

ORDINANCE 97-32
PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE TO ESTABLISH AND ENFORCE MINIMUM STANDARDS FOR
HOUSING IN THE CITY OF LOGANSPORT.

BE IT ORDAINED by the Common Council of the City of Logansport, Indiana, that:

SECTION I
DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- 1.00 "Apartment" shall mean a room or group of rooms in an apartment house designed for and occupied exclusively as a residence for only one (1) family.
- 1.01 "Apartment House" shall mean a building designed for and occupied exclusively by two (2) or more families living independently of one another.
- 1.02 "Basement" shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of adjoining ground.
- 1.03 "Cellar" shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height, below the average grade of the adjoining ground.
- 1.04 "Dwelling" shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; PROVIDED that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- 1.05 "Dwelling Unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- 1.06 "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Board of Health.
- 1.07 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

- 1.08 "Habitable Room" shall mean a room or enclosed floor space used or intended to be used for sleeping, cooking, or eating purposes, excluding bathrooms, water closets, compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.
- 1.09 "Hotel" shall mean every building or structure kept, used or maintained as and advertised or held out to the public to be an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory, bed and breakfast, or place where sleep or rooming accommodations are furnished for hire or are used or maintained for the accommodation of guests, lodgers or roomers.
- 1.10 "Infestation" shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.
- 1.11 "Inspection Certificate" shall mean that certificate issued by the Office of the Building Commissioner which documents that a dwelling unit has passed inspection and the owner is permitted to rent or lease the unit.
- 1.12 "Inspection Officers" shall mean the following persons, working separately or together, who shall enforce the provisions of this ordinance:
- (a) Building Commissioner or designated officer
 - (b) Fire Inspector (Chief or designated officer)
 - (c) Electrical Inspector or designated officer.
- 1.13 "Multiple Dwelling" shall mean any dwelling containing more than two (2) dwelling units.
- 1.14 "Occupant" shall mean any person, over one (1) year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.
- 1.15 "Operator" shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- 1.16 "Owner" shall mean any person who, alone or jointly or severally with others:
- (a) Shall have legal title to any dwelling or dwelling unit, whether or not they occupy the same, or

- (b) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner, or
 - (c) Shall be the purchaser under a land contract of any dwelling or dwelling unit whether or not they occupy the same.
- 1.17 "Person" shall mean and include any individual, firm, corporation, association or partnership.
- 1.18 "Plumbing" shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, building drains, sewer drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- 1.19 "Registration Fee" shall mean the amount paid to the Office of the Building Commissioner when registering a rental unit.
- 1.20 "Registration Receipt" shall mean that receipt issued by the Office of the Building Commissioner which documents that a dwelling unit has been registered and the owner has paid the appropriate registration fee.
- 1.21 "Rental Building" shall mean a building containing one (1) or more rental units.
- 1.22 "Rental Dwelling Unit" shall mean a rented single dwelling unit in residential premises.
- 1.23 "Rental Unit" shall mean a unit of a hotel, motel, rooming house or apartment house, a rental dwelling unit, a dwelling unit, an apartment or other similar designation which is held for lease or rent.
- 1.24 "Rooming House" shall mean a structure occupied by individuals sharing common facilities occupying rooming units. Rooming houses shall differ from two (2) and multi-family dwelling units in that the rooms contained in the structure do not constitute independent housekeeping establishments. Examples of a rooming house would include a boarding house, lodging house, club, fraternity, or residential hotel.

- 1.25 "Rooming Unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking or eating purposes.
- 1.26 "Rubbish" shall include materials other than garbage resulting from ordinary household operations including such items as tin cans, glass, bottles, ashes, papers, magazines, newsprint, boxes, china, crockery, rags, old shoes, small cartons, broken crockery which has been used as food or beverage containers, etc. in metal or plastic covered containers or plastic bags tied.
- 1.27 "Substantial Property Interest" has the meaning specified in I.C. §36-7-9-2, herein incorporated by reference, that is, any right in real property that may be affected in a substantial way by actions authorized by this Ordinance, including a fee interest, a life estate interest, a future interest, a present possessory interest or an equitable interest of a contract purchaser.
- 1.28 "Supplied" shall mean paid for, furnished, or provided by or under the control of the owner or operator.
- 1.29 "Temporary Housing" shall mean any tent, recreational vehicle, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) days.
- 1.30 "Unacceptable" shall mean any violation of this Ordinance or any applicable state code or statute which violation does not render the building or any portion of the building unsafe.
- 1.31 "Unsafe Building" has the meaning specified in I.C. §36-7-9-4. An unsafe building is a building or structure or any part of a building or structure that is:
- (a) in an impaired structural condition that makes it unsafe to a person or property;
 - (b) a fire hazard, as determined by the fire chief;
 - (c) a hazard to the public health, with input from the County Health officer;
 - (d) a public nuisance;
 - (e) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or

- (f) vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.
- 1.32 “Unsafe Premises” as specified in I.C. §36-7-9-4 shall mean the tract of real estate on which an unsafe building is located.
- 1.33 “Lead Based Paint” shall mean any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the “safe” level in residential paint and paint products.

