

Police Power

CHAPTER 460.

HOUSING ACT

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GENERAL PROVISIONS

460.01 CITATION OF LAW; CITIES TO WHICH LAW APPLIES. This chapter shall be known and may be cited as the housing act for cities of the first class, and shall apply to every city of the first class of the state not organized under the Constitution of the State of Minnesota, Article 4, Section 36.

[1917 c. 137 s. 1] (1630-3)

460.02 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that different meanings are intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subdivision 2. Dwelling. A "dwelling" is any house or building, or portion thereof, which is occupied, in whole or in part, as a home, residence, or sleeping place of one or more human beings, either permanently or transiently.

Subdivision 3. Class of dwellings. For the purposes of this chapter, dwellings are divided into the following classes: (a) "private dwellings," (b) "two-family dwellings," and (c) "multiple-dwellings."

(a) A "private dwelling" is a dwelling occupied by but one family alone;

(b) A "two-family dwelling" is a dwelling occupied by but two families alone;

(c) A "multiple-dwelling" is a dwelling occupied otherwise than as a private dwelling or two-family dwelling.

Subdivision 4. Classes of multiple-dwellings. All multiple-dwellings are dwellings and for the purpose of this chapter are divided into two classes, viz: Class A and Class B.

Class A. Multiple-dwellings of Class A are dwellings which are occupied more or less permanently for residence purposes by several families and in which the rooms are occupied in apartments, suites or groups. This class includes tenement houses, flats, apartment houses, apartment hotels, bachelor apartments, studio apartments, kitchenette apartments, and all other dwellings similarly occupied whether specifically enumerated herein or not.

Class B. Multiple-dwellings of Class B are dwellings which are occupied, as a rule transiently, as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which, as a rule, the rooms are occupied singly. This class includes hotels, lodging houses, boarding houses, furnished-room houses, lodgings, club houses, convents, asylums, hospitals, jails, and all other dwellings similarly occupied whether specifically enumerated herein or not, except fire houses.

Subdivision 5. Hotel. A "hotel" is a multiple-dwelling of Class B in which persons are lodged for hire and in which there are more than 50 sleeping rooms, a public dining room for the accommodation of at least 50 guests, and a general kitchen. Provided that no facilities for cooking shall be provided in connection with any suite or guest room in such hotel. No electrical wiring or equipment of any kind shall be installed or used in any guest room for cooking purposes. Provided, however, that receptacles of a capacity not to exceed ten amperes may be installed and used for other than cooking appliances. Whenever any equipment for cooking is to be installed or used in multiple-dwelling in connection with rooms to be occupied by the tenants or guests of such dwelling, such multiple-dwelling shall be classed, constructed and maintained as herein required for Class A multiple-dwelling.

Subdivision 6. Mixed occupancy. In cases of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this chapter, and shall comply with the provisions thereof relative to multiple-dwellings.

Subdivision 7. Yards. A "rear yard" is an open unoccupied space on the same lot with a dwelling, between the extreme rear line of the lot and extreme rear line of the house, or between the extreme front line of a building on the rear of the lot and the extreme rear line of the house. A yard between the front line of the house and the front line of the lot is a "front yard." A yard between the side line of the house and the side line of the lot and which extends from the front line of the lot or front yard to the rear line of the lot or rear yard is a "side yard."

Subdivision 8. Courts. A "court" is an open unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear yard is an "inner court." A court extending to the street or front or rear yard is an "outer court."

Subdivision 9. Corner and interior lots. A "corner lot" is a lot of which at least two adjacent sides abut for their full length upon a street. A lot other than a corner lot is an "interior lot."

Subdivision 10. Front; rear and depth of lot. The front of a lot is that boundary line which borders on the street. In the case of a corner lot the owner may elect by statement on his plans either street boundary line as the front. The rear of a lot is the side opposite to the front. In the case of a triangular or gore lot the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In the case of irregular-shaped lots the mean depth shall be taken.

Subdivision 11. **Public hall.** A "public hall" is a hall, corridor or passageway not within the exclusive control of one family.

Subdivision 12. **Stair hall.** A "stair hall" is a public hall and includes the stairs, stair landings and those portions of the building through which it is necessary to pass in going between the entrance floor and the roof.

Subdivision 13. **Basement; cellar, attic.** (a) A "basement" is a story partly underground but having at least one-half of its height above the curb level, and also one-half of its height above the highest level of the adjoining ground. A basement shall be counted as a story, except that a basement, the ceiling of which does not extend for more than five feet above the curb level or above the highest level of the adjoining ground, shall not be counted as a story. In all cities of the first class which have heretofore or may hereafter adopt by charter or ordinance "The Housing Act" as provided in Chapter 137, Session Laws of 1917, as amended by Chapter 517, Session Laws of 1919, which regulates the space which must be left between a building and the adjoining building or between a building and the boundary line of the lot or lots on which it stands, by the number of stories in such building. A basement is a story partly underground but having at least one-half of its height above the curb level of the adjoining street and shall be counted as a story.

(b) A "cellar" is a story having more than one-half of its height below the curb level, or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement. If any part of a story is in that part the equivalent of a basement or cellar, the provisions of this chapter relative to basements and cellars shall apply to such part of said story.

(c) In the case of private dwellings and two-family dwellings an attic or story in a sloping roof shall not be counted as a story, except that no such attic shall contain a kitchen or dining room or be occupied for living purposes as the domicile of a family; the use of such attic shall be confined strictly to the use of the two families occupying the first and second floors of such dwelling. In the case of multiple-dwellings an attic shall be counted as a story.

Subdivision 14. **Height.** The "height" of a dwelling is the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the gable in the case of pitched roofs, the measurements in all cases to be taken through the center of the front of the dwelling. Where a dwelling is situated on a terrace above the curb level such height shall be measured from the level of the adjoining ground. Where a dwelling is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the front on the street having the lowest elevation.

Subdivision 15. **Curb level.** The "curb level" is the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established the city engineer shall establish such curb level or its equivalent for the purposes of this chapter.

Subdivision 16. **Occupied spaces.** Outside stairways, fire-escapes, fire towers, porches, platforms, balconies, chimneys and other projections shall be considered as part of the dwelling and not as part of the yards or courts or unoccupied area. When a cornice projects more than two feet into a side yard or court, that portion in excess of two feet shall be considered as a part of the dwelling.

Subdivision 17. **Fire-proof dwelling.** A "fire-proof dwelling" is one the walls of which are constructed of brick, stone, cement, iron or other hard incombustible material and in which there are no wooden beams or lintels and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, cement, iron or other hard incombustible material and in which no woodwork or other inflammable material is used in any of the partitions, furrings or ceilings. But this definition shall not be construed as prohibiting elsewhere than in the public halls the use of wooden flooring on top of fire-proof floors or the use of wooden sleepers, doors, windows or trim, nor as prohibiting wooden hand rails or treads of hard wood not less than one and one-half inches thick.

Subdivision 18. **Wooden building.** A "wooden building" is a building of which the exterior walls or a portion thereof are of wood. Court walls are exterior walls.

Subdivision 19. **Nuisance.** The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever dwelling is over-

crowded with occupants or is not provided with adequate ingress and egress to or from the same, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this chapter, nuisances; and all such nuisances are hereby declared illegal.

Subdivision 20. Construction of certain words. The word "shall" is always mandatory and not directory, and denotes that the dwelling shall be maintained in all respects according to the mandate as long as it continues to be a dwelling. Wherever the words "charter," "ordinances," "regulations," "inspector of buildings," "department of health," "building department," "commissioner of health," "department charged with the enforcement of this chapter," "city attorney," "mayor," "city treasurer," "city council," "fire marshal," or "fire limits," occur in this chapter they shall be construed as if followed by the words "of the city in which the dwelling is situated." The terms "department of health" and "commissioner of health" as used in this chapter shall embrace the department and the executive head thereof charged with the duty of enforcing the laws and ordinances relating to public health and sanitation. The terms "building department" and "inspector of buildings" shall embrace the department and the executive head thereof charged with the execution of laws and ordinances relating to the construction of buildings. Wherever the word "occupied" or "used" is employed in this chapter, such word shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted to, rented, leased, let, or hired out, to be occupied or used." Wherever the words "dwelling," "two-family dwelling," "multiple-dwelling," "building," "house," "premises," or "lot," are used in this chapter, they shall be construed as if followed by the words, "or any part thereof." Wherever the word "street" is used in this chapter, it shall be construed as including any public alley. "Approved" means approved by the inspector of buildings. All the provisions of this chapter relative to the size and the opening of windows shall apply equally to storm sash.

[1917 c. 137 s. 2; 1919 c. 517 ss. 1, 2] (1630-4)

460.03 BUILDINGS CONVERTED OR ALTERED. A building not a dwelling if hereafter converted or altered to such use shall thereupon become subject to all the provisions of this chapter relative to dwellings hereafter erected. A dwelling of one class if hereafter altered or converted to another class shall thereupon become subject to all the provisions of this chapter relative to such class.

[1917 c. 137 s. 3] (1630-5)

460.04 ALTERATIONS AND CHANGE IN OCCUPANCY. No dwelling hereafter erected shall at any time be altered so as to be in violation of any provision of this chapter, and no dwelling erected prior to the passage of this chapter shall at any time be altered so as to be in violation of those provisions of this chapter applicable to such dwelling. If any dwelling or any part thereof is occupied by more families than provided in this chapter, or is erected, altered, or occupied contrary to law, such dwelling shall be deemed an unlawful structure, and the commissioner of health may cause such dwelling to be vacated. Such dwelling shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

[1917 c. 137 s. 4] (1630-6)

460.05 DWELLINGS MOVED. If any dwelling be hereafter moved from one lot to another it shall thereupon be made to conform to all the provisions of this chapter relative to dwellings hereafter erected, except as to size and height of rooms and window area; provided, that no room in such dwelling shall be occupied for living purposes unless it shall have a window of an area of not less than eight square feet opening directly upon the street or upon a yard or court of the dimensions specified in this chapter relative to dwellings hereafter erected.

