

4 In the absence of any officer authorized to serve subpoenas or other  
5 process, the coroner may depute some suitable person to serve the  
6 same or may himself perform such duties.

Approved March 31, A. D. 1919.

## CHAPTER 123.

### THE HOUSING LAW OF IOWA.

S. F. 475.

AN ACT in relation to the housing of the people in cities of the first class and special charter cities and cities under commission form of government, to promote the health, safety and welfare of the people by regulating the light and ventilation, sanitation, fire protection, maintenance, alteration and improvement of dwellings; to define the classes of dwellings affected by the act, to establish administrative requirements and to establish remedies and fix penalties for the violation thereof; also providing that all other cities and incorporated towns may adopt ordinances for the regulation and control of any or all of such matters and fix penalties for the violation thereof; also providing that the state board of health may apply and enforce the provisions of this act in mining camps.

*Be it enacted by the General Assembly of the State of Iowa:*

### GENERAL PROVISIONS.

1 SECTION 1. Scope of the act. This act shall be known as the Hous-  
2 ing Law of Iowa and shall apply to every city of the first class and  
3 special charter cities and cities under commission form of govern-  
4 ment which, by the last state or federal census, had a population of  
5 15,000 or more, and to every city as its population shall reach 15,000  
6 thereafter by any state or federal census; provided, however, that in  
7 all other cities, including special charter cities having a population of  
8 less than 15,000, and in incorporated towns, the council may adopt  
9 ordinances for the regulation and control of any or all matters covered  
10 by the provisions of this act, in so far as same may be reasonably  
11 applicable, and fix penalties for the violation thereof; and fix rules and  
12 regulations not inconsistent with those provided in this act for the  
13 enforcement of said ordinances.

1 SEC. 2. Definitions. Certain words in this act are defined for the  
2 purposes thereof as follows: Words used in the present tense include  
3 the future; words in the masculine gender include the feminine and  
4 neuter; the singular number includes the plural and the plural the  
5 singular; the word "person" includes a corporation as well as a nat-  
6 ural person.

7 (1) *Dwelling.* A "dwelling" is any house or building or portion  
8 thereof which is occupied in whole or in part as the home or resi-  
9 dence of one or more human beings, either permanently or  
10 transiently.

11 (2) *Classes of dwellings.* For the purposes of this act dwellings  
12 are divided into the following classes: (a) "Private dwellings," (b)  
13 "two family dwellings," and (c) "multiple dwellings."

14 (a) A private dwelling is a dwelling occupied by but one  
15 family alone.

16 (b) A two family dwelling is a dwelling occupied by but two  
17 families alone.

18 (c) A multiple dwelling is a dwelling occupied by more than  
19 two families.

20 (3) *Classes of multiple dwellings.* All multiple dwellings are for  
21 the purposes of this act divided into two classes, viz: Class A and  
22 Class B.

23 Class A. Multiple dwellings of Class A are dwellings which  
24 are occupied more or less permanently for residence purposes by  
25 several families and in which the rooms are occupied in apart-  
26 ments, suites or groups. This class includes tenement houses, flats,  
27 apartment houses, apartment hotels, bachelor apartments, studio  
28 apartments, kitchenette apartments, and all other dwellings simi-  
29 larly occupied whether specifically enumerated or not.

30 Class B. Multiple dwellings of Class B are dwellings which are  
31 occupied, as a rule transiently, as the more or less temporary abid-  
32 ing place of individuals who are lodged, with or without meals, and  
33 in which as a rule the rooms are occupied singly. This class includes  
34 hotels, lodging houses, boarding houses, furnished room houses,  
35 club houses, asylums, boarding schools, convents, hospitals, jails  
36 and all other dwellings similarly occupied whether specifically  
37 enumerated herein or not.

38 (4) *Hotel.* A "hotel" is a multiple-dwelling of Class B in which  
39 persons are lodged for hire and in which there are more than twenty-  
40 five sleeping rooms.

41 (5) *Family.* For the purposes of this act, a "family" is a group  
42 of persons living together, whether related to each other by birth or  
43 not, and may consist of one or more persons.

44 (6) *Mixed occupancy.* In cases of mixed occupancy where a  
45 building is occupied only in part as a dwelling, the part so occupied  
46 shall be deemed a dwelling for the purposes of this act.

47 (7) *Yards.* A "rear yard" is an open unoccupied space on the  
48 same lot with a dwelling, between the extreme rear line of the lot and  
49 the extreme rear line of the house. A yard between the front line of  
50 the house and the front line of the lot is a "front yard." A yard  
51 between the side line of the house and the side line of the lot which  
52 extends from the front line or front yard to the rear yard is a "side  
53 yard".

54 (8) *Courts.* A "court" is an open unoccupied space, other than  
55 a yard, on the same lot with a dwelling. A court not extending to the  
56 street or front or rear yard is an inner court. A court extending to  
57 the street or front yard or rear yard is an outer court.

