

CHAPTER 33

RENTAL CODE

33.01 INTRODUCTION. (a) **Purpose of Chapter.** The purpose of this chapter is to protect the health, safety and welfare of the public by establishing minimum standards for residential rental property in the City of Platteville.

- (b) **Building Inspector.** The City Manager shall appoint a Building Inspector who shall have the power and duty to enforce the provisions of this chapter, and for purposes of building inspection, shall have the right at all reasonable times to enter buildings and premises. With the consent of the Common Council, the City Manager may hire additional inspectors and delegate to them the above-mentioned powers and duties, including inspectors hired by contract.
- (c) **Enforcement.** It shall be the duty of the Building Inspector, with the aid of the Police Department, to enforce the provisions of this chapter.
- (d) **Enforcement Policy.** This chapter, adopted under the police powers of the City for the purpose of protecting the public health, safety and welfare, shall be administered reasonably and uniformly, in accordance with the constitutionally guaranteed rights of private property and due process.
- (e) **Performance Code.** This chapter shall be interpreted and administered as a performance code.
- (f) **Conflicts.** Whenever two or more provisions of this chapter conflict, the most restrictive shall apply.
- (g) **Definitions.** Definitions of terms used in this chapter shall be as provided herein, as provided in Chapter 22, and as provided in the Wisconsin Statutes.
 - (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural, the singular.
 - (3) The word “shall” is mandatory and not discretionary.
 - (4) The word “may” is permissive.
 - (5) The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

- (6) **Habitable Space defined.** Habitable space shall mean areas in a residential rental property used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
- (7) **Dwelling defined.** A building that contains one or more dwelling units or a rooming house, but does not include a motel, hotel, or bed and breakfast establishment.
- (8) **Dwelling Unit defined.** A collection of rooms that are located in a dwelling and that are arranged, designed, or used as living quarters for occupancy by one family as a single housekeeping unit only, and containing complete kitchen and toilet facilities, permanently installed.
- (9) **Rooming House defined.** A dwelling containing two (2) or more sleeping rooms to rent or let, which contains common facilities including, but not limited to, common toilet, kitchen, and dining facilities.
- (10) **Residential Rental Property defined.** For purposes of this ordinance, residential rental property shall include all dwellings, dwelling units, rooming houses and shared public areas of such residential premises which are non owner-occupied, but are used for residential purposes, with the following exceptions:
 - a. Properties that are not owner-occupied, but are only occupied by the property owner's parents, grandparents, children, grandchildren and/or spouse are not subject to the requirements of this ordinance.
 - b. Properties that are owned by the University of Wisconsin - Platteville or the Board of Regents of the State of Wisconsin, and operated by the University of Wisconsin – Platteville as student housing, are not subject to the requirements of this ordinance.
- (h) **Records.** The Building Inspector shall keep a record of all licensed properties and fees collected under this chapter.

33.02 INSPECTION OF RESIDENTIAL RENTAL PROPERTY. (a) **Inspection of Residential Rental Properties.** The Building Inspector or his/her deputy shall inspect and determine the condition of residential rental properties in order that he/she may perform the duty of safeguarding the health, safety and welfare of the occupants of such property and of the general public.

- (b) **Notice of Violation.** Whenever the Building Inspector determines that there are reasonable grounds to believe any residential rental dwelling, dwelling unit or rooming house does not meet the minimum standards for residential rental property

established herein, he/she shall give notice of same to the owner or agent. Notice of violations of Section 33.30 shall also be sent to the occupant. Such notice shall:

