domestic purposes.

PUBLIC SPACE - Space within a residential "building" for public use, such as lobbies, lounges, reception, ball, meeting, lecture and recreation rooms, banquet and dining rooms and their "kitchens," and swimming pools.

REFUSE - All cardboard, plastic, metal or glass food containers, wastepaper, rags, sweepings, small pieces of wood, excelsior, rubber, leather and similar waste material that ordinarily accumulates around a home, business or industry. **[Added 4-6-1965]**

SEWAGE - Liquid waste containing animal or vegetable matter in suspension or solution, and which may include industrial wastes and liquids containing chemicals.

STRUCTURE - An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including "buildings."

TOILET ROOM - Enclosed space, containing one (1) or more water closets, which may also contain one (1) or more lavatories, urinals and other plumbing fixtures. See definition of "bathroom."

UNOCCUPIED HAZARD - Any "building" or part thereof which remains unoccupied for a period of more than one (1) year, with either doors, windows or other openings broken, removed, boarded or sealed up, or any "building" under construction upon which little or no construction work has been performed for a period of more than one (1) year. **[Added 4-6-1965]**

VENTILATION - Supply and removal of air to and from a space by natural or mechanical means.

VENTILATION, MECHANICAL - "Ventilation" by power-driven devices.

VENTILATION, NATURAL - "Ventilation" by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind-driven devices.

YARD - An open space on the same "lot" which contains a "building," and located between the building line and the lot line which the particular building line faces. **[Added 4-6-1965]**

ARTICLE II Space Requirements

§ 41-10. General space requirements.

- A. Buildings occupied in whole or in part, as defined in this chapter, shall comply with the requirements hereinafter set forth concerning occupancy size, light and ventilation in order to provide safe and healthful environment.
- B. The term "accessory use" shall have a uniform meaning and shall apply in the same manner and under the same conditions or restrictions to all residential buildings.

§ 41-11. Occupancy classification of buildings.

Buildings, for the purpose of this chapter, shall be classified in respect to their occupancies as follows:

- A. **One- and two-family dwellings.** Buildings containing one (1) or two (2) dwelling units with less than four (4) lodgers residing with a family in either one of such dwelling units.
- B. **Multiple dwellings.**
 - (1) Buildings containing one (1) or two (2) dwelling units with more than four (4) lodgers with a family in either one of such dwelling units.
 - (2) Buildings containing three (3) or more dwelling units.

- (3) Apartment houses and apartment hotels.
 - (4) Lodging houses.
 - (5) Buildings with sleeping accommodations for more than five (5) persons, used or occupied as a club, dormitory, fraternity or sorority house or for similar uses.
 - (6) Garden apartments.
- C. **Accessory structures.** Garages, carports and similar-type structures for residential premises.

§ 41-12. Maximum occupancy.

- A. In dwelling units, the maximum number of occupants shall be limited to the number determined on the basis of the floor areas of habitable rooms, other than kitchens, as follows: one (1) occupant per room having floor area of at least seventy-five (75) but less than one hundred twenty (120) square feet; two (2) occupants per room having floor area of at least one hundred twenty (120) but less than one hundred eighty (180) square feet; and three (3) occupants per room having floor area of one hundred eighty (180) or more square feet.
- B. In lodging units, the maximum number of occupants shall be limited to the number determined on the same basis as for dwelling units.
- C. In buildings occupied as clubs, dormitories, sorority or fraternity houses and providing sleeping accommodations for more than five (5) persons, the maximum number of occupants so accommodated in any habitable room shall be limited to the number determined on the basis of the floor area, in square feet, of the room divided by fifty (50) square feet per occupant.
- D. No room in any dwelling unit or rooming unit shall be used for sleeping purposes unless there is a minimum floor space of seventy (70) square feet for the first occupant and a minimum floor space of fifty (50) square feet for each additional occupant. **[Added 9-21-1965]**

§ 41-13. Prohibited uses.

- A. It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.

- B. It shall be prohibited, in lodging houses, to use for dining purposes any communal kitchen containing less than one hundred (100) square feet of floor area, or any nonhabitable space or public space other than dining space.
- C. It shall be prohibited to prepare or eat meals in lodging units.
- D. It shall be prohibited to use any cellar space as habitable space.

§ 41-14. Habitable space.

A. Size.

- (1) Habitable space shall have a minimum ceiling height of seven (7) feet six (6) inches over fifty percent (50%) of the floor area; and the floor area where the ceiling height is less than five (5) feet shall not be considered in computing floor area.
- (2) A dwelling unit shall contain at least one (1) habitable room having a minimum of one hundred fifty (150) square feet of floor area and a minimum horizontal dimension of ten (10) feet.

- B. Basements.** Basements shall not be deemed habitable space where required windows are located only on one (1) wall and the depth of the basement space exceeds four (4) times its clear height.

C. Light and ventilation.

- (1) Habitable space shall be provided with natural light through one (1) or more windows, skylights, transparent or translucent panels, or any combinations thereof, that face directly on legal open spaces at least six (6) inches above the adjoining finished grade or are above a roof. The amount of light shall be equivalent to that transmitted through clear glass equal in area to ten percent (10%) of the floor area of the habitable space.
- (2) Habitable space shall be provided with artificial light.
- (3) Habitable space shall be provided with natural ventilation through operable parts of windows or other openings in exterior walls that face legal open spaces above the adjoining finished grade or above a roof, or through operable parts of skylights, providing total clear ventilation area equal to not less

than five percent (5%) of the total floor area of each habitable space.

- (4) Habitable space may also be provided with mechanical ventilation in addition to natural ventilation.

D. Miscellaneous requirements.

- (1) Dwelling units shall be separated from each other and from other spaces outside the dwelling unit.
- (2) Sleeping rooms within dwelling units shall be separated from each other and from other spaces outside the sleeping rooms to provide privacy.
- (3) Lodging units shall be separated from each other and from other spaces outside the lodging units.
- (4) A communal kitchen or dining room in a lodging house shall be accessible to the occupants sharing such kitchen or dining room without going through a dwelling unit or lodging unit of another occupant.