[1917 c. 137 s. 5] (1630-7)

460.06 MINIMUM REQUIREMENTS; LAW NOT TO BE MODIFIED. The provisions of this chapter shall be held to be the minimum requirements adopted for the protection of the health, welfare, and safety of the community. The local legislative body of each city is hereby empowered to enact from time to time supplementary ordinances imposing requirements higher than the minimum requirements laid down in this chapter relative to light, ventilation, sanitation, fire prevention, egress, occupancy, maintenance and use, for all dwellings. Such local legislative body is hereby further empowered to prescribe for the enforcement of the aforesaid supplementary ordinances, remedies and penalties similar to those

prescribed in this chapter. No ordinance, regulation, ruling or decision of any municipal body, board, officer or authority shall repeal, amend, modify or dispense with any of the minimum requirements laid down in this chapter. Wherever this chapter requires a greater width of size of yards or courts, or requires a lower height of building, or requires a greater percentage of lot to be left unoccupied, or imposes any other higher standard, than is required in any local ordinance or regulation; the provisions of this chapter shall govern. Wherever the provisions of any local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of building, or require a greater percentage of lot to be left unoccupied, or impose any other higher standard than is required in this chapter, such local ordinance or regulation shall govern.

[1917 c. 137 s. 6] (1630-8)

460.07 DWELLINGS DAMAGED. If a dwelling be damaged by fire or other cause to the extent of not more than two-thirds of its value, exclusive of the value of the foundations, such dwelling in being repaired or rebuilt need not comply with the provisions of this chapter relative to dwellings hereafter erected. If damaged to the extent of more than two-thirds of such value, it shall not be repaired or rebuilt except in conformity with the provisions of this chapter relative to dwellings hereafter erected. Where an estimate of damage to buildings is given by the inspector of buildings, an appeal to arbitration shall be allowed to parties believing themselves injured or wronged by the estimate or decision of the inspector of buildings in any such case, as follows:

Any person desiring to make such appeal shall do so within 15 days after written notice of the decision or order of the inspector of buildings shall have been given him. The request for arbitration shall be in writing, and shall state the object of the proposed arbitration and the name of the person who is to represent the appellant as arbitrator. The inspector of buildings shall thereupon state to the appellant the cost of such arbitration, and such appellant shall within 24 hours from the time of filing the original request for arbitration, deposit with the inspector of buildings the sum of money required for defraying the expenses of the same, which sum shall in each case be fixed by said inspector in proportion to the difficulty and importance of the case, but shall in no case be more than the cost of similar expert service in the course of ordinary business of private individuals or corporations.

As soon as such sum of money shall have been deposited with him, the inspector of buildings shall appoint an arbitrator to represent the city, who shall, together with the arbitrator appointed by the appellant, if they cannot agree, select a third arbitrator, and the decision of any two of these arbitrators in writing shall, after investigation of the matter in question, be final and binding upon the appellant as well as upon the city.

The arbitrators themselves, before entering upon the discharge of their duties, shall be placed under oath to the effect that they are unprejudiced as to the matter in question and that they will faithfully discharge the duties of their position. They shall have the power to call witnesses who shall be placed under oath, and their decision or award shall be rendered in writing, both to the inspector of the buildings and to the appellant.

The fee deposited by the appellant with the inspector of buildings shall be paid by the inspector of buildings to the arbitrators upon the rendering of their report, and shall be in full of all costs incident to the arbitration; but should the decision of the board of arbitration be rendered against the inspector of buildings, then the money deposited by the aforesaid appellant shall be returned to him, and the entire cost of such arbitration shall be paid by the city. When the decision of the inspector of buildings upon the safety of any building or part thereof or appurtenances connected therewith is made in a case so urgent, in his opinion, that failure at once properly to carry out his orders to demolish or strengthen such building or part thereof or to alter or change any of the appurtenances connected therewith may endanger life or limb, the decision of the inspector of buildings shall be absolute and final.

[1917 c. 137 s. 7] (1630-9)

460.08 SEWER CONNECTION AND WATER SUPPLY. The provisions of this chapter with reference to sewer connections and water supply shall be deemed to apply only where there is a sewer and water main in the street on which the dwelling

is located, and which extend as far as the lot or plot of ground on which the dwelling is situated.

Wherever there is no sewer in the street on which a dwelling is situated but there is a water main, the required plumbing for the dwelling shall be connected to a cesspool at least 20 feet in depth and four feet by four feet in size; provided, that the nature of the soil is such, in the opinion of the inspector of buildings, that such cesspool can be made properly to take care of the sewage from said plumbing system. Wherever it is found by the inspector to be impracticable owing to the nature of the soil adjacent to said dwelling to construct such cesspool, a waterproof privy vault or other approved sanitary privy or similar device may be used temporarily for such dwelling until such time as a sewer is provided in the street adjacent to such dwelling. When a sewer is so provided the owner of the dwelling shall at once install a plumbing system in the dwelling and connect to the sewer. Cesspools shall be placed not less than 20 feet from the building when practicable.

[1917 c. 137 s. 8] (1630-10)

460.09 SCOPE OF CHAPTER. All the provisions of this chapter shall apply to all classes of dwellings, except that in sections where specific reference is made to one or more specific classes of dwellings such provisions shall apply only to those specific classes to which such reference is made. All provisions which relate to dwellings shall apply to all classes of dwellings.

[1917 c. 137 s. 10] (1630-12)

DWELLINGS HEREAFTER ERECTED LIGHT AND VENTILATION

460.10 NEW DWELLINGS. In sections 460.11 to 460.41 will be found the provisions which must be observed when a person proposes to build a new dwelling or convert or alter to such purposes a building which is not a dwelling.

460.11 PERCENTAGE OF LOT OCCUPIED. No dwelling hereafter erected shall occupy, either alone or with other buildings, a greater percentage of the area of the lot than as follows:

- (1) In the case of corner lots with streets on three sides, not more than 90 per cent;
- (2) In the case of other corner lots, not more than 80 per cent;
- (3) In the case of interior lots, not more than 65 per cent.

The measurements shall be taken at the ground level except that in the case of multiple-dwellings where there are stores or shops on the entrance story, the measurements may be taken at the top of such entrance story. No measurements of lot area shall include any portion of any street. The measurements of lot area for the purposes of this section may be taken to the middle line of the alley where a public alley immediately abuts the lot at the rear or side and extends across its entire width or length, as the case may be. Any portion of a corner lot distant more than 80 feet from the outside side line of the lot, or from said side line extended in the same direction, shall be treated as an interior lot. The provisions of this section shall not apply to hotels.

[1917 c. 137 s. 20] (1630-13)

460.12 HEIGHT OF BUILDING. No dwelling hereafter erected shall exceed in height the width of the widest street upon which it abuts unless such dwelling be set back from the front lot line a distance equal to the excess of such height over the width of such street, nor in any case shall it exceed six stories and basement nor 75 feet in height. Such width of street shall be measured from front lot line. Where a street borders a public place, public park or navigable body of water, the width of the street is the mean width of such street plus the width, measured at right angles to the street line, of such public place, public park or body of water to opposite front lot line. No dwelling shall hereafter be erected upon any street or alley less than 30 feet in width. The provisions of this section shall not apply to hotels.

[1917 c. 137 s. 21; 1919 c. 517 s. 3] (1630-14)

460.13 REAR YARDS. Immediately behind every dwelling hereafter erected there shall be a rear yard extending across the entire width of the lot. Such yard shall be at every point open and unobstructed from the ground to the sky, except as provided in section 460.14. Every part of such yard shall be directly accessible from every other part thereof. The depth of the yard shall be measured at right angles from the extreme rear part of the dwelling.

- (1) To the middle line of the alley, where a public alley immediately abuts the lot and extends across its entire width;
- (2) To the rear lot line where there is no such alley;
- (3) To the nearest wall of the building where there is another building at the rear as permitted in section 460.16.

The minimum depth of a yard in the rear of a two-story dwelling shall be 20 feet, of a three-story dwelling 22 and one-half feet, of a four-story dwelling 26 and one-half feet, of a five-story dwelling 29 and one-half feet, of a six-story dwelling 31 and one-half feet. No yard in the rear of a multiple-dwelling shall ever be less than 20 feet in depth. No yard in the rear of a one-story private dwelling or a one-story two-family dwelling shall ever be less than 15 feet in depth. Provided that when a private dwelling or a two-family dwelling is located on the rear of a corner lot not less than 50 feet in width, and such dwelling faces upon the side street, the rear yard for such dwelling may be not less than five feet in depth. A front yard may be any depth. Any portion of a corner lot distant more than 80 feet from the outside line of the lot, or from the side line extended in the same direction, shall be treated as an interior lot. This section shall not apply to hotels.

[1917 c. 137 s. 22; 1919 c. 517 s. 4] (1630-15)

460.14 SIDE YARDS; DISTANCE BETWEEN ADJOINING BUILDINGS. In order to ensure adequate light and ventilation and reduce the conflagration hazard and preserve the amenities of residential districts, no dwelling hereafter erected shall approach nearer to a side lot line than as prescribed in this section. The space between any such dwelling and the side lot line shall be deemed a side yard and shall be as follows:

(1) In the case of a dwelling hereafter erected one story in height such space shall not be less than four feet from the side wall of the dwelling to the side lot line;

(2) In the case of a dwelling hereafter erected two stories in height such space shall not be less than five feet to the side lot line; if said dwelling is three stories in height, such space shall be not less than seven feet to the side lot line; and such space shall increase two feet in width for each additional story;

(3) In the case of private-dwellings and of two-family dwellings hereafter erected or altered to a multiple-dwelling, such space shall be not less than three feet from the side wall of the dwelling to the side lot line; provided, that in no case shall the combined width of side yards for any such dwelling be less than double the width as prescribed in clauses (1) and (2) of this section for a building of like height.

