

Bill No. G-15-05

Ordinance No. _____

ORDINANCE ADOPTING CHAPTER 160: RENTAL HOUSING CODE

WHEREAS, the City Administration and the City of New Albany Common Council (hereinafter "Council") has reevaluated its ordinances with regard to the applicability of various issues with respect to rental housing in the City of New Albany;

WHEREAS, the City Administration and the Council feels that the City's ordinances concerning rental housing in the City needs implemented;

WHEREAS, the City's residents and property owner's should have clear standards and guidelines for rental housing in the City;

THEREFORE, the City Administration and the Council desires to implement certain standards for rental housing in the City;

NOW, THEREFORE, BE IT ORDAINED BY THIS COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA that:

The following shall be enacted as Chapter 160 of the City of New Albany Code of Ordinances effective on passage of this ordinance:

(Exhibit A)

SO ORDAINED by this Common Council of the City of New Albany, Indiana, this

_____ day of _____, 2015.

**COMMON COUNCIL OF THE
CITY OF NEW ALBANY, INDIANA**

Pat McLaughlin, President

Attested by:

**Vicki Glotzbach,
New Albany City Clerk**

CERTIFICATE OF PRESENTATION TO MAYOR

The undersigned hereby certifies that on the _____ day of _____, 2015, the above Ordinance was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

Vicki Glotzbach,
New Albany City Clerk

APPROVAL BY MAYOR

The undersigned, as of this _____ day of _____, 2015, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Ordinance as authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature affixed below.

JEFF GAHAN, Mayor of the City of
New Albany, Indiana

Attested by:

Vicki Glotzbach,
New Albany City Clerk

CHAPTER 160: RENTAL HOUSING

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REGISTRATION AND INSPECTION PROGRAM

§ 160.01 PURPOSE.

The purpose of this chapter is to provide for the registration and inspection of rental residential property and to facilitate the prevention and correction of violations of laws and ordinances pertaining to rental residential property so as to protect property values, the public health, safety and welfare of the people of the city including, but not limited to, the following:

(A) To protect the public health and safety by insuring rental units comply with the city's building codes, property maintenance codes and all other applicable regulations adopted by the State of Indiana or other governmental agency.

(B) To protect the character and stability of residential neighborhoods.

(C) To correct and prevent housing conditions that adversely affect or are likely to adversely affect safety, general welfare and health of the persons occupying dwellings.

(D) To prevent the overcrowding of rental units.

(E) To facilitate the enforcement of minimum standards for maintenance of existing residential buildings and thus to prevent slums and blight.

(F) To preserve the value of property, land, and buildings throughout the city.

§ 160.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT. Every person at least 18 years of age or younger if emancipated.

DWELLING UNIT. The abode of a family; a single unit providing complete, independent facilities for the exclusive use of the household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY. Includes all of the following:

(1) An individual;

(2) Two or more individuals related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or

(3) Five or fewer individuals who constitute a relatively permanent functioning group living as a single housekeeping unit.

HABITABLE ROOM. Any room meeting the requirements of this chapter for sleeping, living, or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage places, utility rooms and similar spaces.

HOMESTEAD EXEMPTION. Means an individual's principal place of residence which: the individual owns; the individual is buying under a contract, recorded in the county recorder's office; that provides

that the individual is to pay the property taxes on the residence; the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216 as may be amended) of a cooperative housing corporation; or is a residence described in IC 6-1.1-12-17.9 (as may be amended) that is owned by a trust if the individual is an individual described in IC 6-1.1-12-17.9 (as may be amended).

MULTI-FAMILY DWELLING. A residential building designed for, or modified to accommodate, more than one independent rental unit.

OCCUPANCY PERMIT. A permit allowing an owner to lease, rent, or otherwise use premises by tenants.

OWNER. Any person having a legal or equitable title in a rental building or premises.

PERSON. A corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine and the neuter, in the present tense include the future, and the singular includes the plural.

PREMISES. A lot, plot or parcel of land containing a rental building or rental unit.

REGISTRATION PERMIT. The permit issued by the city upon registration of each rental unit.

RENTAL BUILDING. A building containing one or more rental units.

RENTAL HOUSING CODE. Sections 160.30 through 160.47 of this chapter.

RENTAL HOUSING OFFICER. That municipal officer charged with the primary responsibility of enforcement of the provisions of this chapter. As set out in § 160.12 hereof, the City Building Commissioner shall serve as the Rental Housing Officer.