58 (9) *Corner and interior lots.* A "corner lot" is a lot of which at  
59 least two adjacent sides abut upon a street. A lot other than a corner  
60 lot is an "interior lot." The word "lot" is any deeded parcel of land  
61 whether a full platted lot or not.

62 (10) *Front, rear; and depth of lot.* The front of a lot is that  
63 boundary line which borders on the street. In case of a corner lot  
64 the owner may elect by statement on his plans either street boundary  
65 line as the front. The rear of a lot is the side opposite to the front.  
66 The depth of a lot is the dimension measured from the front of the  
67 lot to the extreme rear line of the lot. In case of irregular shaped  
68 lots the mean depth shall be taken.

69 (11) *Public hall.* A "public hall" is a hall, corridor or passage-  
70 way not within the exclusive control of one family.

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

75 (13) *Basement, cellar, attic.* (a) A "basement" is a story partly  
76 underground but having at least one-half of its height above the curb  
77 level, and also one-half of its height above the highest level of the  
78 adjoining ground. A basement shall be counted as a story.

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

85 (c) In the case of private dwellings and two family dwellings an  
86 attic, or space in a sloping roof, if not occupied for living purposes,  
87 shall not be counted as a story; in the case of multiple dwellings an  
88 attic room shall be counted as a story if used for living purposes.

89 (14) *Height.* The "height" of a dwelling is the perpendicular  
90 distance measured in a straight line from the curb level to the highest  
91 point of the roof beams in the case of flat roofs, and to the average  
92 of the height of the gable in the case of pitched roofs; the measure-  
93 ments in all cases to be taken through the center of the front of the  
94 house. Where a dwelling is situated on a terrace above the curb  
95 level such height shall be measured from the level of the adjoining  
96 ground. Where a dwelling is on a corner lot and there is more than  
97 one grade or level, the measurements shall be taken from the mean  
98 elevation.

99 (15) *Curb level.* The "curb level" is the level of the established  
100 curb in front of the building measured at the center of such front.  
101 Where no curb has been established the city engineer shall establish  
102 such curb level or its equivalent for the purposes of this act.

103 (16) *Occupied spaces.* Outside stairways, fire towers, porches,  
104 platforms, balconies, boiler flues and other projections shall be con-  
105 sidered as part of the building and not as a part of the yards or  
106 courts or unoccupied spaces. This provision shall not apply to un-in-  
107 closed outside porches not exceeding two story in height which do  
108 not extend into the front or rear yard a greater distance than ten  
109 feet from the front or rear walls of the building, nor to any such  
110 porch which does not extend into the side yard a greater distance  
111 than twelve feet from the side wall of the building nor exceed twelve  
112 feet in its other horizontal dimension, nor to an enclosed rear porch  
113 or attached garage with or without sleeping porch above and not  
114 exceeding 12x20 feet nor to cornices or eaves not exceeding 18 inches  
115 in width.

116 (17) *Fire-resistive constructed dwelling.* A dwelling of fire-  
117 resistive construction is one with brick, stone, or concrete walls and  
118 with brick, tile, concrete or terra cotta floors and roof. Floor and  
119 roof supports to be of brick, concrete or metal with all metal pro-  
120 tected by tile, concrete or similar fire-resistant material. But this  
121 definition shall not be construed as prohibiting the use of wooden  
122 flooring on top of the fireproof floors or the use of wooden sleepers,

123 nor as prohibiting wooden hand rails or treads of hardwood not less  
124 than one inch thick.

125 (18) *Wooden buildings.* "A wooden building" is a building of  
126 which the exterior walls or a portion thereof are of wood. Court  
127 walls are exterior walls.

128 (19) *Nuisance.* The word "nuisance" shall be held to embrace  
129 nuisance as known at common law or in equity jurisprudence; and  
130 whatever is dangerous to human life or detrimental to health; what-  
131 ever dwelling is overcrowded with occupants or is not provided with  
132 adequate ingress or egress to or from the same, or is not sufficiently  
133 supported, ventilated, sewerred, drained, cleaned or lighted, in refer-  
134 ence to its intended or actual use; and whatever renders the air or  
135 human food or drink unwholesome, are also severally, in contempla-  
136 tion of this act, nuisances; and all such nuisances are hereby declared  
137 illegal.

138 (20) *Construction of certain words.* The word "shall" is always  
139 mandatory and not directory, and denotes that the dwelling shall be  
140 maintained in all respects according to the mandate as long as it con-  
141 tinues to be a dwelling. Wherever the words "charter" "ordi-  
142 nances," "regulations," "superintendent of buildings," "health  
143 department," "the board of health," "health officer," "commissioner  
144 of public safety," "commissioner of public health," "department  
145 charged with the enforcement of this act," "corporation counsel,"  
146 "mayor," "city treasury," or "fire limits" occur in this act they shall  
147 be construed as if followed by the words "of the city in which the  
148 dwelling is situated."