- a. Be in writing;
 - b. Refer to the applicable code section by number and substance;
 - c. Include a description of the violation and how it may be remedied;
 - d. Allow a reasonable time, as determined by the Building Inspector, to correct any violation(s); and,
 - e. Be served upon the owner or his/her agent and/or the occupant, as the case may require; provided that such notice shall be deemed to be properly served if a copy thereof is served upon any of the above personally or if a copy is sent by first class mail to his/her last known address.
- (c) **Hearing.** Any person affected by the operation of this ordinance, not including citations issued under (e) Penalties, may request and shall be granted a hearing before the Board of Appeals on the matter as provided in Chapter 33.03.
- (d) **Workmanship.** All repairs, maintenance work, alterations or installations shall be completed in a workman-like manner.
- (e) **Penalties.** (1) Any person who violates the provisions of this ordinance shall pay a forfeiture of not less than \$100.00 nor more than \$500.00, together with the costs of prosecution. If any person or licensee continues to lease a dwelling unit without a license or after suspension or revocation of the license, or continues to lease the unit in violation of the ordinance, each day of operation during that period shall be considered a separate violation of this chapter.
- (2) **Unlicensed Rentals.** Any dwelling unit that the Building Inspector determines is being rented or occupied without a valid license shall be subject to double the normal fee when a license is issued. This fee may be in addition to penalties under 33.02(c)(1) above. The failure of the owner of the property to apply for a rental license within thirty (30) days of the unit becoming non-owner occupied shall be a violation of this chapter.
- (3) **Nuisance properties or nuisance tenants** shall be subject to sanctions as provided in Section 33.31 below, in addition to such other penalties for violations as may be imposed by applicable law.
- (f) **Implementation of Rental Inspection.** (1) Residential rental property subject to the licensing requirements of this ordinance may be allowed to be leased or occupied without the issuance of a license if an application is on file or a rental inspection has been scheduled.

- (2) The Building Inspector shall have the power to enforce this chapter, including the authority to attach notices to rental units deemed to be in violation of its terms. Nothing herein shall be deemed to limit the power of the Building Inspector or a police officer when acting under other provisions of the ordinances of the City of Platteville or other applicable statutes, rules or regulations.

33.03 BOARD OF ZONING APPEALS. (a) **Board of Zoning Appeals.** The Board of Zoning Appeals, established under Chapter 22 and Chapter 25 of the Code, shall hear appeals in matters relating to this Chapter in accordance with the process and procedures set forth in Chapter 22.

(b) **Board of Zoning Appeals – Powers.** The Board of Zoning Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is any error in any order, requirement, decision or determination made by the Building Inspector.
- (2) To hear and decide special exceptions to the terms of this chapter upon which the Board of Zoning Appeals is required to pass.
- (3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done. The Board of Appeals may consider whether it is economically feasible to correct a violation.
- (4) To reverse or affirm wholly or in part or to modify any order, requirement, decision or determination appealed from and to make such order, requirements, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote of 4 members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.
- (5) To call on any other City department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

- (6) To suspend or revoke a rental license, or impose other conditions upon a rental license, following the procedures of Section 33.31.

33.04 LICENSING REQUIREMENTS FOR RESIDENTIAL RENTAL PROPERTY. (a) No residential rental property shall be used for residential purposes unless the property owner holds a valid license issued by the Building Inspector for the specific dwelling or dwelling unit. The owner and/or agent shall apply to the office of the Building Inspector for a license. The application shall contain the name of the owner of the property, address of the property, address of the owner or agent, type of housing and an address where all correspondence to the licensee may be mailed. The application shall also include two phone numbers that can be used to contact the owner or agent regarding issues with the rental property.

- (b) Any owner or agent of residential rental property shall designate an authorized representative as a contact person with the authority to take action with respect to the rental property during such times when said owner or agent is not readily available to make or authorize repairs within a reasonable length of time, and as a contact in case of emergency.
- (c) Unless written notice is otherwise given to the Building Inspector, all mail sent first class to the licensee at the address stated in the application shall be conclusive as to its receipt by the licensee.
- (d) After the inspector has inspected each unit and classified it, as herein provided, he/she shall then issue such license for a period as indicated by the classification of such unit.
- (e) The owner or agent of the dwelling unit shall provide the tenant with a copy of the license at the beginning of the tenancy.
- (f) New construction shall be exempt from the rental inspection and fee requirement for three years after initial occupancy. New units shall be given a Class A license upon issuance of an occupancy permit by the Building Inspector.
- (g) **Classification of Rental Property/Period of License/Fee Schedule.** (1) To determine the licensing period of such license, rental dwelling units shall be classified into three groups as follows:
 - a. Class A. Those dwelling units that have complied with the minimum standards for residential rental property established by this ordinance.
 - b. Class A-1. Those dwelling units which do not meet the minimum standards for residential rental property established by this ordinance, but have only minor infractions that are not practical to correct. Minor infractions are those which are not a serious health and safety threat

to the occupants or to the public and which do not include matters of safe ingress or egress. Examples of infractions that would cause the unit to be classified as an A-1 unit rather than an A unit include having a ceiling height less than 7 feet or having less than 36" aisle space in a kitchen.