SECTION II
ADOPTION OF THE UNSAFE BUILDING LAW

- 2.01 Under the provisions of I.C. §36-7-9-3, the Common Council of the City of Logansport hereby adopts the Unsafe Building Law, I.C. §36-7-9-1 through §36-7-9-28 as it may be amended from time to time.
- 2.02 The executive department responsible for administration of the Unsafe Building Law is the Office of the Building Commissioner.
- 2.03 The definition of “substantial property interest” contained in I.C. §36-7-9-2 is hereby incorporated into this Property Maintenance Ordinance by reference as set out in Section 1.28.
- 2.04 Enforcement Authority as used in the Unsafe Building Law means the Building Commissioner.
- 2.05 Hearing Authority as used in the Unsafe Building Law means the Board of Public Works and Safety or other Hearing Authority as designated by the Mayor.
- 2.06 An unsafe building fund is hereby established in the general fund of the City of Logansport in accordance with the provisions of I.C. §36-7-9-14.

SECTION III
**APPLICATION FOR REGISTRATION RECEIPT
FOR RENTAL PROPERTIES**

- 3.01 No equitable or legal owner of real estate within the City of Logansport shall permit the real estate to be leased for any purpose that includes any person using the premises as their living quarters until a registration receipt covering each rental unit in the building has been obtained.

- 3.02 A registration receipt shall be obtained by applying for the receipt at the Office of the Building Commissioner and by paying a triennial registration fee of \$0 for each dwelling unit or \$0 for each hotel, motel, apartment house or rooming house, whichever is less. The initial triennial registration fee shall be submitted at the time application is made. At the time application is made, the owner of the real estate shall supply the Office of the Building Commissioner with the name of the owner, address of the owner, street address of the property being registered, the nature of the rental building or unit, the use to which the property shall be put and any other information which the Office of the Building Commissioner may require to aid the Building Commissioner in carrying out the purposes of this Ordinance.
- 3.03 After application for a registration receipt has been submitted to the Office of the Building Commissioner, the Building Commissioner shall conduct an inspection of each such rental unit to ascertain that the facility conforms to all requirements of this Ordinance, any other applicable ordinance and all other applicable laws of the State of Indiana.
- 3.04 After an inspection which shows that the rental unit conforms to all applicable ordinances and statutes, the Building Commissioner shall issue to the owner of every registered rental unit an inspection certificate.
- 3.05 Each registration receipt shall be valid for a period of three (3) years. Each registration receipt shall be renewed by its expiration date by submitting the registration fee to the Office of the Building Commissioner. In the event that the registration fee is not paid within thirty (30) days after the expiration date, a \$0 late fee will be assessed and the renewal will be backdated to its prior expiration date. Any triennial registration receipt issued shall be valid for only a three (3) year period commencing on the anniversary date of the original expiration date and not as of the date of payment.
- 3.06 The registration receipt applies to the rental unit and not to the owner of the property. However, within the thirty (30) days after the sale of the equitable or legal title to any property registered under this Ordinance, any person acquiring equitable or legal title shall notify the Office of the Building Commissioner of their name and address. No new registration fee shall be due until the expiration date of the current registration receipt.
- 3.07 Each owner of a rental unit warrants at each change of tenant that the rented unit meets the registration and inspection requirements set forth in this section and meets the Minimum Housing Standards for Logansport, Indiana, as set forth in this Ordinance.