149 Wherever the words "health department," "health officer," or "duly  
150 authorized assistant" or "board of health," "commissioner of public  
151 safety," or "commissioner of public health" are employed in this act,  
152 such words shall be deemed and construed to mean the official or  
153 officials in any city to whom is committed the charge of safeguarding  
154 the public health. The terms "superintendent of buildings," "build-  
155 ing department" and "inspector of buildings" shall embrace the  
156 department and the executive head thereof specially charged with  
157 the execution of laws and ordinances relating to the construction of  
158 buildings. Wherever the words "occupied" or "used" are employed  
159 in this act such words shall be construed as if followed by the words  
160 "or is intended, arranged, designed, built, altered, converted to,  
161 rented, leased, let or hired out, to be occupied or used."

162 Wherever the words "dwelling," "two family dwelling," "multiple  
163 dwelling," "building," "house," "premises" or "lot" are used in this  
164 act, they shall be construed as if followed by the words "or any part  
165 thereof." Wherever the words "city water" are used in this act,  
166 they shall be construed as meaning any public supply of water  
167 through street mains; and wherever the words "public sewer" are  
168 used in this act they shall be construed as meaning any part of a  
169 system of sewers that is used by the public or by concerted action of  
170 several users, whether or not such part was constructed at the public  
171 expense. Wherever the word "street" is used in this act it shall be  
172 construed as including for the purpose hereinafter stated any public  
173 alley sixteen feet or more in width, namely, for the sole purpose of  
174 determining the required open space around and the allowable  
175 height of any building abutting thereon. "Approved fire-resistive  
176 material" means as set forth by ordinances, or if not so determined,  
177 as approved by the superintendent of buildings.

1     **SEC. 3. Buildings converted or altered.** A building not a dwelling,  
2 if hereafter converted or altered to such use shall thereupon become  
3 subject to such provisions of this act relative to dwellings hereafter  
4 erected as the board of health may require. A dwelling of one class if  
5 hereafter altered or converted to another class shall thereupon become  
6 subject to such provisions of this act relative to such latter class as  
7 the board of health may require.

1     **SEC. 4. Alterations and change in occupancy.** No dwelling here-  
2 after erected shall at any time be altered so as to be in violation of any  
3 provision of this act. And no dwelling erected prior to the passage  
4 of this act shall at any time be altered so as to be in violation of those  
5 provisions of this act applicable to such dwelling. If any dwelling or  
6 any part thereof is occupied by more families than provided in this  
7 act, or is erected, altered or occupied contrary to law, such dwelling  
8 shall be deemed an unlawful structure and the health officer may  
9 cause such dwelling to be vacated. Any such dwelling shall not again  
10 be occupied until it, or its occupation as the case may be, has been  
11 made to conform to the law.

1     **SEC. 5. Dwellings damaged.** If a dwelling be damaged by fire or  
2 other cause to the extent of sixty-five per cent or more of its original  
3 value, exclusive of the value of the foundations, such dwelling shall  
4 not be repaired or rebuilt except in conformity with the provisions of  
5 this act relative to dwellings hereafter erected. Provided, however,  
6 the owner shall be permitted to rebuild a building of the same size as  
7 before subject to such reasonable provisions regarding light, ventila-  
8 tion and sanitation, as the board of health may prescribe.

1     **SEC. 6. Dwellings moved.** If any dwellings be hereafter moved  
2 from one lot to another it shall thereupon be made to conform to all  
3 the provisions of this act relative to dwellings hereafter erected,  
4 unless the board of health shall in a written permit for such removal  
5 certify that such dwelling is reasonably safe and sanitary.

1     **SEC. 7. Sewer connections and water supply.** The provisions of  
2 this act with reference to sewer connections and water supply shall be  
3 deemed to apply only where connection with a public sewer and with  
4 public water mains is or becomes reasonably accessible. All ques-  
5 tions of the practicability of such sewer and water connections shall  
6 be decided by the health officer or such other official as the board of  
7 health may direct.

1     **SEC. 8. Minimum requirements; law not to be modified.** The pro-  
2 visions of the act shall be held to be the minimum requirements  
3 adopted for the protection of health, welfare and safety of the com-  
4 munity. Nothing herein contained shall be deemed to invalidate  
5 existing ordinances or regulations of any city imposing requirements  
6 higher than the minimum requirements laid down in this act relative  
7 to light, ventilation, sanitation, fire prevention, egress, occupancy,  
8 maintenance and uses for dwellings; nor be deemed to prevent any  
9 city subject to this act from enacting and putting in force from time  
10 to time ordinances and regulations imposing requirements higher than  
11 the minimum requirements laid down in this act; nor shall anything  
12 herein contained be deemed to prevent such cities from prescribing  
13 for the enforcement of such ordinances and regulations, remedies and  
14 penalties similar or additional to those prescribed herein. And every

15 city subject to this act is empowered to enact such ordinances and  
 16 regulations and to prescribe for their enforcement; and to enact such  
 17 other ordinances pertaining to the housing of the people, not in conflict  
 18 with the provisions of this act, as shall be deemed advisable by the  
 19 city council. No ordinance, regulation, ruling or decision of any muni-  
 20 cipal body, officer or authority shall repeal, amend, modify or dispense  
 21 with any of the said minimum requirements laid down in this act,  
 22 except as specifically provided herein.

