



ORDINANCE NO. 99-07

Chapter Seven – Housing  
Art. 1781. Housing Code

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**ARTICLE 1781**

**Housing Code**

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## GENERAL PROVISIONS

### 1781.01 PURPOSE; SCOPE.

(a) Purpose. The purpose of this article is to establish minimum health and safety standards for rental housing in the City. These standards relate to the condition, maintenance and occupancy of rental dwellings and are intended to ensure that rental housing is safe, sanitary and suitable.

An owner/occupant single/family dwelling is specifically excluded unless occupied by more than one (1) roomer.

(b) Scope. This article applies to all rental dwelling units within the City.

### 1781.02 DEFINITIONS.

For the purpose of interpreting this article, certain words, terms and expressions are herein defined. Words used in the present tense include the future; the singular number includes the plural, the plural includes the singular; the word "shall" is always mandatory. The word "dwelling," "dwelling unit," "lodging houses," "rooming unit," "dormitory," and "premises" shall be considered as though they were followed by the words "or any part thereof."

- (1) "Abate" means to end a nuisance, emergency or nonconformance.
- (2) "Approved" means as per the State Building Code.
- (3) "Basement" or "cellar" means occupancy of dwelling unit below grade. No basement or cellar shall be used as a habitable room or dwelling unit unless the floors are impervious to excessive dampness and there is adequate ventilation and means of egress. Below grade dwelling units shall have either direct access to the outdoors or demonstrable adequate window exit.
- (4) "Dwelling" means any house, building or mobile home, or portion thereof, intended to be occupied as the place of habitation of human beings, either permanently or transiently. State-licensed health and custodial facilities are excluded.
- (5) "Dwelling unit" means any one or more rooms intended to be occupied for living purposes.
  - A. "Apartment" means a room or group of rooms intended to be occupied for living, sleeping, cooking and eating.
  - B. "Fraternity house" or "sorority house" means a building, other than a hotel or motel, that is occupied as a dwelling predominantly by members, candidates for membership, employees and guests of the same fraternity or sorority.
  - C. "Rooming unit" means a room or group of rooms intended to be occupied for living and sleeping, but not cooking.

- D. "Dormitory" means a building under single management renting sleeping accommodations to more than fifteen persons without individual bathroom or eating facilities.
  - E. "Boarding house" means a building under single management renting sleeping accommodations to fifteen persons or less without individual bathroom or eating facilities.
  - F. "Lodging house" means the same as "boarding house."
- (6) "Emergency" means a condition arising from actual or imminent failure and resulting in a health or safety hazard to occupants or dwelling.
  - (7) "Family" means an individual, or two or more persons related to each other by blood, marriage or legal adoption, including foster children, or in the alternative, not more than three unrelated persons.
  - (8) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
  - (9) "Habitable space" means a space in a dwelling for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not habitable space.
  - (10) "Hotel" means a building under single management in which more than fifteen rooms are rented providing sleeping accommodations for transients with or without meals, having an annual turnover of room occupancy exceeding three hundred percent (300%) in which the rooms are not directly accessible from an outdoor parking area.
  - (11) "Housing Inspector" means the Building Inspector, City Planner and such other employees of the City's Planning Department, as have been trained in conducting inspections or parts of inspections.
  - (12) "Inspection report" means a document issued by the Housing Inspector to show that the premises have been inspected, the date and time of such inspection and setting time periods for rectification of deficiencies noted.
  - (13) "Landlord" means the owner of a building including one or more dwelling units.
  - (14) "Letter of compliance" means a document issued by the Housing Inspector indicating the subject inspection found the premises to be in substantial compliance with this article on the date of inspection and enclosing a copy of the inspection report.
  - (15) "Motel" means an establishment under single management which provides lodging and parking for transients and in which the rooms are so designed to provide accessibility from an outdoor parking area and having an annual turnover of room occupancy exceeding three hundred percent (300%).
  - (16) "Nonconforming occupancy" means more than three unrelated persons occupying a dwelling unit prior to July 1, 1999, and registered in accordance with the City Zoning Ordinance.
  - (17) "Occupant" means any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit.
  - (18) "Operator" means any person, including the owner, who has charge, care or control of a building including one or more rental dwelling units.