SECTION IV
INSPECTION

- 4.01 The Inspection Officers are authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the City of Logansport in order that they may perform their duties of safeguarding the health and safety of the occupants of the dwelling and the general public.
- (a) For the purpose of making such inspections, the Inspection Officers are authorized to enter, examine and survey at all reasonable times all rental units. The owner or occupant of every rental unit or the person in charge thereof shall give the Inspection Officers free access to such rental unit and its premises at all reasonable times for the purpose of such inspection, examination and survey, provided, however, that such Inspection Officer has, prior to entry thereof, positively identified himself as a person authorized pursuant to this Ordinance to enter upon said premises. At the time of each inspection, all pets must be controlled so that the Inspection Officer can move about the dwellings and surrounding property without interruption.
- (b) The owner shall be given at least a seventy-two (72) hour written notice from the Inspection Officer prior to conducting the inspection, examination or survey provided by the preceding section of this Ordinance. The owner shall be responsible for notifying the occupant of a rental unit of the inspection when he receives notice of the intent to inspect from the Inspection Officer.
- (c) These provisions shall not be construed to limit or restrain the right of the Inspection Officer to make an inspection pursuant to any of the provisions of I.C. §36-7-9-1 et seq.
- 4.02 Every rental unit operated and maintained in the City shall be inspected by the Building Commissioner or his designee at least one (1) time every three (3) years. The inspection shall be made to ascertain that the facility conforms to all requirements of this Ordinance and any other ordinance of the City and all statutes of the State of Indiana regarding such facilities.
- 4.03 Every occupant of a rental unit shall give the owner thereof or his agent access to any part of the 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.

- 4.04 The Building Commissioner shall issue to the owner of every registered and inspected rental dwelling unit an inspection certificate as proof that the unit passed inspection. A Logansport Housing Authority inspection will be acceptable in lieu of an inspection by the Building Commissioner.
- 4.05 At each change of occupancy, every owner or his agent, shall provide the occupant with a copy of the inspection certificate. In the case of hotel, motel or rooming house, the inspection certificate shall be posted in a conspicuous place within the facility.
- 4.06 If the Building Commissioner finds that a rental unit fails to comply with any standard set forth in this Ordinance, or any statute of the State of Indiana, he shall give notice of the alleged violation to the owner of the rental unit. The notice shall specify the date by which the violation must be corrected.

SECTION V **ENFORCEMENT**

- 5.01 If an Inspection Officer finds that a building or structure or any part thereof or any premises fails to comply with the standards set forth in this Ordinance, any other ordinance of the City of Logansport, or any statute of the State of Indiana, the Building Commissioner may issue an order requiring action relative to the premises in accordance with the provisions of I.C. §36-7-9-5, including:
- (a) vacating of an unsafe building;
 - (b) sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;
 - (c) extermination of vermin in and about the unsafe premises;
 - (d) removal of trash, debris, or fire hazardous material in and about the unsafe premises;
 - (e) repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use by a statute, a rule adopted under I.C. §4-22-2, or an ordinance;
 - (f) removal of part of an unsafe building;
 - (g) removal of an unsafe building; and

(h) requiring, for an unsafe building that will be sealed for a period of more than ninety (90) days:

- (1) sealing against intrusion by unauthorized persons and the effects of weather;
- (2) exterior improvements to make the building compatible in appearance with other buildings in the area; and
- (3) continuing maintenance and upkeep of the building and premises;

in accordance with standards established by ordinance.

5.02 The order supersedes any permit relating to the building or land use, whether that permit is obtained before or after the order is issued.

5.03 The order of the Building Commissioner shall contain the following, in accordance with the provisions of I.C. §36-7-9-5:

- (a) the name of the person to whom the order is issued;
- (b) the legal description or address of the unsafe premises that are the subject of the order;
- (c) the action the order requires;
- (d) the period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given;
- (e) if a hearing is required, a statement indicating the exact time and place of the hearing and stating that the person to whom the order was issued is entitled to appear at the hearing with or without counsel, present evidence, cross-examine opposing witnesses and present arguments;
- (f) if a hearing is not required, a statement that an order under subsections 5.01(b), (c), and (d) becomes final ten (10) days after notice is given unless a hearing is requested in writing by a person holding a fee interest, a life estate interest, or equitable interest of a contract purchase in the unsafe premises and the request is delivered to the Building Commissioner before the end of the ten (10) day period;