1 SEC. 9. **State board of health.** The state board of health shall have  
 2 the power to examine into the enforcement of this act in each city.

1 SEC. 10. **Time for compliance.** All improvements specifically  
 2 required by this act upon dwellings erected prior to the date of its  
 3 passage shall be made within one year from said date, unless time is  
 4 extended by the health department.

1 SEC. 11. **Dwellings affected.** All the provisions of this act shall  
 2 apply to all classes of dwellings, except that in sections where specific  
 3 reference is made to one or more specific classes of dwellings such  
 4 provisions shall apply only to those specific classes to which reference  
 5 is made.

#### LIGHT AND VENTILATION.

1 SEC. 12. **Height.** No dwelling hereafter erected shall exceed in  
 2 height one and one-half times the width of the widest street upon  
 3 which it abuts, nor in any case shall it exceed one hundred feet in  
 4 height. Such width of street shall be determined by measuring from  
 5 front line of the building as constructed to the street line of the oppo-  
 6 site side of the street. The provisions of this section shall not apply  
 7 to hotels.

1 SEC. 13. **Yards.** Immediately behind every single and two-family  
 2 dwelling hereafter erected there shall be, except as hereinafter pro-  
 3 vided, a rear yard extending across the lot, for a distance equal to at  
 4 least the width of the dwelling. Such yard shall be open and unob-  
 5 structed from the ground to the sky. Every part of such yard shall  
 6 be directly accessible from every other part thereof. The depth of  
 7 said yard shall be measured at right angles from the rear lot line to  
 8 the extreme rear part of the dwelling. Such rear yard space shall in  
 9 no case be less than 10 feet deep, and 2 feet additional for each story  
 10 of the dwelling on said lot above the first.

11 An irregular shaped lot, or lot subject to building line restrictions,  
 12 may be occupied by a dwelling without complying with the provisions  
 13 of this section, if the total yard space equals that required by this  
 14 section.

15 The foregoing provisions of this section shall not apply to hotels.

1 SEC. 14. **Side yards.** Dwellings hereafter erected may be built up  
 2 to the side lot line, if the side wall is without windows, or if with  
 3 windows the air and light required by this act are provided other-  
 4 wise than by windows on the lot line, or if the side lot line abuts on a  
 5 street or alley. If, however, any side yard is left, it shall be open and  
 6 unobstructed from the ground to the sky, and its width shall be pro-  
 7 portionate to the height of the dwelling, and no side yard shall be  
 8 less in width in any part than as follows:

9 (a) *Multiple dwellings.* In the case of all multiple dwellings  
10 hereafter erected, one story in height and having a side yard the width  
11 of the side yard measured to the side lot line shall be at least four  
12 feet, and such side yard shall be increased in width by one foot for  
13 each additional story above the first.

14 (b) *Private dwellings and two-family dwellings.* In the case of  
15 private dwellings and two-family dwellings hereafter erected, one  
16 story or two stories in height, the width of the side yard measured  
17 to the side lot line shall be at least four feet; such side yard shall be  
18 increased in width one foot for each additional story above the second.

19 (c) *Distance between buildings on same lot.* Where more than  
20 one dwelling is erected upon the same lot, the distance between them  
21 shall not be less than eight (8) feet in the case of dwellings of one or  
22 two stories in height, this distance to be increased two feet for each  
23 additional story above the second.

1 SEC. 15. *Courts.* The size of all courts in dwellings hereafter  
2 erected shall be proportionate to the height of the dwelling. No court  
3 shall be less in any part than the minimum sizes prescribed in this  
4 section. The minimum width of an outer court for a one-story  
5 dwelling shall be five feet, for a two-story dwelling six feet, for a three-  
6 story dwelling seven feet, and shall increase one foot for each addi-  
7 tional story above three stories. The least dimension of an inner  
8 court shall never be less than twice the minimum width prescribed  
9 by this section for an outer court. The width of all courts adjoining  
10 the lot line shall be measured to the lot line and not to an opposite  
11 building.

1 SEC. 16. *Courts open at the top.* No court of a dwelling hereafter  
2 erected shall be covered by a roof or skylight. Every such court shall  
3 be at every point open from the ground to the sky unobstructed.  
4 Except that in the case of hotels, courts may start on the floor level  
5 of the lowest bedroom story and in the case of other multiple dwellings  
6 where there are stores or shops on the lower story or stories, courts  
7 may start on the top of such lower story or stories.

1 SEC. 17. *Air intakes.* In all dwellings hereafter erected every  
2 inner court extending through more than one story shall be provided  
3 with a horizontal air intake at the bottom.

1 SEC. 18. *Angles in courts.* Nothing contained in the foregoing  
2 sections concerning courts shall be construed as preventing the cutting  
3 off of the corners of said courts.