- c. Class B. Those dwelling units which do not meet the minimum standards for residential rental property established by this ordinance because they require repairs that cannot be completed at the time of inspection due to the weather or would take an extended period of time to correct. Examples are properties that require painting, repairs to siding, foundation or roofing and other similar maintenance or repair issues.
- d. Units which have conditions that are a serious health or safety threat to the occupants or the public shall not be licensed, rented or occupied.

(2) Licenses shall be issued for the following periods of time:

- a. Class A. Three years;
- b. Class A-1. Three years;
- c. Class B. One year.

When a unit first becomes licensed, the licensing period shall begin at the time of the initial licensing inspection, not at the time the license is actually issued. All licenses as stated above shall expire at the end of such period unless sooner revoked or suspended. Subsequent licensing periods shall begin at the expiration date of the previous license. All classifications shall be reviewed at the beginning of each licensing period by the Building Inspector and may be reclassified in accordance with this chapter. Class B licenses for a dwelling unit shall not be issued for more than one year for the same deficiency.

(3) The inspection and license fee, the payment of which shall be a prerequisite to issuance of each license, shall be in the amount as established from time to time by the Common Council.

- a. Fraternal Type Dwelling Units. For the purpose of assessing the inspection and license fee, fraternal type dwelling units shall be considered the same as rooming houses.
- b. Scheduling of Inspection. Inspections shall be scheduled a minimum of 14 days in advance, or sooner if agreeable to the owner and the

Building Inspector. Except in cases of emergency, appointments will not be rescheduled unless notice of the need to reschedule is given to the Building Inspector 3 days prior to the appointment date. No more than 1 cancellation shall be allowed.

- c. Re-inspection. The fee paid for a renewal license will cover only the initial inspection to determine compliance and the first re-inspection of any repairs. For each re-inspection required after the first re-inspection, an additional fee in the amount as established from time to time by the Common Council will be billed to the property owner.
- d. Failure to Allow Inspection. If a property owner or authorized representative fails to keep a scheduled inspection appointment, an additional fee in the amount as established from time to time by the Common Council will be assessed to the owner.
- e. Payment of Inspection Fee. Payment of the inspection fee shall be made prior to the issuance of the license for the dwelling unit.
- f. Transfer of License. Every person purchasing property previously licensed desiring to obtain a license on a transfer from a previous owner shall make application in writing to the Building Inspector within 7 days of acquisition or shall be subject to the provisions for inspection as provided for herein.
- g. Transfer Fee. A fee in the amount as established from time to time by the Common Council will be charged to transfer a license from one property owner to another.
- h. Late Fee. A fee in the amount as established from time to time by the Common Council may be charged to properties that are subject to the provisions of this ordinance, but have a rental license that has expired. The fee may be assessed for each day from the date the license expires until the date a new license is issued.

33.05 MINIMUM STANDARDS FOR RESIDENTIAL RENTAL PROPERTY AND RESPONSIBILITIES OF THE OWNER RELATING TO THE MAINTENANCE OF PREMISES. (a) No person shall let for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the minimum standards for residential rental property set forth herein.

- (b) All leases for dwelling units subject to this ordinance shall include in the lease, or in a document attached to the lease, the following language:

- (1) City Ordinance Chapter 33 regarding rental licensing standards applies to this property.
 - (2) Maximum occupancy limits apply to this unit. Unless this unit is an approved rooming house, this unit may be occupied by no more than four (4) unrelated persons, or less depending on the size and number of bedrooms. Units located in a Limited Occupancy Residential Overlay district may be limited to no more than two (2) unrelated persons as provided in Section 22.0514 of the Municipal Code. For more information, contact the City at 608-348-9741.
- (c) If the City provides the owner with notice of over-occupancy of a unit, the owner shall reduce occupancy of such unit to the legally allowed limit. Failure to correct over-occupancy within ten (10) days after notice is given shall be a violation of this code.

