

TRIBAL CODE  
CHAPTER 55  
BASIC HOUSING CODE

CONTENTS:

CHAPTER I: Administration and Enforcement

- 55.101 Title.
- 55.102 Purpose.
- 55.103 Matters Covered.
- 55.104 Travel Trailers and Mobile Homes.
- 55.105 Application of Building Code.
- 55.106 Application of Zoning Law.
- 55.107 Conflict with Other Ordinances.
- 55.108 Existing Buildings.
- 55.109 Existing Remedies.
- 55.110 Enforcement Officer.
- 55.111 Coordination of Enforcement.
- 55.112 Administrative Liability.
- 55.113 Inspections.
- 55.114 Condemnation.
- 55.115 Dangerous Structures.
- 55.116 Structures Unfit For Human Occupancy.

- 55.117 Notice.
- 55.118 Posting of Notice.
- 55.119 Form of Notice.
- 55.120 Service of Notice.
- 55.121 Removal of Placard or Notice.
- 55.122 Vacating of Declared Building.
- 55.123 Occupancy of Building.
- 55.124 Report of Notice to Vacate.
- 55.125 Violations.
- 55.126 Service of Notice.
- 55.127 Prosecution of Violation.
- 55.128 Penalty for Violations.
- 55.129 Severability.
- 55.130 Saving Clause.
- 55.131 Definitions.

## CHAPTER II: Environmental Requirements

- 55.201 Scope.
- 55.202 Exterior Property Areas.
- 55.203 Sanitation.
- 55.204 Grading and Drainage.
- 55.205 Noxious Weeds.
- 55.206 Insect and Rodent Harborage.

- 55.207 Accessory Structures.
- 55.208 Exterior Structure.
- 55.209 Stairs, Porches and Railings.
- 55.210 Windows, Doors and Hatchways.
- 55.211 Screening.
- 55.212 Interior Structure.
- 55.213 Free From Dampness.
- 55.214 Structural Members.
- 55.215 Interior Stairs and Railings.
- 55.216 Bathroom Floors.
- 55.217 Sanitation.
- 55.218 Insect and Rodent Harborage.
- 55.219 Extermination From Buildings.
- 55.220 Extermination From Single Dwelling Units.
- 55.221 Responsibility of Owner.

CHAPTER III:           Space and Occupancy Requirements

- 55.301 Basic Facilities.
- 55.302 Sanitary Facilities.
- 55.303 Water and Sewer System.
- 55.304 Water Heating Facilities.
- 55.305 Heating Facilities.
- 55.306 Operation of Heating Facilities and Incinerators.

- 55.307 Rubbish Storage Facilities.
- 55.308 Garbage Storage or Disposal Facilities.
- 55.309 Installation and Maintenance.
- 55.310 Plumbing Fixtures.
- 55.311 Plumbing Systems.
- 55.312 Heating Equipment.
- 55.313 Electrical Outlets and Fixtures.
- 55.314 Correction of Defective System.
- 55.315 Occupancy Requirements.
- 55.316 Access Limitation to Commercial Uses.
- 55.317 Location of Bath and Second Sleeping Room.
- 55.318 Occupancy of Dwelling Units Below Grade.
- 55.319 Natural Light in Habitable Rooms.
- 55.320 Light in Non-Habitable Work Space.
- 55.321 Light in Public Halls and Stairways.
- 55.322 Electric Outlets Required.
- 55.323 Adequate Ventilation.
- 55.324 Ventilation and Light in Bathroom.
- 55.325 Minimum Requirements for Safety From Fire.

CHAPTER IV: Responsibilities of Persons

- 55.401 Scope.
- 55.402 Cleanliness.

55.403 Disposal of Rubbish.

55.404 Disposal of Garbage.

55.405 Use and Operation of Supplied Plumbing Fixtures.

55.406 Installation and Care of Plumbing Fixtures.

55.407 Rooming Houses.

CHAPTER V:

55.501 Designation of Alternative Code.

HISTORY NOTE:

Current Ordinance

Adopted May 27, 1968, Resolution No. 58(68), effective immediately.

Amendments

Resolution No. 156(98), Section 55.501, April 20, 1998.

TRIBAL CODE

CHAPTER 55

BASIC HOUSING CODE

CHAPTER I: ADMINISTRATION AND ENFORCEMENT

55.101 Title.

This code shall be known as the Minimum Housing Standards Code for dwellings and multi-family dwellings and is herein referred to as the Housing Code or "this code".