1 SEC. 19. *Buildings on same lot with a dwelling.* If any building is  
2 hereafter placed on the same lot with a dwelling, there shall always  
3 be maintained between the said buildings an open and unoccupied  
4 space extending upwards from the ground. If such buildings are  
5 placed at the side of each other the space between them shall conform  
6 to the provisions of section fourteen of this act relating to side yards,  
7 but shall be twice the minimum therein required. If such buildings  
8 are placed one at the rear of the other the space between them shall  
9 be the same as that prescribed in section twelve for rear yards. In  
10 all cases the height of the highest building on the lot shall regulate  
11 the dimensions.

12 No building of any kind shall be hereafter placed upon the same  
13 lot with a dwelling so as to decrease the minimum sizes of courts or

14 yards hereinbefore prescribed, except that, in case of a lot less than  
15 75 feet deep, a one-story garage, not more than 25 feet deep, measured  
16 lengthwise of the lot, nor more than 25 feet in the other dimension,  
17 or other one-story building, of like dimensions, used exclusively for  
18 domestic purposes and not as a dwelling or for the shelter or habi-  
19 tation of animals or fowls of any kind, may occupy one-third of the  
20 depth of the open space in this section prescribed.

21 If any dwelling is hereafter erected upon any lot upon which there  
22 is already another building, it shall comply with all the provisions of  
23 this act, and, in addition, the space between the said building and the  
24 said dwelling shall be of such size and arranged in such manner as  
25 is herein prescribed, the height of the highest building on the lot to  
26 regulate the dimensions.

1 **SEC. 20. Rooms—lighting and ventilation of.** In every dwelling  
2 hereafter erected every room shall have at least one window opening  
3 directly upon the street or a public alley or other public space at least  
4 16 feet in width, or upon a yard or court of the dimensions specified  
5 in this act, and located on the same lot, and such window shall be so  
6 located as to properly light all portions of such rooms. This provision  
7 shall not, however, apply to rooms used as art galleries, swimming  
8 pools, gymnasiums, squash courts, or for similar purposes, provided  
9 such rooms are adequately lighted and ventilated.

1 **SEC. 21. Windows in rooms.** In every dwelling hereafter erected  
2 the total window area in each room shall be at least one-eighth of the  
3 superficial floor area of the room, and the total minimum window area  
4 shall be made so as to open in all its parts.

1 **SEC. 22. Rooms—size of.** In every dwelling hereafter erected all  
2 living rooms and bedrooms shall be of the following minimum sizes:  
3 Every such room shall contain at least eighty square feet of floor  
4 area, except that kitchenettes may be forty square feet in area; no  
5 such room, except kitchenette, shall be in any part less than seven  
6 feet wide. In multiple dwellings of Class A in each apartment, group  
7 or suite of rooms there shall be at least one room containing not less  
8 than one hundred and twenty square feet of floor area.

1 **SEC. 23. Rooms—height of.** No room in a private dwelling here-  
2 after erected shall be in any part less than eight feet three inches  
3 high from the finished floor to the finished ceiling downstairs and  
4 seven feet six inches upstairs; except that an attic room used for  
5 living purposes in such private dwelling need be seven feet six inches  
6 in but one-half of its area.

7 No room in a two-family dwelling or multiple dwelling hereafter  
8 erected shall be in any part less than eight feet three inches high from  
9 the finished floor to the finished ceiling, except that in a two family  
10 dwelling constructed so as to be occupied on two floors by one family,  
11 the height of the rooms on the second floor shall be the same as herein  
12 provided for a private dwelling.

1 **SEC. 24. Alcoves and alcove rooms.** In every dwelling hereafter  
2 erected an alcove in any room intended or used for separate occupancy  
3 shall be separately lighted and ventilated as provided for rooms in  
4 the foregoing sections. No part of any room in a dwelling hereafter  
5 erected shall be enclosed or subdivided at any time, wholly or in part,



6 by a fixed partition for permanent separate occupancy, unless such  
7 part of the room so enclosed or subdivided shall be separately lighted  
8 and ventilated as provided for rooms in the foregoing sections.

1 **SEC. 25. Water closet compartments and bathrooms—lighting and**  
2 **ventilation of.** In every dwelling hereafter erected every water closet  
3 compartment and every bathroom shall have an aggregate window  
4 area of at least four square feet between stop beads opening directly  
5 upon the street, or upon a yard or court of the dimensions specified  
6 in this act. Every such window shall be made so as to open in all  
7 its parts. Nothing in this section contained shall be construed so as  
8 to prohibit a general toilet room containing several water closet com-  
9 partments separated from each other by dwarf partitions, provided  
10 such toilet room is adequately lighted and ventilated to the outer air  
11 as above provided, and that such water closets are supplemental to  
12 the water closet accommodations required by the provisions of section  
13 thirty-two.

14 The above provision shall not apply to hotels or dwellings that have  
15 a system of forced ventilation so constructed as entirely to change the  
16 air in every bathroom, toilet room or water closet compartment every  
seven minutes.