- (g) a statement briefly indicating what action can be taken by the Building Commissioner if the order is not complied with;
 - (h) a statement indicating the obligation created by I.C. §36-7-9-27 relating to notification of subsequent interest holders and the Building Commissioner;
 - (i) the name, address and telephone number of the Building Commissioner.
- 5.04 Notice to the owner shall be deemed sufficient if the notice is given pursuant to the provisions of I.C. §36-7-9-25.
- 5.05 The order must allow a sufficient time of at least ten (10) business days from the time when the notice of the order is given to accomplish the required action.
- 5.06 The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given.
- 5.07 If at a hearing a person to whom an order has been issued requests an additional period to accomplish action required by the order and shows good cause for this request to be granted, the Board of Public Works and Safety may grant the request. However, as a condition for allowing the additional period, the Board of Public Works and Safety may require the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.
- 5.08 The Board of Public Works and Safety, after having given notice of the time and place of a hearing by publication in accordance with I.C. §5-3-1 shall adopt a schedule setting forth the maximum amount of performance bonds applicable to the various types of ordered action. The Board of Public Works and Safety shall use this schedule to fix the amount of the performance bond required under the previous subsection.
- 5.09 At the conclusion of any hearing before the Board of Public Works and Safety, the Board may make findings and take action to affirm the Building Commissioner's order, rescind the order, or modify the order, but unless the person to whom the order was issued or counsel for the person to whom the order was issued is present at the hearing, the Board of Public Works and Safety may not modify the order so that it is more stringent than the Building Commissioner's original order.
- 5.10 The record of the findings made and action taken by the Board of Public Works and Safety shall be available to the public upon request. However, neither the Building Commissioner nor the Board of Public Works and Safety is required to give any person notice of the findings and action.

- 5.11 If the Building Commissioner finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety or property, he may take the action, in accordance with I.C. §36-7-9-9.
- 5.12 The Building Commissioner may recover the costs incurred by taking emergency action, by filing a civil action in the Circuit or Superior Court of Cass County against the persons who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises at the time the Building Commissioner found it necessary to take the emergency action in accordance with I.C. §36-7-9-9.
- 5.13 Any person required to vacate an unsafe premises in an emergency action under I.C. §36-7-9-9 may challenge the order of the Building Commissioner in an emergency court proceeding in the Circuit or Superior Court of Cass County. The Building Commissioner shall have the burden of proving that an emergency action is necessary to prevent immediate danger to the life and safety of any person occupying or using nearby property.
- 5.14 If the owner or those in possession of a building refuse inspection, the Building Commissioner may obtain an inspection warrant in accordance with I.C. §36-7-9-16.

SECTION VI
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:

- 6.01 Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a potable water system and sewer system, if available; if no sewer, to a septic tank system approved by the Cass County Board of Health.
- 6.02 Every dwelling unit (except as otherwise permitted under subsection 6.04) shall contain a room which affords privacy to a person within said room and which is equipped with a flush toilet and a lavatory basin in good working condition, properly connected to a water and sewer system, if available; if no sewer, to a septic tank system approved by the Cass County Board of Health.
- 6.03 Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or a shower in good working condition and properly connected to a potable water and sewer system, if available; if no sewer, to a septic tank system approved by the Cass County Board of Health.

- 6.04 The occupants of not more than two (2) dwelling units may share a single flush toilet, a single lavatory basin, and a single bathtub or shower if:
- (a) Neither of the two (2) dwelling units contains more than two (2) rooms; provided that for the purposes of this subsection a kitchenette or an efficiency kitchen with less than sixty (60) square feet floor area shall not be counted as a room; and that
 - (b) The habitable area of each of such dwelling units shall equal not more than two hundred fifty (250) square feet of floor area; and that
 - (c) Such toilet, lavatory basin and bathtub or shower shall be in good working condition and properly connected to water and sewer systems, if available; if no sewer, to a septic tank system approved by the Cass County Board of Health.
- 6.05 Every kitchen sink, lavatory basin and bathtub or shower required by this Ordinance shall be properly connected with both hot and cold water lines when used for rental or lease occupancy.
- 6.06 Every dwelling unit shall be supplied with adequate rubbish storage facilities.
- 6.07 Every dwelling when used for rental or lease occupancy shall have supplied water-heating facilities which are properly installed, are maintained in a safe and good working condition, are properly connected with the hot water lines required under the provisions of subsection 6.05 of this Ordinance, and are capable of heating water to such temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 100°F. Such supplied water heating facilities shall be capable of meeting the requirement of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection 7.04 of this Ordinance are not in operation.
- 6.08 Every dwelling unit shall have at least one safe, unobstructed means of egress leading to a safe and open space at ground level.
- 6.09 Every dwelling unit shall have the correct house or apartment number displayed in numerals that are at least two and one-half (2½) inches high and placed in such a manner that they are reasonably visible to the street.

