

ARTICLE 12 HOUSING CODE

PART 1 GENERAL PROVISIONS

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6.12.101: TITLE:

This article shall be known and may be cited as the *HOUSING CODE*. (Ord. 3875; 1968 Code §16-3; Ord. 01-42)

6.12.102: DECLARATION OF POLICY:

The Council declares that the purpose of this article is to protect, preserve and promote the physical and mental health of the people; to discover, investigate and control communicable diseases; to regulate privately and publicly owned dwellings for the purpose of sanitation and public health; and to protect the safety of the people and promote the general welfare by legislation which shall be applicable to all existing dwellings and future residential construction by:

A. Establishing minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location and amount of space for human occupancy and for safe and sanitary maintenance;

B. Determining the responsibilities of owners, operators and occupants of dwellings; and

C. Providing for administration and enforcement. (Ord. 3875; 1968 Code §16-1; Ord. 01-42)

6.12.103: LEGISLATIVE FINDINGS:

The City Council finds that there exists in the City numerous dwellings which are substandard in one or more important features of structure, equipment, sanitation, maintenance or occupancy. These conditions adversely affect the physical and mental health, the control of communicable diseases, the safety and general welfare of the people and therefore require the establishment and enforcement of minimum housing standards. (Ord. 3875; 1968 Code §16-2; Ord. 01-42)

6.12.104: ENFORCING AUTHORITY:

The Administrator is hereby designated as the official enforcement officer of the Housing Code. In exercising all power and authority delegated by this article, the Administrator shall apply sound principles of public health, consistent with national standards, and these national standards shall also be applied in related rules, regulations, determinations and orders authorized by this article. (Ord. 3875; 1968 Code §§16-4, 16-32; Ord. 82-224; Ord. 96-110; Ord. 01-42)

6.12.105: APPLICATION; INTERPRETATION OF PROVISIONS:

A. The provisions of this article shall apply to all buildings or portions used, designed or intended to be used for human habitation.

B. In any case where a provision of this article is found to be in conflict with any provision of this Code, or any adopted secondary code, the provision which establishes the higher or more restrictive standard for the promotion and protection of the health, safety and welfare of the people shall prevail. (Ord. 3875; 1968 Code §16-32; Ord. 96-110; Ord. 01-42)

6.12.106: DEFINITIONS:

The following terms, as used in this article, shall have the meanings designated, unless the context specifically indicates otherwise, or unless the meaning is excluded by express provision:

APPROVED: Constructed, installed and maintained in accord with this article or other pertinent ordinances, rules and regulations of the City.

BASEMENT: That portion of a dwelling so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

CELLAR: That portion of a dwelling so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

DETERIORATED: A lowering in quality of the condition or appearance of a building, structure or premises characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

DWELLING: Any building which is wholly or partly used or intended to be used for living, sleeping, cooking or eating by human occupants.

DWELLING UNIT: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION: The control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other

recognized and legal pest elimination methods approved by the Administrator.

FAMILY: An individual, two (2) or more persons related by blood, marriage, adoption, or similar legal relationship plus domestic staff employed for services on the premises, or a group of not more than five (5) persons, who need not be related, living together as a single housekeeping unit in one dwelling unit.

GARBAGE: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM: A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

INFESTATION: The presence, within or around a dwelling, of any insects, rodents or other pests.

MULTIPLE DWELLING: Any building containing two (2) or more dwelling units.

OCCUPANT: Any person, over two (2) years of age, living, sleeping, cooking, eating in or having actual possession of a dwelling, dwelling unit or rooming unit.

OPERATOR: Any person who has charge, care or control of a building or any portion, in which dwelling units or rooming units are let.

OWNER: Any person who, alone, jointly or severally with others:

A. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession; or

B. Shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner, or as executor, administrator, conservator, trustee or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with the provisions of this article, and with related rules and regulations, to the same extent as if that person were the owner.

PLUMBING: Includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines. This definition shall be applicable only to this article and shall not be construed to apply elsewhere in this Code.

RECREATIONAL VEHICLE: A vehicle used for transient living quarters which can be towed, hauled or driven and is designed for recreational, camping or travel use and including, but not limited to, travel trailers, camper trailers, motor homes, pickup campers, watercraft or snowmobiles.

ROOMING HOUSE: Any dwelling or part of any dwelling containing one or more rooming units in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, and shall include hotels, motels, lodging houses, rooming and boarding houses, nursing homes, convalescent homes and all similar establishments.

ROOMING UNIT: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

RUBBISH: Combustible and noncombustible waste materials excluding garbage. Includes, but is not limited to, the residue from burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

SANITARY: A condition in which an area is free of rubbish, garbage, debris, vermin and rodents, and in which all interior and exterior surfaces and premises are clean and capable of being cleaned to promote and establish conditions for the betterment of community health, safety and welfare.

SUMMER MONTHS: June 1 through August 31.

SUPPLIED: Paid for, furnished, provided by or under the control of the owner or operator.

TRAILER: A wheeled vehicle designed to transport passengers and/or freight under its own power or by being towed by a motor vehicle.

TRANSIENT HOUSING: Any tent, trailer, recreational vehicle or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premises for more than thirty (30) consecutive days. Transient housing shall not include a child's playhouse or play area.

VEHICLE: Any device which is designed for or capable of self-propulsion or being otherwise moved from place to place upon wheels or endless tracks.

WINTER MONTHS: September 1 through May 31.