1 **SEC. 26. Public halls and stair halls—lighting and ventilation of.**  
2 Every multiple dwelling, every public hall and stair hall shall have  
adequate lighting and ventilation as the board of health may require.

#### SANITATION.

1 **SEC. 27. Cellar rooms.** In dwellings hereafter erected no room in  
2 the cellar shall be occupied for living purposes.

1 **SEC. 28. Basement rooms.** In dwellings hereafter erected no room  
2 in the basement shall be occupied for living purposes, unless in addition  
3 to the other requirements of this act such room shall have sufficient  
4 light and ventilation, shall be well drained and dry and shall, in the  
5 opinion of the board of health, be fit for human habitation.

1 **SEC. 29. Cellars and basements—lighting and ventilation of.** Every  
2 dwelling hereafter erected shall have a basement, cellar or excavated  
3 space under the entire entrance floor, at least three feet in depth, or  
4 shall be elevated above the ground so that there will be a clear air  
5 space of at least eighteen inches between the top of the ground and  
6 the floor joists so as to insure ventilation and protection from damp-  
7 ness, provided, however, that cement floors may be laid on the ground  
8 level if desired.

1 **SEC. 30. Courts, areas and yards.** In every dwelling hereafter  
2 erected all courts, areas and yards shall be properly graded and  
3 drained and when required by the health officer the courts shall be  
4 properly concreted in whole or in part as may be necessary.

1 **SEC. 31. Water supply.** In every dwelling hereafter erected and  
2 not exempted in section seven of this act, there shall be a proper sink  
3 or washbowl with running water, exclusive of any sink in the cellar.  
4 In two-family dwellings and in multiple dwellings of Class A there  
5 shall be such a sink or washbowl in each apartment, suite or group  
6 of rooms.

1     **SEC. 32. Water closet accommodations.** In every dwelling here-  
2 after erected there shall be a separate water closet. Each such water  
3 closet shall be placed in a compartment completely separated from  
4 every other water closet; such compartment shall be not less than  
5 thirty inches wide, and shall be enclosed with partitions which shall  
6 extend to the ceiling. Every such compartment shall have a window  
7 opening directly upon the street or upon a yard or court of the mini-  
8 mum sizes prescribed by this act and located upon the same lot.  
9 Nothing in this section contained shall be construed so as to prohibit  
10 a general toilet room containing several water closet compartments  
11 separated from each other by dwarf partitions, provided such toilet  
12 room is adequately lighted and ventilated to the outer air as above  
13 provided and that such water closets are supplemental to the water  
14 closet accommodations required by other provisions of this section  
15 for the occupants of said house. No water closet fixture shall be  
16 encased with any woodwork. No water closet shall be placed in a  
17 cellar of a multiple dwelling except with written permit from the  
18 health officer. In two-family dwellings and in multiple dwellings of  
19 Class A hereafter erected there shall be for each family a separate  
20 water closet constructed and arranged as above provided and located  
21 within each apartment, suite or group of rooms. In multiple dwellings  
22 of Class B hereafter erected there shall be provided at least one water  
23 closet for every twenty occupants or fraction thereof. Every water  
24 closet compartment hereafter placed in any dwelling shall be provided  
25 with proper means of lighting the same at night. The provisions of  
26 this section regarding windows in water closet compartments shall  
27 not apply to dwellings that have a system of forced ventilation as  
28 provided in Section 25 of this act.

1     **SEC. 33. Sewer connections.** No multiple dwelling shall hereafter  
2 be erected unless there is accessible city water and a public sewer, or  
3 a private sewer connected directly with a public sewer. No cesspool  
4 or similar means of sewage disposal shall be used in connection with  
5 any dwelling where connection with a public sewer is practicable.

1     **SEC. 34. Plumbing.** In every dwelling hereafter erected no  
2 plumbing fixture shall be encased, but the space underneath shall be  
3 left entirely open. Plumbing pipes shall be exposed, when so required  
4 by the health officer. All plumbing work shall be sanitary in every  
5 particular and, except as otherwise specified in this act, shall be in  
6 accordance with the plumbing regulations of said city. All fixtures  
7 shall be trapped. Pan, plunger and long hopper closets will not be  
8 permitted. Wooden sinks will not be permitted.

#### FIRE PROTECTION.

1     **SEC. 35. Fireproof dwelling—when required.** No dwelling shall  
2 hereafter be erected exceeding four stories in height, unless it shall  
3 be of fire resistive material; the building, however, may step up to  
4 follow the street grade, provided no part of it is over four stories in  
5 height.