33.06 GENERAL. (a) **Scope.** The provisions of this chapter shall govern the minimum standards and the responsibility for maintenance of structures, fixtures, equipment and the exterior property areas of residential rental property.

- (b) **Responsibility.** The owner of the premises shall maintain the structures, fixtures, equipment and the exterior property areas in compliance with these requirements, except as otherwise provided in this code. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control, and meeting the other requirements as specified in Section 33.30.

33.07 EXTERIOR PROPERTY AREAS. (a) **Sanitation.** All exterior property areas of the premises shall be maintained by the owner in a clean, safe and sanitary condition.

- (b) **Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- (1) **Exception:** Approved retention areas and reservoirs.
- (c) **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All stairways and elevated walkways shall comply with Section 33.08(j).
- (d) **Rodent harborage.** All structures and exterior property areas shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human

health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- (e) **Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property.
- (f) **Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

33.08 EXTERIOR STRUCTURE. (a) **General.** The exterior of a structure shall be maintained by the owner in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

- (b) **Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (c) **Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- (d) **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (f) **Exterior walls.** All exterior walls shall be free from holes, breaks, loose or rotting materials and maintained weatherproof and the surface properly coated where required to prevent deterioration.

- (g) **Roofs and drainage.** The roof and flashing shall be sound, tight and waterproof. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (h) **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) **Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
 - (1) Every exterior and interior flight of stairs having more than three risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface, including a roof that is used for ingress, egress or emergency egress, which is more than 24 inches above the floor or grade below, shall have guards. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.
- (k) **Chimneys.** All chimneys and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (l) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting a 200-pound load applied in any direction, and shall be maintained in good condition.
 - (1) **Size and Configuration.** Handrails shall be symmetrical about the vertical centerline to allow for equal wraparound of the thumb and fingers. Handrails with a round or truncated cross-sectional gripping surface shall have a maximum whole diameter of 2 inches. Handrails with a rectangular cross-sectional gripping surface shall have a maximum perimeter of 6-1/4 inches

with a maximum cross-sectional dimension of 2-7/8 inches. Handrails with other cross-sections shall have a maximum cross-sectional dimension of the gripping surface of 2-7/8 inches with a maximum linear gripping surface measurement of 6-1/4 inches and a minimum linear gripping surface of 4 inches.

- (m) **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair, and weather tight.
 - (1) **Glazing.** All glazing materials shall be maintained free from cracks and holes.
 - (2) **Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. Props are not acceptable as a means to keep the window open.
 - (3) **Storm Windows.** Single-glazed windows shall be provided with a storm window.
- (n) **Insect screens.** During the period from May 1st to October 31st every door required for ventilation and openable window shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging storm door shall have a self-closing device in good working condition.
 - (1) **Exception:** Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (o) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 33.27.
- (p) **Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

33.09 INTERIOR STRUCTURE. (a) **General.** The interior of a structure and equipment therein shall be maintained by the owner in good repair, and structurally sound. Every owner of a structure shall maintain, in a clean and sanitary condition, the shared or public areas of the structure.

- (b) **Structural members.** All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.
- (c) **Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or

abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

- (d) **Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair and shall comply with Section 33.08(j).
- (e) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (f) **Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

33.10 RUBBISH AND GARBAGE. (a) **Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure that is shared or accessible to the public, shall be maintained by the owner to be free from any accumulation of rubbish or garbage.

- (b) **Rubbish storage facilities.** The occupant shall be responsible for the proper disposal of garbage and recycling materials from their unit. When not at the curb for collection, garbage containers shall be stored in the side yard, rear yard, or within a structure. Garbage bags shall be stored in a container or within a structure until ready for pickup. A City-approved recycling container shall be used for recycling.

33.11 EXTERMINATION. (a) **Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

- (b) **Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (c) **Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for extermination in the public or shared areas of the structure and exterior property.
- (d) **Occupant.** If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

- (1) **Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

33.12 LIGHT. (a) **Habitable spaces.** Every habitable space shall be provided with natural light by means of exterior glazed openings in accordance with Section 33.12(b) unless the applicable Wisconsin State building code for the particular classification of the unit allows this requirement to be met with artificial light. If this requirement is met by means of artificial light, the lighting standard shall be as set forth in the applicable building code.