§ 41-15. Public space.

- A. **Height.** Public space shall have a minimum height of seven (7) feet six (6) inches measured from finished floor to finished ceiling.

B. Light and ventilation.

- (1) Public spaces shall be provided with artificial light.
- (2) In public stairs, stairways and passageways, artificial light shall be electric lighting; available at all times so as to afford safe passage for occupants and users. Such lighting shall conform to the following:
 - (a) A sufficient number of fixtures shall be provided so that the distance between fixtures is not more than thirty (30) feet and so that no wall is more than fifteen (15) feet distant from a fixture.
 - (b) Incandescent lighting shall be based on not less than one-fourth (1/4) watt per square foot of floor area, except that each fixture shall have a lamp or lamps with a total of not less than twenty-five (25) watts.

- (c) Fluorescent lighting shall be based on not less than one-tenth (1/10) watt per square foot of floor area, except that each fixture shall have a lamp or lamps of a total of not less than fifteen (15) watts.
 - (d) Where under these formulas the calculated wattage does not correspond to that of a standard lamp, the next larger size shall be used.
- (3) Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or with mechanical ventilation.

§ 41-16. Nonhabitable space.

- A. **Height.** Nonhabitable space, except crawl spaces and attics, in multiple dwellings shall have a minimum height of seven (7) feet measured from floor to ceiling.
- B. **Toilet rooms and bathrooms.**
- (1) Toilet rooms and bathrooms in one- and two-family dwellings shall have provisions for privacy.
 - (2) Toilet rooms and bathrooms for dwelling units in multiple dwellings shall be located within the dwelling units and shall be accessible from any sleeping room.
 - (3) Unless located within dwelling units or directly connected with sleeping rooms, toilet rooms and bathrooms in multiple dwellings shall be provided in each story containing habitable space and shall be accessible thereto.
 - (4) Toilet rooms for employees in multiple dwellings shall be in separate rooms for each sex where there are five (5) or more employees, shall be readily accessible to such employees and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.
 - (5) In one and two-family dwellings, bathrooms and toilet rooms shall be provided with floors of moisture resistant material.
 - (6) In multiple dwellings, floors of bathrooms, toilet rooms and similar spaces shall be waterproof; such waterproofing shall

extend six (6) inches or more above floors except at doors, so that floors can be flushed or washed without leaking.

C. Light and ventilation.

- (1) Kitchenettes, bathrooms and toilet rooms shall be provided with artificial light appropriate for the use of such rooms.
- (2) Laundry rooms, furnace rooms and similar nonhabitable space shall be provided with artificial light appropriate for the intended use of such rooms.
- (3) Stairs shall be provided with artificial light to allow safe ascent or descent.
- (4) Kitchenettes, bathrooms and toilet rooms shall be provided with ventilation in accordance with either of the following:
 - (a) Natural ventilation as required for habitable space, except that such openable areas shall be not less than one and one-half (1/2) square feet for bathrooms or toilet rooms and not less than three (3) square feet for kitchenettes; or
 - (b) mechanical ventilation exhausting not less than twenty-five (25) cubic feet per minute for bathrooms and toilet rooms and not less than one hundred (100) cubic feet per minute for kitchenettes.
- (5) Spaces in multiple dwellings which contain central heat-producing, air-conditioning and other equipment shall be ventilated to the outer air, and air from these spaces shall not be recirculated to other parts of the building.
- (6) Ventilation shall be provided in unheated attics, spaces below flat roofs and crawl spaces. Location and net areas of ventilation openings shall be such as to minimize deterioration of structural members from condensation or other causes, in conformity with generally accepted standards.

§ 41-17. Access and vertical travel between stories.

- A. Stairs, both interior and exterior, shall be of sufficient width, in conformity with generally accepted standards, so as to serve the occupants.
- B. Railings shall be provided on open portions of stairs, balconies, landings and stairwells.
- C. Handrails shall be provided on at least one (1) side of stairways. **[Added 9-4-1979]**

§ 41-18. Exits.

- A. Safe, continuous and unobstructed exit shall be provided from the interior of the building to the exterior at street or grade level.
- B. Exits shall be arranged, constructed and proportioned so that occupants may escape safely from the building in case of emergency.
- C. In one- and two-family dwellings, in addition to a primary exit from each dwelling unit, there shall be provided a secondary exit placed remotely from the primary exit. **[Added 8-4-1964; amended 5-16-1972]**
- D. In multiple dwellings, approved exits shall be provided.

**ARTICLE III
Structural Requirements**

§ 41-19. General structural requirements.

- A. Buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subjected.
- B. Buildings shall be maintained so that loads are transmitted to the soil without undue differential settlement, unsafe deformation or movement of the building or of any structural part.
- C. Buildings shall be maintained so that protection is provided for all structural members which may become structurally unsound if left unprotected. Causes of such deterioration include, among others, action of freezing and thawing, dampness, corrosion, wetting and drying, and termites and other destructive insects.
- D. Buildings built in soil which is water-bearing at any season of the year shall be maintained so that ground and surface water will not penetrate into habitable spaces, basements and cellars.

§ 41-20. Exterior protection.

- A. Foundation walls shall be maintained so as to be structurally sound and to prevent entrance of moisture, termites and vermin. Such protection shall consist of shoring where necessary, subsoil drains at footings, grouting of masonry cracks, waterproofing of walls and joists and other suitable means.
- B. Exterior walls and wall components shall be maintained so as to prevent deterioration due to the elements and destructive insects. Such maintenance shall consist of painting, installation or repair of walls, copings and flashings, waterproofing of joists, waterproof coatings, installation or repair of termite shields, poison treatment of soil, or other suitable means.
- C. Roofing shall be maintained in watertight condition so as to prevent leakage into the building. Such maintenance shall consist of repairs of roofing, flashings, waterproof coatings or other suitable means.