RENTAL PERMIT. The form issued by the City to an Owner upon completing the necessary documentation regarding a Rental Unit.

RENTAL UNIT. Any rented dwelling unit or rooming unit which does not have a homestead exemption on the property.

RENTAL UNIT COMMUNITY. This shall mean one (1) or more parcels of contiguous real property upon which are located one (1) or more structures containing rental units, if: (1) the combined total of all rental units in all of the structures is five (5) or more rental units; and (2) the rental units are not occupied solely by the owner or the owner's family.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not related by blood or married.

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.

TENANCY AGREEMENT. Includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.

TENANT. Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.

§ 160.03 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.

(A) No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this chapter. This chapter applies to all rental units located within the city, but shall not apply to the following:

- (1) Occupancy in a single-family, owner occupied dwelling unit with a homestead exemption.

- (2) Occupancy in a "group home" or "institutional residential" as those terms are defined by State Statute

(3) Occupancy in federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal government or local housing authority, or scattered site Section 8 housing units administered by a local housing authority.

(4) Occupancy by the purchaser of a dwelling unit under a recorded contract of sale.

(5) Occupancy in a dormitory owned by Indiana University Southeast or other institute of higher learning.

(6) Transient occupancy in a hotel, motel or other similar lodging.

(B) It shall be the responsibility of each person owning or operating a dwelling unit that said person claims is exempt from this chapter to produce such documentation or other information as may be requested by the Rental Housing Officer or his designee so as to permit the Rental Housing Officer or designee to determine whether said dwelling unit is exempt.

§ 160.04 REGISTRATION OF RENTAL UNITS REQUIRED.

(A) No owner of real estate within the city shall use said real estate for the purpose of erecting or maintaining a rental unit thereon after January 31, 2017, without registering each rental unit with the city and obtaining a Rental Permit. All existing rental units shall be registered and obtain a Rental Permit with the City by January 31, 2017. The registration shall be affected by furnishing to the city a complete and accurate application upon forms prescribed by the city, setting forth the following information:

(1) The name of the owner;

(2) Address of the owner;

(3) Street address of the rental unit;

(4) The number of rental units on the property;

(5) If the owner is not a resident of Floyd County, Indiana, or a county contiguous to Floyd County, the name, address and telephone number of the owner's agent authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any and all agents shall be within Floyd County or a contiguous county. Any owner who does not reside in Floyd County, Indiana, or a contiguous county shall be required to designate an agent.

(6) A current email and telephone number of the owner and/or agent.

(B) The registration application shall be signed by the owner. Whenever ownership of a rental unit or group or complex of rental units' change, the new owner shall have the responsibility to report the change in ownership to the City. Upon completion of an initial registration of the unit, a Rental Permit shall be issued for the rental unit and shall remain valid and not expire until a change of ownership. Previously issued Rental Permits shall automatically expire 30 days following transfer of title to a registered property.

(C) Notification to the owner or his or her agent at the address shown on the registration application shall constitute sufficient notice pursuant to any provision of this chapter. Registration of a rental unit shall be evidenced by issuance of a Rental Permit.

§ 160.06 ANNUAL REGISTRATION FEES.

There shall be a \$5 annual registration fee assessed for each rental unit, except as provided in Indiana Code 36-1-20-5 (as may be amended), located within the city after the initial registration and obtaining of a Rental Permit. The above-referenced registration fee shall be paid on or before January 31 of each year following their obtaining a Rental Permit.

§ 160.07 REGISTRATION RENTAL PERMITS.

All rental units in the City shall obtain and maintain a valid Rental Permit, except for a rental unit community which is required to obtain one Rental Permit for the complex as per Indiana Code 36-1-20-3.5 (as may be amended). For all registered rental units, the City shall issue a Rental Permit stating the date of the unit's registration. The owner of each rental unit shall be responsible for continuously maintaining a copy of the certificate. Each owner shall provide the Rental Housing Officer or his or her designee with a copy of the Rental Permit upon request. A Rental Permit shall otherwise remain in effect and not expire until suspended or revoked as set forth in this chapter. The issuance of a Rental

Permit is not evidence that a property meets the requirements of this chapter or is otherwise fit for human habitation.

§ 160.08 COMPLAINT-DRIVEN INSPECTIONS AND INSPECTIONS.