55.102 Purpose.

The purpose of this code is to protect the public health, safety and welfare in buildings used for dwelling purposes as hereinafter provided by:

(1) Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance; for cooking equipment in all dwellings and multi-family dwellings now in existence;

(2) Fixing the responsibilities of owners, operators and occupants of dwellings and multi-family dwellings;

(3) Providing for administration, enforcement and penalties.

55.103 Matters Covered.

The provisions of the Housing Code shall apply to all structures used for human habitation, which are now, or may become in the future, substandard with respect to structure, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, and overcrowding, or otherwise may be deemed to constitute a menace to the safety, health or welfare of their occupants; except as provided in section 55.108. The existence of such conditions, factors or characteristics adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation or urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum housing standards.

55.104 Travel Trailers and Mobile Homes.

(1) All moveable units used for human habitation, and the areas, grounds or parcels on which they are located, as provided in Section 425 of the Basic Building Code, or such other codes, laws or ordinances of the municipality applicable thereto, shall comply with the requirements of this Housing Code.

(2) Every portion of a building or premise used or intended to be used for residential purposes, except hotels and motels serving transient guests only, rest homes, convalescent homes, and nursing homes, shall comply with the provisions of this code, irrespective of when such building shall have been constructed, altered, or repaired, except as hereinafter provided.

55.105 Application of Building Code.

Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with applicable sections of the building code of the municipality.

55.106 Application of Zoning Law.

Nothing in this code shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning law; nor the continuation of such nonconforming use in any zone except as provided therein.

55.107 Conflict with Other Ordinances.

Except as provided in section 55.108, in any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this municipality existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or code of this municipality existing on the effective date of this code which establishes a lower standard for the promotion, and protection of the safety and health of the people, the provisions of this code shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this code.

55.108 Existing Buildings.

(1) Except where obvious hazards to life, sanitation, or adjoining properties are involved, nothing in this code shall require changes in any buildings

which were built in full compliance with the applicable codes in force at the time of their construction or alteration, provided such buildings have been properly maintained and used for only such use as originally permitted.

(2) This code establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities except as provided in this section.

(3) Where no code existed at the time of the construction or alteration of a building within the scope of this section, the provisions hereof shall apply except that the building official shall have authority to require safe exits in accordance with section 606.0 of the Basic Building Code or such other codes of the municipality as may be applicable.

#### 55.109 Existing Remedies.

Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

#### 55.110 Enforcement Officer.

It shall be the duty and responsibility of the building official of the municipality to enforce the provisions of the Housing Code as herein provided.

#### 55.111 Coordination of Enforcement.

Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the building department of the municipality. Wherever, in the opinion of the building official it is necessary or desirable to have inspections of any condition by any other department he shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this code shall be issued without the approval of the building official, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department of official of the government concerned with any matter involved on the case in question.

#### 55.112 Administrative Liability.



Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the Housing Code shall render itself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this code. No person who institutes, or assists in the prosecution of, a criminal proceeding under this code shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this code, shall be defended by the legal representative of the municipality until the final determination of the proceedings therein.

#### 55.113 Inspections.

(1) The building official shall make or cause to be made inspections to determine the conditions of dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety, morals, and welfare of the public under the provisions of this code. The building official is authorized to enter any dwelling, dwelling unit, multi-family dwelling, rooming house, or premises at any reasonable time for the purpose of performing his duties under this code. The owner, operator, or occupant of every dwelling, multi-family dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the building official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

(2) It shall be unlawful for any person to refuse entrance or impede an inspector or officer authorized under this code in the performance of his duties and every such inspector or officer shall have the right to enter, examine, and survey all premises, grounds, structures, dwellings, and multi-family dwellings and every part thereof at all reasonable times upon display of proper identification.

#### 55.114 Condemnation.

Dwellings or multi-family dwellings shall be condemned as dangerous structures or unsafe for human habitation as herein provided.

#### 55.115 Dangerous Structures.

If all or part of any building or structure (including among others a fence, billboard or sign) or the equipment for the operation thereof (including among others the heating plant, plumbing, electric wiring, moving stairways, elevators and fire

extinguishing apparatus) shall be found, in the opinion of the building official, to be in an unsafe condition--dangerous to life, limb, or property, he shall proceed to have the same condemned pursuant to the applicable provisions of Section 125 of the Basic Building Code or such other code or codes of the municipality pertaining to unsafe structures.