WORKMANLIKE REPAIRS: Repairs executed in a skilled, workmanlike manner: generally plumb, level, square, in line, undamaged, without marring adjacent work and completed in conformance with generally accepted construction and maintenance practices and current building codes.

Whenever the words "dwelling" or "dwelling unit", "rooming house" or "rooming unit", or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part". (Ord. 3875; 1968 Code §16-5; Ord. 82-224; Ord. 96-110; Ord. 01-42; Ord. 03-121)

Notes

- ¹ 1. CRS §27-10-102(4.7).

6.12.107: VIOLATIONS:

It shall be unlawful for any person to do any act, erect, construct, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building or structure in the City, or cause or permit similar activities, contrary to or in violation of any of the provisions of this article. (Ord. 3875; 1968 Code §16-8; Ord. 82-224; Ord. 96-110; Ord. 01-42)

PART 2 RESERVED ¹

(Ord. 18-28)

Notes

- ¹ 1. Prior ordinance history: Ord. 3875; 1968 Code §§16-6, 16-7, 16-8; Ord. 82-224; Ord. 85-272; Ord. 96-110; Ord. 97-131; Ord. 98-85; Ord. 01-42; Ord. 03-15; Ord. 03-121; Ord. 04-280; Ord. 11-19.

PART 3 MINIMUM STANDARDS

SECTION:

6.12.301: Basic Equipment And Facilities

6.12.302: Light, Ventilation And Heating

6.12.303: Space, Use And Location

6.12.304: Sanitary Conditions Maintained

6.12.305: Maintenance

6.12.306: Interruption Of Service

6.12.301: BASIC EQUIPMENT AND FACILITIES:

It shall be unlawful for any person to occupy as owner-occupant or to lease to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- Every dwelling or dwelling unit shall contain a kitchen sink in good working condition, properly connected to a water and sewer system approved by the Administrator.
- Every dwelling, dwelling unit or rooming unit shall contain a room or adjacent rooms that afford privacy to a person within which are equipped with a flush type water closet and a lavatory basin in good working condition, properly connected to a water and sewer system approved by the Administrator, and arranged so as not to require the dwelling, dwelling unit or rooming unit occupant to go outdoors to reach these facilities.
- Every dwelling or dwelling unit shall contain within a room which affords privacy to a person within the room a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Administrator. These facilities shall be so arranged as not to require the occupant of the dwelling unit to go outdoors.
- Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of subsections A, B and C of this section shall be properly connected with both hot and cold water lines.
- Every dwelling and building shall be supplied with adequate rubbish storage facilities of a type and location approved by the Administrator.
- Every dwelling and building shall have adequate garbage disposal facilities or garbage storage containers of a type and location approved by the Administrator.
- Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of subsection D of this section, and are capable of heating water to a temperature of not less than one hundred twenty degrees Fahrenheit (120°F). The supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection 6.12.302E of this part are not in operation.
- Every dwelling unit shall have safe, unobstructed means of egress leading to a safe and open space at ground level, as required by the ordinances, rules or regulations of the City, or any secondary codes adopted by the City.
- Cabinets and/or shelves for the storage of eating, drinking, cooking equipment and utensils, and of food that does not during summer months require refrigeration for safekeeping, and a counter or table for food preparation. Cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction, furnished with surfaces that are easily cleanable and that will not impart a toxic or deleterious effect to food.

J. A stove or similar device, for cooking food, and a refrigerator or similar device, for safe storage of food at temperatures less than fifty degrees Fahrenheit (50°F) during summer months, which are properly installed with all necessary connections for safe, sanitary and efficient operation. A stove, refrigerator or similar device must be installed when a dwelling unit is occupied or when the occupant is not expected to provide a stove, refrigerator or similar device on occupancy. Sufficient space and adequate connections for the safe and efficient installation and operation of any stove, refrigerator or similar devices must be provided. (Ord. 3875; 1968 Code §16-9; Ord. 96-110; Ord. 01-42; Ord. 03-121)

6.12.302: LIGHT, VENTILATION AND HEATING:

It shall be unlawful for any person to occupy as owner-occupant or to lease to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

A. Lighting Of Habitable Rooms: Every habitable room in a dwelling or dwelling unit shall either have at least one window or skylight facing directly to the outside, or shall receive from adjoining rooms an equivalent amount of light, which shall provide illumination equivalent to forty (40) watts.

B. Ventilation: Every habitable room shall have at least one window or skylight which can be opened, or other device as will adequately ventilate the room.

C. Bathrooms And Water Closets: Every bathroom and water closet compartment shall be in compliance with the light and ventilation requirements for habitable rooms contained in subsections A and B of this section, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is approved by the Administrator and capable of four (4) air changes per hour.

D. Outlets And Fixtures: Where there is electric service available from power lines which are not more than three hundred feet (300') away from a dwelling, every habitable room of the dwelling shall contain at least two (2) separate wall type electric receptacle outlets, or one receptacle outlet and one supplied ceiling type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall type electric light fixture. Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner in accord with the National Electrical Code.

E. Heating Facilities: Every dwelling shall have heating facilities which are properly installed, are maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit within the dwelling to a temperature of at least seventy degrees Fahrenheit (70°F), at a distance three feet (3') above floor level at the approximate center of the room, during winter months. Space heaters may not be used as a permanent, general heating facility; but may only be used as a temporary emergency measure.