§ 41-21. Interior protection.

- A. Crawl spaces shall be maintained free of moisture and the flow of air from such spaces into walls above shall be effectively barred so as to prevent deterioration of structural members. Such provisions shall consist of maintenance of openings in foundation walls to provide adequate circulation of air in the crawl space, covering the ground in

the crawl space with a moisture barrier, installation of drains outside structure if the crawl space is below surrounding grade, blocking openings in stud walls to prevent flow of air and moisture into walls, frequent destruction of termite tubes from the soil to wood floor members above, poison treatment of soil and other suitable means.

- B. Structural members shall be maintained so as to be structurally sound. Such protection shall consist of shoring, reinforcement, or repair where necessary, frequent destruction of termite tubes or other appropriate means.
- C. Chimneys and flues shall be maintained so as to be structurally sound and to prevent leakage of gases into the structure. Such maintenance shall consist of clearing flue stoppages, sealing open joints, repairing masonry where necessary, and other suitable means.
- D. Ceilings and walls shall be maintained so that parts which become loose or defective do not constitute a hazard to occupants. Such maintenance shall consist of removing and replacing loose or defective sections.
- E. Toilet room and bathroom floors shall be maintained so as to prevent leakage of water through the floor, under normal conditions of use and floor washing, and resultant deterioration or defects in structural members and ceilings below. Maintenance shall consist of repairs which effectively provide the moisture and waterproof qualities for the particular floor.

ARTICLE IV Fire-Safety Requirements

§ 41-22. Prohibited accumulations and storage.

It shall be prohibited:

- A. To accumulate or store on residential premises, except in approved locations, any highly flammable or explosive matter, such as paints, volatile oils, cleaning fluids and similar materials, or any combustible

refuse liable to spontaneous combustion, such as wastepaper, boxes, rags or similar materials.

- B. To accumulate or store materials on fire escapes or stairs, in stairways or passageways, at doors or windows or in any other locations where, in the event of fire, such materials may obstruct egress of occupants or interfere with fire-fighting operations.

§ 41-23. Prevention of fire spread.

- A. Walls and ceilings shall be maintained free from cracks and openings which would permit flame or excessive heat to enter the concealed space.
- B. In buildings of mixed occupancies, nonresidential space shall be separated from residential space by approved fire separations which will retard the spread of fire.
- C. Garages in or attached to a residential building shall be separated from other spaces in the building by approved fire separations which will retard the spread of fire and prevent flammable or toxic vapors originating within the garage from being transmitted to other parts of the building.

§ 41-24. Interior finishes, trim and decorative materials.

Interior finish materials for acoustical correction, surface insulation and decorative treatment on the surfaces of walls and ceilings, and interior trim shall be of materials that will not, in burning, give off excessive amounts of smoke or objectionable gases.

§ 41-25. Fireplaces.

- A. Fireplaces and similar construction used or intended to be used for burning fuel in open fires shall be connected to approved chimneys and shall be installed so that nearby or adjacent combustible material and structural members shall not be heated to unsafe temperatures.
- B. Hearths and linings or other parts of fireplaces exposed directly to flame shall be of materials that will not melt, disintegrate, spall or shatter at high temperatures.

- C. Wood mantels and trim on fireplaces shall be placed and attached so that they cannot be heated to unsafe temperatures or ignited by sparks or embers from the fire.

ARTICLE V
Equipment Requirements

§ 41-26. General equipment requirements.

- A. Plumbing, heating, electrical, ventilating, air-conditioning, refrigerating, cooking, fire protection and radiation production equipment, elevators, dumbwaiters, escalators and other mechanical additions, installations or systems for the use of the building shall be installed, located and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects, or a source of ignition or a radiation hazard, and will not create excessive noise or otherwise become a nuisance. Equipment and systems include, but

are not limited to, apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring, fittings and materials used as part of or in connection with such installations.

- B. Equipment and systems subject to damage from freezing shall be adequately protected against freezing.
- C. Moving parts of equipment which may be a potential hazard shall be guarded to protect against accidental contact.

§ 41-27. Plumbing.

A. General requirements.

- (1) Plumbing systems shall be maintained in sanitary and serviceable condition.
- (2) Plumbing systems shall be maintained so as not to weaken structural members nor cause damage or deterioration to any part of the building through fixture usage.

B. Water supply.

- (1) Potable water from an approved source shall be available at all times in residential buildings. The domestic water supply system of the building shall be connected to such approved source and shall not be subject to contamination. When supplied from a public source, the potable water supply system shall not be connected to private or unsafe water supplies.
- (2) Water supply systems shall be installed and maintained so as to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily and without undue noise under all normal conditions of use.
- (3) Water supply systems shall be installed and maintained so that water used for purposes of cooling or heating shall not be reintroduced into the domestic water supply system nor be distributed through such equipment to plumbing fixtures.
- (4) Hot water supply systems shall be provided with safety devices arranged to relieve hazardous pressures and excessive temperatures.

C. Sewage drainage system.

- (1) Plumbing fixtures shall be drained to a sewage drainage system, and such system shall be connected to a public sewer or to an adequate and approved system of sewage disposal.
- (2) Where a public sewer is not available, a system shall be provided to receive and dispose of sewage without health hazard or nuisance.
- (3) Sewage or other waste which may be deleterious to surface or subsurface waters shall not be discharged into the ground or into a waterway unless it has first been rendered harmless through subjection to treatment in conformity with generally accepted standards.
- (4) Substances which will clog pipes, produce explosive mixtures, destroy the pipes or their joints or interfere unduly with the sewage disposal process shall not be discharged into the building drainage system unless it is provided with approved devices suitable for intercepting such substances.
- (5) Each fixture directly connected to the sewage drainage system shall be equipped with a water seal trap.
- (6) Adequate cleanouts shall be provided and maintained so that the pipes may be readily cleaned.
- (7) The drainage system and its attendant vent piping shall be maintained so as to provide adequate circulation of air in all pipes in order that siphonage, aspiration or pressure will not cause a loss of trap seal under ordinary conditions of use.
- (8) Each vent terminal to the outer air shall be installed and maintained so as to minimize the possibilities of clogging, frost closure, and the return of foul air to the building or the creation of a nuisance to adjacent premises.
- (9) Drains provided for fixtures, devices, appliances or apparatus containing food, water, sterile goods or similar materials shall be equipped with air breaks adequate to prevent contamination of such contents from any possible backup of sewage through the direct or indirect drainage piping.