(4) All of the above mentioned side yards shall be at every point open and unobstructed from the ground to the sky, except as provided in section 460.02, subdivision 16; provided, that in the case of multiple-dwellings where the entrance story is used exclusively for business purposes the measurements may be taken at the top of such entrance story; the width of the side yard may be measured to the middle line of the street or public alley, where a street or public alley immediately abuts the lot and extends along its entire length; the above requirements for side yards shall not apply to hotels hereafter erected outside of residential districts; if side yards are left for such hotels, they shall conform to the requirements of this section;

(5) Except that in the case of a single or two-family dwelling a portion of the yard not exceeding 500 square feet in area may be occupied by a one-story private garage; provided, that the part of the garage nearest to the dwelling shall be not less than 12 feet from any part of such dwelling and except in cases where no portion of such garage is above the bottom of the windows of the lowest story used for living purposes;

(6) Wherever a building is so constructed that one side of it, at any story, is to be used for dwelling purposes, and the adjoining side is to be used other than for a dwelling, such adjoining side need not at such story be provided with a side yard, nor the rear of such adjoining part with a rear yard;

(7) No dwelling shall be erected on a gore lot which requires side yards whose combined width exceeds the front width of the lot.

[1917 c. 137 s. 23; 1919 c. 517 s. 5; 1943 c. 179 s. 1] (1630-16)

460.15 COURTS; AIR INTAKES; ANGLES. The sizes of all courts for dwellings hereafter erected shall be proportionate to the height of the dwelling. No court shall be less in any part than the minimum sizes prescribed in this section.

The minimum width of a one-story court for a dwelling shall be ten feet, of a two-story court 12 feet, and of a three-story court 14 feet, and shall increase two feet for each additional story above three stories. Except that in the case of hotels such increase shall be one foot for each additional story above three stories. The area of an inner court shall never be less than twice the square of the minimum width prescribed by this section. The length of an outer court except in the case of a side yard, shall never be greater than four times its width. The width of all courts adjoining the lot line shall be measured to the lot line and not to an opposite building.

No court of a dwelling hereafter erected shall be covered by a roof or skylight. Every such court shall be at every point open and unobstructed from the ground to the sky. Except that in the case of multiple-dwellings where there are stores or shops on the entrance story, the courts may start at the top of such entrance story and such courts may be roofed over by a skylight provided the skylight completely covers the court and is equipped with ventilators having a minimum opening equivalent to 44 square inches for each story in the height of the court and also with fixed louvres having a minimum opening equal to the superficial area of the court, and such openings into the court shall be kept open and unobstructed at all times. The provisions of this section as to courts starting from the ground shall not apply to hotels.

In all dwellings hereafter erected every inner court shall be provided with one or more horizontal air intakes at the bottom. One such air intake shall always communicate directly with the street or front yard or rear yard, and each shall consist of a passageway not less than three feet wide and seven feet high which shall be kept open, or be provided with an open-work gate at either end and such gate shall be so constructed as to be readily opened from the inside.

Nothing contained in this section concerning courts shall be construed as preventing the cutting off of the corners of the courts; provided, that the running length of the wall across the angle of such corner does not exceed seven feet.

[1917 c. 137 ss. 24, 25, 26, 27] (1630-17, 1630-18, 1630-19, 1630-20)

460.16 BUILDINGS ON SAME LOT WITH A DWELLING. If any building is hereafter placed upon the same lot with a dwelling there shall always be maintained between the buildings an open unoccupied space extending upward from the ground. If such buildings are placed at the side of each other the space between them shall conform to the provisions of section 460.14, relating to side yards but such space shall be twice the minimum required in section 460.14, clauses (1) and (2). If such buildings are placed one at the rear of the other the space between them shall be the same as that prescribed in section 460.13 for rear yards. In all cases the height of the highest building on the lot shall regulate the dimensions. No building of any kind shall be hereafter placed upon the same lot with a dwelling so as to decrease the minimum sizes of courts or yards as hereinbefore prescribed. No building shall hereafter be placed upon a lot so that there shall be a dwelling at the rear of another building on the same lot. Except that a private garage or private stable may be built at the rear of a lot on which there is a dwelling at the front. Such garage or stable shall not exceed two stories in height, and may have living rooms therein for the use solely of a household employee, or member of his family, of the occupant of the dwelling on the front of the lot. If so completed the garage or stable shall be fire-proof and the rooms so occupied in addition to complying with the provisions of this chapter shall have an entrance from the outside of the building without passing through the garage or stable. If any dwelling is hereafter erected upon any lot upon which there is already another building, it shall comply with the provisions of this chapter, and in addition the space between the building and the dwelling shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

[1917 c. 137 s. 28] (1630-21)

460.17 ROOMS; LIGHTING, VENTILATION, WINDOW AREA. In every dwelling hereafter erected every room shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in sections 460.11 to 460.41 and located on the same lot, and such window shall be so located as properly to light all portions of such room. This provision shall not apply to rooms used as art galleries, swimming pools, gymnasiums, squash courts, or for similar purposes, provided such rooms are adequately lighted and ventilated.

In multiple-dwellings of Class A hereafter erected there shall be no apartment, suite or group of rooms which does not contain at least one room opening directly upon the street, or upon a rear yard, side yard or outer court of the dimensions specified in this article and located on the same lot. Except that in hotels the provisions of this section shall apply only to rooms used for sleeping purposes.

In every dwelling hereafter erected the total window area in each room shall be at least one-eighth of the superficial floor area of the room and the whole window shall be made so as to open in all its parts. At least one such window shall be not less than eight square feet in area between stop beads. In multiple-dwellings the top of at least one window shall be not less than seven feet above the floor. Where an open porch or sun-parlor adjoins a room, one-half of the windows opening upon such porch or sun-parlor may be considered as part of the total window area required for such room.

[1917 c. 137 ss. 29, 30; 1919 c. 517 s. 6; 1943 c. 179 s. 2] (1630-22, 1630-23)

460.18 ROOMS, SIZE OF. In every dwelling hereafter erected all rooms, except water-closet compartments and bathrooms, shall be of the following minimum sizes:

(1) In multiple-dwellings of Class B every room shall contain at least 70 square feet of floor area;

(2) In two-family dwellings and in multiple-dwellings of Class A every room shall contain at least 100 square feet of floor area.

No room shall be in any part less than seven feet wide. The foregoing provisions shall not apply to one kitchenette in each apartment, suite or group of rooms in multiple-dwellings of Class A, provided such kitchenette contains not less than 36 square feet of floor area and is provided with a window as required by section 460.17, but such window need not contain more than six square feet of glass area between stop beads; nor to one sunparlor or sleeping-porch in each apartment, group or suite containing more than three rooms; provided, such sunparlor or sleeping-porch contains not less than 80 square feet of floor area, is provided on two sides with a window, opening as required by section 460.17, and has a total window area between stopbeads of not less than one-half of the floor area of such sunparlor or sleeping-porch.

In every private dwelling hereafter erected there shall be at least one room containing not less than 120 square feet of floor area. In every two-family dwelling and in every multiple-dwelling of Class A hereafter erected, in each apartment, suite or group of rooms there shall be at least one room containing not less than 150 square feet of floor area.

[1917 c. 137 s. 31] (1630-24)

460.19 HEIGHT OF ROOMS. No room in a dwelling hereafter erected shall be in any part less than the following heights, from the finished floor to the finished ceiling:

(1) In private dwellings and two-family dwellings eight feet high throughout 75 per cent of the area of the room; provided that if at least 70 square feet of the room is eight feet in height, the remainder of the room may be any height;

(2) In multiple-dwellings eight feet six inches high throughout the entire area of the room; except that an attic room in a private dwelling or two-family dwelling need be seven feet six inches in height in but one-half of its area, provided there are not less than 750 cubic feet of air space within the room. In a private dwelling one and one-half or two stories in height there may be not more than one such room in the second story.

[1917 c. 137 s. 32; 1919 c. 517 s. 7] (1630-25)

460.20 ALCOVES AND ALCOVE ROOMS. In a dwelling hereafter erected an alcove in any room shall be separately lighted and ventilated as provided for rooms in the foregoing sections. Such alcove shall not contain a floor area less than is required for rooms in section 460.18. No part of any room in a dwelling hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required and shall have a floor area not less than that required in section 460.18.

[1917 c. 137 s. 33] (1630-26)

460.21 ROOMS, WATER-CLOSETS, AND BATHROOMS; ACCESS TO, LIGHTING, AND VENTILATION. In every dwelling hereafter erected, access to every

living room and to every bedroom and to at least one water-closet compartment shall be had without passing through a bedroom.

In every dwelling hereafter erected every water-closet compartment and bathroom shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in sections 460.11 to 460.41 and located on the same lot. In all dwellings hereafter erected the aggregate area of windows for each water-closet compartment shall be not less than six square feet between stop beads, and in multiple-dwellings hereafter erected one at least of such windows shall be not less in size than three square feet between stop beads. Such windows shall be so located as properly to light all portions of such compartment. The foregoing provisions of this section shall not apply to any water-closet compartment or bathroom in a hotel which is equipped with a proper mechanical ventilating system so installed as to provide four complete changes of air per hour in each such compartment and bathroom. Such ventilating system shall be maintained in constant operation. Every such window shall be made so as to open in all its parts. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions; provided, such toilet room is adequately lighted and ventilated to the outer air as above provided, and that such water-closets are supplemental to the water-closet accommodations required by the provisions of section 460.28. In hotels hereafter erected in the case of water-closets located on the top floor or at the bottom of a court, a ventilating skylight opening to the sky may be used in lieu of the windows required by this section.

[1917 c. 137 ss. 34, 35] (1630-27, 1630-28)

460.22 PUBLIC HALLS, STAIR HALLS; WINDOWS AND SKYLIGHTS FOR.

In every two-family dwelling and multiple-dwelling hereafter erected every public hall shall have at each story at least one window opening directly upon the street or upon a yard or court of the dimensions specified in sections 460.11 to 460.41 and located on the same lot. Such windows shall be at the end of said hall with the natural direction of the light parallel to the hall's axis. In lieu of the requirement for one window at the end of each hall, there may be windows located at the side of such hall; provided, there shall be at least one such window in every 20 feet of length or fraction thereof of the hall; and each such window shall open directly upon the street or upon a yard or court of the dimensions specified in sections 460.11 to 460.41 and located on the same lot. The above requirement shall not apply to that portion of the entrance hall between the entrance and the nearest flight of stairs provided the entrance door contains not less than ten square feet of glass area. Any part of a public hall which is offset or recessed more than three feet or shut off from any other part of the hall shall be deemed a separate hall within the meaning of this section and shall be separately lighted and ventilated. In hotels a recessed hall need have no window at its end with the natural direction of the light parallel with the hall's axis, but such hall shall have a window so located as to afford proper ventilation for said hall.

