

**ORDINANCE NO. 2020-0113 A
AN ORDINANCE AMENDING CHAPTER 6,
PUBLIC HEALTH AND SAFETY
BY INCLUDING OF DIVISION XVII
AN ORDINANCE ENTITLED
MINIMUM RESIDENTIAL PROPERTY STANDARDS**

PURPOSE OF CHAPTER.

(a) The purpose of this chapter is to protect the health, safety, morals, and welfare of the citizens of the City of Attica by establishing minimum standards applicable to residential structures, whether owned by the occupant or rented to a third party. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation.

(b) This chapter is found to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to effect its purpose. All structures within the City on the effective date of this chapter, or constructed thereafter, must comply with the provisions of this chapter.

Section 1

MINIMUM PROPERTY STANDARDS; RESPONSIBILITIES OF OWNER.

(1) The regulations in this article are minimum property standards for vacant and occupied buildings, properties, and structures. In addition to the minimum property standards, all buildings, properties, and structures must comply with all federal, state, and local laws and regulations, including the construction codes.

(2) The minimum property standards are intended to complement existing laws and regulations. If any provision of this chapter is less restrictive than another applicable law or regulation, the more restrictive law or regulation shall apply.

(3) Repairs. All repairs required by this section must be performed in a workmanlike manner and in accordance with all applicable federal, state, and local laws, rules, and regulations, including the construction codes.

(4) Property standards. An owner shall:

(a) maintain his or her premises in operating condition without any holes, excavations, or sharp protrusions, and without any other object or condition that exists on the land and is reasonably capable of causing injury to a person;

(b) provide drainage to prevent standing water and flooding on the land;

(c) remove dead trees and tree limbs that are reasonably capable of causing injury to a person;

(d) keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry; and

(e) protect, by periodic application of paint or other weather-coating materials, any exposed metal or wood surfaces from the elements and against decay or rust.

(5) In general. An owner shall maintain structural members free from deterioration.

(6) Construction materials. An owner shall maintain building and structural materials, including wood, gypsum products, glass, fiberglass, paper, canvas, fabric, plastic, vinyl, masonry, ceramic, plaster, brick, rock, stucco, slate, concrete, asphalt, tin, copper, steel, iron, aluminum, and other metals, in operating condition.

(7) Roofs. An owner shall:

(a) maintain roofs in operating condition, free from leaks, holes, charred or deteriorated roofing materials, rotted wood, and other unsafe conditions; and

(b) maintain gutters and downspouts, if any, in operating condition and securely fastened.

(8) Chimneys and towers. An owner shall maintain chimneys, cooling towers, smoke stacks, and similar appurtenances in operating condition.

(9) Foundations. An owner shall maintain foundations and foundation components in operating condition, and keep all foundation components securely fastened.

(10) Floors. An owner shall maintain all flooring in operating condition, free from holes, cracks, decay, and trip hazards.

(11) Shower enclosures. An owner shall maintain shower enclosure floors and walls in operating condition, free of holes, cracks, breaches, decay, rust, visible mold or mildew, and rot.

(12) Countertops and backsplashes. An owner shall maintain kitchen and bathroom countertops and backsplashes surrounding kitchen sinks and lavatory sinks in operating condition free of decay, rust, and rot.

(13) Interior walls, ceilings, and surfaces; doors. An owner shall:

(a) maintain all interior walls and ceilings in operating condition;

(b) keep all interior walls and ceilings securely fastened to eliminate collapse hazards;

(c) maintain all interior surfaces, including windows and doors, in operating condition;

(d) repair, remove, or cover all peeling, chipping, flaking, or abraded paint; and

(e) repair all cracked or loose plaster, wood, or other defective surface conditions.

(14) Exterior windows. An owner shall maintain the glass surfaces of exterior windows so that they are weather tight and in operating condition.

(15) Exterior doors. An owner shall maintain exterior doors so that they are weather tight and in operating condition.

(16) Ventilation. An owner shall maintain all natural and mechanical ventilation in habitable rooms in operating condition.

(17) Balconies, landings, porches, decks, and walkways. An owner shall maintain:

(a) all balconies, landings, porches, decks, and walkways in operating condition and securely fastened;

(b) support posts, columns, and canopies in operating condition, securely fastened and anchored.

(18) Handrails and guardrails. An owner shall maintain all handrails and guardrails:

(a) in operating condition and securely fastened and anchored; and

(b) so that they are capable of safely supporting imposed dead and live loads.

(19) Steps and stairways. An owner shall:

(a) maintain steps and stairways in operating condition, securely fastened and anchored, and free from trip hazards;

(b) maintain steps and stairways so that they are capable of safely supporting imposed dead and live loads; and

(c) seal any cracks or breaches in lightweight concrete steps, balconies, and walkways.