D. Storm drainage.

- (1) Roofs and paved areas, including yards and courts, shall be drained. Storm drainage shall be conveyed to an adequate and approved system or stormwater disposal where available. Storm drains shall be discharged in such manner that water will not flow onto sidewalks.
- (2) Where drainage system may be subject to backwater, suitable provision shall be made to prevent its overflow into the building.
- (3) Leaders and gutters, if used, shall be constructed of noncombustible material, except that wood leaders and gutters may be used for buildings not more than three (3) stories high.

E. Plumbing Facilities.

- (1) Buildings and portions thereof shall be provided with plumbing systems designed to dispose of the sewage from all fixtures and to furnish cold water to every water closet and urinal, and hot and cold water to every sink, lavatory, bathtub and shower required therein. In multiple dwellings, hot water shall be furnished at one hundred thirty degrees Fahrenheit to one hundred forty degrees Fahrenheit (130° - 140° F.) temperature range. **[Amended 7-3-1973]**
- (2) There shall be provided, within each dwelling unit, plumbing fixtures consisting of at least:
 - (a) One (1) kitchen sink.
 - (b) One (1) water closet.
 - (c) One (1) bathtub or shower.
 - (d) One (1) lavatory.
- (3) Where multiple dwellings contain sleeping accommodations arranged as individual rooms or suites, for each multiple of six (6) sleeping rooms or fraction thereof, there shall be provided plumbing fixtures consisting of at least:
 - (a) One (1) water closet.

- (b) One (1) bathtub or shower.
- (c) One (1) lavatory.
- (4) Where multiple dwellings contain sleeping accommodations arranged as a dormitory, for each multiple of fifteen (15) persons or fraction thereof so accommodated, there shall be provided and located adjacent thereto plumbing fixtures consisting of at least:
 - (a) One (1) water closet.
 - (b) One (1) bathtub or shower.
 - (c) One (1) lavatory.
- (5) Urinals may be substituted in men's toilet rooms for not more than one-third (1/3) of the required number of water closets.
- (6) Privies, privy vaults and outhouses shall be prohibited on residential premises.

F. Plumbing Fixtures.

- (1) Plumbing fixtures shall be made of smooth, nonabsorbent material and shall be free from concealed fouling surfaces.
- (2) Plumbing fixtures shall be so spaced as to be reasonably accessible for their intended use.
- (3) Plumbing fixtures shall be located in spaces that are accessible, lighted and ventilated.

G. Swimming pools.

- (1) Water supply used for filling or for cleaning of the pool shall be clean. Water supply shall be protected against potential pollution from all sources, including cross-connection and backflow.
- (2) Drains shall be provided so that the pool can be safely and adequately drained. Drains shall be provided in floors surrounding the swimming pool, and arranged so that water from such areas will drain without entering the pool.

- (3) Filtering, sterilizing and auxiliary equipment, where required, shall be adequate to maintain the sanitary quality of water during each period the pool is in use. Equipment containing gases or disinfectants capable of giving off irritating, toxic or flammable fumes shall be located in ventilated rooms.
- (4) The installation shall be arranged and maintained to prevent dirt, sand or other foreign matter from entering the bathing area.

H. Water supply tanks.

- (1) Water supply tanks shall be installed and maintained so as to be watertight, verminproof, rodentproof, resistant to corrosion and capable of withstanding the working pressures under normal operation.
- (2) Supports for tanks shall be noncombustible construction.
- (3) Tanks and their supports shall not be used to support equipment or structures other than for tank use, except where specially designed for such other use.
- (4) Means for emptying water supply tanks shall be provided and maintained in proper working condition.
- (5) Potable water supply tanks for domestic supply and standpipe or automatic sprinkler systems shall be installed and maintained to furnish water in sufficient quantity and pressure for such systems.

§ 41-28. Fuel gas.

A. General requirements.

- (1) Fuel gas piping systems shall be installed and maintained so as to remain gastight, safe and operative under conditions of use.
- (2) Fuel gas piping systems shall provide a supply of gas sufficient to meet the maximum expected demand of the installed gas-burning appliances connected thereto.

B. Shutoff valves.

- (1) Gas piping systems shall have at least one (1) accessible means for shutting off all gas supply, and such means shall be maintained in good operating condition.
 - (2) An easily accessible shutoff valve or cock shall be provided in the piping in close proximity to, and ahead of, every outlet for gas appliance.
- C. **Service equipment for gas supplied from utility mains.** Gas services, gas meters and gas pressure regulators shall be located so that they are protected from damage.
- D. **Gas refrigerators and ranges.** Gas refrigerators and ranges shall be installed with clearance for ventilation and shall be maintained in good operating condition.
- E. **High-pressure gas.** Any service connection supplying gas at a pressure in excess of one (1) pound per square inch gauge shall be provided with a device to reduce such pressure to not more than one-half (1/2) pound per square inch gauge prior to entering the meter, except where such service supplies equipment using gas at high pressures.
- F. **Liquified petroleum gas.**
- (1) Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in buildings.
 - (2) Liquified petroleum gas shall not be vaporized by devices utilizing open flame or open electrical coil.
 - (3) Where two (2) or more containers are installed, connection shall be arranged so that containers can be replaced without shutting off the flow of gas to equipment.
 - (4) Containers shall be designed, stored and located so as not to be a hazard to the premises served or to the surrounding property.
 - (5) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

- (6) Systems shall have at least one (1) accessible means for shutting off the gas. Such means shall be located outside the building and shall be maintained in good operating condition.