- (19) "Owner" means any person who alone, jointly or as tenant in common with others, has legal or equitable title to any dwelling unit with or without accompanying actual possession thereof. For the purposes of this article, "owner" includes an agent of the owner empowered by the owner to act on the conditions or under the circumstances in question.
- (20) "Owner-occupied single-family dwelling" means any townhouse, condominium or detached dwelling that is occupied as a dwelling by the owner. It is one dwelling unit even if no more than two roomers occupy one bedroom of the dwelling.
- (21) "Person" means a natural person, his or her heirs, executors, administrators, or assigns and also a firm, partnership or corporation and its, or their, successors or assigns.
- (22) "Plumbing" includes the following supplied facilities and equipment: gas, water and waste pipes, sumps, drains, vents and all supplied facilities and equipment connected to them.
- (23) "Premises" means a lot and its building and other improvements.
- (24) "Rent" means payment of money, goods, labor, service or otherwise for use of a dwelling.
- (25) "Rubbish" means any waste material garbage.
- (26) "Story" means that part of a building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half of its height of one or more walls the highest level of adjoining ground.
- (27) "Supplied" means paid for, furnished, provided by, or under the control of the owner or operator.
- (28) "Tenant" means an occupant of a rental dwelling unit who has signed a lease or made a verbal contract exceeding a seven consecutive day commitment.
- (29) "Transient" means an individual who rents sleeping, living and sanitary facilities on a daily or weekly basis.
- (30) "Promptly" means to perform readily or immediately.

#### 1781.03 APPLICABILITY.

- (a) Other Laws.
  - (1) This article is not intended to abrogate any of the rights and responsibilities normally ascribed to the tenant or the landlord under the laws of West Virginia whether set out by case law or by the West Virginia Code or any other applicable laws.
  - (2) The minimum requirements of this article may not be waived, either intentionally or implied, by either party to a rental agreement.
  - (3) Violation of this article shall constitute a misdemeanor, and fine and punishment shall be in accordance with Section 101.99 unless otherwise provided in Section 1781.04. Willful and repeated violations with the requirements of this article are illegal.

- (4) If any provision of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.
- (b) Other Codes and Ordinances.
- (1) This article is in addition to all housing requirements of other City ordinances, and the law of the State, as the case may be.
  - (2) As soon as practicable and convenient, and in no event in more than thirty days after the passage of this article, there shall be filed in the office of the Planning Department, and in the office of the City Recorder, an index to all City housing requirements as contained in various codes and ordinances theretofore adopted by the City, and known as "The Quick or Desk Index to Rental Housing Requirements of the City."

## ENFORCEMENT

### 1781.04 ILLEGAL CONDITIONS; PENALTY.

- (a) After thirty days from the effective date of this section, it shall be illegal for any owner or operator to rent or offer for rent any dwelling units for use in whole or in part for human habitation unless a written application for a letter of compliance has been filed for such dwelling unit by said owner or operator or a valid letter of compliance has been issued to said owner or operator of such dwelling unit. Any person who rents or offers for rent a dwelling unit subject to this article prior to filing a written application for a letter of compliance shall be subject to a mandatory penalty of one hundred dollars (\$100.00) per month for each month that the unit was illegally occupied or subject to a maximum penalty of five hundred dollars (\$500.00).
- (b) It shall be illegal for any person to occupy or allow any other person to occupy any dwelling unit more than the time period indicated in the Housing Inspector's report for that dwelling unit or building, or after the Housing Inspector finds that vacation of the dwelling unit or building is necessary before abatement of a nonconformance can reasonably proceed.
- (c) It shall be illegal for any person to permit a state of nonconformance to exist, under Sections 1781.06 to 1781.10, after the time set by the Housing Inspector or the Housing Board of Adjustments and Appeals for abating the nonconformance.
- (d) Persons in violation under Sections 1781.06 to 1781.10 shall, as a separate offense, be subject to a penalty in accordance with the following schedule:
  - (1) First conviction of any offense, a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
  - (2) Second conviction of the same offense, a fine not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
  - (3) Third conviction of the same offense, a fine not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