In two-family dwellings and multiple-dwellings hereafter erected at least one of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high measured between stop beads. In every multiple-dwelling hereafter erected there shall be in the roof directly over each stair well a ventilating skylight provided with ventilators having a minimum opening of 40 square inches, or such skylight shall be provided with fixed or movable louvres.

In every multiple-dwelling hereafter erected there shall be provided at each story, or at the stair landing part way between stories, at least one window to light and ventilate each stair hall which window shall be at least two feet six inches wide and five feet high measured between stop beads. A sash door shall be deemed the equivalent of a window in this and the foregoing sections, provided that such door contains the amount of glass surface prescribed for such windows. The provisions of this section shall not apply to hotels.

[1917 c. 137 ss. 36, 37, 38] (1630-29, 1630-30, 1630-31)

460.23 OUTSIDE PORCHES. In all dwellings hereafter erected roofed-over outside porches shall not be erected outside of and adjoining windows required by this chapter for the lighting or ventilation of rooms except as provided in section 460.17; they may open from windows supplementary to those required by law

provided they do not diminish the legal light or ventilation of such rooms. The term "outside porches" shall include outside platforms, balconies and stairways. All such outside porches shall be considered as part of the building and not as part of the yards or courts or other unoccupied area.

[1917 c. 137 s. 39] (1630-32)

SANITATION

460.24 CELLAR OR BASEMENT ROOMS. In dwellings hereafter erected no room in the cellar shall be occupied for living purposes.

In dwellings hereafter erected no room in the basement shall be occupied for living purposes, except by the janitor of such dwelling and the members of his family. In addition to the other requirements of this chapter, such rooms shall have sufficient light and ventilation, shall be well drained and dry and shall be fit for human habitation.

[1917 c. 137 ss. 45, 46] (1630-33, 1630-34)

460.25 CELLARS, WATER-PROOFING AND LIGHTING. Every dwelling hereafter erected shall have a basement, cellar or excavated space under the entire entrance floor, at least three feet in depth, or be elevated above the ground so that there will be a clear air-space of at least 24 inches between the top of the ground and the bottom of the floor so as to insure ventilation and protection from dampness. Such place shall in all cases be enclosed but provided with ample ventilation and properly drained.

When necessary to prevent dampness the inspector of buildings may require that all walls below the ground level and the cellar or lowest floor be made damp-proof and water-proof. When necessary to make such walls or floors damp-proof and water-proof, such damp-proofing and water-proofing shall conform to the requirements of the inspector of buildings, shall be applied to all outside walls and up the same as high as the ground level, and shall be continued throughout the floor, and the cellar or lowest floor shall be so constructed as to prevent dampness or water from entering. All cellars and basements in dwellings hereafter erected shall be properly lighted and ventilated.

In every dwelling hereafter erected when the foundation, basement, or cellar walls are of poured concrete construction, forms shall be built on each side of such foundations or walls from the base to the top in order to insure uniform width.

[1917 c. 137 s. 47] (1630-35)

460.26 COURTS, AREAS AND YARDS. In every dwelling hereafter erected all courts, areas and yards shall be so graded and drained that all water may drain freely into a sewer or street. When required by the commissioner of health, such courts, areas or yards shall be concreted in whole or in part as he may direct.

[1917 c. 137 s. 48] (1630-36)

460.27 WATER SUPPLY. In every dwelling hereafter erected, when water mains are accessible as specified in section 460.03, there shall be a proper sink or wash-bowl with running water, exclusive of any sink in the cellar. In two-family dwellings and in multiple-dwellings of Class A there shall be such a sink or wash-bowl in each apartment, suite or group of rooms. The installation of such sink or wash-bowl with running water may be waived by the commissioner of health so long and so long only as the house is not occupied except by its owner and his family.

[1917 c. 137 s. 49] (1630-37)

460.28 WATER-CLOSET ACCOMMODATIONS. In every dwelling hereafter erected, except as provided in section 460.08, there shall be a separate water-closet. Each such water-closet shall be placed in a compartment completely separated from every other water-closet; such compartment shall be not less than three feet wide, and shall be enclosed with partitions which shall extend to the ceiling and which shall not be of wood construction. Every such compartment shall have a window opening directly upon the street or upon a yard or court of the minimum sizes prescribed by this chapter and located upon the same lot. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided, and that such water-closets are supplemental to the water-closet

accommodations required by other provisions of this section for the tenants of the said dwelling. No water-closet shall be placed out of doors. No water-closet shall be placed in a cellar without a written permit from the inspector of buildings. In two-family dwellings and in multiple-dwellings of Class A hereafter erected there shall be for each family a separate water-closet constructed and arranged as above provided and located within each apartment, suite or group of rooms. In multiple-dwellings of Class B hereafter erected there shall be provided at least one water-closet for every 20 occupants or fraction thereof. Every water-closet compartment hereafter placed in any dwelling shall be provided with proper means of lighting the same at night. In multiple-dwellings hereafter erected the floor of every water-closet compartment shall be made water-proof with asphalt, tile, stone, terrazzo or some other non-absorbent water-proof material.

[1917 c. 137 s. 50] (1630-38)

460.29 URINALS. The floor of every urinal compartment shall be made water-proof with asphalt, tile, stone, terrazzo or some other non-absorbent water-proof material; and such water-proof material shall extend at least three feet above the floor so that the floor can be washed or flushed out without leaking.

[1917 c. 137 s. 51] (1630-39)

460.30 SEWER CONNECTIONS. No multiple-dwelling shall hereafter be erected on any street unless there is city water supply accessible thereto nor unless there is a public sewer in such street, or a private sewer connecting directly with a public sewer, and every such multiple-dwelling shall have its plumbing system connected with the city water supply and with a public sewer before such multiple-dwelling is occupied. No cesspool or vault or similar means of sewage disposal shall be used in connection with any dwelling where connection with a public sewer is practicable.

[1917 c. 137 s. 52] (1630-40)

460.31 BUILDINGS EXCEPTED. The provisions of section 460.30, shall not apply to a building which does not exceed two stories in height and contains not to exceed one apartment useful for a dwelling for each lot of a frontage of not less than 40 feet and such a building shall be considered to be a two-family dwelling and not a multiple-dwelling.

[1925 c. 313] (1630-41)

460.32 PLUMBING. In every dwelling hereafter erected no plumbing fixture shall be enclosed with woodwork but the space underneath shall be left entirely open. All plumbing work shall be sanitary in every particular. All fixtures shall be trapped. Pan, plunger, and long hopper closets shall not be permitted. Wooden sinks and wooden wash-trays shall not be permitted. Tile or earthenware house drains shall not be permitted. In all multiple-dwellings hereafter erected where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made tight with incombustible material, so as to prevent the spread of fire from one floor to another or from room to room.

[1917 c. 137 s. 53] (1630-42)

FIRE PROTECTION

460.33 FIRE-PROOF DWELLINGS; WHEN REQUIRED. No dwelling shall hereafter be erected exceeding three stories in height, unless it shall be a fire-proof dwelling; the building, however, may step up to follow the grade, provided no part of it is over three stories in height.

[1917 c. 137 s. 60] (1630-43)

460.34 MEANS OF EGRESS. Every multiple-dwelling hereafter erected exceeding one story in height and every building occupied above the first floor as a dwelling, shall have at least two independent ways of egress which shall be located remote from each other, and shall extend from the entrance floor to the top floor. The stairs and public halls therein shall each be at least three feet six inches wide in the clear. The two ways of egress shall be flights of stairs, either inside or outside, constructed and arranged, as provided in section 460.37. In multiple-dwellings of Class A, except in kitchenette apartments arranged in suites of not more than three rooms, kitchen and bath, the second way of egress shall be directly accessible to each apartment, group or suite of rooms without having to pass through the first way of egress. In multiple-dwellings of Class B and in kitchenette

apartments, as above described, the second way of egress shall be directly accessible from a public hall.

No multiple-dwelling shall be hereafter erected unless a stairway, or stairway fire-escape having an exit directly thereto from a public hall, is provided within at least 40 feet from the exit from each apartment or flat if such multiple-dwelling is to be non-fire-proof construction, or at least 50 feet from such exit if such multiple-dwelling is to be of fire-proof construction.

[1917 c. 137 s. 61; 1919 c. 517 s. 8] (1630-44)

460.35 FIRE-ESCAPES. All fire-escapes hereafter erected on multiple-dwellings shall be located and constructed as in this section required. Such fire-escapes shall be located at each story the floor of which is ten or more feet above the ground. Access to fire-escapes shall not be obstructed in any way. No fire-escapes shall be placed in an inner court, except where such inner court is open for its entire width upon a side yard. Fire-escapes may project into the public highway to a distance not greater than six feet beyond the building line. All fire-escapes shall consist of outside open iron, stone or concrete balconies and stairways. All balconies shall be not less than three feet in width. All stairways shall be placed at an angle of not more than 45 degrees to the horizontal wherever practicable and in no case to exceed 50 degrees to the horizontal, with flat open steps not less than seven inches in width and 24 inches in length and with a rise of not more than eight inches. The openings for stairways in all balconies shall be not less than 24 by 70 inches, and shall have no covers of any kind. The balcony on the top floor, except in the case of a balcony on the street or in the case of a peaked-roof house, shall be provided with a stairs or with a goose-neck ladder leading from said balcony to and above the roof and properly fastened thereto. A drop or stationary ladder or stairs shall be provided from the lowest balcony of sufficient length to reach a safe landing place beneath. All fire-escapes shall be constructed and erected to sustain safely in all their parts a live load of 120 pounds to the superficial foot, and if of iron, shall receive not less than two coats of good paint, one in the shop and one after erection.