F. Public Halls And Stairways: Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full time lighting. Common areas need to be lighted at all times with a minimum sixty (60) watt bulb for every two hundred (200) square feet of floor area, provided that the spacing between lights shall not be greater than thirty feet (30'). Exterior stairways require a minimum of forty (40) watts at floors, landings and treads. Natural or artificial light is required in all other spaces including basements, laundry and storage areas. The light provided should allow for safe occupancy of the space. Older properties constructed in accord with building codes which did not require the installation of light sources in common areas shall nevertheless provide for safe ingress and egress with reasonable and adequate lighting.

G. Screens: Each window with openings to outdoor space which is used or intended to be used for ventilation shall be supplied with a screen.

H. Screens For Openings To Basements And Cellars: Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or other devices as will effectively prevent their entrance.

I. Exterior Lighting: All exterior lighting for single, two- family and multi-family residential shall be arranged to reflect away from any adjoining premises and any public right of way, and shall be shielded to contain all direct rays on the site. (Ord. 3875; 1968 Code §16-10; Ord. 82-136; Ord. 86-214; Ord. 96-110; Ord. 01-42; Ord. 03-121)

6.12.303: SPACE, USE AND LOCATION:

It shall be unlawful for any person to occupy or to lease to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

A. Space Required: Every dwelling unit shall contain at least:

- 125 square feet – 1 person
- 200 square feet – 2 persons
- 275 square feet – 3 persons
- 350 square feet – 4 persons
- 425 square feet – 5 persons
- 500 square feet – 6 persons
- 560 square feet – 7 persons
- 620 square feet – 8 persons

680 square feet – 9 persons

740 square feet – 10 persons

and a minimum of forty (40) square feet for each additional person. The required floor space shall be calculated on the basis of total habitable room area. In no case shall more than eight hundred fifty (850) square feet be required for one family.

B. Sleeping Rooms:

1. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, with a minimum of seven feet (7') in all side dimensions and every room occupied for sleeping purposes by more than one occupant shall contain at least forty (40) square feet of floor space for each occupant.

2. Kitchen and nonhabitable spaces shall not be used for sleeping purposes.

C. Ceiling Height: At least one-half ($\frac{1}{2}$) of the floor area of every habitable room shall have a ceiling height of at least seven feet (7') and the floor area of that part of any room where the ceiling height is less than five feet (5') shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

D. Basements And Cellars: No basement or cellar space shall be leased as a habitable room and no basement shall be used or occupied as a dwelling unit or rooming unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are free from dampness.

2. The total amount of light required in each room is equal to at least the minimum amount of light required by this article.

3. The facilities for ventilation in each room are equal to at least the minimum required by this article.

E. Transient Housing: Transient housing is prohibited on public or undeveloped property. (Ord. 3875; 1968 Code §16-14; Ord. 01-42; Ord. 03-121)

6.12.304: SANITARY CONDITIONS MAINTAINED:

It shall be unlawful for any person to occupy or lease to any other occupant any vacant dwelling unless it is clean, sanitary and fit for human habitation according to the standards set forth in this article.

A. Accumulation of garbage, rubbish, weeds, metal, vehicle parts, tires, appliances and building debris is prohibited.

B. Firewood may be stored on rear or side yard of the property stacked neatly in no longer than three foot (3') lengths and in compliance with the Fire Code. (Ord. 3875; 1968 Code §16-13; Ord. 01-42; Ord. 03-121)

6.12.305: MAINTENANCE:

It shall be unlawful for any person to occupy as owner-occupant or to lease to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

A. Every foundation, floor, floor covering, wall, ceiling and roof shall be reasonably weathertight, watertight and rodent resistant, shall be capable of affording privacy and shall be kept clean, in sound sanitary condition and good repair.

B. Every window, exterior door and basement door or cellar hatchway shall be reasonably weathertight, watertight and rodent resistant, and shall be kept in sound working condition and good repair.

C. Every inside and outside stair, porch, private sidewalk, balcony, walking surface, deck and related appurtenances shall be constructed so as to be safe to use and capable of supporting the load normal use may cause to be placed on it and shall be kept in sound condition and good repair. Handrails are required on walking surfaces that are more than thirty inches (30") high or a stair that has more than four (4) risers. Handrails must be firmly fastened and capable of supporting normally imposed loads and kept in good repair.

D. Every plumbing fixture, water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

E. Every water closet, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and to permit the floor to be easily kept in a clean, safe and sanitary condition.

F. Every supplied facility, piece of equipment or utility shall be so constructed or installed that it will function safely and effectively, and shall be maintained in sound satisfactory working condition and good repair.

G. Residential dwellings with extreme deteriorated surfaces, including peeling, flaking and chipping paint, shall have the deteriorated surfaces removed, repaired or repainted. All siding and masonry joints, windows and doors shall be weathertight.

The existence of any peeling, flaking or chipped lead based paint shall be reported to the El Paso County Department of Health and Environment and/or the Colorado Department of Public Health and Environment. (Ord. 3875; 1968 Code §16-11; Ord. 01-42; Ord. 03-121)

6.12.306: INTERRUPTION OF SERVICE:

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from, shut off or discontinued in any occupied dwelling, dwelling unit, or rooming unit except for temporary interruptions necessary while actual repairs or alterations to the dwelling, dwelling unit or rooming unit are in process, or temporary interruptions during temporary emergencies when discontinuance of service is approved by the Administrator. This section shall apply only when the dwelling, dwelling unit or rooming unit is occupied. (Ord. 3875; 1968 Code §16-12; Ord. 96-110; Ord. 01-42)

PART 4 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

SECTION:

6.12.401: Maintenance Requirements

6.12.402: Rubbish And Garbage Disposal

6.12.403: Screens, Doors And Windows

6.12.404: Pest Extermination

6.12.405: Workmanlike Repairs

6.12.401: MAINTENANCE REQUIREMENTS:

A. Accessory Structure: All accessory structures, detached garages, sheds, fences and walls shall be maintained structurally sound and in good repair. Interiors of the accessory structure must be kept in a sanitary condition and rodent free.