- (b) **Natural Light.** Unless excepted in 33.12(a) every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extended to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

- (1) **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space. The exterior glazing area shall be based on the total floor area being served.

- (b) **Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of flow area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm).

- (c) **Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

33.13 VENTILATION. Every habitable space shall have ventilation capable of meeting the requirements of either Section 33.13(a) or 33.13(b).

- (a) **Natural Ventilation.** Every habitable space shall have at least one window, door or skylight openable to the exterior. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 33.12.

- (1) **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
- (b) **Mechanical Ventilation.** Balanced mechanical ventilation may be provided in lieu of openable exterior doors, skylights or windows provided the system is capable of providing at least one air change per hour of fresh outside air while the room is occupied. Infiltration may not be considered as make-up air for balancing purposes.
- (c) **Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by this code, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
- (d) **Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit.
 - (1) **Exception:** Where specifically approved in writing by the building inspector.
- (e) **Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

33.14 ROOM SIZE REQUIREMENTS. (a) **Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 30 inches (762 mm) between counterfronts and appliances or counterfronts and walls.

- (b) **Minimum ceiling heights.** All habitable rooms, kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least 7 feet. Habitable rooms may have ceiling heights of less than 7 feet provided at least 50% of the room's floor area has a ceiling height of at least 7 feet. Beams and girders or other projections shall not project more than 8 inches below the required ceiling height.
- (c) **Bedroom requirements.** Every bedroom shall comply with the following requirements:

- (1) **Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.
 - (2) **Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces unless originally designed, built, and used as such.
 - a. **Exception:** Efficiency and 1 bedroom units.
 - (3) **Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
 - (4) **Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.
 - (5) **Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements; the plumbing facilities and water-heating facilities requirements; the heating facilities and electrical receptacle requirements; and the smoke detector and emergency escape requirement.
- (d) **Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit which meets the following requirements:
- (1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
 - (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
 - (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
 - (4) The maximum number of occupants shall be three.

- (e) **Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner including a kitchen sink, cooking appliance and refrigeration facilities. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

33.15 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS. (a) **Dwelling units.** Every dwelling shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

- (b) **Rooming houses.** Rooming houses shall provide at least one water closet and lavatory for each 10 persons. At least one bathroom or shower shall be supplied for each 8 persons.

33.16 TOILET ROOMS. (a) **Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms.

- (b) **Location.** Toilet rooms and bathrooms serving rooming units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

33.17 MAINTENANCE OF PLUMBING SYSTEMS AND FIXTURES. (a) **General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition by the owner.

- (b) **Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) **Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the building inspector shall require the defects to be corrected to eliminate the hazard.

33.18 WATER SYSTEM. (a) **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water.

- (b) **Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (c) **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (d) **Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

33.19 SANITARY DRAINAGE SYSTEM. (a) **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

- (b) **Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

33.20 STORM DRAINAGE. (a) **General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

33.21 HEATING FACILITIES. (a) **Facilities required.** Heating facilities shall be provided in structures as required by this section.

- (b) **Residential occupancies.** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 67°F in all habitable rooms, bathrooms and toilet rooms based on an outside design temperature of -15°F.

- (c) **Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

33.22 MECHANICAL EQUIPMENT. (a) **Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

- (b) **Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

- (1) **Exception:** Fuel-burning equipment and appliances for cooking which are labeled for unvented operation.

- (c) **Clearances.** All mechanical equipment shall be installed with clearances as required by the manufacturer.

- (d) **Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

- (e) **Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

- (f) **Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

33.23 ELECTRICAL FACILITIES. (a) **Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 33.27.

- (b) **Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for electrical facilities. Dwelling units shall be served by a minimum three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

- (c) **Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets,

improper wiring or installation, deterioration or damage, or for similar reasons, the building inspector shall require the defects to be corrected to eliminate the hazard.