[1917 c. 137 s. 62; 1919 c. 517 s. 9] (1630-45)

460.36 ROOF EGRESS; SCUTTLES AND BULKHEADS. Every flat-roofed multiple-dwelling hereafter erected exceeding one story in height or occupied by more than two families on any floor, shall have in the roof directly above each stair hall a bulkhead or scuttle not less than two feet by three feet in size. Such scuttle or bulkhead shall be fire-proof or covered with metal on the outside. Every flat-roofed multiple-dwelling hereafter erected exceeding two stories in height shall be provided with stairs leading to such scuttle or bulkhead and easily accessible to all occupants of the building. Such stairs shall be placed at an angle of not more than 55 degrees to the horizontal, with flat steps not less than six inches in width and 24 inches in length and with a rise of not more than nine inches, every two story flat-roofed multiple-dwelling hereafter erected having two or more families on any floor shall be provided with stairs or stationary ladder leading to such scuttle or bulkhead and easily accessible to all occupants of the building. No scuttle or bulkhead shall be located in a closet or room, but shall be located in the ceiling of the public hall on the top floor, and access through same shall be direct and unobstructed.

[1917 c. 137 s. 63; 1919 c. 517 s. 10] (1630-46)

460.37 STAIRS, STAIR HALLS, ENTRANCE HALLS, CELLAR STAIRS, AND CLOSETS UNDER FIRST-STORY STAIRS. In multiple-dwellings hereafter erected all stairs shall be constructed with a rise of not more than eight inches and with treads not less than ten inches wide and not less than three feet six inches long in the clear, except that multiple-dwellings not exceeding two stories in height or having not more than two families on any floor, may have stairs with treads not less than three feet long in the clear. Winding stars shall not be used. In multiple-dwellings hereafter erected exceeding two stories in height or occupied by more than four families on any floor, one of the stairways shall be constructed of fire-proof material throughout. The risers, strings and balusters shall be of metal, concrete or stone. The treads shall be metal, slate, concrete or stone, or of hard wood not less than one and one-half inches thick. Wooden hand-rails to stairs may be used if constructed of hard wood.

In multiple-dwellings hereafter erected exceeding two stories in height or occupied by more than four families on any floor, the fire-proof stairs required by this

section shall be enclosed on all sides with walls of solid masonry not less than eight inches thick, or hollow masonry not less than 12 inches thick. The floors and ceilings of such fire-proof stair halls shall be of fire-proof construction. No wooden flooring shall be used. The doors opening from such stair halls shall be fire-proof, self-closing and shall open outward. There shall be no transom or sash or similar opening from such stair hall to any other part of the dwelling, except that such stair hall shall be shut off from all non-fire-proof portion of the public halls and from all other non-fire-proof parts of the building on each story by a self-closing fire-proof sash door with wire-glass therein; on either side and above such door there may be fixed fire-proof transoms and sash with wire-glass therein.

Every entrance hall in a multiple-dwelling hereafter erected shall be at least five feet six inches wide in the clear, and shall comply with all the conditions of this section as to the construction of stair halls. In every multiple-dwelling hereafter erected, access shall be had from the street or alley to the rear yard either in a direct line or through a court or side yard.

In multiple-dwellings of class A hereafter erected which exceed two stories in height or which are occupied by more than four families on any floor, all inside stairs communicating between the cellar or basement, and the floor next above shall be of fire-proof construction with self-closing fire-proof door at the top or bottom and shall be enclosed with solid masonry walls not less than eight inches thick, or hollow masonry not less than 12 inches thick.

In multiple-dwellings erected no closet of any kind shall be constructed under any staircase leading from the entrance story to the upper stories, but such space shall be left entirely open and kept clear and free from encumbrance.

[1917 c. 137 ss. 64, 65, 66, 68, 69; 1919 c. 517 ss. 11, 12; 1945 c. 101 s. 1] (1630-47, 1630-48, 1630-49, 1630-51, 1630-52)

460.38 DUMB-WAITERS; ELEVATORS; SHAFTS. In multiple-dwellings hereafter erected all vertical shafts, whether for dumb-waiter, elevator or other purposes, shall be constructed of fire-proof material, with fire-proof doors at all openings at each story, including the cellar. In the case of dumb-waiters such doors shall be self-closing. No elevator shall be permitted in the well-hole of stairs, but every elevator shall be completely separated from the stairs by fire-proof walls enclosing the same.

[1917 c. 137 s. 67] (1630-50)

460.39 CELLAR ENTRANCE. In every multiple-dwelling hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of the building.

[1937 c. 137 s. 70] (1630-53)

460.40 WOODEN MULTIPLE-DWELLINGS; HEIGHT OF. No wooden dwelling to be occupied by more than one family shall hereafter be erected two stories and attic in height, and in no wooden multiple-dwelling shall the attic be fitted up or used for living or sleeping purposes.

[1917 c. 137 s. 71; 1919 c. 517 s. 13] (1630-54)

460.41 FIRE WALLS AND OUTSIDE STAND-PIPES. In a multiple-dwelling hereafter erected where such multiple-dwelling is completely divided into two or more parts by continuous fire walls and where such fire walls extend from the ground to a distance of two feet at all points above the roof of the building, and without any opening therein, each such part may be considered as a separate dwelling for the purpose of fire protection. Wooden dwellings shall not be built contiguous to each other, and no such dwelling shall hereafter approach nearer to another building than provided in section 460.14. In non-fire-proof multiple dwellings hereafter erected, with all exterior walls of masonry construction each 6,000 superficial feet in ground area and in all wooden dwellings hereafter erected, each 5,000 superficial feet in ground area, covered by such multiple-dwelling shall be separated from the rest of such multiple-dwelling by fire-proof division walls. Such walls shall extend from the ground to a height of two feet above the roof. Standard fire-proof self-closing doors or fire-proof curtains may be installed in such fire-proof division walls.

Outside pipes shall not be required on buildings not exceeding three stories in height.

[1917 c. 137 ss. 72, 73; 1945 c. 101 s. 2] (1630-55, 1630-56)

ALTERATIONS

460.42 EXISTING DWELLINGS. In sections 460.43 to 460.48 will be found the provisions which must be observed when a person proposes to alter an existing dwelling.

460.43 PERCENTAGE OF LOT OCCUPIED; HEIGHT OF BUILDINGS; YARDS; NEW COURTS. No dwelling shall hereafter be enlarged or its lot be diminished, or other building placed on its lot, so that a greater percentage of the lot shall be occupied by buildings or structures than provided in section 460.11.

No dwelling shall be increased in height so that the dwelling shall exceed the height prescribed in section 460.12.

No dwelling shall hereafter be enlarged or its lot be diminished, or other building placed on the lot, so that the rear yard or side yard shall be less in size than the minimum sizes prescribed in sections 460.13 and 460.14 for dwellings hereafter erected. New porches, either open or glazed, may be erected, not exceeding the width of the dwelling already erected, and new additions may be built on the side of any such dwelling, but such additions shall not project beyond the side line of the dwelling already erected.

Any court hereafter constructed in a dwelling erected prior to the passage of this chapter used to light or ventilate rooms or water-closet compartments shall be not less than six feet in its least dimension in any part nor contain less than 64 square feet of superficial area, and such court shall under no circumstances be roofed or covered over with a roof or skylight; every such court, if an inner court, shall be provided at the bottom with one or more horizontal air intakes constructed and arranged as provided in section 460.15. Where it is not practicable to construct such passageway a metal duct not less in area than 300 square inches nor less in its least dimension than 12 inches may be used.

[1917 c. 137 ss. 75, 76, 77, 78; 1923 c. 215 s. 1] (1630-57, 1630-58, 1630-59, 1630-60)

460.44 ROOMS, HALLS, ALCOVES; LIGHTING AND VENTILATION. Any additional room or hall that is hereafter constructed or created in a dwelling shall comply in all respects with the provisions of sections 460.11 to 460.41, except that it may be of the same height as the other rooms on the same story of the dwelling.

No dwelling shall be so altered or its lot diminished that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the inspector of buildings.

No part of any room in any dwelling shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a window as required by sections 460.17 and 460.21 and have a floor area as provided in section 460.18.

[1917 c. 137 ss. 79, 80, 81] (1630-61, 1630-62, 1630-63)

460.45 SKYLIGHTS. All new skylights hereafter placed in a multiple-dwelling shall be provided with ventilators having a minimum opening of 40 square inches and also with either fixed or movable louvres or with movable sash having a minimum opening of 40 square inches, and shall be of such size as may be determined to be practicable by the inspector of buildings.

[1917 c. 137 s. 82] (1630-64)

460.46 WATER-CLOSET ACCOMMODATIONS. Every water-closet hereafter placed in a dwelling, except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of sections 460.21, 460.28, 460.29, and 460.32 relative to water-closets in dwellings hereafter erected subject to the following exceptions:

(1) In the case of a new water-closet installed on the top floor of an existing dwelling, a ventilating skylight open to the sky may be used in lieu of the windows required by section 460.21;

(2) In the case of existing private dwellings, two-family dwellings or multiple-dwellings of Class A where such water-closet is located within or is a part of an apartment, the floor may be of birch or maple;

(3) In the case of existing dwellings where in the opinion of the inspector of buildings it is impracticable to locate a water-closet compartment where light and ventilation are possible provided in section 460.21, such water-closet compartment shall be provided with local ventilation as required by the inspector of buildings; and

(4) In an existing private dwelling, two-family dwelling or multiple-dwelling where such water-closet is located within or is a part of an apartment, one way of access from any bathroom or water-closet compartment shall be sufficient.

[1917 c. 137 s. 83; 1919 c. 517 s. 12a] (1630-65)

460.47 FIRE-PROOF DWELLINGS; FIRE-ESCAPES, ROOF STAIRS, BULK-HEADS, PENTHOUSES, STAIRWAYS, DUMB-WAITERS, ELEVATORS, AND SHAFTS. No dwelling shall hereafter be altered so as to exceed three stories in height unless it shall be a fire-proof dwelling.

All fire-escapes hereafter constructed on any multiple-dwelling shall be located and constructed as prescribed in section 460.35.

No stairs leading to the roof in any multiple-dwelling shall be removed or be replaced by a ladder.

Every bulkhead and penthouse hereafter constructed in a multiple-dwelling shall be constructed fire-proof or covered with metal on the outside.

No public hall or stairs in a multiple-dwelling shall be reduced in width so as to be less than the minimum width prescribed in sections 460.34 and 460.37.

All vertical shafts, dumb-waiters, and elevators hereafter constructed in multiple-dwellings shall comply in all respects with the provisions of section 460.38.