- (4) Each successive conviction for the same offense shall result in a mandatory fine of five hundred dollars (\$500.00).
- (5) Persons in violation of any section or subsection shall also be liable to revocation of the letter of compliance.
- (e) The Housing Inspector, upon finding an apparent violation of this article, may institute appropriate proceedings as detailed in this article.
- (f) Application for a hearing under Section 1781.11 shall stay the effective date of the enforcement of Sections 1781.08 and 1781.09.
- (g) No individual person, and no owner, manager or officer of a company, corporation, partnership or limited liability company, which person or company or business entity has been found guilty or plead guilty or admitted during an administrative proceeding to a violation of the City of Martinsburg Building Code or City of Martinsburg Housing Code shall be eligible to serve upon or be appointed to any committee, commission or administrative agency appointed by the Mayor or City Council of the City of Martinsburg.
- (h) The imposition of the penalties herein prescribed shall not preclude the City Attorney or any other attorney designated or appointed by the City from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, addition, alteration, conversion, removal, demolition, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use, in or about any premises.
- (i) It shall be illegal and a misdemeanor for any owner to fail to maintain current and valid information found within an application for a letter of compliance.

1781.05 APPLICATION FOR LETTER OF COMPLIANCE; FILING DEADLINES; FEES.

- (a) Application for a letter of compliance shall be submitted in writing, on forms provided, to the Housing Inspector and shall contain at least:
  - (1) The address or addresses of the dwelling;
  - (2) The number of dwelling units in the dwelling;
  - (3) The name, address and telephone number of;
    - A. The owner and manager of the subject property;
    - B. The agent, operator, manager or other person to contact in case of emergency.
    - C. The person to be notified if a condition of nonconformance is found.

For each dwelling unit within the dwelling:

  - (4) Whether the application is for an initial or a renewal letter of compliance;
  - (5) Number of off-street parking spaces available on site; and
  - (6) Dwelling unit identification or number.

- (b) Renewal applications shall be filed at least thirty days before the expiration of the existing letter of compliance.
- (c) Upon receiving an application for renewal of the letter of compliance, the Housing Inspector shall arrange to re-inspect the dwelling unit.
- (d) Fees.
  - (1) Application fee for rental housing units, exclusive of owner occupied housing units with roomers, dormitories and boarding or lodging house shall be twenty-five dollars (\$25.00) per dwelling unit; however, for those single structures containing six or more units, the application fee shall be fifteen (\$15.00) per dwelling unit.
  - (2) Application fee for owner-occupied housing units with more than one roomer shall be fifteen dollars (\$15.00) per sleeping room.
  - (3) Application fee for boarding or lodging houses or dormitories shall be fifteen dollars (\$15.00) per sleeping room.
  - (4) Application fee for hearing before the Housing Board of Adjustments and Appeals shall be twenty dollars (\$20.00), with that fee being refunded should either body determine a citation to be baseless.
  - (5) Charge for missed appointments: twenty dollars (\$20.00) unless providing notification at least twenty-four hours prior to scheduled appointment.
  - (6) Emergency call out (after normal business hours): forty dollars (\$40.00) for the first two hours; thereafter twenty dollars (\$20.00) per hour. A minimum charge of forty dollars (\$40.00) will be due on any emergency call out.
  - (7) Court appearances: seventy-five dollars (\$75.00) per hour; one-hour minimum charge.
  - (8) Real estate inspections: forty dollars (\$40.00) per hour, one-hour minimum charge.
  - (9) Duplicate copies of letter of compliance to the owner: one dollar (\$1.00) per copy.

