

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. MOSQUITO CONTROL.
3. SWIMMING POOLS.
4. SLUM CLEARANCE.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds and debris.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Inspections by health officer.
- 13-108. Termination of bird roosts.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1963 Code, § 8-601)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases or other airborne irritants as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1963 Code, § 8-605)

**13-103. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his

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<sup>1</sup>Municipal code references  
 Animal control: title 10.  
 Littering streets, etc.: § 16-107.

property without treating it so as effectively to prevent the breeding of mosquitoes. (1963 Code, § 8-606)

**13-104. Weeds and debris.** Every owner or tenant shall remove debris from his property and he shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, in order to maintain an average height not in excess of six (6) inches, when ordered so to do by the city manager or his designated representative. It shall be unlawful for such person to fail to comply with an order of the city manager, health officer, code enforcement officer or chief of police to remove such debris from his property and/or cut such vegetation to a height not in excess of six (6) inches when it has reached a height of eight (8) inches. Upon the failure, refusal or neglect of any person so notified to comply with the terms and orders of such notice, the city manager is hereby authorized to contract or perform by force account such work as may be required by said notice, and the cost of such work shall be a lien on said property, to be enforced by suit in any court of competent jurisdiction; as an additional and cumulative remedy, the city manager may certify to the city clerk, the cost of such work, and it shall be the duty of the city clerk to place the amount so certified on the bill for city taxes assessed against the affected property, and it shall be the duty of the city clerk to collect, as a special tax, the amount so certified, which is hereby declared to be a special improvement tax on said property. Said special tax may be collected as other general taxes are collected by the City of Union City. (Ord. #4-01, Aug. 2000)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1963 Code, § 8-608)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1963 Code, § 8-609)

**13-107. Inspections by health officer.** It shall be the duty and obligation of the health officer, or his duly authorized agent, to inspect and examine all premises within the municipality where he has reason to believe that any health and sanitation provision in this code is being violated. In this connection, the health officer shall have the right to enter upon any such premises at any reasonable time to make an inspection thereof, and is

authorized hereby to serve written notice upon any person who owns, occupies, or controls any premises which are in violation of this code, giving such person a reasonable length of time to bring such premises into compliance. (1963 Code, § 8-610)

**13-108. Termination of bird roosts.** When the health officer determines that a roost of birds is such that it constitutes a menace to the public health, damage to property, or an annoyance to people residing within the vicinity of such roost, he may certify the existence of such a nuisance roost to the chief of police.

Upon application by a property owner on whose property the health officer has certified the existence of a nuisance roost, the chief of police may grant a permit for the discharge of pellet-bearing cartridges or pyrotechnic devices to terminate such roost. Such permits may authorize the property owner to engage in a controlled activity of discharging such pellets or pyrotechnic devices on his property to discourage the establishment of such roost beginning no earlier than two (2) hours before sunset and continuing no later than two (2) hours after sunset but in no case to continue beyond 10:00 P.M. A permit shall be issued for not more than five (5) calendar days.

The city manager may promulgate rules and regulations for the issuance of permits and the activities which may be conducted under a permit to terminate bird roosts. (Ord. #10-90, Dec. 1989)

## CHAPTER 2

### MOSQUITO CONTROL

#### SECTION

- 13-201. Untreated breeding water prohibited.
- 13-202. Methods of water treatment.
- 13-203. Evidence of breeding.
- 13-204. Corrective action by city or county.
- 13-205. Obstruction of drainage.
- 13-206. Enforcement.

**13-201. Untreated breeding water prohibited.** It shall be unlawful for any property owner or occupant to have, keep, maintain, cause or permit upon his property any collection of standing or flowing water in which anopheles mosquitoes breed unless such water is treated so as to prevent such breeding. The prohibition of this section shall apply to water contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets, and other similar containers. (1963 Code, § 8-401)

**13-202. Methods of water treatment.** The method of treating any collection of water to prevent the breeding of anopheles mosquitoes may be either of the following provided it is approved by the health officer:

- (1) Screening of the water with wire netting having at least sixteen (16) meshes to the inch each way, or with any other material which will effectually prevent the ingress or egress of anopheles mosquitoes.
- (2) Complete emptying, cleaning and drying of unscreened containers at least once every seven (7) days.
- (3) Using a larvicide approved and applied under the direction of the health officer.
- (4) Complete covering of the water surface with kerosene, petroleum or paraffin oil at least once every seven (7) days.
- (5) Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with anopheles mosquito-destroying fish.
- (6) Filling or draining to the satisfaction of the health officer or his representative.
- (7) Removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water. (1963 Code, § 8-402)

**13-203. Evidence of breeding.** The natural presence of anopheles mosquito larvae in standing or running water shall be evidence that anopheles

mosquitoes are breeding there and that the property owner and/or occupant is in violation of § 13-301. (1963 Code, § 8-403)

**13-204. Corrective action by city or county.** The city or county health department may at its expense take appropriate action to stop the breeding of anopheles mosquitoes on public or private property.