55.116 Structures Unfit For Human Occupancy.

(1) Whenever the building official finds that any dwelling or multi-family dwelling constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary, vermin-infested or rodent-infested; or because it lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this code, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as hereinbefore provided, he may declare such dwelling or multi-family dwelling as unfit for human habitation and order it to be vacated.

(2) If any dwelling or multi-family dwelling or any part thereof is occupied by more occupants than permitted under this code, or was erected, altered or occupied contrary to law, such dwelling or multi-family dwelling shall be deemed an unlawful structure and the building official may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

55.117 Notice.

Notice of the declaration of any building under the Housing Code as unfit for human habitation and order to vacate it shall be served as provided in the following sections. When the condition requires the removal or demolition of the building such notice shall be given as provided in Section 125 of the Basic Building Code and the building official shall have authority for emergency measures as provided in Section 126, subject to the provisions of Section 127 of the Basic Building Code or such other codes or ordinances of the municipality pertaining to unsafe buildings.

55.118 Posting of Notice.

Any dwelling or multi-family dwelling declared as unfit for human habitation shall be posted with a placard by the building official. The placard shall include the following:

- (1) Name of city;
- (2) The name of the authorized department having jurisdiction;
- (3) The chapter and section of the code under which it is issued;
- (4) An order that the dwelling or multi-family dwelling when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
- (5) The date that the placard is posted;
- (6) A statement of the penalty for defacing or removal of the placard.

55.119 Form of Notice.

Whenever the building official has declared a dwelling or multi-family dwelling as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the dwelling or multi-family dwelling as unfit for human habitation. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why it is being issued;
- (4) State the time to correct the conditions;
- (5) State the time occupants must vacate the dwelling units.

55.120 Service of Notice.

Service of notice to vacate shall be as follows:

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

55.121 Removal of Placard or Notice.

No person shall deface or remove the placard from any dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation except by authority in writing from the building official.

55.122 Vacating of Declared Building.

Any dwelling or multi-family dwelling which has been declared and placarded as unfit for human habitation by the building official shall be vacated within a reasonable time as required by the building official, and it shall be unlawful for any owner or operator to let any person for human habitation said dwelling, multi-family dwelling or dwelling unit; and no person shall occupy any dwelling or multi-family unit which has been declared or placarded by the building official as unfit for human habitation after the date set forth in the placard.

55.123 Occupancy of Building.

No dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the building official. The building official shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

55.124 Report of Notice to Vacate.

The building official shall furnish a copy of each notice to vacate a building to the health officer and the chief of the fire prevention bureau, and any other designated official of the municipality concerned therewith.

55.125 Violations.

Notice of violation shall be served upon the owner of record; provided, that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

55.126 Service of Notice.

Whenever the building official determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provision of this code, he shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Specify the violation which exists and the remedial action required;
- (4) Allow a reasonable time for the performance of any act it requires.

55.127 Prosecution of Violation.

In case any violation order is not promptly complied with, the building official may request the legal representative to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:

- (1) To restrain, correct or remove the violation or refrain from any further execution of work;
- (2) To restrain or correct the erection, installation, or alteration of such building;
- (3) To require the removal of work in violation;
- (4) To prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued; or
- (5) To enforce the penalty provisions of this code.

55.128 Penalty for Violations.

Every person, firm, or corporation who shall violate any provision of this code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or by imprisonment as provided in the laws of the municipality for such misdemeanor. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

55.129 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect; and to this end the provisions of this code are hereby declared to be severable.

55.130 Saving Clause.

This code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

55.131 Definitions.

(1) Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

(2) Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(3) Where terms are not defined in this section and are defined in the Basic Building Code, they shall have the meanings ascribed to them as in the building code.

(4) Where terms are not defined under the provisions of this code or under the provision of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

(5) As used herein, the following terms shall mean:

(a) “Approved” Approved as applied to a material, device, or method of construction shall mean approved by the building official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

(b) “Basement” A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground. (See cellar.)

(c) “Basic Building Code” The Basic Building Code, latest edition and accumulative supplement issued by the Building Officials Conference of America; or such earlier edition and supplement thereof officially adopted by the legislative body of the municipality.

(d) “Boarding House, Lodging House, Tourist House” (See dwellings.)

(e) “Building Code” The Basic Building Code, latest edition and current accumulative supplement officially adopted by the municipality; or such other code as may be officially designated by the legislative body of the municipality for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

(f) “Building Official” The official designated by the municipality to enforce building, zoning or similar laws and this code, or his duly authorized representative.