B. Clothes Dryer Exhaust: The venting system for clothes dryers must be separate from all other systems and vented per manufacturer's instructions or in a manner to capture fugitive dust for disposal.

C. Common Areas: Every owner of a dwelling containing two (2) or more dwelling units or rooming units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises.

D. Elevators: Dwelling owners or agents of the owner(s) that provide elevators to residents must properly inspect and maintain the elevators in good working condition.

E. Plumbing: Every occupant of a dwelling or dwelling unit shall keep all installed plumbing fixtures in a clean and sanitary condition and shall be responsible exercising reasonable care in the use and operation thereof. Disconnection from the wastewater system is prohibited. The release of wastewater outside the wastewater system is prohibited.

F. Private Areas: Every occupant of a dwelling, dwelling unit or rooming unit shall keep that part of the premises, dwelling or dwelling unit the occupant occupies, inhabits and controls, in a clean and sanitary condition.

G. Smoke Detectors: Smoke detectors shall be required and installed in all residential occupancies in accord with the Fire Code as adopted by City.

H. Street Numbers: Buildings that have been assigned a street number must have the number visibly displayed in Arabic numerals at least five inches (5") in height and one-half inch ($\frac{1}{2}$ ") wide. Wherever possible, street numbers will be visibly displayed from alley access.

I. Vacant And/Or Abandoned Buildings:

1. Vacant and/or abandoned buildings shall be secured to prevent unauthorized entry.

2. Exterior building maintenance and site maintenance of abandoned and/or vacant buildings shall be the same as required for occupied buildings and shall be maintained so as to be free of any violations to current City codes. (Ord. 3875; 1968 Code §§16-15, 16-16, 16-17; Ord. 96-110; Ord. 01-42; Ord. 03-121)

6.12.402: RUBBISH AND GARBAGE DISPOSAL:

A. Rubbish: Every occupant of a dwelling, dwelling unit or rooming unit shall dispose of all the occupant's rubbish in a clean and sanitary manner by placing it in the required rubbish container.

B. Garbage: Every occupant of a dwelling or dwelling unit shall dispose of the occupant's garbage and any organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the required garbage disposal facilities or garbage storage containers. It shall be the responsibility of the owner of the dwelling or dwelling unit to supply facilities or containers for all dwelling units in a multiple dwelling. In all other cases, it shall be the responsibility of the occupant to furnish the facilities or containers. Any owner or lessee of a container or dumpster in a residential or commercial area that poses a health or safety hazard to the surrounding neighbors may be ordered to take corrective action. (Ord. 3875; 1968 Code §§16-18, 16-19; Ord. 96-110; Ord. 01-42; Ord. 03-121)

6.12.403: SCREENS, DOORS AND WINDOWS:

Every owner of a dwelling, dwelling unit or rooming unit shall be responsible for hanging all screens, doors or windows whenever required under the provisions of this article or of any adopted rule or regulation. (Ord. 3875; 1968 Code §16-20; Ord. 96-110; Ord. 01-42)

6.12.404: PEST EXTERMINATION:

Every owner of a dwelling, dwelling unit or rooming unit shall keep the premises free of any insects, rodents, vermin or other pests.

It shall be unlawful for any person to allow conditions to exist which provide shelter or protection for rats, rodents or other vermin or which favor the propagation of rats, rodents or other vermin. Piles of rubbish (yard debris, leaf piles, trash, junk accumulation and building debris), garbage, weeds or grass over nine inches (9") tall and junk or unlicensed vehicles must be removed from the property. All garbage must be stored in solid containers with tightfitting lids and removed at least weekly. All animal feces must be removed from the exterior of the property every three (3) to seven (7) days. The Administrator has the discretion to order more frequent trash or animal feces removal.

Whenever infestation is caused by the owner's failure to maintain a dwelling, dwelling unit or rooming unit in a rodent resistant or reasonably insect resistant condition, the owner shall take corrective action deemed necessary to comply with City codes. In all

dwelling containing two (2) or more units, the owner shall be responsible for pest extermination. The owner shall be responsible for obtaining licensed extermination services if required. The owner or agent of the owner may be required to provide the Code Enforcement Officer the name and telephone number of the licensed exterminator or provide a copy of the exterminator's license. In single-family dwellings, pest extermination will be the responsibility of the occupant. (Ord. 3875; 1968 Code §16-21; Ord. 96-110; Ord. 01-42; Ord. 03-121)

6.12.405: WORKMANLIKE REPAIRS:

Any repairs, installation or maintenance work required by the enforcement of this chapter shall be executed in a skilled manner and are subject to the Administrator's approval. The Administrator shall approve workmanlike repairs which protect the public health, safety and welfare. (Ord. 03-121)

PART 5 ROOMING HOUSE STANDARDS

SECTION:

6.12.501: Compliance Required

6.12.502: Water Closets And Bath Facilities

6.12.503: Change Of Linen

6.12.504: Floor Space Requirements

6.12.505: Egress From Buildings

6.12.506: Maintenance

6.12.501: COMPLIANCE REQUIRED:

It shall be unlawful for any person to operate a rooming house, or to occupy or to lease to another for occupancy any rooming unit in any rooming house or hotel, except in compliance with all applicable provisions of this Code. (Ord. 3875; 1968 Code §16-22; Ord. 01-42)

6.12.502: WATER CLOSETS AND BATH FACILITIES:

At least one flush type water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten (10) or fewer persons residing within a rooming house, including members of the owner's or operator's family who share the use of these facilities. In a rooming house where rooms are leased only to males, flush urinals may be substituted for not more than one-half ($\frac{1}{2}$) the required number of water closets. All facilities shall be located within the dwelling and be reasonably accessible from a common hall or passageway to all persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water under pressure at all times. No water closet and bath facilities shall be located in a basement or cellar unless the basement meets all conditions required by this article and other City ordinances, rules and regulations or any adopted secondary code. (Ord. 3875; 1968 Code §16-23; Ord. 96-110; Ord. 01-42)

6.12.503: CHANGE OF LINEN:

The owner or operator of every rooming house shall change supplied bed linen and towels at least once each week, and prior to leasing any room to any occupant. The owner or operator of every rooming house shall be responsible for maintaining all supplied bed linen and towels in a clean and sanitary manner. (Ord. 3875; 1968 Code §16-24; Ord. 96-110; Ord. 01-42)

6.12.504: FLOOR SPACE REQUIREMENTS:

Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least forty (40) square feet of floor space for each occupant. Kitchens and nonhabitable spaces shall not be used for sleeping purposes. (Ord. 3875; 1968 Code §16-25; Ord. 96-110; Ord. 01-42; Ord. 03-121)

6.12.505: EGRESS FROM BUILDINGS:

Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required and defined by this article and other City ordinances, rules and regulations or any secondary code adopted thereby. (Ord. 3875; 1968 Code §16-26; Ord. 01-42)

6.12.506: MAINTENANCE:

The owner or operator of every rooming house shall maintain all walls, floors, ceilings and every other part of the rooming house in a sanitary condition. The owner or operator shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the owner or operator. (Ord. 3875; 1968 Code §16-27; Ord. 96-110; Ord. 01-42)

PART 6 UNFIT DWELLINGS

SECTION:

6.12.601: Condemnation Procedures

6.12.602: Abatement, Vacation Of Premises

6.12.603: Occupation Of Condemned Buildings

6.12.604: Removal Of Placard Prohibited

6.12.605: Withdrawal Of Condemnation

6.12.606: Dilapidated Buildings

6.12.607: Abatement Of Dilapidated Building

6.12.608: Civil Penalties

6.12.609: Dilapidated Building List

6.12.610: Lien Assessment

6.12.601: CONDEMNATION PROCEDURES:

Any dwelling or dwelling unit which the Administrator finds to have any of the following defects shall be condemned as unfit for human habitation and shall be designated and placarded by the Administrator:

- A. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, deteriorated or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- B. One which lacks illumination, ventilation, utilities, safe equipment, sanitation facilities, or appliances adequate to protect the health or safety of the occupants or of the public.
- C. One which due to its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- D. One which has been issued numerous notices and orders for multiple violations which the owner has failed to appeal the notices and orders or failed to comply and abate the violations within sixty (60) days, and the Administrator determines it is unlikely repairs will be made.
- E. Any commercial building that is open, unsecured, vacant or subject to vandalism. (Ord. 3875; 1968 Code §16-28; Ord. 96-110; Ord. 01-42; Ord. 03-121)

6.12.602: ABATEMENT, VACATION OF PREMISES:

- A. Any dwelling or dwelling unit found to be in a condition which violates any provision of this article, endangers the health, safety or welfare of the public or any occupant, or is in continued noncompliance with ordered abatement, shall be deemed and declared to be a public nuisance and shall be abated by rehabilitation, demolition or removal and ordered to be vacated, if occupied, with Administrator approval.
- B. Any dwelling or dwelling unit condemned as unfit for human habitation, designated and placarded by the Administrator, shall be vacated within the time specified by the notice.
 - 1. The Administrator shall place condemnation placards at all entrances to the condemned structure.
 - 2. The placard shall:
 - a. Declare the structure condemned as unsafe for human habitation;
 - b. Give notice that it is unsafe and unlawful to enter or occupy the structure;
 - c. Reference the appropriate City Code violations; and
 - d. Provide contact information for the Code Enforcement Administrator.
- C. If the condemned structure is occupied as a dwelling, dwelling unit or sleeping room, the Administrator shall notify the residents of the condemnation and order them to vacate the premises within a reasonable time. Notice of the order to vacate shall be delivered to the owner or posted on the premises.
- D. The Administrator may order emergency work to be done to temporarily secure the condemned structure. (Ord. 3875; 1968 Code §§16-28, 16-24; Ord. 96-110; Ord. 01-42; Ord. 03-121)

6.12.603: OCCUPATION OF CONDEMNED BUILDINGS:

It shall be unlawful for any person to use or occupy for human habitation any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation until the placard is removed by the Administrator. The Administrator shall remove the placard when the defect or defects upon which the condemnation and placarding action were based have been eliminated. (Ord. 3875; 1968 Code §16-30; Ord. 96-110; Ord. 01-42)

6.12.604: REMOVAL OF PLACARD PROHIBITED:

It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded, except as provided in section 6.12.603 of this part. (Ord. 3875; 1968 Code §16-31; Ord. 01-42)

6.12.605: WITHDRAWAL OF CONDEMNATION:

- A. A declaration of condemnation shall be withdrawn upon demolition or removal of the structure.
- B. A declaration of condemnation may be withdrawn under the following conditions:
 - 1. The Regional Building Official certifies that the condemned dwelling or dwelling unit is structurally sound and may safely undergo repair or rehabilitation.
 - 2. The owner negotiates a compliance plan with the Administrator. The approved compliance plan shall:
 - a. Identify all repairs or rehabilitation necessary for the condemned structure to meet the minimum standards required by this Code;

- b. Identify the licensed contractor or other person who will be repairing or rehabilitating the condemned structure;
 - c. Provide a reasonable time frame within which the required repairs or rehabilitation will be completed; and
 - d. Notify the owner that failure to make reasonable progress toward the completion of the compliance plan within the specified time may result in further enforcement action.
3. Upon completion of the repairs or rehabilitation work, the Administrator shall inspect the premises to determine whether:
 - a. The repairs or rehabilitation required in the compliance plan was done in a workmanlike manner;
 - b. The dangerous conditions giving rise to the condemnation have been abated; and
 - c. The dwelling or dwelling unit is safe for human habitation.

The Administrator shall withdraw the declaration of condemnation if these criteria are met.

C. The Administrator may, for good cause shown, amend or extend an approved compliance plan.

D. In addition to any other remedies permitted by law, the Administrator may, upon an owner's failure to complete the repairs or rehabilitation work identified in the approved compliance plan, declare the condemned dwelling a dilapidated building in accord with section 6.12.606 of this part. (Ord. 03-121; Ord. 06-34)

6.12.606: DILAPIDATED BUILDINGS:

A. Findings: City Council finds and determines that the existence of dilapidated buildings and properties within the City present significant hazards to the health, safety and welfare of the citizens of the City. Dilapidated buildings and properties have a negative impact on the community and create pockets of blight in otherwise thriving neighborhoods. It is the intent of City Council that the dilapidated building provisions of this part be enforced and administered to gain compliance and eliminate the burden dilapidated buildings place on neighborhoods and the community in general.

B. Definitions: The following terms, as used in this part, shall have the meanings designated, unless the context specifically indicates otherwise, or unless the meaning is excluded by express provision:

BUILDING: Any dwelling, dwelling unit, building or structure, as defined by this chapter or chapter 7 of this Code or the Regional Building Code, that is located within the City.

DILAPIDATED: A building or property upon which any one of the following circumstances exists:

1. The building has been condemned by the Administrator or a Regional Building Official, is vacant and is not the subject of an approved compliance plan;
2. The building has been condemned by the Administrator or a Regional Building Official, is vacant and the Administrator has declared it a dilapidated building in accord with subsection C of this section;
3. The building is unsafe, unsanitary, a fire hazard or otherwise constitutes a danger to the public health, safety or welfare in violation of this Housing Code, the Regional Building Code or the Fire Code or other applicable code;
4. For a consecutive three (3) month period, the building has not been lawfully occupied, has been wholly or partially boarded up and does not show evidence of ongoing and substantial construction activity conducted pursuant to a valid building permit;
5. The building is not lawfully occupied and has been in violation of any provision of City or State law on three (3) separate occasions within a one year period; or
6. The building is not lawfully occupied and the taxes on the property have been due and unpaid for a period of at least one year.

NOT LAWFULLY OCCUPIED: The building or property is unoccupied and uninhabited; is occupied or inhabited in violation of any provision of the City Code or the Regional Building Code; is subject to a declaration of condemnation; or is occupied only by trespassers or transients seeking a temporary hiding place or shelter. The Administrator shall presume that a building is not lawfully occupied if there appears to be no permanent occupant; the building is not connected to utilities; the building does not receive mail service; the building does not appear to be furnished; or the Administrator has observed any other condition or circumstance that leads the Administrator to reasonably believe the building is not lawfully occupied.

OWNER: The record owner of the property; the record owner's estate or a person or entity who is purchasing the property by land installment contract or under a duly executed purchase contract.

PROPERTY: Any building, structure, utility, parcel of land or real property.

SUBSTANTIAL AND ONGOING CONSTRUCTION ACTIVITY: Construction activity conducted pursuant to a valid building permit.

C. Inspection, Notice And Order: Whenever the Administrator has reason to believe that a building or property may be dilapidated, the Administrator shall inspect the building or property. If the building or property does not comply with the provisions of this chapter or any other applicable laws, codes and ordinances, the Administrator shall serve a written notice of the declaration of the dilapidated condition and order of abatement upon the property owner. The notice shall be served in accord with section 6.5.104 of this chapter and shall:

1. Be in writing;
2. Specify the conditions giving rise to the declaration;
3. Order the owner to abate the conditions or circumstances giving rise to the declaration of a dilapidated condition;

4. Notify the owner that the building or property has been placed on the Dilapidated Building List in accord with section 6.12.609 of this part and order the owner to register the dilapidated building or property in accord with subsection 6.12.609A of this part;

5. Impose a civil penalty of not more than five hundred dollars (\$500.00), in accord with the provisions of section 6.12.608 of this part;

6. Notify the owner that the Administrator is required to reinspect the building or property to determine whether the ordered abatement is completed and that reinspection fees will be charged in accord with subsection 6.12.609B of this part; and

7. State that an appeal of the Administrator's declaration or ordered abatement is available to the Municipal Court Referee provided written application is made within ten (10) days of service, posting or receipt of the notice and order, in accord with the provisions of chapter 11 of this Code.