However, should any person responsible for conditions giving rise to the breeding of anopheles mosquitoes fail or refuse, after being so ordered, to take necessary measures to prevent the same, the health officer or his representative may take necessary corrective action and assess all costs thereby incurred against the offending person. (1963 Code, § 8-404)

**13-205. Obstruction of drainage.** No person shall cause water to stand on adjoining property by raising the elevation of his property and thereby obstructing natural drainage. The city or county health department may enter into an agreement with any property owner or owners who need a ditch or drain to care for drainage. Such agreement shall prescribe the method of drainage to be used and the distribution of construction expenses among the parties to the agreement. (1963 Code, § 8-405)

**13-206. Enforcement.** For enforcement purposes, the health officer or his representative may enter any premises at any reasonable time and make such inspections and issue such orders as he reasonably deems necessary to insure compliance with the provisions of this chapter. It shall be unlawful for any person to wilfully fail to comply with any lawful order of the health officer or his representative.

In determining when and where it is necessary to use the preventive methods set out in § 13-302; which of the methods shall be used; and, when proper and sufficient preventive methods have been used, the judgment of the health officer shall be final. (1963 Code, § 8-406)

## CHAPTER 3

### SWIMMING POOLS

#### SECTION

13-301. Private swimming pools regulated.

**13-301. Private swimming pools regulated.** It shall be unlawful to own, maintain, or operate a private swimming pool, as hereinafter defined, within the corporate limits of Union City except in conformity with the following requirements:

(1) A private swimming pool is defined to be any permanent structure constructed for swimming or bathing having a square footage in excess of 250 square feet, and a depth at any point in excess of 36 inches, and built for private use in connection with a single family residence, and available only to the family of the householder and his private guests, as distinguished from general public use.

(2) Such swimming pools will be protected by a fence, mesh or better, of a minimum height of 5 feet, with a controlled means of entrance to the swimming area.

(3) Such pools shall comply with minimum public health standards for private swimming pools as published or established by the state health department and shall be subject to inspection by the health officer.

(4) Such pools will be located at the rear of the lot or lots upon which constructed, but no nearer than 5 feet to any adjacent rear or side yard line, and on corner lots no nearer than 15 feet to the right-of-way line of any public street; provided, however, that where protected by a solid wall or fence, such swimming pools may abut adjoining property lines.

(5) A building permit for such a pool will be obtained in accordance with the provisions of § 12-102, of the city code, at which time a sketch of the proposed location upon the lot will be submitted.

(6) The provisions of this section shall not be retroactive to apply to pools constructed prior to August 1, 1971, except that all existing swimming pools shall comply with subsection (2) above on or before October 1, 1971. (1963 Code, § 8-801)

## CHAPTER 4

### SLUM CLEARANCE

#### SECTION

- 13-401. Applicability, purpose of chapter.
- 13-402. Definitions.
- 13-403. Nonconforming habitable buildings declared a nuisance.
- 13-404. Existence of dwellings unfit for human habitation.
- 13-405. Building inspector designated to act.
- 13-406. Institution of action and notification by building inspector.
- 13-407. Determination of and further notice by building inspector.
- 13-408. Appeals.
- 13-409. Failure of owner to comply to vacate and repair.
- 13-410. Failure of owner to remove or demolish.
- 13-411. Creation of lien and payment into court.
- 13-412. Conditions rendering dwelling unfit for human habitation.
- 13-413. Service of complaints or orders.
- 13-414. Powers given the building inspector.

**13-401. Applicability, purpose of chapter.** Every building used in whole or part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two (2) or more persons as families, living in separate apartments, or otherwise, shall conform to the requirements of this chapter irrespective of the class to which such building may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired. This chapter establishes minimum standards for occupancy, and is intended to be supplementary to the minimum housing code and is not intended to repeal, modify or replace the minimum housing code. (1963 Code, § 4-801)

**13-402. Definitions.** For the purpose of this chapter the following words and phrases shall have the meanings assigned to them:

(1) "Basement" shall mean that portion of a building, below the main floor, the ceiling of which is not less than three feet (3') above grade.

(2) "Cellar" shall mean that portion of a building, the ceiling of which is less than three feet (3') above grade.

(3) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(4) "Family" shall mean a group of persons, not necessarily related by blood or marriage, living together as a single housekeeping unit.

(5) "Habitable building" shall mean any structure or part thereof that shall be used as a home or place of abode by one or more persons.

(6) "Habitable room" shall mean any room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations, but shall not include private laundries, bathrooms, toilet rooms, pantries, storerooms, corridors, rooms for mechanical equipment for service in the building, or other similar spaces not used by persons frequently or during extended periods.