33.24 ELECTRICAL EQUIPMENT. (a) **Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

- (b) **Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. All receptacles in bathrooms and all kitchen counter receptacles within 6 feet of a kitchen sink shall have ground fault circuit interrupter protection.
- (c) **Lighting fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

33.25 ELEVATORS, ESCALATORS AND DUMBWAITERS. (a) **General.** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

- (b) **Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.
 - (1) **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

33.26 DUCT SYSTEMS. (a) **General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

33.27 FIRE SAFETY REQUIREMENTS. (a) **General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

- (b) **Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

- (c) **Means of egress.** The following minimum exit requirements are established: Two exit doors are required from the first floor of all living units. Two exits shall be provided from each additional floor that contains a sleeping room. At least one exit shall be a door leading to grade, or a door leading to a stairway or ramp that leads to grade. The second exit may be a door that leads to a balcony that is at least 3 feet x 3 feet and is no more than 15 feet above grade. In lieu of the second exit door, an egress window may be provided in each sleeping room. The egress windows shall have a minimum of 20 inches x 24 inches net clear opening, located no more than 46 inches above the floor, and shall be openable from the inside without the use of tools or the removal of the sash.
- (1) **Means of exiting third floor.** For non-conforming dwelling units that provide habitable living from the third floor, the second exit shall meet one of the following requirements: (1) a door leading to a balcony that is at least 3 feet x 3 feet with a stairway leading to grade, or leading to another balcony that is at least 3 feet x 3 feet and is within 15 feet of grade; or (2) an egress window in each habitable room along with an underlying balcony or rescue platform that is at least 3 feet x 3 feet, accessible to fire rescue equipment, that is installed at the approximate floor level of the window it serves.
- (d) **Security.** Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

33.28 FIRE-RESISTANCE RATINGS. (a) **Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

- (b) **Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.
- (c) **Hazardous material.** Hazardous material shall not be stored in the dwelling unit or attached garage. Said material shall be stored in accordance with State fire prevention codes. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

33.29 FIRE PROTECTION SYSTEMS. (a) **Smoke detectors.** One smoke detector shall be installed on each level, including the basement. If a floor level contains 2 or more

sleeping areas remote from each other, each sleeping area shall be provided with an adjacent smoke detector. Within 6 feet of a doorway shall be considered adjacent.

- (b) The property owner is responsible for ensuring the smoke detectors are installed in the required locations and are hard-wired to the unit's electrical system or are provided with operational batteries at the time the unit is first occupied by the tenant. The landlord is also responsible for replacing defective or non-functioning smoke detectors. The tenant is responsible for maintaining functional batteries in the smoke detectors, replacing dead batteries, and notifying the landlord in writing whenever the smoke detectors are not functioning properly.
- (c) **Carbon Monoxide detectors.** One carbon monoxide detector shall be installed on each habitable level of the dwelling unit, including the basement, if any fuel burning appliance is present in the dwelling unit.

33.30 RESPONSIBILITY OF OCCUPANT RELATING TO THE MAINTENANCE AND OCCUPANCY OF RENTAL UNITS. (a) **Controlled Area.** Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe and sanitary condition that part of the dwelling unit, rooming unit or premises thereof which the occupant occupies and controls.

- (1) Every floor and floor covering shall be kept reasonably clean and sanitary.
 - (2) Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.
 - (3) Every bathroom, shower, bathtub, and plumbing fixture shall be kept reasonably free of mold and mildew.
 - (4) No dwelling or the premises thereof shall be used for the storage or handling of solid waste or the storage or handling of dangerous or hazardous materials.
- (b) **Plumbing Fixtures.** The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.
 - (c) **Extermination of Pests.** Every occupant of a dwelling unit or rooming unit shall be responsible for the extermination of any insects, rodents or other pests therein or on that part of the dwelling unit, rooming unit or premises thereof which the occupant occupies and controls.
 - (d) **Storage and Disposal of Solid Waste.** Every occupant of a dwelling unit shall dispose of solid waste and any other organic waste in a clean and sanitary manner by placing it in the proper location and using the proper storage containers required by this code.