(20) Fencing, retaining walls, and barriers. An owner shall

(a) maintain all fences, retaining walls, decorative walls, and barriers in operating condition;

(b) repair or replace rotted, missing, fire-damaged, or broken wooden slats and support posts;

(c) repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials.

(21) Utility and appliance standards.

(a) Air conditioning.

(i) An owner may, but is not required to:

(aa) provide, and maintain, in operating condition, refrigerated air equipment capable of maintaining a room temperature of at least 15 degrees cooler than the outside temperature, but in no event higher than 85° F. in each habitable room;

(bb) maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, properly attached; and

(cc) install window-mounted air conditioning units, if provided, in compliance with the construction codes.

(b) Heating.

(i) An owner shall:

(aa) provide, and maintain, in operating condition, heating facilities capable of maintaining a room temperature of at least 15 degrees warmer than the outside temperature, but in no event lower than 68° F. in each habitable room; and

(bb) if provided, maintain, in operating condition, heating facilities in buildings or structures other than dwelling units.

(c) Appliances. If appliances are provided in a rental dwelling unit, the owner shall maintain those appliances, including portable heating units, portable air conditioning units, cook stoves, refrigerators, dishwashers, garbage disposals, ventilation hoods, washing machines, and clothes dryers, and appliance connections, in operating condition.

(22) Plumbing standards.

(a) Plumbing fixtures. An owner shall:

(1) provide each dwelling unit with:

(aa) a kitchen equipped with a kitchen sink; and

(bb) a minimum of one toilet; a lavatory sink; and either a bathtub or shower, or a combination of bathtub and shower;

(2) keep all plumbing fixtures connected to an approved potable water supply system;

(3) connect and maintain all plumbing fixtures in operating condition;

(4) equip toilets and urinals with cold potable water under pressure necessary for safe and sanitary operation;

(5) keep all plumbing fixtures connected to a public sewer system or to an approved private sewage disposal system;

(6) maintain all piping distribution systems in operating condition, and eliminate all unsafe, unsanitary, and inoperable conditions in such distribution systems; and

(7) cap each sewer clean-out opening with an approved plug, except when the sewer line is being serviced.

(b) Water heating equipment. An owner shall:

(1) maintain all water heating equipment, including existing fuel-fired water heaters, in operating condition;

(2) maintain all water heating equipment with a pressure relief valve with an approved drain line;

(3) provide and maintain, in operating condition, water heating equipment that supplies hot water at a minimum temperature of 110° F., measured at the water outlet, to every required plumbing fixture;

(4) vent all fuel-fired water heating equipment as required by the construction codes; and

(5) maintain boilers and central heating plants in operating condition.

(23) Electrical standards. An owner shall:

(a) maintain all electrical equipment and materials in operating condition;

(b) maintain electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances, equipment, and fixtures, and maintain them in operating condition;

(c) maintain in each habitable room, bathroom, hallway, and stairway of a dwelling unit at least one electric lighting outlet, and the electric lighting outlet must be controlled by a wall switch, unless a wall switch is not required by the construction codes;

(d) maintain all electric light fixtures located adjacent to exterior doors of all buildings or structures in operating condition; and

(e) use extension cords and flexible cords in accordance with the construction codes, and not as substitutes for permanent wiring.

(24) Health standards.

(a) Infestations.

(i) Where evidence of an infestation exists, the owner of a building, structure, or property, including a vacant or occupied one- or two-family dwelling, or multifamily dwelling, shall eliminate the infestation and repair any condition that contributes to an infestation.

(ii) If the building, structure, or property is a rental property, the owner shall provide notice to the tenants at least 48 hours before taking steps to eliminate an infestation.

(aa) Notice must be in writing and must include the method being used to eliminate the infestation.

(bb) A tenant may in writing waive the 48-hour requirement.

(25) Vacant dwelling units.

(a) An owner shall maintain the interiors of all vacant dwelling units free of solid waste.

Section 2 ENFORCEMENT:

The City Building Inspector or Attica Police Department shall be responsible for enforcement of this ordinance along with the City Attorney's Office.

Section 3 PENALTIES:

A property owner found to be in failure to comply with the provisions of this ordinance shall be fined not less than \$ 100 per week per residential or rental unit for which the Owner is found to be out of compliance.

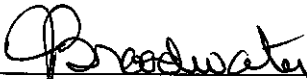
Section 4. This Ordinance shall go into full force and effect after its publication as required by law and its adoption by the Common Council for the City of Attica, Indiana.

PASSED AND ADOPTED this 13 day of January 2020 by a vote of 4 for and 0 against.

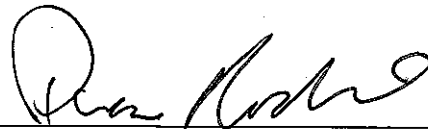


Sponsoring Member

ATTEST:



Joanie Broadwater, Clerk-Treasurer



Duane Roderick, Mayor