(g) “Cellar” The portion of the building partly underground, having half or more than half of its clear height below average grade of the adjoining ground.

(h) “Dwellings”:

(i) “One-family dwelling” A building containing one dwelling unit with not more than five (5) lodgers or boarders.

(ii) “Two-family dwelling” A building containing two (2) dwelling units with not more than five (5) lodgers or boarders per family but not more than twenty (20) individuals.

(iii) “Multi-family--Apartment house” A building containing more than two (2) dwelling units.

(iv) “Boarding house, Lodging house, Tourist house”: A building arranged or used for lodging with or without meals, for compensation, more than five (5) and not more than twenty individuals.

(v) “Dormitory” A building arranged or used for lodging six (6) but not more than twenty (20) individuals and having common toilet and bathroom facilities.

(vi) “Hotel” A building arranged or used for sheltering, sleeping, or feeding, for compensation, of more than twenty (20) individuals.

(i) “Dwelling Unit” One or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

(j) “Enforcement Officer” The official designated herein or otherwise charged with the responsibilities of administering this code, or his authorized representatives.

(k) “Exterior Property Areas” The open space on the premises and on adjoining property under the control of owners or operators of such premises.

(l) “Extermination” The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

(m) “Family” A group of persons related by blood, marriage, or adoption within and including the degree of first cousins.

(n) “Garbage” The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(o) “Gross Floor Area” The total area of all habitable space in a building or structure.

(p) “Habitable Room” A room or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces.)

(q) “Hotel” (See Dwellings.)

(r) “Infestation” The presence, within or contiguous to a multi-family dwelling, dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin or other pests.



(s) “Motel” For purposes of this code, a motel shall be defined the same as a hotel.

(t) “Multi-Family (Multiple) Dwelling” (See Dwellings.)

(u) “Occupant” Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

(v) “Openable Area” That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(w) “Operator” Any person who has charge, care or control of a multi-family dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

(x) “Owner” The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building; or their duly authorized agents.

(y) “Person” An individual, firm, corporation, association or partnership.

(z) “Plumbing or Plumbing Fixtures” Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

(aa) “Premises” A lot, plot or parcel of land including the buildings or structures thereon.

(bb) “Residence Building” A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.

(cc) “Rooming House” Any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator of more than five (5) persons who are not members of the family. (See dwellings.--boarding house.)

(dd) “Rooming Unit” Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(ee) “Rubbish” Combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar material.

(ff) “Supplied” Installed, furnished or provided by the owner or operator.

(gg) “Ventilation” The process of supplying and removing air by natural or mechanical means to or from any space.

(hh) “Ventilation--Mechanical” Ventilation by power-driven devices.

(ii) “Ventilation--Natural” Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.

(jj) “Workmanlike” Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

(kk) “Yard” An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.

(6) Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof".

## CHAPTER II: ENVIRONMENTAL REQUIREMENTS

### 55.201 Scope.

The provisions of this article shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure

occupied by humans, except as exempted by Section 55.108, and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply thereto.

55.202 Exterior Property Areas.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living therein, or premises, which does not comply with the following requirements. The building official of the municipality shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements.

55.203 Sanitation.

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

55.204 Grading and Drainage.

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

55.205 Noxious Weeds.

All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

55.206 Insect and Rodent Harborage.

Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

55.207 Accessory Structures.

All accessory structures including detached garages shall be maintained structurally sound and in good repair.

55.208 Exterior Structure.

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

(1) Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

(2) The foundation elements shall adequately support the building at all points.

(3) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building.

(4) The roof shall be structurally sound, tight, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

#### 55.209 Stairs, Porches and Railings.

Stairs and other exit facilities shall be adequate for safety as provided in Section 606 of the Basic Building Code, and shall comply with the following:

(1) Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code; and shall be kept in sound condition and good repair.

(2) Where the building official deems it necessary for safety, every flight of stairs, which is more than two (2) risers high shall have handrails which shall be located as required by the building code; and every porch which is more than two (2) risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

#### 55.210 Windows, Doors and Hatchways.

(1) Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

(2) Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

(3) Every window sash shall be in good condition and fit reasonably tight within its frame.

(4) Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

(5) Every exterior door, door hinge, and door latch shall be maintained in good condition.

(6) Every exterior door, when closed, shall fit reasonably well within its frame.