SECTION VII
MINIMUM STANDARDS FOR LIGHT,
VENTILATION AND HEATING

- 7.01 Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors.
- 7.02 Every bathroom and toilet compartment constructed or remodeled after the effective date of this Ordinance shall comply with the light and ventilation requirements for habitable rooms contained in subsection 7.01, except that no window or skylight shall be required in adequately ventilated bathrooms and toilet compartments equipped with a ventilation system which is approved by the Inspection Officers.
- 7.03 All additions or improvements to the electrical system must be made in accordance with the Electric Code as adopted by the City and State.
- 7.04 Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely allowing adequate heating to all habitable rooms, bathrooms, and toilet compartments in every dwelling unit located therein to a temperature of at least 65°F.
- 7.05 Every public hall and stairway in every multiple dwelling containing three (3) 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 less than three (3) dwelling units shall be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.
- 7.06 During that portion of each year from May 1st through October 31st for protection against mosquitoes, flies, and other insects, every door opening directly from dwelling unit to outdoor space shall have supplied screens; and every window or other device with opening to outdoor space, **used or intended to be used for ventilation**, shall likewise be supplied with screens unless the entire apartment is adequately air conditioned.
- 7.07 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 and/or insects shall be supplied with a screen or such other device as will effectively prevent their entrance.

SECTION VIII
SAFE AND SANITARY MAINTENANCE

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

- 8.01 Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.
- 8.02 Every window, exterior door, and basement hatchway shall be reasonably weathertight and rodentproof and shall be kept in sound working condition and good repair.
- 8.03 Every exterior opening second floor and above must have appropriate door/window screening at all times.
- 8.04 The exterior doors including any exterior basement entrance and every exterior window shall be supplied with a lock. The owner must supply locks and the owner and occupant shall have the right to the keys for entry to the **leased space**.
- 8.05 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. Handrails and guards must be installed according to State code.
- 8.06 Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.
- 8.07 Every toilet compartment floor 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.
- 8.08 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 satisfactory working condition.
- 8.09

- 8.10 Each dwelling unit shall have its own metering system for natural gas, water, electricity or any other utility provided in the dwelling. If this requirement is not met, the owner of the dwelling must have the utilities that are not metered separately in his or her own name.
- 8.11 All garbage and rubbish shall be disposed of in accordance with Ordinance 96-25.
- 8.12 Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit, free from hazards to health due to the presence of toxic substances.

**SECTION IX
MINIMUM SPACE, USE AND
LOCATION REQUIREMENTS**

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

- 9.01 Occupancy: Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements in the table below.

MINIMUM OCCUPANCY AREA IN SQUARE FEET								
No. of Occupants								
SPACE	1	2	3	4	5	6	7	8
<u>Total Floor Space*</u> Square feet for one occupant = 150; square feet for each additional occupant = 100.	150	250	350	450	550	650	750	850
<u>Bedroom</u> Square feet for one occupant = 70; square feet for two or more occupants = 40 sq. ft. per occupant	70	80	120	160	200	240	280	320
<u>Efficiency Apartment</u> (excluding bathroom)	150	250	/ / / / / / / /	/ / / / / / / /	/ / / / / / / /	/ / / / / / / /	/ / / / / / / /	/ / / / / / / /

The total floor area shall be calculated on the basis of the total area of all habitable rooms excluding bathrooms, laundry rooms, furnace rooms, pantries, kitchenettes, hallways, closets, storage spaces and utility rooms of less than fifty (50) square feet of floor space.

Every dwelling unit housing three (3) or more persons shall have a common living room containing a minimum gross floor area of not less than one hundred fifty (150) square feet inclusive of furniture but exclusive of closets and storage facilities, and no part of which is used for sleeping or cooking.

- 9.02 No basement space shall be used as a habitable room or dwelling unit unless the floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness.

SECTION X
RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- 10.01 Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- 10.02 Every owner must comply with the Fair Housing Ordinance, Ordinance 93-35.
- 10.03 Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- 10.04 Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish, appliances, furniture and bulky items in a sanitary manner. This provision does not relieve the owner of the responsibility to maintain his property in a clean and sanitary condition.
- 10.05 Every occupant of a dwelling or 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 ratproof or reasonably insectproof 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 share or public parts of any dwelling of two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner. This provision does not relieve the owner of responsibility to maintain his property free of infestation.
- 10.06 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SECTION XI
SMOKE DETECTORS