1     **SEC. 36. Means of egress.** Every multiple dwelling hereafter  
2 erected exceeding two stories in height shall have at least two inde-  
3 pendent ways of egress each of which shall extend from the ground

4 floor to the roof, and shall be located remote from each other, and  
5 each shall be arranged as provided elsewhere in this act. One of such  
6 ways of egress shall be a flight of stairs constructed and arranged as  
7 provided in sections thirty-nine, forty, forty-one and forty-two of this  
8 act. In multiple dwellings of Class A the second way of egress shall  
9 be directly accessible to each apartment, group or suite of rooms  
10 without having to pass through the first way of egress. In multiple  
11 dwellings of Class B the second way of egress shall be directly access-  
12 ible from a public hall. The second way of egress may be any one  
13 of the following as the owner may select:

14 1. A system of outside balcony fire escapes constructed and  
15 arranged so as to comply with the state fire laws.

16 2. An additional flight of stairs, either inside or outside, con-  
17 structed and arranged as provided in sections thirty-eight, thirty-nine,  
18 forty and forty-one of this act.

19 3. A fire tower located, constructed and arranged as may be  
20 required by the superintendent of buildings.

1 SEC. 37. Roof egress—scuttles and bulkheads. Every flat-roofed  
2 multiple dwelling hereafter erected exceeding one story in height shall  
3 have in the roof a bulkhead or a scuttle not less than two feet by three  
4 feet in size. Such scuttle or bulkhead shall be fireproof or covered  
5 with metal on the outside and shall be provided with stairs leading  
6 thereto and easily accessible to all occupants of the building. No  
7 scuttle or bulkhead shall be located in a closet or room, but shall be  
8 located in the ceiling of the public hall on the top floor, and access  
9 through the same shall be direct and uninterrupted.

1 SEC. 38. Stairs and public halls. Every multiple dwelling two  
2 stories or more in height hereafter erected shall have at least one  
3 flight of stairs extending from the entrance floor to the roof; and the  
4 stairs and public halls therein shall each be at least four feet wide in  
5 the clear. All stairs shall be constructed with a rise of not more than  
6 eight inches and with treads not less than ten inches wide and not  
7 less than four feet long in the clear. Winding stairs will not be  
8 permitted.

1 SEC. 39. Stair halls. In multiple dwellings hereafter erected which  
2 exceed two stories in height, the stair halls shall be constructed of  
3 fire-resistive material throughout. The risers, strings and balusters  
4 shall be of metal concrete or stone. The treads shall be of metal,  
5 slate, concrete or stone or of hardwood not less than two inches thick.  
6 Wooden hand rails will be permitted if constructed of hardwood. The  
7 floors of all such stair halls shall be constructed of iron, steel or con-  
8 crete beams and fireproof filling, and no wooden flooring or sleepers  
9 shall be permitted. In multiple dwellings hereafter erected which  
10 exceed two stories in height, at least one flight of stairs shall be  
11 enclosed in fireproof walls from the cellar to the roof.

1 SEC. 40. Stair enclosures. In all multiple dwellings hereafter  
2 erected which exceed two stories in height, all stair halls shall be  
3 enclosed on all sides with walls of brick or other fire-resistive material  
4 not less than eight inches thick. The doors opening from such stair  
5 halls shall be fire-resistive and self-closing fire-doors of the swinging  
6 type. There shall be no transom or sash or similar opening from  
7 such stair hall to any other part of the building occupied for living  
8 purposes.

1     **SEC. 41. Entrance halls.** In multiple dwellings hereafter erected  
 2 less than five stories high, where there is but one stairway, the  
 3 entrance hall shall be not less than five feet wide in the clear; and  
 4 in multiple dwellings five or more stories high, the width shall be  
 5 not less than six feet and the entrance hall shall have an additional  
 6 width of two feet for each additional stairway served. In every  
 7 multiple dwelling hereafter erected, access shall be had from the street  
 8 or alley to the yard, either in a direct line or through a court.

1     **SEC. 42. Chutes, dumb waiters, ventilating and miscellaneous**  
 2 **shafts and elevators.** In multiple dwellings hereafter erected all dumb  
 3 waiters, chutes, ventilating and miscellaneous shafts shall be enclosed  
 4 in an enclosure of fire-resistive material with self closing fire doors  
 5 at all entrances into same including cellar entrances.

6     In multiple dwellings hereafter erected which shall exceed two  
 7 stories in height or which are occupied by more than two families  
 8 above the grade floor, elevators, if provided, shall not be permitted  
 9 in well holes or in the same shaft as the stairs but shall be in a separate  
 10 shaft or enclosure of fire-resistive material such as brick not less than  
 11 eight inches in thickness, re-inforced concrete not less than four inches  
 12 in thickness, well burned tile or terra cotta not less than six inches  
 13 in thickness.

14     All entrances into elevator shaft shall be protected by fire doors  
 either self closing or closed inside by elevator operator.

1     **SEC. 43. Cellar stairs.** In multiple dwellings hereafter erected  
 2 inside cellar stairs shall be in an enclosure constructed of fire-resistive  
 3 walls and shall have a fire-resistive self-closing door of the swinging  
 4 type at the bottom.

1     **SEC. 44. Closet under first story stairs.** In multiple dwellings here-  
 2 after erected no closet of any kind shall be constructed under any  
 3 staircase leading from the entrance story to the upper stories, but  
 4 such space shall be left entirely open and kept clear and free from  
 5 incumbrance.