(A) Each rental unit and/or rental premises within the city may be subject to a calendar year inspection by the Rental Housing Officer or his or her designee in accordance with this chapter and as permitted by Indiana State Statutes. The City adopts Indiana Statute 36-1-20-4.1 (as amended) with respect to inspections for rental units which are provided exemptions therein. To comply with the exemptions of State Statute, an owner shall provide any reports referenced in the above mentioned Codes by January 31st of each year calendar year with their annual registration. Upon violation of the above reference statute (including non-registration, annual registration, and no Rental Permit), the Rental Housing Officer may conduct an inspection of the rental unit or premises.

(1) Upon receipt of a complaint or a visual inspection reveals potential housing violations or maintenance violations, the Rental Housing Officer shall notify the owner at the provided contact information on the Registration Permit of the alleged issue and provide the owner with the appropriate time to remedy the matter as permitted by ordinance and/or statute. The Owner and/or agent shall provide the Rental Housing Officer with necessary documentation to substantiate compliance. If documentation is insufficient or another complaint is received or another housing or maintenance violation occurs within 6 months, the Rental Housing Officer or agent shall conduct an inspection.

(B) Unless waived by either the owner or tenant, the following procedure shall be used to obtain entry to rental units and premises for the purpose of inspection. The Rental Housing Officer shall cause written notice to be mailed to the owner or his or her agent of the rental unit or premise setting forth the date and time scheduled for the inspection together with the appropriate inspection application. The owner or his or her agent shall have ten days from the notice issuance date in which to submit a complete and accurate inspection application to the Rental Housing Officer.

(C) The owner shall be responsible for granting access to each rental unit or premise to the Rental Housing Officer or his or her designee. In the event the owner and/or tenant refuses entry to any given rental unit or premise for inspection pursuant to this chapter, the appropriate court of Floyd County shall be utilized by the city to obtain a warrant for entry and inspection as provided in this chapter. If the owner and/or tenant does not consent, the Rental Housing Officer shall request a warrant of entry from a court of appropriate jurisdiction to conduct an inspection of the rental unit to determine whether the rental unit complies with this chapter. The Rental Housing Officer, or his or her designee, shall conduct an inspection, as authorized by such warrant of entry. The Common Council has determined that the Inspections provided in this chapter for all rental units constitutes a reasonable method to protect the health, safety, and welfare of its citizens.

§ 160.09 INSPECTION FEES.

In the event that the initial inspection reveals any violation of this chapter or other applicable City Ordinances the owner shall be subject to penalties as permitted and charged a re-inspection fee of \$50.00. Failure to pay any inspection fees shall be considered a violation with respect to §160.11.

§ 160.10 NOTIFICATION OF DEFICIENCIES TO LANDLORD; REINSPECTIONS.

(A) In the event any inspection reveals a deficiency with the application of the codes referenced herein or other City Ordinances, the Rental Housing Officer shall within ten days from the date of the inspection notify the owner of the rental unit of the deficiencies. Such notice of deficiencies shall:

- (1) Be in writing;
- (2) Shall include a description of the real estate sufficient for identification;
- (3) State the reason or reasons why the notice is being issued including a reference to any sections of the Rental Housing Code that have been violated;
- (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with provisions of this subchapter; and
- (5) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Board of Public Works and Safety.

(B) The notice prescribed above shall be deemed to be properly served upon the owner or his or her agent at the address shown on the registration application.

(C) A re-inspection shall be conducted after the end of the above-referenced compliance time frame. If the Rental Housing Officer finds that compliance with all noted violations has not been accomplished, the Rental Housing Officer may commence proceedings to suspend and/or revoke the registration and Rental Permit for the premises.

(D) Any additional re-inspection performed after the expiration of the compliance time frame and the first re-inspection shall be assessed a fee of \$75 per rental unit to be inspected unless exempted by State Code. Failure to pay any re-inspections fees shall be considered a violation with respect to §160.11.

§ 160.11 PROBATION, SUSPENSION OR REVOCATION OF RENTAL PERMITS.

(A) Probation. Based upon charges filed by the Rental Housing Officer, the Board of Public Works and Safety may, if it determines the charges to be true by a preponderance of the evidence, impose up to three year probation for the Rental Permit for any premises found to be under the following circumstances:

(1) If there is an adjudication of three or more violations of the City Code or Indiana Criminal Code on the property within one year, unless the owner was the party reporting the violation or, unless the owner or owner's agent has evicted the tenants;

(2) An adjudication that the owner, owner's agent or person acting on behalf of the owner has violated § 160.13 or § 160.14 of this chapter.