§ 41-29. Heating.

A. General requirements.

- (1) Residential buildings intended for occupancy between the first day of November and the first day of May the following year shall be provided with heating equipment designed to maintain a temperature of not less than seventy degrees Fahrenheit (70° F.) at a distance of three (3) feet and more from exterior walls, and at a level of five (5) feet above the floor, in habitable spaces, kitchenettes, bathrooms and toilet rooms. The capability of the heating equipment to maintain such indoor temperature shall be based on the average of the recorded annual minimum outside temperatures for the locality.
- (2) In multiple dwellings, adequate heat shall be provided to maintain the indoor temperature in habitable spaces, kitchenettes, bathrooms and toilet rooms at seventy degrees Fahrenheit (70° F.) when the outside temperature falls below fifty-five degrees Fahrenheit (55° F.). **[Added 7-3-1973]**

B. Smoke control. Fuel-burning, heat-producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust, particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.

C. Warm air heating. Ducts and other air-handling equipment used for heating shall conform to the requirements of such equipment used for ventilating purposes.

D. Prohibited locations for heat-producing equipment. Fuel-burning water heaters shall not be located in sleeping rooms, bathrooms or toilet rooms.

E. Fuel supply connection. Fuel-burning equipment shall be permanently fastened and connected in place. Fuel supply connection to such equipment shall be made with pipe or tubing of solid metal.

- F. **Installation and clearance.** Where heat-producing equipment is installed on or adjacent to combustible materials, the location, insulation, clearance and the control of the equipment shall be such that the temperature on the surface of the combustible materials will not exceed a safe temperature.
- G. **Air supply.**
- (1) Direct-fired heat-producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate both for complete combustion at the rated gross output of the equipment and for ventilation of the enclosure to prevent the accumulation of heat.
 - (2) Rooms containing fuel-burning equipment shall have such air supply provided by means of one (1) or more openings to the exterior, or by means of fixed openings to interior spaces which open to the exterior.
- H. **Removal of products of combustion.**
- (1) Equipment for burning solid or liquid fuel shall be connected to suitable chimneys or flues and shall not be connected to gas vents. Unvented heaters burning liquid fuel shall be prohibited.
 - (2) Fuel-burning space heaters located in sleeping rooms normally kept closed shall be connected to a suitable chimney, flue or gas vent.
 - (3) Gas-fired equipment shall be connected to a suitable chimney, flue or gas vent when the discharge of products of combustion into the space where the equipment is installed would be a hazard.
- I. **Safety devices.**
- (1) Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.
 - (2) Controls for the safe operation of automatically operated heat-producing equipment shall be provided to function as follows: When failure or interruption of flame or ignition occurs, the fuel supply shall be cut off. When a predetermined temperature or

pressure is exceeded, the input of additional heat shall be prevented or reduced to a safe rate. When the water level in a steam boiler drops below a predetermined level, the fuel supply shall be cut off. When failure or interruption of pilot light or main burner of liquefied petroleum gas equipment occurs, the fuel supply to each pilot light and main burner shall be cut off.

- J. **Heating of garages.** Fuel-burning equipment for garages servicing multiple dwellings shall be located in heater rooms, except that equipment burning gas or liquid fuel, located in the vehicle storage space, shall be permitted in stories at or above grade where elevated so as not to be exposed to possible accumulation of flammable gases.

§ 41-30. Chimneys, flues and gas vents.

A. **General requirements.**

- (1) Chimneys, flues, gas vents and their supports shall be installed and maintained so as to be structurally safe, durable, smoketight, noncombustible and capable of withstanding the action of flue gases without softening, cracking, corroding or spalling.
- (2) Such facilities shall effectively convey the products of combustion to the outer air.
- (3) Masonry chimneys, except approved prefabricated chimneys, shall have noncombustible foundations.
- (4) Flue linings shall be capable of withstanding the action of flue gas without softening, cracking, corroding or spalling at the temperature to which they will be subjected.
- (5) Openings for smoke pipes or gas vent connections shall be provided with means for easy connection without restriction of flue.
- (6) No flue shall have smoke pipe or gas vent connections in more than one (1) story of a building.
- (7) Fuel-burning equipment and fireplaces located in different tenancies shall not be connected to the same flue.

- B. **Fire safety.** Chimneys, flues and gas vents shall be installed and maintained so that under conditions of use the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith does not exceed a safe temperature.
- C. **Spark arresters.** A chimney or flue connected to an incinerator and a chimney or flue which may emit sparks shall be provided with a spark arrester or noncombustible construction. Spark arresters shall have sufficient total clear area to permit unrestricted passage of flue gases. Openings in spark arresters shall be of such size as to prevent passage of embers to minimize clogging by soot.

§ 41-31. Incinerators

A. General requirements.

- (1) Incinerators shall be of adequate capacity for the intended use.
- (2) Flue-fed incinerators shall be equipped with means for burning auxiliary fuel in sufficient quantity to assure complete combustion of refuse.
- (3) A flue serving an incinerator shall be provided with a substantially constructed arrester.
- (4) Incinerators shall be connected to a suitable noncombustible chimney, smokestack or flue.
- (5) Connections to incinerators shall provide free passage of refuse without clogging.

B. Service openings.

- (1) Service openings shall be readily accessible to the building occupants.
- (2) Durable signs with plainly legible letters prohibiting disposal of highly flammable substances in incinerators shall be provided near service openings.

§ 41-32. Electrical.