[1917 c. 137 ss. 84, 85, 86, 87, 88, 89] (1630-66, 1630-67, 1630-68, 1630-69, 1630-70, 1630-71)

460.48 WOODEN MULTIPLE-DWELLINGS; ALTERATION; OTHER BUILDINGS ON SAME LOT. Except as otherwise provided in sections 460.43 to 460.48, no existing wooden multiple-dwelling shall hereafter be enlarged, extended, or raised unless the alterations thereto comply with the provisions of this chapter for the erection of new dwellings.

No wooden building of any kind whatsoever shall hereafter be placed or built upon the same lot with a multiple-dwelling within the fire limits, and no existing wooden structure or other building on the same lot with a multiple-dwelling within the fire limits shall hereafter be enlarged, extended, or raised.

[1917 c. 137 ss. 90, 91] (1630-72, 1630-73)

MAINTENANCE

460.49 MAINTENANCE. In sections 460.50 to 460.64 will be found the provisions which an owner must observe with regard to the maintenance of a dwelling.

460.50 PUBLIC HALLS; LIGHTING. In every multiple-dwelling exceeding two stories in height, where the public halls and stairs are not sufficiently lighted to permit a person to read ten point type in every part thereof without the aid of artificial light, the owner of such dwelling shall keep a proper light burning in the hallway upon each floor, as may be necessary from sunrise to sunset.

In every multiple-dwelling exceeding two stories in height or occupied by more than four families, a proper light shall be kept burning by the owner in the public hallways near the stairs upon each floor, every night from sunset to sunrise. In two-story multiple-dwellings containing not more than four families, each family shall be provided with a proper outlet and fixture for a light in the public hall.

[1917 c. 137 ss. 95, 96] (1630-74, 1630-75)

460.51 WATER-CLOSETS AND SINKS. No water-closets shall be maintained in the cellar of any dwelling without a permit in writing from the commissioner of health, who shall have power to make rules and regulations governing the maintenance of such closets. Under no circumstances shall the general water-closet accommodations of any multiple-dwelling be permitted in the cellar or basement thereof; this provision, however, shall not be construed so as to prohibit a general toilet room containing several water-closets, provided such water-closets are supplementary to those required by law.

In every dwelling existing prior to the passage of this chapter there shall be provided at least one water-closet for every two apartments, groups or suites of rooms, or fraction thereof, except that in multiple-dwellings of Class B there shall be provided at least one water-closet for every 20 occupants or fraction thereof. This section shall be subject to the provisions of section 460.08.

In all dwellings the floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair.

[1917 c. 137 ss. 97, 98, 100] (1630-76, 1630-77, 1630-79)

460.52 BASEMENT AND CELLAR ROOMS; REPAIRS. No room in the cellar of any dwelling erected prior to the passage of this chapter shall be occupied either for living or for sleeping purposes. No room in the basement of any such dwelling shall be so occupied without a written permit from the commissioner of health. No such room shall hereafter be occupied unless all the following conditions are complied with:

- (1) Such room shall be at least seven feet high in every part from the finished floor to the finished ceiling;
- (2) The ceiling of such room shall be in every part at least three feet six inches above the surface of the street or ground outside of or adjoining the same;
- (3) There shall be appurtenant to such room the use of a water-closet;
- (4) The lowest floor shall be water-proof and damp-proof; and
- (5) Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

Every dwelling and all the parts thereof shall be kept in good repair, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as not to cause dampness in the walls or ceilings.

[1917 c. 137 ss. 99, 101] (1630-78, 1630-80)

460.53 WATER SUPPLY; CISTERNS, WELLS. Every dwelling where water supply is accessible, shall, subject to the provisions of section 460.08, have within the dwelling at least one proper sink with running water furnished in sufficient quantity at one or more places exclusive of the cellar. In two-family dwellings and multiple-dwellings of Class A there shall be at least one sink for each family located within the apartment occupied by said family.

Where there is no city water supply accessible, there shall be provided one or more adequate cisterns or wells with a pump. Such cisterns or wells shall be of such size and number and constructed and maintained in such manner as may be determined by the commissioner of health. The above requirement shall be subject to the provisions of section 460.08.

[1917 c. 137 ss. 102, 103] (1630-81, 1630-82)

460.54 CATCH BASINS. In the case of dwellings where, because of lack of city water supply or sewers, sinks with running water are not provided inside the dwellings, one or more catch basins properly connected with a cesspool for the disposal of waste water, as may be necessary in the opinion of the commissioner of health, constructed in such manner as he may specify, shall be provided in the yard or court, level with the surface thereof and at a point of easy access to the occupants of such dwellings.

[1917 c. 137 s. 104] (1630-83)

460.55 CLEANLINESS OF DWELLINGS. Every dwelling and every part thereof shall be kept clean and shall also be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas, or alleys connected with or belonging to the same. The owner of every dwelling, and in the case of a private dwelling the occupant thereof, shall thoroughly cleanse or cause to be cleansed all rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, cesspools, drains, halls, cellars, roofs and all other parts of the said dwelling, or part of the dwelling of which he is the owner, or in the case of a private dwelling the occupant, to the satisfaction of the commissioner of health, shall keep the said parts of the said dwellings in a cleanly condition at all times, but this section shall not be construed to require the owner to keep clean the individual apartments of a two-family dwelling or a multiple-dwelling of Class A, except where such apartments are unoccupied. It shall be the duty of each occupant to keep the portion of the dwelling occupied by him and over which he has control in a cleanly condition at all times.

[1917 c. 137 s. 105] (1630-84)

460.56 WALLS OF COURTS. In multiple-dwellings the walls of all courts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, and walls of light color brick or stone shall be cleaned or whitewashed whenever necessary, as may be required by the commissioner of health.

[1917 c. 137 s. 106] (1630-85)

460.57 WALLS AND CEILINGS OF ROOMS; WALLPAPER. In all multiple-dwellings the commissioner of health may require the walls and ceilings of any room to be whitewashed, kalsomined white or painted with white paint when necessary to improve the lighting of such room and may require this to be renewed as often as may be necessary.

When required by the commissioner of health, all old wallpaper shall be removed and the walls and ceilings thoroughly cleaned before being redecorated.

[1917 c. 137 ss. 107, 108] (1630-86, 1630-87)

460.58 RECEPTACLES FOR ASHES, RUBBISH, AND GARBAGE. Suitable tight metal cans, with covers, for holding ashes, rubbish, garbage, refuse and other matter shall be provided and maintained for every dwelling. In the case of private dwellings and two-family dwellings such cans shall be provided by the occupant. In the case of multiple-dwellings of Class A where there are janitors, each family shall provide its own cans, but the owner shall provide such general cans to receive such waste materials as may be necessary. Wherever the owner of a multiple-dwelling of Class A provides individual cans for each apartment, it shall be the duty of the occupant of such apartment to keep the cans used by him in a cleanly condition at all times. Garbage chutes and bins are prohibited, but this shall not be construed as prohibiting garbage incinerators, inside of chimneys, if properly constructed.

[1917 c. 137 s. 109] (1630-88)

460.59 PROHIBITED USES; STORAGE OF MATERIALS; DANGEROUS BUSINESSES. No horse, mule, cow, calf, swine, sheep, goat, chicken, or other fowl shall be kept in any dwelling or part thereof. Nor shall any such animal be kept on the same lot or premises with a dwelling except under such conditions as may be prescribed by the commissioner of health. No such animal except a horse or mule, shall under any circumstances be kept on the same lot or premises with a multiple-dwelling.

No dwelling or the lot or premises thereof shall be used for the storage or handling of rags or junk.

No dwelling, or any part thereof, nor of the lot upon which it is situated shall be used as a place of storage, keeping or handling of any article so that it is dangerous or detrimental to life or health; nor of any combustible article, except under such conditions as may be prescribed by the fire marshal under authority of a written permit issued by him. No multiple-dwelling nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

No place of business where fat is boiled shall be maintained in any non-fire-proof multiple-dwelling of Class A hereafter erected, and no such place of business where fat is boiled shall hereafter be installed in any non-fire-proof multiple-dwelling of Class A.

There shall be no transom, window or door opening into a public hall from any portion of a multiple-dwelling where paint, oil, drugs or spirituous liquors are stored or kept for the purpose of sale or otherwise. This provision shall not apply to hotels.

[1917 c. 137 ss. 110, 111, 112, 113; 1945 c. 101 s. 3] (1630-89, 1630-90, 1630-91, 1630-92)

460.60 JANITOR OR HOUSEKEEPER. In any multiple-dwelling in which the owner thereof does not reside, there shall be a janitor, housekeeper, or other responsible person who shall have charge of the same, if the commissioner of health shall so require.

[1917 c. 137 s. 114] (1630-93)

460.61 OVERCROWDING; LODGERS OR BOARDERS. If any room in a dwelling is overcrowded, the commissioner of health may order the number of persons sleeping or living in the room to be so reduced that there shall be not less than 600 cubic feet of air to each adult and 400 cubic feet of air to each child under 12 years of age occupying such room.

The commissioner of health may prescribe conditions under which lodgers or boarders may be taken in dwellings and may prohibit the letting of lodgings therein.

[1917 c. 137 ss. 115, 116] (1630-94, 1630-95)

460.62 INFECTED AND UNINHABITABLE DWELLINGS TO BE VACATED. When it shall be certified by an inspector or officer of the health department that

a dwelling is infected with contagious disease, the commissioner of health may issue an order requiring all persons therein to vacate such dwelling within 24 hours for the reasons to be mentioned in the order.

The commissioner of health shall cause such dwelling to be disinfected, and shall, when the temperature is below freezing, protect from freezing at the expense of the owner of the dwelling all plumbing and heating apparatus in such dwelling.

When it shall be certified by an inspector or officer of the health department that a dwelling is unfit for human habitation or dangerous to life and health by reason of want of repair, or defects in the drainage, plumbing, lighting, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of the dwelling, or for any other cause, the commissioner of health may order the owner or other person having control of the dwelling to remedy such defect within a period of not less than five, nor more than 30, days, the order to be served according to the provisions of section 460.78. In case such order is not complied with within the time specified, the commissioner of health may issue an order requiring all persons therein to vacate such dwelling within not less than 24 hours nor more than ten days for the reasons to be mentioned in the order.