(B) Suspension. Based upon charges filed by the Rental Housing Officer, the Board of Public Works may, if it determines the charges to be true by a preponderance of the evidence, impose up to a 120 day suspension of the Rental Permit for any premises found to be under the following circumstances:

(1) One or more additional bases exist that would support the imposition or probation within one year of any other sanctions being imposed under this section and the owner has not taken appropriate corrective action.

(2) An adjudication that the owner, owner's agent, or person acting on behalf of the owner has:

Knowingly violated the maximum occupancy provisions set forth in the rental housing Code

(a) Illegally used or allowed the illegal use of non-habitable or non-occupiable space;

(b) Illegally converted space to occupiable or habitable use or illegally added an additional rental unit to the property;

(c) Violated the provisions of § 160.04 (rental certificate required);

(d) Failed to correct any code violation at the property affecting health and safety within the time allowed;

(e) Provided the Rental Housing Officer or his or her designee with any false or materially incomplete information in connection with the property or the registration permit.

The suspension shall begin upon the vacation of the rental unit. The owner shall take all legal steps necessary to vacate the rental unit as soon as possible.

(C) Revocation. Based upon charges filed by the Rental Housing Officer, the Board of Public Works and Safety may, if it determines the charges to be true by a preponderance of the evidence, permanently revoke the Rental permit for any premises under the following circumstances:

(1) Any occupancy during or payment of rent for the period of any suspension under § 160.11(B); or

(2) Within three years after suspension, any further occurrence or violation that would be grounds for a suspension of the registration permit.

(D) The Rental Housing Officer shall prepare and file charges with the Board of Public Works and Safety specifying the specific violation and relief requested. Such charges and notice of a hearing shall be served upon the owner or his or her agent by certified mail, return receipt requested to the address of record.

(E) The Board of Public Works and Safety shall set a date for hearing of the charges, not less than ten days after mailing of the notice. The Board of Public Works and Safety shall hear the evidence and argument of the Rental Housing Officer and the owner. After the hearing, the Board of Public Works and Safety shall make a written decision supported by findings. The decision of the Board of Public Works and Safety may be appealed to a court of general jurisdiction in Floyd County within 30 days of the decision.

(F) Following the permanent revocation of a Rental Permit by the Board of Public Works and Safety, an owner may apply to the city for the issuance of a new Rental Permit. As part of the application process for a new registration permit the owner shall permit the Rental Housing Officer to inspect each rental unit and/or premises wherein the registration permit was previously revoked to determine compliance with the requirements of this chapter.

§ 160.12 RENTAL HOUSING OFFICER.

The City Building Commissioner or his/her designee shall act as the Rental Housing Officer or his designee. The decisions of the Rental Housing Officer may be appealed to the Board of Public Works and Safety on petition filed with the Board within 20 days after hand delivery or mailing, whichever occurs first, of the Rental Housing Officer 's decision.

§ 160.15 RENTAL HOUSING FUND ESTABLISHED.

(A) The Common Council hereby establishes a Rental Housing Fund.

(B) The Rental Housing Officer and/or his or her designee(s) shall be named and have the authority for the collection, allocation and expenditure (as approved by the Common Council) of all costs associated with the administration of the rental housing program.

RENTAL HOUSING CODE

§ 160.30 RENTAL HOUSING CODE.

There is established the Rental Housing Code, the purpose of which is to protect community neighborhoods and the public health, safety and welfare in all existing and new rental buildings, rental units and premises by:

(A) Establishing minimum maintenance standards for rental buildings and rental units and premises; 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 of rental buildings and rental units;

(B) Fixing the responsibilities of owners, operators and occupants of rental buildings and rental units

(C) Providing for administration, enforcement and penalties.

§ 160.31 INTENT.

(A) The provisions of the Rental Housing Code shall be construed liberally to insure the public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

(B) The provisions of the Rental Housing Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

(C) All other provisions of the Municipal Code of the city relating to building maintenance, including, but not limited to, Chapter 154 of the Municipal Code, entitled Property Maintenance Code, are incorporated by reference as if fully set forth herein.

(D) Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of the Rental Housing Code shall be done in accordance with the procedures and provisions of this chapter, the Municipal Code and the City of New Albany

(E) The provisions of this chapter shall not be construed as abolishing or impairing existing remedies available to the city relating to the removal or demolition of any buildings that are deemed dangerous, unsafe or unsanitary.