D. Appeal: Upon appeal, the Municipal Court Referee shall presume the Administrator's declaration, ordered abatement and civil penalty is valid unless the owner introduces substantial evidence to support a contrary finding and the Referee finds the notice and order was issued in error. If the Administrator's decision is upheld, the Referee shall order the owner to comply with the notice and order within a prescribed time, and shall specifically set forth any civil penalties imposed. Failure to appeal the Administrator's notice and order in accord with this section shall be deemed a waiver of the right to appeal the determination pursuant to CRCP 106 by virtue of a failure to exhaust administrative remedies.

E. Unlawful Ownership, Occupation: It shall be unlawful to own or occupy a dilapidated building. (Ord. 06-34; Ord. 07-160)

6.12.607: ABATEMENT OF DILAPIDATED BUILDING:

The Administrator shall order the appropriate abatement of a dilapidated building based upon the conditions or circumstances giving rise to the declaration of a dilapidated condition and the degree to which the building can be brought into compliance with all applicable laws, codes and ordinances. Abatement may include, but is not limited to, repairs and/or rehabilitation in accord with an approved compliance plan, demolition or judicial enforcement. Costs of abatement may be assessed in accord with section 6.5.107 of this chapter.

A. Compliance Plan: A plan to bring a dilapidated building or property into compliance with all applicable laws, codes and ordinances shall meet the requirements of subsection 6.12.605B2 of this part and shall be submitted within thirty (30) days of the date of the notice and order. If the owner appeals the abatement order or compliance plan, submittal shall be stayed pending the Referee's decision.

B. Demolition: The Administrator may order the demolition of a dilapidated building that is in such a state of disrepair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, and is in such condition that it is unreasonable to repair the building.

C. Judicial Enforcement: The City may petition the district court for the issuance of a preliminary or permanent injunction, or both, restraining any person from continued violation of this part, and/or may seek appointment of a receiver, as provided below. In any action for judicial enforcement, the City may recover any unpaid civil penalties, abatement costs and other fees or costs provided for in this part by seeking appropriate relief in a court of competent jurisdiction.

D. Judicial Abatement: If, after notice and hearing pursuant to this article and a finding of a violation of this article, the owner has failed to abate the violation or comply with abatement deadlines provided in the Administrator's written determination or in an approved plan of abatement, an action for abatement under this article may be commenced in the district court pursuant to rule 65 or 66 of the Colorado Rules of Civil Procedure by the City. Such actions may request:

1. An injunction ordering the owner of property to take whatever action the court considers necessary or appropriate to correct the condition or to eliminate the violations; and/or

2. That the court appoint a receiver to take possession and control of the property, and to perform work and furnish material that reasonably may be required to abate the violation. All interested persons shall be made parties to the action;

3. That, by way of example, but not limitation, the court authorize the receiver to exercise as appropriate any of the following powers:

a. Take possession and control of the property, operate and manage the property, establish and collect rents and income, lease and rent the property, and evict tenants. An existing housing or building ordinance violation does not restrict the receiver's authority pursuant to this subsection.

b. Pay all expenses of operating and conserving the property including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodial services, taxes, assessments, insurance premiums, and to hire and pay reasonable compensation to a managing agent.

c. Pay prereceivership mortgages and other liens and installments of prereceivership mortgages and other liens.

d. Perform or enter into contracts for the performance of work and the furnishing of materials necessary to abate the violations, and obtain financing for the abatement of violations.

e. Pursuant to court order, remove and dispose of personal property which is abandoned, stored, or otherwise located on the property, that creates a dangerous or unsafe condition or that constitutes a violation of housing or building regulations or ordinances.

f. Enter into agreements and take actions necessary to maintain and preserve the property and to comply with housing and building regulations and ordinances.

g. Give the custody of the property and the opportunity to abate the violation and operate the property to the mortgagee or lienholder of record.

h. Issue notes and secure the notes by deeds of trust on the property on terms, conditions and at such interest rates as are approved by the court.

i. Obtain mortgage insurance for a receiver's mortgage.

4. That all costs, including the costs of the receivership, expenses, penalties, and fees, including any receiver fees, be assessed against the owner and made a lien against the property, taking precedence over and being superior to all other liens of record except liens for general taxes and special assessments.

5. That the party that applied for the receivership may request that the court discharge the receiver.

6. That if repair and rehabilitation of the property are not found to be feasible, upon the written request of all known interested persons to have the property or portions of the property demolished, the court may order the demolition of all or part of the property. The court may require the receiver to determine the cost of demolition of the property or the portions of the property that constitute the violation, and after court approval, the receiver shall arrange for demolition which shall comply with all permits and other requirements of the Regional Building Code. However, demolition shall not be ordered unless the requesting persons have guaranteed or underwritten the costs of demolition, have paid the costs of the receivership, and have paid all notes and mortgages of the receivership. In addition, the City maintains the right to demolish any property, which the City is authorized to demolish pursuant to the provisions of the Regional Building Code. The provisions of this subsection shall not apply to a historic property until the Historic Preservation Commission has been apprised of such demolition.