#### 1781.06 INSPECTIONS.

- (a) The Housing Inspector shall conduct all inspections during reasonable hours of the day and after presentation of proper identification. The owner may arrange, and the occupant shall have the opportunity, to be present during an inspection. In all cases, if the occupant or owner of a dwelling unit refuses entry to conduct inspection, the Housing Inspector shall not conduct any such inspection without a search warrant. The Housing Inspector shall take the necessary action to obtain such search warrant.
- (b) The Housing Inspector shall inspect within four years of the effective date of this section, all rental units.
- (c) The Housing Inspector shall promptly inspect any dwelling at the written request of the owner, or upon receipt of a written complaint from a person with demonstrable interest with the nature of the noncompliance specifically indicated and with evidence



that the subject matter of the complaint has been reported to the operator in writing and that five working days have since passed without the operator having made an effort to correct the alleged problem. In addition, the Housing Inspector may inspect any dwelling as frequently as necessary to assure abatement of the noncompliance. The Housing Inspector shall not respond to a second letter or further letter by any person requesting an inspection where he has reason to believe the request is made for harassment and not made in good faith. If after inspection the dwelling unit is found in nonconformance with the requirements of this article, the Housing Inspector shall proceed under Section 1781.08.

- (d) Persons with demonstrable interest are: owner, occupant, tenant, lessee or other occupant in the same dwelling, owner or occupant of abutting properties.
- (e) The fact that a complaint of nonconformance with this article is made by the occupant shall not be used as a ground, cause or basis for termination of the tenancy or reduction of services by the owner. However, at the end of any lease, the owner may change occupants.
- (f) The inspection of any owner-occupied single-family dwelling with roomers shall be limited to the utilities and the areas occupied and used by the roomers and to the egress from those areas.
- (g) The Housing Inspector shall keep confidential all evidence exclusive of the inspection record, which he may discover or obtain in the course of an inspection made pursuant to this article and such evidence shall be considered privileged.

#### 1781.07 GRANT OF LETTER OF COMPLIANCE; EXPIRATION.

- (a) If after inspection the dwelling is found to conform with the requirements of this article, the Housing Inspector shall issue a letter of compliance within five working days.
- (b) If dwelling units of a duplex or multiple dwelling are not all in compliance, the Housing Inspector may issue a temporary letter of compliance for each dwelling unit conforming to the provisions of this article. A three-year letter of compliance shall be issued for the completed dwelling after the Housing Inspector finds it in conformance with this article.
- (c) A copy of the letter of compliance shall be available for inspection at the office of the Planning Department.
- (d) Letters of compliance issued after the effective date of this section shall expire three years from the date of issuance unless sooner revoked under Section 1781.08. In those cases where a temporary letter of compliance is first issued, a letter of compliance issued thereafter shall expire three years from the date the temporary letter of compliance was issued.

- (e) The letter of compliance shall include at least: The information contained in the application, the date of inspection, the name of the Inspector, the date of issue, and date of expiration.

If there is a change in ownership, the new owner shall register with the City within thirty days of change of ownership upon such forms as designated by the City. The fee for administrative processing of any such change shall be in accordance with Section 1781.05(d).

If there is any change regarding the agent, operator, manager, or other person designated as a contact, the owner shall register the change with the City within thirty days. The fee for administrative processing any such change shall be fifteen dollars (\$15.00).

- (f) For multiple dwellings, the Inspector may issue a letter of compliance for the entire dwelling that includes all the required information and that lists the address for each dwelling unit.