(7) Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or multi-family dwelling.

(8) Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or multi-family dwelling.

(9) Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

#### 55.211 Screening.

Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

(1) Every basement or cellar window which is openable shall be supplied with corrosion-resistive rodent-proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum, or No. 16 U.S. gage expanded metal or wire mesh screens, with not more than one-half (1/2) inch mesh openings; or with other material affording equivalent protection against the entry of rodents, including storm windows.

(2) From June 1st to October 15th of each year every door opening directly from any dwelling or multi-family dwelling to the outdoors, and every window or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every screen door shall have

a self-closing device in good working condition; except that no such screens shall be required for a dwelling unit on a floor above the fifth floor.

55.212 Interior Structure.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof, for the purpose of living therein which does not comply with the requirements of the following sections.

55.213 Free From Dampness.

In every dwelling, multi-family dwelling, dwelling unit, rooming house, and rooming unit, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conductive decay or deterioration of the structure as required by the building code.

55.214 Structural Members.

The supporting structural members of every dwelling and multi-family dwelling used for human habitation shall be maintained structurally sound; showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the building code.

55.215 Interior Stairs and Railings.

(1) Stairs shall be provided in every dwelling, multi-family dwelling, rooming and boarding house as required by the building code.

(2) All interior stairs of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code.

(3) Every stairwell and every flight of stairs, which is more than two (2) risers high, shall have handrails or railings located in accordance with the provisions of the building code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs, balconies, landings and stairwells.

55.216 Bathroom Floors.

Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

55.217 Sanitation.

The interior of every dwelling and multi-family dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under Chapter III of this code.

55.218 Insect and Rodent Harborage.

Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

55.219 Extermination From Buildings.

Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two (2) or more of the dwelling units, or in the shared or public parts of the structure.

55.220 Extermination From Single Dwelling Units.

The occupant of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

55.221 Responsibility of Owner.

Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

CHAPTER III: SPACE AND OCCUPANCY REQUIREMENTS

55.301 Basic Facilities.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the requirements of this Chapter.

55.302 Sanitary Facilities.

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition.

(1) Every dwelling unit shall contain within its walls, a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet.

(2) Every dwelling unit shall contain a lavatory, which, when a closet is required, shall be in the same room with said water closet.

(3) Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower.

(4) Every dwelling unit shall contain a kitchen sink apart from the lavatory required under sub. (2).

55.303 Water and Sewer System.

Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of Section 55.302 shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

55.304 Water Heating Facilities.

Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under 55.303. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.

55.305 Heating Facilities.



Every dwelling and multi-family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of seventy (70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero (0). The owner shall maintain a minimum average room temperature of seventy (70) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero (0) outside.

55.306 Operation of Heating Facilities and Incinerators.

Every heating or water heating facility and incinerator shall be installed and shall operate in accordance with the requirements of the building code or the air pollution control ordinances of the municipality.

55.307 Rubbish Storage Facilities.

Every dwelling, multi-family dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling or multi-family dwelling shall be responsible for the removal of such rubbish.

55.308 Garbage Storage or Disposal Facilities.

Every dwelling or multi-family dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility; which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit; or an incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit; or an approved outside garbage can.

55.309 Installation and Maintenance.

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

(1) All required equipment and all building space and parts in every dwelling and multi-family dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.

(2) All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

55.310 Plumbing Fixtures.

In buildings and structures used for human habitation, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

55.311 Plumbing Systems.

In buildings and structures used for human habitation, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

55.312 Heating Equipment.

Every space heating, cooking, and water heating device located in a dwelling or multi-family dwelling shall be properly installed, connected, and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the building code.

55.313 Electrical Outlets and Fixtures.

Every electrical outlet and fixture, as required in this Chapter shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the building code or electrical code of the municipality.

55.314 Correction of Defective System.

Where it is found, in the opinion of the building official, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring

or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

55.315 Occupancy Requirements.

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

(1) Habitable rooms in existing buildings, except as provided in 55.108, shall have a clear ceiling height of not less than seven and one-third (7-1/3) feet, except that in attics or top half-stories the ceiling height shall be not less than seven (7) feet over not less than one-third (1/3) of the area when used for sleeping, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

(2) Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(3) In every dwelling unit every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

55.316 Access Limitation to Commercial Uses.

No habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

55.317 Location of Bath and Second Sleeping Room.

No residence building or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. No bathroom shall be so located that access thereto is solely through a kitchen.