- (e) **Use and Operation of Supplied Heating Facilities.** Every occupant of a dwelling unit or rooming unit shall be responsible for the exercise or reasonable care, proper use and proper operation of supplied heating facilities. No combustible material shall be stored within three (3) feet of a fuel burning furnace and/or fuel burning water heater.
- (f) **Electrical Wiring.** No temporary wiring shall be used. Approved extension cords may be used but shall not lie beneath floor coverings or extend through doorways, transoms or similar apertures and structural elements or attached thereto. The occupant shall not overload the circuitry of the dwelling unit or rooming unit.
- (g) **Supplied Facilities.** Every occupant of a dwelling unit shall keep all supplied fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.
- (h) **Occupancy Control.** A dwelling unit shall not be occupied by a number of persons greater than allowed by the City Zoning Ordinance and this code. No room shall be used as a habitable space unless it meets the requirements of this code.

33.31 RENTAL LICENSE SANCTIONS. (a) **Sanctions.** The City may impose sanctions upon the owner and/or the tenant of a residential rental property which receives three (3) citations or violation notices, or a combination thereof, from the City due to the conditions(s) of the property and/or activities occurring upon the property, including, but not limited to, the following:

- (1) If the City orders snow removal from the public sidewalk or the cutting of weeds or grass and a fee is assessed by the City for the cost of correcting the violation.
- (2) If the property owner and/or tenant is found guilty by a Court for a violation related to refuse and garbage, junk vehicles, furniture not intended for outside use, burning refuse, or illegal burning.
- (3) If the property owner and/or tenant is found guilty by the Court for a violation of exceeding the occupancy limits for the unit.
- (4) If the property owner and/or tenant is found guilty by the Court for a violation related to having a nuisance party on the premises. A nuisance party is defined as a gathering or event involving one or more persons, which results in one or more of the following conditions or events occurring on the property or on neighboring public or private property: public drunkenness; public urination; the unlawful sale, furnishing or consumption of intoxicating beverages; the unlawful deposit of trash or litter; the destruction of public or private property; excessive, unnecessary, or unusually loud noise which

disturbs the comfort, quiet, or repose of the neighborhood, including public disturbances, brawls, disorderly conduct, fights or quarrels; or conduct or condition(s) which injures or endangers the safety, health or welfare of the neighborhood.

(b) Sanction Types and Procedures. The following types of sanctions may be imposed upon an owner and/or tenant according to the following procedures:

(1) Property Management Plan. A property management plan shall be required when a property, dwelling or dwelling unit, or tenant(s) accumulates multiple code violations.

a. **Notice.** The City shall provide written notice of violation to the owner and/or tenant(s) of the rental property that lists the violations and states that a Property Management Plan must be submitted to City Staff within 30 days after receipt of the notice of violation. The notice of violation shall inform the owner and/or tenant(s) of the rental property that he/she may request an informal meeting to discuss the violations with the City Staff. Owners requesting a meeting may appoint someone to represent them as long as their representative is authorized to act on the owner's behalf, including but not limited to entering into a property management plan.

b. **Plan Contents.** A Property Management Plan is a written document with terms and conditions, as developed between City Staff, the tenants, and the property owner, that describes the manner in which the property owner and tenants will, within his/her legal authority, make a good faith effort to correct and prevent violations. Failure to submit a written Property Management Plan will be a factor in determining whether to suspend or revoke the rental license as provided herein.

(2) License Suspension. Proceedings to suspend a rental license shall be commenced by the filing of a petition by the Department of Community Planning & Development with the Board of Appeals. The petition shall allege as grounds for suspension of the rental license, one or more of the following:

a. The property owner has failed to comply with the terms, conditions and/or actions set forth in the Property Management Plan;

b. Forfeitures imposed by a Court for violation(s) of municipal ordinance(s) on, or associated with, the property are not paid within 60 days;

c. **Scheduling of Hearings.** The Board of Appeals shall conduct a hearing on the petition for license suspension at a regular or special Board meeting as soon as practicable.

- d. **Notice.** At least ten (10) working days prior to the hearing, notice of the date, time, and place of the hearing shall be served upon the owner or any designated agent personally or by certified mail, return receipt requested, along with copies of the petition and all documents to be submitted into evidence. Notice sent by regular mail shall also be given to the occupants of the premises, all owners of record of the dwellings within a one hundred foot (100') radius of the rental property, and any person who has requested notification.