#### 1781.08 INSPECTION REPORT; NOTIFICATION; WRITTEN AGREEMENT.

- (a) If after inspection a dwelling unit is found in nonconformance with the requirements of this article, the Housing Inspector shall promptly notify the operator, including both the owner and manager of the property, of the reasons for nonconformance, which shall be recorded on the inspection report. The office of the Housing Inspector shall establish a separate file for each alleged violation or charge of nonconformance with the requirements of this article, which file will contain a written form on the outside of the file showing the actions taken and the date said actions were taken in the matter by the office of the Housing Inspector.
- (b) Nonconformance shall be promptly abated as per time sequence given.
- (c) The operator may, within the time period of notice to correct for conformance, file a petition with the Housing Board of Adjustments and Appeals to appeal the Housing Inspector's order, during which time Section 1781.04(e) shall be stayed.
- (d) The letter of compliance shall be denied or revoked if:
  - (1) The owner does not file a petition to the Housing Board of Adjustments and Appeals within the time sequences specified by the Housing Inspector.
  - (2) The dwelling unit is not in conformance at the end of the period specified by the Inspector.
- (e) Upon denial or revocation of the letter of compliance, the Housing Inspector shall notify the owner and the occupants in writing.

- (f) The dwelling unit shall be provided three free inspections by the Housing Inspector to determine whether the noncompliance has been abated. Additional re-inspections shall be made at the rate per dwelling unit or sleeping room as per registration fees indicated in Section 1781.05(d)(1) to (3) and charged to the owner or complainant.

#### 1781.09 ABATEMENT OF OCCUPANT NONCOMPLIANCE.

- (a) If after inspection the occupant is found in noncompliance with the requirements of this article, the Housing Inspector shall promptly notify the occupant and the operator of the reasons for nonconformance.
- (b) If the occupant does not abate the noncompliance within a time set by the Housing Inspector, the Inspector shall proceed against the occupant under Section 1781.04(e).
- (c) The dwelling units shall be provided three re-inspections by the Housing Inspector to determine whether the noncompliance has been abated. Additional re-inspections shall be made at the rate per dwelling unit or sleeping room as per registration fees indicated in Section 1781.05(d)(1) to (3) and charged to occupant or complainant.

#### 1781.10 EMERGENCY ABATEMENT.

- (a) If an emergency seems to exist and the occupant cannot obtain prompt relief from the operator, the occupant or other person may ask the Housing Inspector to find that an emergency does exist that constitutes a substantial hazard to the occupant's health and safety.
- (b) If the Housing Inspector finds that an emergency exist that cannot be readily and reasonably abated, the dwelling shall be vacated immediately.
- (c) If no emergency is found to exist, the Housing Inspector shall proceed under Section 1781.06.

#### 1781.11 APPEALS.

- (a) There is hereby established the Housing Board of Adjustments and Appeals, hereafter referred to as the Board, which shall consist of five members. Such Board shall be composed of two tenants, two landlords and one homeowner. The homeowner shall not be a landlord and no member shall be an employee of the City. The Board shall receive staff assistance from existing City employees assigned by the City Manager.
- (b) Of the members first appointed, two shall be appointed for terms of one year, two for terms of two years, one for a term of three years, and thereafter they shall be appointed for terms of four years. Any member who is absent from three consecutive meetings shall be removed from office.

- (c) Three members of the Board shall constitute a quorum in modifying an order of the Inspector, and the affirmative votes of the majority present shall be required. In varying the application of any provisions of this article, not less than four affirmative votes shall be required. No Board member shall act in a case in which he or she has a personal interest.
- (d) The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this article.
- (e) Any person who feels aggrieved by any ruling or other official act of the Inspector may, prior to expiration of the time sequence order, petition the Board for a hearing and review of the ruling of the Inspector concerning any matter in issue.
- (f) The Board shall, upon receipt of the petition, hold a hearing within fourteen days. At the hearing the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn.
- (g) The Board shall have the power to affirm, modify or revoke the notice or order and may grant variances from the provisions of this article or from applicable rules and regulations issued pursuant thereto when the Board finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this article and applicable rules and regulations pursuant thereto, that strict adherence to such provisions would be arbitrary in the case at hand, and that such variance is in harmony with the general purpose of this article to secure the public health, safety and welfare. In no case shall the Housing Board of Adjustments and Appeals act on a request for the modification of the application fee or grant relief from mandatory inspections.
- (h) Should such hearing and review before the Board result in a decision adverse to the petitioner, the petitioner may appeal from the decision of the Board to the County Circuit Court, provided that such appeal shall be taken within sixty days from the date of the final decision of the Board.
- (i) Should the Board find for the petitioner on an administrative appeal, the appeals fee shall be refunded to the petitioner.