55.318 Occupancy of Dwelling Units Below Grade.

No dwelling unit partially below grade shall be used for living purposes unless:

- (1) Floors and walls are watertight;
- (2) Total window area, total openable area and ceiling height are in accordance with this code; and
- (3) Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

55.319 Natural Light in Habitable Rooms.

Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room except in kitchens when artificial light may be provided in accordance with the provisions of the Basic Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

55.320 Light in Non-Habitable Work Space.

Every laundry, furnace room, and all similar non-habitable work spaces located in a dwelling or multi-family dwelling shall have one (1) supplied electric light fixture available at all times.

55.321 Light in Public Halls and Stairways.

Every public hall and inside stairway in every dwelling or multi-family dwelling shall be adequately lighted at all times with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

55.322 Electric Outlets Required.

Where there is electric service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two (2)

separate and remote outlets, one (1) of which may be a ceiling or wall-type electric light fixture. In kitchens three (3) separate and remote wall-type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.

55.323 Adequate Ventilation.

Every habitable room shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size required in Section 55.319, except where mechanical ventilation is provided in accordance with the provisions of the Basic Building Code.

55.324 Ventilation and Light in Bathroom.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Sections 55.319 and 55.322, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

55.325 Minimum Requirements for Safety From Fire.

No person shall occupy as owner-occupant, or shall let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, lodging house or lodging unit which does not comply with the applicable provisions of the fire prevention sections of the Basic Building Code ordinances of the municipality and the following additional requirements for safety from fire:

(1) No dwelling, multi-family dwelling, dwelling unit, or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit or lower.

(2) All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the

provisions of the building code, or other laws or ordinances of the municipality applicable thereto. Portable cooking equipment employing flame is prohibited.

#### CHAPTER IV: RESPONSIBILITIES OF PERSONS

##### 55.401 Scope.

Occupants of dwellings, multi-family dwellings, and dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this Chapter.

##### 55.402 Cleanliness.

Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises thereof which he occupies, controls, or uses in a clean and sanitary condition.

##### 55.403 Disposal of Rubbish.

Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers required by Section 55.307 of this code.

##### 55.404 Disposal of Garbage.

Every occupant of a dwelling unit shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight metal garbage storage containers as required by Section 55.308 of this code; or by such other disposal method as may be required by applicable laws or ordinances of the municipality.

##### 55.405 Use and Operation of Supplied Plumbing Fixtures.

Every occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

##### 55.406 Installation and Care of Plumbing Fixtures.

Every plumbing fixture furnished by the occupant of a dwelling unit shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

55.407 Rooming Houses.

Every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, shall comply with the provisions of every section of this code, except as provided in the following subsections:

(1) At least one (1) water closet, lavatory basin, and bathtub or shower properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(2) Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than three (3) persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.

(3) The operator of every rooming house shall supply bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(4) Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices or material which, when properly used, will afford privacy to the occupant of the rooming unit.

(5) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure of building within which the rooming house is contained is leased or occupied by the operator.

(6) Every water closet, flush urinal, lavatory basin and bathtub or shower required by sub. (1) shall be located within the rooming house and within a room or rooms which:

(a) Afford privacy and are separate from the habitable rooms;

(b) Are accessible from a common hall and without going outside the rooming house or through any other room therein.

55.501 Designation of Alternative Code. *Resolution No. 156(98), April 20, 1998*

(1) In place of the standards set out above, the Tribe, or its tribally-designated housing entity (“TDHE”), may elect to designate, adopt and enforce the standards of the Uniform Building Code (“UBC”) or Council of American Building Officials (“CABO Codes”) with respect to a housing construction project or existing housing that is owned, manages or operated by the Tribe or the TDHE, provided:

(a) The Tribe or the TDHE makes the designation identifying the construction project or existing housing to be governed by the UBC or CABO Codes; and

(b) Provides written notice of the alternative designation to all interested parties, including, as applicable, contractors, lenders and government agencies.

(2) With respect to any construction or existing housing governed by the UBC or CABO Codes pursuant to a designation under this section, inspectors may be performed only by inspectors licensed by the Tribe under Chapter 57 of the Tribal Code.

(3) For purposes of this Chapter, “UBC” means the Uniform Building Code as published by the International Conference of Building Officials as of the date of inspection.

(4) For purposes of this Chapter, “CABO Codes” means the Codes of the Council of American Building Inspectors in effect as of the date of inspection.