In case an order to vacate is not complied with within the time specified, the commissioner of health may cause said dwelling to be vacated. The commissioner of health, when he is satisfied that the danger from the dwelling has ceased to exist, or that it is fit for human habitation, may revoke the order or may extend the time within which to comply with the same.

[1917 c. 137 s. 117] (1630-96)

460.63 REPAIRS TO STRUCTURES. When any dwelling or any building, structure, excavation, business pursuit, matter or thing, in or about a dwelling, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is in the opinion of the commissioner of health in a condition or in effect dangerous or detrimental to life or health, the commissioner of health may declare that the same to the extent that he may specify is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified as the order shall specify. In addition to the above powers the commissioner of health may also order or cause any dwelling or excavation, building, structure, sewer, plumbing pipe, passage, premises, ground, matter or thing, in or about a dwelling, or the lot on which it is situated, to be purified, cleansed, disinfected, removed, altered, repaired, or improved. If any order of the commissioner of health issued under the authority of the provisions of this chapter is not complied with, or so far complied with as he may regard as reasonable, within 15 days after the service thereof, or within such shorter time as he may designate, then such order may be executed by the commissioner of health, through his officers, agents, employees or contractors.

[1917 c. 137 s. 118] (1630-97)

460.64 FIRE-ESCAPES, SCUTTLES, BULKHEADS, LADDERS, AND STAIRS. The owner of every multiple-dwelling on which there are fire-escapes shall keep them in good order and repair, and whenever rusty shall have them properly painted. No person shall at any time place any encumbrance of any kind before or upon any such fire-escape.

In all multiple-dwellings where there are scuttles or bulkheads, they and all stairs or ladders leading thereto shall be easily accessible to all occupants of the building and shall be kept free from encumbrance and ready for use at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

[1917 c. 137 ss. 119, 120] (1630-98, 1630-99)

IMPROVEMENTS

460.65 IMPROVEMENTS. In sections 460.66 to 460.70 will be found those improvements in the older buildings required as a matter of compulsory legislation.

460.66 ROOMS, PUBLIC HALLS, AND STAIRS; LIGHTING AND VENTILATION. No room in a dwelling erected prior to the passage of this chapter shall hereafter be occupied for living purposes unless it shall have a window of an area of not less than eight square feet opening directly upon the street, or upon a rear yard not less than ten feet deep, or above the roof of an adjoining building, or upon

a court or side yard not less than 25 square feet in area, open to the sky without roof or skylight unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. Except that a room which does not comply with the above provisions may be occupied if provided with a sash window not less than 15 square feet in area opening into an adjoining room in the same apartment, group or suite of rooms, which latter room opens directly upon the street or upon a yard of the above dimensions. This sash window shall be vertically sliding pulley hung sash not less than three feet by five feet between stop beads; both halves shall be made so as to readily open, and the lower half shall be glazed with translucent glass and so far as possible it shall be in line with windows in the outer room opening on the street or yard so as to afford a maximum of light and ventilation. Where between such rooms a cased opening already exists of dimensions not less than the combined area of such sash windows and the usual door opening, it shall be deemed the equivalent of the sash window above required.

In all dwellings erected prior to the passage of this chapter, the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the commissioner of health, who may order the cutting in of windows and skylights and such other improvements and alterations in the dwellings as in his judgment may be necessary and appropriate to accomplish this result. All new skylights hereafter placed in such dwellings shall be provided with ventilators having a minimum opening of 40 square inches and also with either fixed or movable louvres or with movable sash; all such skylights and windows shall be of such size as may be determined to be practicable by the commissioner of health.

[1917 c. 137 ss. 125, 126] (1630-100, 1630-101)

460.67 SINKS, LAVATORIES, WATER-CLOSETS, PRIVY VAULTS, SCHOOL-SINKS, AND CESSPOOLS. In all dwellings erected prior to the passage of this chapter, the woodwork enclosing sinks and lavatories shall be removed and the space underneath said sinks and lavatories shall be left open. The floor and wall surfaces beneath and around the sink and lavatory shall be put in good order and repair.

In all dwellings erected prior to the passage of this chapter, the woodwork enclosing all water-closets shall be removed from the front of these closets, and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be put in good order and repair.

All privy vaults, school-sinks, cesspools, or other similar receptacles used to receive fecal matter, urine, or sewage shall be replaced by individual water-closets of durable non-absorbent material, properly sewer-connected, and with individual traps, and properly connected flush tanks providing an ample flush of water thoroughly to cleanse the bowl. Each such water-closet shall be located inside the dwelling or other building in connection with which it is to be used, in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than four square feet in area opening directly to the street, or rear yard or on a side yard, or court of the minimum sizes prescribed in sections 460.13 to 460.15. The floors of the water-closet compartments shall be as provided in section 460.28. Such water-closets shall be provided in such numbers as required by section 460.51. Such water-closet and all plumbing in connection therewith shall be sanitary in every respect and, except as in this chapter otherwise provided, shall be in accordance with the local ordinances and regulations in relation to plumbing and draining. Pan, plunger and long hopper closets will not be permitted. No water-closet shall be placed out of doors.

When a water-closet is installed in a dwelling and connected either to the sewer or to a cesspool, all existing privy vaults on the premises, with their contents, shall be completely removed and the places where they were located properly disinfected under the direction of the commissioner of health.

[1917 c. 137 ss. 127, 128, 129] (1630-102, 1630-103, 1630-104)

460.68 BASEMENTS AND CELLARS. The floor of the cellar or lowest floor of every dwelling shall be free from dampness and when necessary, shall be concreted with not less than three inches of concrete of good quality and with a finished surface.

[1917 c. 137 s. 130] (1630-105)

460.69 SHAFTS AND COURTS. In every dwelling where there is a court or shaft of any kind, there shall be at the bottom of every such shaft or court an opening giving sufficient access to such shaft or court to enable it to be properly cleaned out.

[1917 c. 137 s. 131] (1630-106)

460.70 EGRESS; SCUTTLES, BULKHEADS, LADDERS, AND STAIRS. Every multiple-dwelling exceeding one story in height shall have at least two independent ways of egress constructed and arranged as provided in section 460.34. In the case of multiple-dwellings erected prior to the passage of this chapter where it is not practicable to comply in all respects with the provisions of section 460.34, the inspector of buildings shall make such requirements as may be appropriate to secure the proper means of egress from such multiple-dwellings for all the occupants thereof. No existing fire-escape shall be deemed a sufficient means of egress unless the following conditions are complied with:

- (1) All parts of it shall be of iron or other incombustible material;
- (2) The fire-escape shall consist of outside balconies which shall be properly connected with each other by adequate stairs or stationary ladders, with openings not less than 24 by 28 inches;
- (3) All fire-escapes shall have proper drop ladders or stairways from the lowest balcony of sufficient length to reach a safe landing place beneath;
- (4) All fire-escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or alley on the adjoining premises;
- (5) Prompt and ready access shall be had to all fire-escapes, which shall not be obstructed by bathtubs, water-closets, sinks or other fixtures, or in any other way.

All fire-escapes that are already erected which do not conform to the requirements of this section may be altered by the owner to make them so conform in lieu of providing new fire-escapes, but no existing fire-escapes shall be extended or have its location changed except with the written approval of the inspector of buildings. All fire-escapes hereafter erected on any multiple-dwelling shall be located and constructed as prescribed in section 460.35.

When any multiple-dwelling is not provided with sufficient means of egress in case of fire, the inspector of buildings shall order such additional means of egress as may be necessary.

When so required by the inspector of buildings, every flat-roofed multiple-dwelling exceeding two stories in height erected prior to the passage of this chapter shall have in the roof a bulkhead, or a scuttle which shall be not less than two feet by three feet in size. All such bulkheads and scuttles shall be fire-proof or covered on the outside with metal and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all occupants of the building. No scuttle or bulkhead shall be located in a room, but shall be located in the ceiling of the public hall on the top floor, and access through the same to the roof shall be direct and unobstructed. When deemed necessary by the inspector of buildings scuttles shall be hinged so as to open readily. Every bulkhead in such multiple-dwelling shall have stairs with guide or hand-rail leading to the roof, and such stairs shall be kept free from encumbrance at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks. All key-locks on scuttles and on bulkhead doors shall be removed.

[1917 c. 137 ss. 132, 133, 134] (1630-107, 1630-108, 1630-109)

REQUIREMENTS AND REMEDIES

460.71 PERMIT TO COMMENCE BUILDING. Before the construction or alteration of a dwelling, or the alteration or conversion of a building for use as a dwelling is commenced, and before the construction or alteration of any building or structure on the same lot with a dwelling, the owner or his agent shall have the lot or plot of ground on which such building is located, or is to be located, surveyed by a competent surveyor or civil engineer and the corners properly marked with iron stakes, and such owner or his agent or his architect shall submit to the inspector of buildings a detailed statement in writing, verified by the affidavit of the person making the same, of the specifications for such dwelling or building, upon blanks or forms to be furnished by such inspector of buildings, and also full

and complete indelible copies of the plans of such work. With such statement there shall be submitted a plat of the lot or plot of ground on which any such dwelling or building is to be erected or placed, showing the location and outside dimensions of such proposed dwelling or building; also the location and outside dimensions of other existing buildings, if any, on such lot or plot of ground, together with the size of all yards and courts in connection therewith. Each such plat so submitted shall bear the certificate of a competent surveyor or civil engineer, stating that he has surveyed said lot or plot of ground, and has set iron stakes, firmly driven, at each corner thereof, and that the dimensions marked on the plat are in accordance with a correct survey of the property. If the owner or his agent can show substantial stakes at each corner of the lot or plot of ground on which such building is located, previously set by a competent surveyor, such certificate by a competent surveyor, as above required, need not be demanded by the inspector of buildings; and, provided, that when alterations affect only the interior of a dwelling no such survey or plat need be filed unless required by the inspector of buildings.