A. General requirements.

- (1) Electrical wiring and equipment shall be installed in conformity with generally accepted standards and maintained so as not to be a potential source of ignition of combustible material or a potential source of electrical hazard.
- (2) Electrical wiring and equipment shall be firmly secured to the surface on which it is mounted.
- (3) Electrical wiring and equipment installed in damp or wet locations or where exposed to explosive or flammable gases or to excessive temperatures shall be of a type for the purpose and location.
- (4) Electrical wiring and equipment shall be protected against excessive current by properly rated overcurrent devices.
- (5) Electrical wiring and equipment shall be grounded or otherwise protected by insulation, isolation or guarding so as to minimize the danger of high voltages from lightning or other causes.
- (6) Electrical equipment which in ordinary operation produces arcs or sparks shall be enclosed unless separated and isolated from all combustible material.
- (7) Service equipment and overcurrent protection devices shall be installed and maintained in a readily accessible location.

B. Artificial lighting.

- (1) Residential buildings and occupancies shall be wired for electricity, and lighting equipment shall be installed throughout to provide adequate illumination for the intended use of each space. Electric wiring system shall be connected to an adequate source of supply.
- (2) There shall be a switch or other means of controlling a light in each dwelling unit near the point of entrance to such unit.

C. Exit and directional signs.

- (1) Exits in multiple dwellings shall be provided with exit and directional signs visible from the approach to the exits, except that such signs shall not be required in those portions of a building which contain dwelling units only or in which exit from sleeping rooms is directly to the outside.

- (3) Directional signs shall be provided at locations from which the exit doorway is not readily discernible.
- (3) Such signs shall be worded in plainly legible block letters with the word "EXIT" for exit signs and the words "TO EXIT," with a suitable pointer or arrow indicating the direction of exit, for directional signs. Letters for signs shall be at least six (6) inches high, except that for internally illuminated signs the height of such letters shall be at least four and one-half (4 1/2) inches.
- (4) Exit and directional signs shall be illuminated either externally or internally by electric lights and shall be kept illuminated when the building is occupied.

§ 41-33. Cooking and refrigeration.

A. General requirements.

- (1) Each dwelling unit shall be provided with appropriate cooking and refrigeration equipment.
- (2) Cooking and refrigeration equipment shall be maintained in good operating condition.
- (3) Gas-burning cooking equipment shall be permanently fastened and connected in place. Gas supply connection to such equipment shall be made with pipe or tubing of solid metal.
- (4) Solid fuel-burning cooking equipment shall be appropriately vented.

B. Communal cooking and dining facilities. Communal kitchens and dining rooms shall comply with the following requirements:

- (1) Communal kitchens shall contain: at least one (1) kitchen sink; at one (1) kitchen gas or electric stove equipped with an oven and not less than four (4) top burners; at least one (1) electric or gas-type refrigerator with adequate food storage capacity, but in no case less than eight (8) cubic feet nominal size. Dining space and eating facilities, where provided in the kitchen area, shall comply with the requirements for communal dining rooms.

- (2) Communal dining rooms shall contain at least one (1) dining chair and two (2) lineal feet of dining space for each occupant permitted in a dining room at any particular time.

§ 41-34. Air-conditioning and mechanical ventilation in one- and two-story dwellings.

- A. Exhaust air from a dwelling unit shall not be circulated to another dwelling unit.
- B. Ducts shall be securely fastened in place and appropriately fire-stopped.

§ 41-35. Air-conditioning and mechanical ventilation in multiple dwellings.

A. Refrigerants.

- (1) Refrigerants that are highly flammable shall not be used in multiple dwellings.
- (2) Direct systems using refrigerants that are flammable or toxic shall not be used for air-conditioning purposes.

B. Ventilating systems.

- (1) Ventilating systems shall be installed and maintained so that the rapid spread of heat, flame or smoke through the system will be prevented and so that under conditions of use the temperature of any combustible material adjacent therewith will not exceed a safe temperature.
- (2) Stairways, passageways, exits, shafts, hoistways or attics shall not be used as plenum chambers.
- (3) Ducts shall be securely fastened in place and appropriately fire-stopped.
- (4) Ducts and other air-handling equipment shall be of noncombustible material.
- (5) Filters shall be installed and maintained so as not to constitute a fire or smoke hazard.
- (6) Ducts passing through or located within combustible construction shall be separated from such construction have a

clearance of at least one-half (1/2) inch or by a noncombustible insulating material at least one quarter (1/4) inch thick.

- (7) Air required for ventilation shall be taken from the exterior or shall be quality-controlled.
- (8) Exhaust air from a dwelling or a space whose contents may emit odors, fumes or vapors shall not be circulated to other occupied spaces within the building.

C. Air intake and exhaust openings.

- (1) Air intake and exhaust openings shall be installed, located and maintained so as not to constitute a hazard or nuisance and so as to prevent the possibility of fire, smoke, fumes or foreign matter being drawn into the system.
- (2) Ventilating systems shall be provided with adequate openings for incoming and outgoing air to obtain the required circulation. Intake openings shall provide air from an uncontaminated source.
- (3) Where openings for mechanical exhaust are located in spaces that also contain fuel-burning equipment, there shall be provided fixed intake openings from the exterior to supply sufficient air so that the fuel-burning equipment is not adversely affected.
- (4) Exhaust openings shall be located so that the exhaust air will not create a nuisance.

D. Ventilation requirements.

- (1) Enclosures or spaces where heat, gases, vapors or odors may accumulate and become a potential source of hazard or nuisance shall be provided with adequate means of ventilation to remove such excess.
- (2) Public spaces shall be provided with means for obtaining air supply for the maximum number of persons for which such spaces are designed.

E. Safety controls.

- (1) Manually operated controls shall be provided to stop the operation of all central fan equipment. Such controls shall be conspicuously identified and in readily accessible locations outside the fan room.
- (2) Every system using recirculated air and serving an assembly space or more than one (1) fire area or more than one (1) story of a building shall be provided with controls arranged so that under abnormal rise in temperature of the air in the systems, the fans causing normal circulation shall stop and require manual restart.
- (3) Every system for ventilating an assembly space shall be provided with an emergency switch conveniently located and with a durable sign giving instructions for shutting down the system in case of fire.