### MINIMUM PROPERTY STANDARDS

#### 1781.12 STRUCTURES AND UTILITIES.

For the purposes of the time sequence system, the word "day" shall be interpreted as a day which is not scheduled as a holiday or weekend by the City personnel rules and regulation.

- (a) Construction. All structural components including foundations or supporting members, interior walls either bearing or nonbearing, framing, roofs, floors, ceilings, chimneys or apertures shall be maintained in such condition so as to not to jeopardize the intended function for which it was designed.

TWENTY DAYS TO CORRECT

(b) Doors and Windows

- (1) Each entrance door to each dwelling unit shall be hinged and lockable. Sliding doors serving as entrance doors shall be lockable.

TWENTY DAYS TO CORRECT

- (2) Glass in each door and each window shall be unbroken or in no case have a hole or holes larger than a total of one square inch. Cracked glass shall be replaced if the crack or total cracks exceed a length of four inches per glazed area.

TWENTY DAYS TO CORRECT

- (c) Wall and Floor Penetrations. Wall and floor penetrations shall be enclosed or sealed to reduce the spread of fire or passage of vermin.

TWENTY DAYS TO CORRECT

- (d) Roofs.

- (1) Roof drainage shall be provided to avoid discharge on steps, walkways or entrances.

TWENTY DAYS TO CORRECT

- (2) All building roofs shall be covered with approved materials to make the interior of the building impervious to weather conditions.

TWENTY DAYS TO CORRECT

- (e) Handrails. Handrails or guardrails shall comply with the provisions of the State Building and Fire Codes.

TWENTY DAYS TO CORRECT

- (f) Plumbing and Heating.

- (1) Each apartment shall have:  
A. A permanent and functioning kitchen and bathroom sink for hot and cold water and sanitary drain.

TWENTY DAYS TO CORRECT

- B. A flush water closet located in a room which affords privacy.

- C. A bathtub or shower with permanent plumbing for hot and cold water and sanitary drain located in a room which affords privacy.

TWENTY DAYS TO CORRECT

- D. Functioning water heating facilities capable of meeting requirements established by the State Building Code shall be required.
- E. Safe heating facilities for the entire living area.

TWENTY DAYS TO CORRECT OR TO PROVIDE ALTERNATIVE SAFE HEATING EXCEPT DURING THE TIME PERIOD OF SEPTEMBER 15 TO MAY 15 WHICH SHALL BE TWENTY-FOUR HOURS TO CORRECT.

From September 15 to May 15 of the following calendar year, upon the specific written complaint of any tenant that the rental unit is not adequately heated, the Housing Inspector shall inspect the heating facilities within three days of receipt of complaint and, upon inspection, determine if the rental unit conforms to the following standard for adequate heating:

1. As required by the State Building Code.
2. If unable to arrange for inspection of the heating facilities with the owner/operator within the three days, the Housing Inspector shall obtain a search warrant to make the inspection.

(2) Each boarding house, lodging house and dormitory shall have:

- A. At least one flush water closet, lavatory basin and bathtub or shower in good working condition for each eight occupants or fraction thereof, including the operator's family if they share the use of the facilities.

TWENTY DAYS TO CORRECT

- B. For rooms let only to males, flush urinals may be substituted for not more than one-half on the required water closets.