- 11.01 All dwelling units shall be equipped with Underwriters Laboratories, Inc. approved smoke detectors.
- 11.02 Every owner of any dwelling unit shall install, in every dwelling unit, not less than one (1) approved smoke detector on the ceiling, not less than six (6) inches from any wall, or on a wall, located from six (6) to twelve (12) inches from the ceiling, and within fifteen (15) feet of all rooms used for sleeping purposes.
- 11.03 Every owner of any dwelling unit shall install not less than one (1) approved smoke detector on the uppermost ceiling, not less than six (6) inches from any wall, or on a wall, located from six (6) to twelve (12) inches from the uppermost ceiling of all interior stairwells.
- 11.04 All approved smoke detectors required in this Ordinance shall be an ionization or photoelectric type, either battery powered or 110 volt A.C. and shall comply with all the requirements of the Underwriters Laboratories, Inc. standard UC-217 (Standard for safety-single and multiple station smoke detectors 1976). Smoke detectors shall bear the label of a nationally recognized standards testing laboratory that indicates that the smoke detectors have been tested and listed under the requirements of UC-217(1976). Smoke detectors for the hearing impaired shall comply with State codes.
- 11.05 The provisions of this section shall not apply to buildings which contain an approved automatic sprinkler system throughout.
- 11.06 At every change of tenant in a rental unit, it shall be the responsibility of the owner to test and ascertain that the approved smoke detectors are in operable condition. It is the tenant's responsibility to replace batteries, as needed, while they occupy the unit, and report to the owner any repairs needed by any smoke detectors.

SECTION XII
HOTELS AND ROOMING HOUSES

No person shall occupy or let to another for occupancy any rooming unit in any hotel or rooming house except in compliance with the provisions of this Ordinance (except Section VI and Section X) and the following requirements:

- 12.01 At least one (1) flush water closet, lavatory basin and bathtub or shower properly connected to the water and sewer systems of the City and in good working condition shall be supplied for each four (4) persons or fractions thereof residing within a hotel or rooming house including members of the operator's family whenever they share the use of such facilities; provided, that in a hotel or rooming house where rooms are let to males, flush urinals may be substituted for not more than one-half (1/2) the required number of water closets. All facilities shall be so located within the building as to be reasonably accessible from the common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- 12.02 Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least forty (40) square feet of floor space for each occupant. See Section IX.
- 12.03 Every rooming unit shall have a safe, unobstructed means of egress leading to a safe and open space at ground level as required by the laws of the State of Indiana and the ordinances of the City.
- 12.04 The operator of every hotel or rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and the maintenance and sanitary condition of every other part of the hotel or rooming house, where the entire structure or building is leased or occupied by the operator.

SECTION XIII **PENALTIES**

- 13.01 Any person who violates the provisions of this Ordinance shall be subject to a fine of \$50.00 or the maximum fine allowed by law for payment through the ordinance violation bureau for each violation. Each day that a violation continues shall be considered a separate offense. All fines shall be remitted within thirty (30) days to the ordinance violation bureau.
- 13.02 In addition to the fine provided for in Section 13.01, any person who violates the provisions of I.C. §36-7-9-1 through §36-7-9-28 is subject to the enforcement provisions of that chapter.

SECTION XIV **MISCELLANEOUS PROVISIONS**

- 14.01 Notice of orders of claims for payment must be given by:

- (a) Sending a copy of the order or statement by registered or certified mail to the residence, place of business or employment of the person to be notified with return receipt requested;
- (b) Delivering a copy of the order or statement personally to the person to be notified; or
- (c) Leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified.

In the event that an attempt to serve an order by foregoing method is unsuccessful, the alternate means of service described in I.C. §36-7-9-25 may be used.

- 14.02 If any phrase, sentence or portion hereof is declared invalid by any court of competent jurisdiction, the remainder of this Ordinance shall nevertheless be enforced as if the same had been passed without such invalid portion.
- 14.03 This Ordinance shall be known under the name of "Property Maintenance Ordinance of the City of Logansport, Indiana."
- 14.04 All ordinances and parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects said ordinances and parts of ordinances are hereby ratified, re-established and confirmed.
- 14.05 Words in the singular shall include the plural and words in the plural shall include the singular.
- 14.06 This Ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana.

ADOPTED by the Common Council of the city of Logansport, Indiana, on this 1ST day of DECEMBER, 1997.



Presiding Officer

Presented by me to the Mayor this 1st day of December, 1997.



Sharon Dunkle
Clerk-Treasurer

Approved by me this 1st day of December, 1997.

William A. Vernon
William A. Vernon, Mayor
City of Logansport

Attest:

Sharon Dunkle
Sharon Dunkle
Clerk-Treasurer