§ 41-36 Fuel Oil.

- A. **General requirements.** Fuel oil shall be received, stored and conveyed by means of fixed liquidtight equipment.
- B. **Storage tanks.**
 - (1) Tanks shall be provided with means for venting.
 - (2) Tanks shall be installed and maintained so as not to be a hazard to the premises served or the surrounding property.
- C. **Piping.**
 - (1) Automatically operated boilers and furnaces using fuel oil shall be provided with remote control to stop the flow of oil during fire or other emergency.
 - (2) Filling, emptying and venting of tanks shall be by means of fixed piping. Pipes to underground tanks shall be pitched toward tanks. Terminals of fill and vent pipes shall be located outside buildings at a safe distance from building openings.

§41-37. Fire protection in multiple dwellings.

- A. **Fire alarm systems.** Required fire alarm systems shall be maintained in proper operating condition at all times.

B. Sprinkler equipment.

- (1) Required sprinkler equipment shall be maintained in proper operating condition at all times. Storage of materials shall cause minimum interference to effective discharge of water.
- (2) Valves controlling water supply to sprinklers shall be secure in the open position.
- (3) Sprinkler heads shall be maintained free of corrosion and paint.

C. Standpipe systems.

- (1) Standpipe systems shall be maintained in proper operating condition at all times.
- (2) Gate valves at hose stations shall be maintained tight against leaks.
- (3) Hose shall be in proper position ready for operation, dry and free of deterioration.

D. Portable extinguishers.

- (1) Each oil burner for boiler, furnace or central hot water heater shall be provided with an approved hand fire extinguisher or two (2) rounded-bottom pails filled with sand.
- (2) Portable extinguishers required for fire protection shall be in their designated locations and in a condition which will permit efficient operation without delay.

§41-38. Elevators, dumbwaiters and escalators in multiple dwellings.

- A. Elevators, dumbwaiters and escalators shall be maintained so as to be free from physical and fire hazards.
- B. Elevator and power-operated dumbwaiter cars shall be provided with durable signs in conspicuous locations on which the rated capacity shall be indicated.

- C. Elevator cars shall be provided with approved means for transmitting a signal outside the hoistway in case of emergency.
- D. Hoistways and pits shall be maintained free of refuse.
- E. Machine rooms shall be maintained free of oil and grease and shall not be used for storage of articles or materials unnecessary for the maintenance of the elevator or dumbwaiter. Flammable liquids shall not be kept in such rooms.
- F. No person shall at any time make any required safety device or electrical protective device inoperative, except where necessary during tests, inspections or maintenance.

ARTICLE VI Property Maintenance Requirements

§ 41-39. General maintenance requirements.

Residential premises shall be maintained in conformity with the provisions of this chapter so as to assure the desirable residential character of the property.

§ 41-40. Open areas.

- A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds. Butters, culverts, catch basins, drain inlets, stormwater sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where deemed necessary.
- B. **Fences. [Amended 7-1-1969]**
 - (l) Any fence in a residential district shall be of open construction, such as an ornamental iron, wire, chain or picket (iron or wood), and shall not exceed four (4) feet in height. No fence

of any description, except a hedge, shall be built nearer the street line than the front line of the dwelling on such lot, unless approved by the Housing Commission.

- (2) No fence or hedge of any description shall be built nearer than three (3) feet of the inside of the street side of the property line. In any case where the rear lot line of a lot is adjacent to the side lot line of another lot, no fence of any description, except a hedge, shall be built on the side of the rear lot line nearer the street line than the front line of the dwelling on such adjacent lot, unless approved by the Housing Commission.
 - (3) No hedge fence placed along the front property line shall exceed four (4) feet in height. This hedge fence of four-foot height shall also be the limit for the front and side of a corner lot abutting an open street.
 - (4) Any fence shall have the finished side of the fence facing the abutting property. All supporting posts shall be placed inside the property line.
 - (5) No hedge shall be planted directly on the property line, but planting shall provide for growth of hedge. Hedges shall be planted a minimum of twelve (12) inches from property line. The owner of such hedge fences shall keep the hedges trimmed in line with the abutting property line. No hedge fence shall exceed six (6) feet in height.
 - (6) All fences shall be maintained in a safe and substantial condition. All exposed surfaces, excepting hedges, shall be periodically protected with paint or other preservative to retard deterioration. Use of barbed wire for fencing is prohibited in any zone excepting industrial, unless approved by the Housing Commission.
 - (7) Fences, whether hedge, ornamental iron, solid board, picket, interwoven, etc., when used for purposes of privacy, shielding of patio, etc., when exceeding the four-foot height, shall be built six (6) inches inside the property line for every foot of additional height, and in no case shall exceed eight (8) feet in height.
- C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.

- D. Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. In residential areas, and storage of old lumber, metal, pipes, plumbing fixtures and broken concrete or stone shall not be permitted for longer than a ninety-day period. **[Amended 4-6-1965]**
- E. Heavy undergrowths and accumulations of plant growth which are noxious or detrimental to health shall be eliminated.
- F. A junked vehicle may not be parked, stored or left in the open unless it is necessary for the operation of a business enterprise lawfully situated on private property. Any other junked vehicle or vehicles must be relocated to a completely enclosed location, or otherwise removed from the property. In a residential district, there shall be no outside storage of any unregistered and/or unlicensed motor vehicle for a period longer than one (1) month in any calendar year, providing that such unregistered and/or unlicensed motor vehicle, notwithstanding the year in which the same shall have been manufactured, is at all times while being so stored kept in such condition and maintained with such equipment that it will meet the minimum requirements to pass the York State Motor Vehicle Inspection Standards, as provided by the Vehicle and Traffic Law of the State of New York, and all rules and regulations promulgated by the Commissioner of Motor Vehicles for the periodic inspection of motor vehicles in the State of New York, and as the same may be amended from time to time. There shall be no outside storage in a residence district of motor vehicle bodies or motor vehicle parts anytime. **[Amended 4-6-1965]**

§41-41. Buildings and structures.