§ 160.32 DEFINITIONS.

All of the definitions set forth in § 160.02 are hereby incorporated by reference into the Rental Housing Code as if set forth fully herein. All definitions set forth in § 160.02 shall apply herein unless the context clearly indicates or requires a different meaning.

§ 160.33 STRUCTURES.

(A) This chapter establishes minimum requirements for the initial and continued occupancy and use of all rental buildings, rental units and premises and does not replace or modify requirements otherwise established by ordinance which may be additional to or more stringent than the provisions contained herein for the construction, repair, alteration, or use of structures, equipment or facilities.

(B) This chapter shall apply to all rental buildings, rental units and premises whether or not existing at the time this chapter is adopted.

§ 160.34 ENFORCEMENT AUTHORITY.

It shall be the duty and responsibility of the Rental Housing Officer and his or her designee(s) to enforce the provisions of this chapter.

§ 160.35 DUTIES AND POWERS OF THE RENTAL HOUSING OFFICER.

(A) General. The Rental Housing Officer shall enforce all of the provisions of the Rental Housing Code relative to the maintenance of rental buildings, rental units and premises, except as may otherwise be specifically provided for by other regulations, ordinances or laws.

(B) Notices and orders. The Rental Housing Officer shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the Rental Housing Code requirements for the safety, health and general welfare of the public.

(C) Inspections. In order to safeguard the safety, health and welfare of the public, the Rental Housing Officer, or his or her designee, is authorized to enter any rental building, rental unit or premises at any

reasonable time for the purpose of making inspections and performing duties under this chapter in accordance with § 160.08 hereof. Provided that, should consent to enter not be voluntarily given, application for an inspection warrant shall be made pursuant to the provisions of § 160.08 hereof.

(D) Coordination of enforcement. Whenever, in the opinion of a Rental Housing Officer, or his or her designee, it is deemed necessary or desirable to have inspections made by any other city department, the Rental Housing Officer, or his or her designee, shall arrange for such inspections. He or she shall make reasonable effort to arrange for the coordination of inspections to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency order, notice or citation which it determines must be issued.

(E) Rule making authority. Upon the recommendation of the Rental Housing Officer, the Board of Public Works and Safety shall have those powers as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this chapter to secure its intent, but such rules shall not have the effect of waiving requirements specifically provided in this chapter or of violating accepted practice involving public safety. Prior to taking effect, such rules and regulations must be approved by the Common Council by Resolution.

§ 160.36 NOTICES AND ORDER.

Notice to owner or to person or persons responsible. Whenever the Rental Housing Officer or his or her designee determines that there has been a violation of this chapter, or has a reasonable belief that a violation has occurred, the Rental Housing Officer shall give notice to the owner or his or her agent in conformance with § 160.10.

§ 160.37 SCOPE: TENSE AND DEFINITION OF TERMS.

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

(B) Interchangeability. 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.

(C) Terms defined in other codes. Where terms are not defined in this subchapter and are defined in the building, electrical, plumbing and/or mechanical codes otherwise adopted by this code they shall have the same meanings ascribed to them as in those codes.

(D) Terms not defined. Where terms are not defined under the provisions of this subchapter or under the provisions of the building, electrical, plumbing and/or mechanical codes they shall have ascribed to them their ordinarily accepted meaning, or such as the context herein may imply.

§ 160.38 APPLICABILITY OF REQUIREMENTS.

(A) Scope. The provisions of this chapter shall govern the minimum standards for maintenance of rental buildings and rental units within the city.

(B) Responsibility. The owner of the premises shall maintain such properties in compliance with these requirements. A person shall not let to another for occupancy or use premises which do not comply with the following requirements of this chapter.

§ 160.39 PREMISES CONDITION.

All rental units in within the City shall abide and comply with the current building codes and requirements as outlined in City Ordinance Building Code § 150 et al. (as may be amended).

§ 160.43 SPACE, USE AND LOCATION REQUIREMENTS.

Every rental unit shall contain at least 120 square feet of floor space for the first occupant thereof and at least 1 00 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(A) Sleeping rooms. In every rental unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space.

(B) Ceiling height. At least one-third of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purposes of determining the maximum permissible occupancy thereof.

(C) Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(D) Overcrowding. The number of persons occupying a rental unit shall not create conditions that endanger the life, health, safety or welfare of occupants.

(E) Food preparation. Every space occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in sanitary manner.