TWENTY DAYS TO CORRECT

- C. Such facilities shall be located in a room which affords privacy and shall be accessible from a common hall or passageway to all persons sharing the facilities.

TWENTY DAYS TO CORRECT

D. Safe heating facilities as required in subsection (f)(1)(E) hereof.

TWENTY DAYS TO CORRECT

E. Water heating facilities as required in subsection (f)(1)(D) hereof.

TWENTY DAYS TO CORRECT

F. Plumbing and heating equipment for all apartments, boarding houses, lodging houses and dormitories shall comply with all minimum standards of existing codes and ordinances of the City.

TWENTY DAYS TO CORRECT  
UNLESS STATED OTHERWISE IN  
ANOTHER SECTION OF THIS  
ARTICLE

#### 1781.13 ELECTRICAL.

The electrical system of every dwelling unit shall be installed and maintained so as to be safe to the occupants and the structure.

(a) Temporary wiring, flexible or extension cords shall not lie beneath floor coverings, extend through walls, doorways, transoms or similar apertures, or do other than connect one portable electric appliance, as defined by the National Electrical Code to one convenience outlet.

TWENTY DAYS TO CORRECT

(b) Fuse holders of the Edison-Base type shall be installed only where they are made to accept type S fuses by the use of adapters approved for this purpose. Fuses or circuit breakers shall not exceed the size permitted by the National Electrical Code.

TWENTY DAYS TO CORRECT

#### 1781.14 LIGHTING

(a) The owner shall provide a switched convenience outlet or a light fixture in each habitable room, bathroom, water closet compartment and hallway within the dwelling unit.

TWENTY DAYS TO CORRECT

(b) The owner shall provide light in all public halls, stairways and common entries with a minimum output of one-half foot-candle.

TWENTY DAYS TO CORRECT

1781.15 PAINT

- (a) No paint containing lead shall be applied in any rental dwelling.
- (b) Peeling, blistering or flaking paint containing lead shall be removed or effectively covered.

TWENTY DAYS TO CORRECT

1781.16 FIRE SAFETY

- (a) Smoke detectors of an approved type shall be provided in all rental housing.

TWENTY DAYS TO CORRECT

- (b) Smoke detectors shall be installed in accordance with the provisions of the State Building Code.

TWENTY DAYS TO CORRECT

- (c) Every dwelling unit shall be provided with access to not less than two exits remote from each other which exit directly to the outside. Where no more than one means of egress to the outside exists from the second or higher story other than by means of windows and such window is more than ten feet from the ground, a fire escape shall be provided with access from each dwelling unit. The fire escape may be an outside stairway or a metal ladder that is either stationary or one that can be clamped over an open window or a safe alternative providing that there exists no more than one free fall and that the free fall is to the ground level and is no more than ten feet in height.

TWENTY DAYS TO CORRECT

1781.17 MAXIMUM OCCUPANCY

Maximum occupancy shall be determined by the requirements of the State Building Code and the City Zoning Ordinance.

TWENTY DAYS TO CORRECT



## OWNER AND OCCUPANT RESPONSIBILITIES

### 1781.18 OWNER AND OPERATOR RESPONSIBILITIES

- (a) Maintaining public areas of the premises in a clean and sanitary condition; keeping floors, floor coverings, walls and ceilings reasonably clean and free of rubbish and garbage; and ensuring that stagnant water is not allowed to accumulate or stand anywhere on the premises.

TWENTY DAYS TO CORRECT

- (b) Exterminating rodents, insects and other pests when the infestation is caused by failure to maintain the dwelling in a rodent-proof or reasonably insect-proof condition, or whenever the infestation exists in two or more of the dwelling units or in the shared or public parts of the dwelling or premises.

TWENTY DAYS TO CORRECT

- (c) Supplying properly sized type S fuses at the beginning of each tenancy.

TWENTY DAYS TO CORRECT

- (d) Arranging for the removal of snow and ice from walks, drives and stairs.