- A. Exterior wood surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.
- B. Floors, walls, ceilings, stairs, furnishings and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch or appurtenance thereto, shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public. **[Amended 4-6-1965]**
- C. Accessory structures shall be maintained so as to be free of conditions detrimental to safety or health.
- D. The owner of a vacant building shall take such steps and perform such acts as may be required of him from time to time to ensure that

the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public.
[Amended 4-6-1965]

- E. Buildings and structures shall be maintained in such condition so that they shall not become an unoccupied hazard as defined in § 41-9.
[Amended 4-6-1965]

§41-42. Infestation and screening.

- A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.
- B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.
- C. From May 1 to October 1, entrances to residential buildings shall be provided with self-closing-type devices or screens, and windows and other openings used for ventilation shall be appropriately screened. Screens shall not be required in rooms located sufficiently high in the upper stories of multiple dwellings as to be free of mosquitoes, flies and other flying insects.

§41-43. Garbage and refuse.

- A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- B. In multiple dwellings, it shall be prohibited to store or accumulate garbage or refuse in public halls and stairways.

Part 2
Administration and Compliance

ARTICLE VII
General Provisions

§ 41-44. Title.

This Part shall be known as "Administration and Compliance Provisions Supplementary to Applicable Housing Standards."

§ 41-45. Purpose.

The purpose of this Part is to provide basic and uniform administration of, and compliance with, applicable housing standards, and to establish the responsibilities of parties concerned therewith.

§ 41-46. Effective date.

This Part shall take effect on the 10th of January 1963.

§ 41-47. Scope.

This Part shall apply to administration of, and compliance with, applicable housing standards.

§ 41-48. Nonapplicability.

This Part shall not apply to premises which are not within the scope of applicable housing standards.

§ 41-49. Partial invalidity.

If a term, part, provision, section, subdivision or paragraph of this Part shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, provisions, sections, subdivisions and paragraphs.

ARTICLE VIII
Administration

§ 41-50. Administrative agency.

- A. There shall be established or designated by local law in the City of Dunkirk, New York, an agency to administer and secure compliance with the applicable housing standards. Such agency is hereinafter referred to as "the agency."
- B. The agency shall be under the direction and charge of a chief officer, who shall have as his representatives such assistants and inspectors as may be necessary to carry out effectively the powers and duties of the agency.
- C. All personnel of the agency shall be qualified and appointed as prescribed by local law, and shall be furnished with appropriate official badges or identification cards.
- D. All personnel of the agency shall be free from personal liability for acts done in good faith in the performance of their official duties.
- E. The term "agency" when used in this Part shall mean the office of the Building Inspector and all personnel thereof: the chief officer of said office shall be the duly appointed Building Inspector. **[Added 8-4-1964]**

§ 41-51. Powers and duties.

- A. The agency shall be charged with the duty of administering the applicable housing standards and securing compliance therewith, and shall be empowered to adopt rules and regulations necessary for securing such compliance and for its own organization and internal management, provided that such rules and regulations shall not be in conflict with the applicable housing standards.
- B. The agency shall be authorized to conduct surveys of housing in any area of the municipality to determine the condition of premises, extent of deterioration, lack of facilities, inadequate maintenance, unsafe

and unsanitary conditions, extent of overcrowding, land use and other relevant factors.

C. It shall be the duty of the chief officer:

- (1) To cause periodic inspections to be made, not less than once every five (5) years, of all premises within the scope of applicable housing standards.
- (2) To cause an investigation of all complaints of alleged housing violations or other unsafe or unsanitary conditions.
- (3) To order, in writing, the remedying of all conditions found to exist in or on any premises in violation of provisions of the housing standards or of rules and regulations adopted by the agency, to state in the violation order a reasonable time limit for compliance therewith and, where necessary, to cover the vacation of premises found unfit for human habitation.
- (4) To issue an appearance ticket for legal proceedings in the City Court of Dunkirk, New York, upon failure of the responsible party to comply with such violation order within the specified time therein and to request the chief legal officer of the municipality to appear on behalf of the City at such proceedings. **[Added 2-6-1979 by L.L. #3-1978]**
- (5) To cause a search of the agency's records of housing violations existing on any premises and to issue a certified statement thereof upon receipt of written request and payment of any fees required by local law or ordinance.
- (6) To study housing conditions in the municipality.
- (7) To cooperate with other municipal, governmental and private agencies engaged in the study and improvement of housing conditions.
- (8) To publish an annual report of housing conditions in the municipality, accomplishments of the agency and recommendations for the future.
- (9) Where a vacant apartment or building does not conform to the provisions of this chapter, and after due notice to the owner as provided in Subsection C(3) above, the agency may post a sign or placard on such apartment or building. This placard or sign shall state: "This apartment or building is not to be

occupied until a certificate of occupancy or compliance has been issued by the Building Inspector. It shall be unlawful to remove, deface, or destroy this sign or placard without the written consent of the Building Inspector." **[Added 8-16-1966; effective 9-1-1966]**

- D. Where violations of the housing standards exist and pose an immediate hazard or danger to the health, safety or welfare of building occupants or of the public, the chief officer may issue an order citing the violation and directing such action by such municipal agency as is necessary to remove or abate the immediate hazard or danger.

41-52. Inspection.

- A. Inspectors shall be authorized and have the right, in the performance of their duties, to enter any premises during normal business hours and in emergencies whenever necessary to protect the public interest.
- B. Owners, agents, operators and occupants shall be responsible for providing access to all parts of the premises within their control to authorized agency personnel acting in the performance of their duties.

§ 41-53. Records.

The agency shall keep records of all complaints received, inspections made and violations found regarding premises regulated by the housing standards. Records shall be kept in a manner and form as prescribed by local law and shall be available for public inspection.