- e. **Board Hearing:** In determining whether sufficient grounds exist for the suspension of the license, the Board shall consider:
 - 1. The evidence presented by the City in support of the petition and whether one or more grounds exist for suspension of the license;
 - 2. Any evidence or comment presented by the owner, the owner's agent, and/or legal counsel;
 - 3. Tenant comments;
 - 4. Any public comment;
 - 5. Any corrective action taken by the owner or owner's agent before or after the filing of the petition;
 - 6. The degree of cooperation exhibited by the owner or the owner's agent with respect to resolving the violations set forth in the petition.

- f. **Board Action.** At the conclusion of the hearing, the Board shall make findings of fact and may:
 - 1. Suspend a Rental License for up to six (6) months for the first suspension and twelve (12) months for each subsequent suspension within a five (5) year period beginning on the effective date of the first suspension. The suspension shall begin no sooner than sixty (60) days from the date of the Notice of Decision or at the end of the current lease period, whichever is earlier.
 - 2. Amend the Property Management Plan to impose additional terms and conditions.
 - 3. Decline to impose any additional sanctions against the rental license.

- g. **Notice of Decision.** The Board shall serve, personally or by certified mail, its decision upon the owner or legal agent of the property within thirty (30) days from the date of the hearing along with notification of the right to appeal, as provided in Section 22.14(J).
- h. **Effect of Suspension.** During the period of license suspension, the property shall be secured and no person, firm, or corporation shall rent/lease the premise to another for residential occupancy or any dwelling unit or rooming unit during the time the rental license for such property is suspended.
- i. **Reinstatement of Suspended License.** A suspended license shall be automatically reinstated upon completion of the suspension period unless the license expires during the term of suspension. Application for a renewal of a license that expires during the term of suspension may be made and shall be processed in the same manner as a renewal application.

(3) **License Revocation.**

- a. **Grounds for Revocation.** A rental license may be revoked for any of the following reasons:
 - 1. Previous sanctions imposed have not resulted in eliminating or reducing the code violations occurring on the property.
 - 2. The failure by an owner to comply with any Emergency Order issued in conjunction with the suspension of a rental license or violation notice and corrective order issued in conjunction with the suspension of a license.
- b. **Revocation Procedures.** Proceedings to revoke a rental license shall be commenced by the filing of a petition with the Board of Appeals following the same procedures as set forth in Section 33.31(b)(3).
- c. **Application for New License After Revocation.** For licenses that have been revoked, application for a new license may be made after a minimum of one (1) year from the date the revocation was effective. The application shall be processed in the same manner as an initial license application.

- (4) **Emergency Rental License Suspension:** The Building Inspector may suspend a current Rental License when, in the opinion of the Building Inspector, condition(s) exist upon the property which present an actual and immediate danger to the safety or health of occupants due to structural damage or hazardous or unsanitary conditions. The Building Inspector is

empowered to order and require the occupants to vacate all or part of the structure and premises in accordance with the provisions of Section 23.15 of the City Code. The rental license shall be reinstated when the defects or conditions that resulted in the emergency suspension are corrected.

(c) **Defenses to Sanctions.** A property owner may present one or more of the following defenses to avoid or mitigate the imposition of sanctions:

- a. Reporting the violation to the Building Inspector or Police Department; or
- b. Undertaking and pursuing with due diligence, reasonable measures to prevent a reoccurrence of violations on or associated with the property; or
- c. Executing a Property Management Plan; or
- d. Providing written proof that the tenant was responsible for the violation (terms of lease, etc.); or
- e. Submitting a signed Disclosure & Acknowledgement Form.
- f. Transfer of ownership does not modify or alter any sanction imposed unless the transfer is an arm's length transaction between disinterested parties, as determined by the City Staff.

(d) **Record Keeping, Reporting of Violations, and Initiation of Sanctions:**

- (1) The Department of Planning and Community Development shall be responsible for maintaining an accurate record of violations at a rental property or rental unit.
- (2) The City Staff and the Police Department are responsible for notifying the Department of Planning and Community Development of any violation at a rental property or rental unit.
- (3) The Department of Planning and Community Development shall be responsible for initiating sanctions or other appropriate action.