§ 160.46 FIRE SAFETY.

(A) Scope. The provisions of this section shall govern the minimum fire safety facilities and equipment required. All rental buildings shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(B) Responsibility. The owner of all rental buildings shall provide and maintain such fire facilities and equipment in compliance with these requirements and the Fire Prevention Code. A person shall not let to another for occupancy or use any premises which do not comply with following requirements of this section.

(C) Means of egress.

(1) General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a rental building to the exterior of a street, a yard, court, or passageway leading to a public open area at grade.

(2) Direct exits. Every rental unit shall have access directly to the outside or to a common corridor, and every sleeping room shall have an approved direct means of egress to the outside.

Locked doors. All doors in the required means of egress shall be readily openable from the inner side. Exits from rental units shall not lead through other such units, or through toilet rooms or bathrooms.

(F) Fire protection systems.

(1) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times and in accordance with any current Fire Codes, and/or City Ordinances.

(2) Fire alarms. Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

(3) Sprinkler heads. Sprinkler heads of fire suppression systems, if required, shall be clean, free of corrosion and paint, and not bent or damaged.

(4) Standpipe systems. Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

(5) Smoke detectors required. The owner of each rental building shall supply all required operational smoke detectors in all rental buildings and rental units. The tenant shall ensure that each smoke detector in the rental unit remains functional and not disabled. If the smoke detector is battery operated, the tenant shall replace batteries in the smoke detectors as necessary or the tenant will be considered in violation of this ordinance. If smoke detectors are hard-wired and/or not operational, the tenant shall immediately notify the owner of the rental building.

(6) Type and placement of smoke detectors. The type, placement and maintenance of smoke detectors shall conform to the requirements of J.C. 22-11-18-1 et seq., and as that statute may, from time to time, be amended.

~~(7) Fire extinguisher required. At least a two and a half pound class ABC dry chemical fire extinguisher must be placed in the exit side of the kitchen, but not within six feet of the stove.~~

§ 160.47 RELATIONSHIP TO OTHER ORDINANCES AND STATUTES.

It is the intent of the Common Council that this chapter provide a comprehensive regulatory program for rental housing within the city. Provisions of this chapter are to be interpreted to be compatible with all other ordinances of the city, whether in effect as of the date of the adoption of this chapter or thereafter adopted. When this chapter conflicts with other ordinances, private covenants, commitments, permits, agreements, state laws, federal laws, or other regulations, the greater restriction shall control. Nothing in the City's Housing Code shall be interpreted or applied as adding additional requirements to those rental units and/or rental community units provided exemptions from inspection as set for in Indiana Code 31-1-20-4.1 (as may be amended).

§ 160.99 PENALTY.

In addition to probation, suspension and revocation of a registration permit as set forth in § 160.11 of this chapter, the Board of Public Works and Safety may impose the following penalties on any and all persons found to be in violation of this chapter:

(A) For submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, a fine of up to \$500, unless the violator has been convicted of a previous violation for submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, in which case the fine may be up to \$2,500;

(B) For failure to maintain a Rental Permit pursuant to § 160.07, a fine of up to \$500, unless the violator has been convicted of a previous violation for failing to maintain a rental certificate, in which case the fine shall be up to \$1,000;

(C) For failure to timely sign or submit a complete registration application a fine of up to \$100, each day a violation of this provision exists or continues to exist constituting separate and distinct violation of this chapter;

(D) For knowingly committing, permitting or allowing any over occupancy as set forth in § 160.43, a fine of up to \$200, unless the violator has been convicted of a previous violation involving over occupancy, in which case the fine shall be up to \$1,000, with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of this chapter;

(E) For rental of any dwelling unit without first obtaining or continuing to have a valid registration permit, a fine of up to \$100, unless the violator has been convicted of previous violation involving renting without a registration permit, in which case the fine shall be up to \$500, with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of this chapter;

(F) For a violation of any provision of the Rental Housing Code except as addressed elsewhere (§§ 160.30 through 160.47), a fine of up to \$500, unless the violator has been convicted of a previous violation of the Rental Housing Code, in which case the fine may be up to \$2,500. Each day a violation of the Rental Housing Code exists or continues to exist constitutes a separate and distinct violation of the Rental Housing Code.

(G) If fines are imposed by the Board of Public Works and Safety or inspections fees are not paid, then the Enforcement Officer and/or the City Attorney's Office shall file liens upon the property for the outstanding balances due.