TWENTY DAYS TO CORRECT

- (e) Supplying such facilities or containers as are necessary for the sanitary disposal of all garbage and rubbish.

TWENTY DAYS TO CORRECT

- (f) Fulfilling the minimum health and safety standards of this article unless specifically stated to be the occupant's responsibility in Section 1781.19.

TWENTY DAYS TO CORRECT

### 1781.19 OCCUPANT RESPONSIBILITIES

Unless the owner has specifically agreed in writing to render such service or to otherwise accept such responsibility, the occupant of a rental unit shall be responsible for:

- (a) Notifying the owner or operator and Housing Inspector, in writing, of maintenance needed on the dwelling or supplied equipment or of unsafe or unsanitary conditions not meeting the requirements of this article.

TWENTY DAYS TO CORRECT

- (b) Keeping all equipment and fixtures in the occupant's dwelling unit clean and in a sanitary condition and exercising reasonable care in the use and operation thereof.

TWENTY DAYS TO CORRECT

- (c) Maintaining smoke detectors, unless other provisions are made with the owner or operator for such maintenance.

TWENTY DAYS TO CORRECT

- (d) Supplying properly sized type S fuse stats, after initial ones are supplied by the owner or operator, as needed during occupancy for those circuits serving only the occupant's dwelling unit.

TWENTY DAYS TO CORRECT

- (e) Disposing of rubbish, garbage and other organic waste in a clean and sanitary manner by placing it in disposal facilities or storage containers and by re-closing or replacing container lids.

TWENTY DAYS TO CORRECT

- (f) Exterminating any insects, rodents or other pests in the dwelling unit for which the occupant is responsible whenever such unit is the only one infested.

TWENTY DAYS TO CORRECT

- (g) Maintaining that part of the dwelling and premises which the occupant occupies in a clean, safe and sanitary manner.

TWENTY DAYS TO CORRECT

- (h) Correction of any damage relating to Sections 1781.12 and 1781.17 caused by willfully or recklessly destructive behavior of the tenant or his/her guests. Any tenant or guest convicted of such willful or recklessly destructive behavior shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

TWENTY DAYS TO CORRECT

#### 1781.19 DUTIES OF BUILDING INSPECTOR

- (a) The City Planner or his authorized agent shall receive applications required by the Building Code and Housing Code of the City of Martinsburg, issue permits and furnish the prescribed certificates. The City Planner shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. The City Planner shall enforce all provisions of the Building Code. The City Planner shall, when requested by proper authority or when the public interest so requires, make

investigations in connection with matters referred to in the Building Code and Housing Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, the City Planner shall issue such notices or orders as may be necessary.

- (b) Inspections required under the provisions of the Building Code and Housing Code shall be made by the City Planner or his duly authorized agents. The City Planner may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificates called for by any provision of the Building Code or Housing Code shall be issued on such reports unless the same are in writing and certified to a responsible officer of such service.
- (c) The City Planner shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. The City Planner shall retain on file copies of required plans and all documents relating to building works so long as any part of the building or structure to which they relate may be in existence.
- (d) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the City Planner without his written consent.
- (e) The City Planner shall make written reports to his immediate superior once each month, or more often if requested by the Martinsburg City Manager, including statements of permits and certificates issued and orders promulgated.
- (f) It shall be the duty of the City Planner to see to the enforcement of all ordinance provisions relating to zoning and to inspect all buildings and structures being erected or altered, as frequently as may be necessary to ensure compliance with city ordinances. The City Planner and inspectors within the Planning Department may issue citations for violations of the City's Building Code and Housing Code. Each and every day during which any such violation continues shall be deemed a separate offense, unless otherwise set forth in said Codes.

THIS ORDINANCE SHALL TAKE EFFECT ON JULY 1, 1999.

INTRODUCED: May 13, 1999.

ADOPTED: June 10, 1999.