7. Nothing in this article shall prohibit the City from exercising or using other remedies or procedures to enforce this article, the building codes, the fire codes, the housing ordinances or the zoning ordinances. (Ord. 06-34; Ord. 07-160)

6.12.608: CIVIL PENALTIES:

The Administrator may order the owner to pay a civil penalty not to exceed five hundred dollars (\$500.00) for any building that is declared to be in a dilapidated condition, is found to be in violation of any order issued by the authority of this article, or any rules, regulations, permits or plans issued or approved pursuant to this part and the owner has not submitted and received approval for a compliance plan or taken any abatement action within thirty (30) days from the date of the issuance of the notice and order. In imposing any penalty, the Administrator shall consider the history of violations; the deliberate or negligent acts of the owner; the economic impact upon the owner; the historic properties of the building and the gravity of the violation. The notice and order shall set forth the aggravating and mitigating factors considered by the Administrator when imposing a civil penalty pursuant to this section. The Administrator may reduce, waive or stay the imposition of a civil penalty after issuance of the notice and order for good cause shown by the owner and based upon the demonstrated good faith of the owner in complying with abatement or an abatement plan. (Ord. 06-34)

6.12.609: DILAPIDATED BUILDING LIST:

A. The Administrator shall attach to the notice and order, required by section 6.12.606 of this part, a separate notice that the dilapidated building or property has been placed on the Dilapidated Building List (DBL) and that the owner is required to register the dilapidated building or property. The notice shall include:

1. The dilapidated building's address and legal description;
2. Notice of required inspections and a statement of inspection fees; and
3. An explanation of the process for removing a building from the DBL.

B. After a building or property is placed on the DBL, the Administrator shall conduct at least quarterly reinspections of all listed buildings or properties to monitor compliance with all applicable laws, codes and ordinances. The Administrator shall charge a reinspection fee of five hundred dollars (\$500.00), quarterly as needed, and in accord with subsection 6.5.106D of this chapter.

C. A building or property appearing on the DBL shall be removed from the list if the Municipal Court Referee, in accord with subsection 6.12.606D of this part, determines that the Administrator's notice and order was issued in error. A building or property appearing on the DBL shall be removed from the list upon the complete abatement of the conditions or circumstances giving rise to the Administrator's declaration of a dilapidated condition, the full performance of the compliance plan and the payment in full of any past due fees, installment payments or reinspection fees. (Ord. 06-34)

6.12.610: LIEN ASSESSMENT:

The failure to pay any fee, fine or charge imposed by any part of this article when due, shall result in a lien assessment and recording against the property in accord with section 6.5.107 of this chapter. (Ord. 06-34)

PART 7 CODE ENFORCEMENT DISPLACEMENT

SECTION:

6.12.701: Definitions

6.12.702: Administrative Guidelines

6.12.703: Expenses For Displaced Persons

6.12.704: Emergency Rehabilitation Assistance

6.12.705: Appeals

6.12.706: Assessment Of Displacement Expenses

6.12.701: DEFINITIONS:

The following terms, as used in this part, shall have the meanings designated, unless the context specifically indicates otherwise, or unless the meaning is excluded by express provision:

DISPLACED PERSON: Any occupant who, through no personal fault, must move from real property as a result of that property not being in compliance with applicable housing codes found in this article. (Ord. 06-221)

6.12.702: ADMINISTRATIVE GUIDELINES:

The Administrator shall administer the policy set forth in this part and shall from time to time promulgate guidelines, rules and regulations for the operation of this policy. Any guidelines, rules or regulations promulgated by the Administrator shall be subject to City Council approval. (Ord. 06-221)

6.12.703: EXPENSES FOR DISPLACED PERSONS:

A. Moving And Related Expenses For Displaced Persons: When displacing occupants from real property due to applicable housing codes, the City shall make fair and reasonable displacement payments to occupants for:

1. A fixed settlement determined according to a schedule preestablished by the City to compensate the displaced person for physical moving expenses.
2. Actual reasonable expenses incurred in renting a replacement dwelling.
3. Actual reasonable costs incurred in moving leased equipment. (Ord. 06-221)

6.12.704: EMERGENCY REHABILITATION ASSISTANCE:

The City may provide financial assistance for rehabilitation of properties to eliminate imminently hazardous housing conditions and to assure the protection of the health, safety and welfare of the occupants. Financial assistance as provided in this part shall be administered in accord with the guidelines as shall be established by the Administrator or the Director. (Ord. 06-221)

6.12.705: APPEALS:

Any person aggrieved by the final administrative determination concerning displacement payments or benefits under this part may have that determination reviewed by the Municipal Court Referee in accord with section 11.5.106 of this Code. (Ord. 06-221)

6.12.706: ASSESSMENT OF DISPLACEMENT EXPENSES:

A. Whenever occupants are displaced from real property pursuant to this part as a result of the property's failure to comply with applicable housing codes due to the owner's failure to maintain the property, and the City is required to make displacement, moving and related expense payments to those occupants, then the actual amount of those displacement payments incurred by the City shall become the responsibility of the real property owner. After determination of the actual displacement expenses incurred by the City in any given case the owner of the real property which is the subject matter of the displacement shall be billed for the actual amount of the City's costs incurred in the displacement of all displaced occupants.

B. In the event that the owner of the property, which is the subject matter of the displacement proceedings as set forth above, shall fail to reimburse the City within twenty (20) days after billing for its actual costs incurred in the displacement, a lien may be assessed against the property for reimbursement of displacement expenses in accord with the City's Sales and Use Tax Code. The lien created shall be superior and prior to all other liens excepting liens for general and special taxes. (Ord. 06-221)