(7) "Infestation" shall mean the presence of household pests, vermin or rodents.

(8) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.

(9) "Plumbing" shall include all gas pipes, gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bathtubs, catch basins, drains, vents and any other fixtures connected to the water, sewer or gas lines.

(10) "Public hall" shall mean a hall, corridor or passageway not within the exclusive control of one family.

(11) "Substandard" shall be construed to include all buildings used for purposes of human habitation which do not conform to the minimum standards established by this chapter and by other provisions of this code.

(12) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof. (1963 Code, § 4-802)

**13-403. Nonconforming habitable buildings declared a nuisance.** Any habitable building which shall fail to conform to the requirements set forth in this chapter shall be deemed a nuisance and detrimental to the health, safety and welfare of the habitants of this city. (1963 Code, § 4-803)

**13-404. Existence of dwellings unfit for human habitation.** There exists in the City of Union City dwellings which are unfit for human habitation, due to dilapidation, defects increasing the hazards of fire, accident or other calamities; lack of ventilation, light or sanitary facilities or due to other conditions rendering such dwellings unsafe or unsanitary or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the City of Union City. (1963 Code, § 4-804)

**13-405. Building inspector designated to act.** The building inspector is designated as the public officer of the City of Union City who is to exercise the powers herein prescribed. (1963 Code, § 4-805)

**13-406. Institution of action and notification by building inspector.** Whenever a petition is filled with the building inspector by a public authority or by at least five (5) residents of the City of Union City charging that

any dwelling is unfit for human habitation, or whenever it appears to the building inspector on his own motion that any dwelling is unfit for human habitation, the building inspector shall, if, after making a preliminary investigation, such investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwellings, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building inspector (or his designated agent) at a time and place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. (1963 Code, § 4-806)

**13-407. Determination of and further notice by building inspector.** (1) If, after such notice and hearing as above prescribed, the building inspector determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order.

(a) If the repair, alteration, or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling requiring the owner within the time specified in the order to repair, alter, or improve such dwelling to render it fit for human habitation or if not adequately repaired, altered or improved within the time specified in the order to vacate and close the dwelling as a human habitation; or

(b) If the repair, alteration, or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling requiring the owner within the time specified in the order to remove or demolish such dwelling.

(2) Rebuilding in violation of existing zoning ordinances will not be permitted.

(3) The building inspector shall determine the value of the dwelling in question existing on the land and the value of the land, itself, not to be considered, and if the dwelling can be made to conform to such standards as will make it properly habitable by an expenditure of not more than fifty percent (50%) of said value, the order referred to in the preceding paragraph shall contain the first alternative. If an expenditure of more than fifty percent (50%) of the value just referred to would be necessary to make the dwelling properly habitable, the order in the preceding paragraph shall contain the second alternative. (1963 Code, § 4-807)

**13-408. Appeals.** Any person receiving a written order from the building inspector as provided in § 13-407 may, within fifteen (15) days following date of

such notice, enter an appeal in writing to the housing board of adjustments and appeals. Any such appeal taken under this chapter shall be processed and considered by the housing board of adjustments and appeals in the same manner as prescribed for appeals entered under the Minimum Housing Code of the City of Union City. Any decision of the housing board of adjustments and appeals shall be final and conclusive. (1963 Code, § 4-808)

**13-409. Failure of owner to comply to vacate and repair.** If the owner fails to comply with the order under § 13-407(1)(a), the building inspector may cause such dwelling to be repaired, altered or improved or be vacated and closed; and in such event the building inspector may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." (1963 Code, § 4-809)

**13-410. Failure of owner to remove or demolish.** If the owner fails to comply with an order as set forth in § 13-407(1)(b), the building inspector may cause such dwelling to be removed or demolished. (1963 Code, § 4-810)

**13-411. Creation of lien and payment into court.** The amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition by the building inspector shall be a lien against the real property on which such cost was incurred. If the dwelling is removed or demolished by the building inspector, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the chancery court by the building inspector, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Union City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (1963 Code, § 4-811)

**13-412. Conditions rendering dwelling unfit for human habitation.** In addition to the other standards set forth in this chapter, the building inspector may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the city; such conditions may include the following (but without limiting the generality of the foregoing): Defects increasing the hazards of fire, accident or other calamities, lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. (1963 Code, § 4-812)

**13-413. Service of complaints or orders.** Complaints or orders issued by the building inspector pursuant to the requirements of this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence and the said building inspector shall make affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. A copy of such complaint or order shall also be filed for record in the register's office of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1963 Code, § 4-813)

**13-414. Powers given the building inspector.** The building inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation.
- (2) To administer oaths, affirmations, examine witnesses and receive evidence.
- (3) To enter upon premises for the purposes of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (4) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1963 Code, § 4-814)