The plans and specifications for a private dwelling costing less than \$3,500 need be only such as will advise the building department of the character of the proposed building, the sufficiency of such plans and specifications to be determined by such building department. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such dwelling or building and the purposes for which such dwelling or building will be used. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such dwelling, whether as owner, lessee or in any representative capacity. Such affidavit shall allege that the specifications and plans are true and contain a correct description of such dwelling, building, structure, lot, and proposed work. The statements and affidavits herein provided for may be made by the owner or by the person who proposes to make the construction, alteration, or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner unless he shall file with the inspector of buildings a written statement signed by such owner designating him as such agent. Any false swearing or affirming in a material point to any such affidavit shall be deemed perjury. Such specifications, plans, and statements shall be filed in the building department and be deemed public record, but no such specifications, plans, or statements shall be removed from the building department. The inspector of buildings shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this chapter, they shall be approved by the inspector of buildings and certified to that effect. Such inspector of buildings, may, from time to time, approve changes in any plans and specifications previously approved by him, provided the plans and specifications when so changed shall be in conformity with law. The construction, alteration, or conversion of such dwelling, building, or structure, or any part thereof, shall not be commenced until the filing of such specifications, plans, and statements, and the approval thereof, as above provided. The construction, alteration, or conversion of such dwelling, building, or structure shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the inspector of buildings but under which no work has been done above the foundation walls within six months from time of the issuance of such permit or approval, shall expire by limitation. Such inspector of buildings shall have power for just cause to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this chapter, or in case any false statement or representation is made in any specifications, plans, or statements, submitted or filed for such permit or approval. When improvements or alterations are ordered by the commissioner of health in a dwelling heretofore erected, the plans for such changes must, before a permit is issued by the inspector of buildings, be submitted to the commissioner of health and by the commissioner approved.

[1917 c. 137 s. 140; 1919 c. 517 s. 14] (1630-110)

460.72 CERTIFICATE OF COMPLIANCE. No building hereafter constructed as or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the inspector of buildings that the dwelling conforms in all respects to the requirements of this chapter relative to

dwellings hereafter erected. Such certificate shall be issued within seven days after written application therefor if the dwelling at the date of such application shall be entitled thereto. Nothing in this section contained shall be construed so as to prohibit the inspector of buildings from issuing a certificate for the occupancy of any complete unit of a multiple-dwelling when such unit is entitled thereto. Upon request in writing by the owner of the dwelling, the inspector of buildings shall issue a certificate of compliance up to the stage of the dwelling's development at that time, but shall not be required to issue more than one such certificate.

[1917 c. 137 s. 141] (1630-111)

460.73 UNLAWFUL OCCUPATION. If any building hereafter constructed as or altered into a dwelling be occupied in whole or in part for human habitation in violation of section 460.72, the premises shall be deemed unfit for human habitation and the inspector of buildings may cause them to be vacated accordingly.

[1917 c. 137 s. 142] (1630-112)

460.74 PENALTIES FOR VIOLATION. Every person, firm, or corporation who shall violate any provision of this chapter, shall, upon conviction thereof, be punished by a fine of not more than \$100 or by confinement in the city work-house for a period not exceeding 90 days. Each day's continuance of the violation of this chapter shall be deemed a separate offense.

[1917 c. 137 s. 143; 1943 c. 179 s. 3] (1630-113)

460.75 PROCEDURE. In addition to the punishments specified in this chapter, the city may enforce this chapter by any appropriate form of civil action and may enjoin violation of the chapter and compel obedience thereto by mandatory orders and writs, and cause the abatement of everything existing in violation thereof, and cause premises to be vacated, if occupied in violation thereof, and to remain vacant until the court shall find that violation has ceased, and for these purposes any court of competent jurisdiction may render, enter, make and issue any and every appropriate judgment, decree, writ, and order and cause the same to be executed. For the purpose of this section violations of orders, regulations, and ordinances made pursuant to this chapter shall be deemed violations of the chapter. Costs and disbursements shall be allowed in proceedings hereunder as in other civil actions. The acts, proceedings, and authority of the commissioner of health and the inspector of buildings shall be treated as prima facie just and legal.

[1917 c. 137 s. 144] (1630-114)

460.76 TENANT'S RESPONSIBILITY. If the occupant of a dwelling shall fail to comply with the provisions of this chapter after due and proper notice from the commissioner of health, such failure to comply shall be deemed sufficient cause for the summary eviction of such tenant by the owner and the cancelation of his lease.

[1917 c. 137 s. 145] (1630-115)

460.77 REGISTRY OF AGENT'S NAME. Every owner, agent, or lessee of a dwelling may file in the health department a notice containing the name and address of an agent of such house, for the purpose of receiving service of process, and also a description of the property by street number or otherwise as the case may be, in such manner as will enable the health department easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

[1917 c. 137 s. 146] (1630-116)

460.78 SERVICES OF NOTICES, ORDERS, OR SUMMONS. Every notice or order in relation to a dwelling shall be served five days before the time for doing the thing in relation to which it shall have been issued. The posting of a copy of such notice or order in a conspicuous place in the dwelling, together with the mailing of a copy thereof on the same day that it is posted, to each person, if any, whose name has been filed with the health department in accordance with the provision of section 460.77 at his address as therewith filed, shall be sufficient service thereof.

In any action brought in relation to a dwelling for injunction, vacation of premises, or abatement of nuisance, service of the summons shall be made as in civil actions, and the summons may be served by publication if other service cannot be had; but the court may by ex parte order limit the time for answer to ten days.

[1917 c. 137 ss. 147, 148] (1630-117, 1630-118)

460.79 INDEXING NAMES. The names and addresses filed in accordance with section 460.77 shall be indexed by the commissioner of health in such manner

that all of those filed in relation to each dwelling shall be together and readily ascertainable. The proper city authorities shall provide the necessary books and clerical assistance for that purpose and the expense thereof shall be paid by the city. These indexes shall be public records, open to public inspection during business hours.

[1917 c. 137 s. 149] (1630-119)

460.80 ENFORCEMENT. The provisions of sections 460.01 to 460.48 shall be enforced by the inspector of buildings; sections 460.50 to 460.64 shall be enforced by the department of health; the provisions of sections 460.66 to 460.69 shall be enforced by the department of health; the provisions of section 460.70 shall be enforced by the inspector of buildings. In carrying out any orders of the department of health which involve structural changes, the work shall be done under the supervision of the inspector of buildings, in accordance with the ordinances, laws, and regulations relative thereto. Each of these departments shall keep and preserve, as to each building, a complete record of all inspections, permits, and orders issued pursuant to this chapter.

[1917 c. 137 s. 150] (1630-120)

460.81 POWERS CONFERRED. The powers conferred by this chapter upon the commissioner of health, city engineer, and the inspector of buildings shall be in addition to the powers already conferred upon these officers, and shall not be construed as in any way limiting their powers, except as provided in section 460.07.

[1917 c. 137 s. 151] (1630-121)

460.82 INSPECTION OF DWELLINGS; RIGHT OF ENTRY. The commissioner of health shall cause a periodic inspection to be made of every multiple-dwelling at least once a year. Such inspection shall include thorough examination of all parts of such multiple-dwelling and the premises connected therewith. The commissioner of health is also hereby empowered to make similar inspection of all dwellings as frequently as may be necessary.

The commissioner of health, the inspector of buildings, and all inspectors, officers and employees of the health department and the building department, and such other persons as may be authorized by the commissioner of health or the inspector of buildings, may, in the performance of their duties, without fee or hindrance, enter, examine, and survey all premises, grounds, erections, structures, apartments, dwellings, buildings, and every part thereof in the city. The owner or his agent or representative and the lessee and occupant of every dwelling and every person having the care and management thereof shall at all reasonable times when required by any of such officers or persons give them free access to such dwellings and premises. The owner of a dwelling and his agents and employees shall have right of access to such dwelling at reasonable times for the purpose of bringing about a compliance with the provisions of this chapter or any order issued thereunder.

[1917 c. 137 ss. 152, 153] (1630-122, 1630-123)

460.83 PROVISIONS, WHEN APPLICABLE. All local ordinances, or parts thereof, so far as inconsistent with the provisions of this chapter are hereby repealed. Wherever this chapter requires a greater width or size of yards or courts, or requires a lower height of buildings or requires a greater percentage of lot to be left unoccupied, or imposes other higher standards than is required in any local ordinance or regulation, the provisions of this chapter shall govern. Wherever the provisions of any local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of building, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than is required in this chapter, such local ordinance or regulation shall govern.

[1917 c. 137 s. 154] (1630-124)

460.84 DEFINITIONS; APPEALS. In all such cities of the first class the term "issue an order" where same appears in this chapter to be issued by the commissioner of health, shall be construed to mean "serve an order in the manner provided for the service of a summons in a civil action in this state." The person upon whom any such order affecting real property shall be served shall be the owner of the real estate if known, or the agent of such owner when registered under the provisions of this chapter, or if the owner is not known and his identity cannot be determined the person whose name and address last appears upon a receipt for taxes paid upon such real estate in the office of the county auditor or county treas-

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urer. No such order affecting real property shall be deemed to have been issued or served under the provisions of this chapter unless appended to such order is a notice to the owner that if he feels aggrieved thereby he shall appeal to the district court of the county in which the real estate is situated, within five days after the service of such order.

Such owner may, within five days after the service of such order, appeal to the district court by the service of a notice so to do upon the commissioner of health or other chief health officer of the city and the filing of such notice with the clerk of the district court of the county where the real estate is situated.

[1929 c. 282 ss. 2, 3] (1630-127, 1630-128)

460.85 COURT TO TRY ISSUES. Upon such appeal the district court shall try de novo the entire question of whether or not the facts claimed by the commissioner and on which he seeks to base his order are true and whether or not such order constitutes a taking of the real estate or any right therein or part thereof without compensation and whether or not the changes or abatement ordered are reasonable in their nature and a reasonable time is allowed therefor and shall give judgment accordingly.

[1929 c. 282 s. 4] (1630-129)

460.86 TENANTS NOT TO BE SERVED. Prior to the hearing and final determination of such appeal or the expiration of the time allowed therefor no order or notice shall be posted or served upon or delivered to the tenants of the real estate in any way and no other interference with the rights of the owner or lessees shall be allowed. Any person violating any of the provisions of sections 460.84 to 460.86 shall be personally liable to the person injured or damaged thereby.

[1929 c. 282 s. 5] (1630-130)