1     **SEC. 45. Cellar entrance.** In every multiple dwelling hereafter  
 2 erected there shall be an entrance to the cellar or other lowest story  
 3 from the outside of the said building.

1     **SEC. 46. Wooden multiple dwelling.** No wooden multiple dwelling  
 2 shall hereafter be erected exceeding two stories in height and no  
 3 wooden building not now used as a multiple dwelling shall hereafter  
 4 be altered into a multiple dwelling exceeding two stories in height.

#### ALTERATIONS.

1     **SEC. 47. Enlargement of dwellings.** No dwelling shall hereafter  
 2 be enlarged or its lot diminished, or other building placed on the lot,  
 3 so that the rear yard or side yard shall be less in size than the mini-  
 4 mum sizes prescribed in sections thirteen and fourteen of this act for  
 5 dwellings hereafter erected.

1     **SEC. 48. New courts in existing dwellings.** An inner court here-  
 2 after constructed in a dwelling erected prior to the passage of this  
 3 act, if extending only through one or two stories, shall be not less than  
 4 six feet by eight feet in size; and if it extends through more than two

5 stories, it shall be not less than eight feet by ten feet in size. All  
6 inner courts shall be opened to the sky, without skylight, or roof of  
7 any kind.

1 **SEC. 49. Additional rooms or halls.** Any additional room or hall  
2 that is hereafter constructed or created in a dwelling shall comply in  
3 all respects with the provisions of this act with reference to dwellings  
4 hereafter erected, except that it may be of the same height as the  
5 other rooms of the same story of the dwelling.

1 **SEC. 50. Rooms and halls—lighting and ventilation of.** No dwell-  
2 ing shall be so altered or its lot diminished that any room or public  
3 hall or stairs shall have its light or ventilation diminished in any way  
4 not approved by the health officer.

1 **SEC. 51. Roof stairs.** No stairs leading to the roof in any multiple  
2 dwelling shall be removed or be replaced with a ladder.

1 **SEC. 52. Bulkheads.** Every bulkhead hereafter constructed in a  
2 multiple dwelling shall be constructed of fire-resistive material or  
3 covered with metal.

1 **SEC. 53. Stairways.** No public hall or stairs in a multiple dwelling  
2 shall be reduced in width so as to be less than the minimum width  
3 prescribed in sections thirty-seven and forty of this act.

1 **SEC. 54. Dumb waiters and elevators.** All dumb waiters and  
2 elevators hereafter constructed in multiple dwellings shall be in  
3 enclosures constructed of fire-resistive material with fire-resistive  
4 doors at all openings at each story, including the cellar. In the case  
5 of dumb waiter shafts such doors shall be self-closing: and such shafts  
6 shall be completely separated from the stairs by walls of approved  
7 fire-resistive material enclosing the same.

8 This section does not apply to dumb waiter shafts or elevator shafts  
9 which are already in existence, but only to those which may be installed  
10 after the act takes effect.

1 **SEC. 55. Water closet accommodations.** Any water closet here-  
2 after placed in a dwelling, except one provided to replace a defective  
3 or unsanitary fixture in the same location, shall comply with the pro-  
4 visions of sections of twenty-five, thirty-two and thirty-four of this  
5 act relative to water closets in dwellings hereafter erected.

1 **SEC. 56. Height.** No dwelling shall be increased in height so that  
2 it exceeds one and one-half times the width of the widest street on  
3 which it abuts nor in any case exceeds one hundred feet.

1 **SEC. 57. Other alterations.** Except as specified above, no dwelling  
2 shall be so altered nor shall its lot be so diminished, nor shall any  
3 building be so placed on the same lot, as to cause the dwelling to be  
4 in violation of the requirements of this act for dwellings hereafter  
5 erected; nor shall any room, public hall or stairs have its light or  
6 ventilation diminished in any way not approved by the health officer.

1 **SEC. 58. Skylights.** All new skylights hereafter placed in a  
2 multiple dwelling shall be provided with ventilators having a minimum  
3 opening of forty square inches and also with either fixed or movable  
4 louvres or with movable sashes, and shall be of such size as may be  
5 determined to be practicable by the health officer.

1    **SEC. 59. Alcoves and alcove rooms.** No part of any room in a  
 2 dwelling shall hereafter be enclosed or subdivided for separate occu-  
 3 pancy, wholly or in part by a fixed partition, unless such part of a  
 4 room so enclosed or subdivided shall contain a window as required  
 5 by sections nineteen, twenty and twenty-four of this act, and have a  
 6 floor area of not less than eighty square feet.

#### MAINTENANCE.

1    **SEC. 60. Public halls—lighting at night.** In every multiple dwell-  
 2 ing a proper light shall be kept burning by the owner in the public  
 3 hallways near the stairs upon each floor every night from sunset to  
 4 sunrise throughout the year if so required by the health officer.

1    **SEC. 61. Water closets in cellars.** No water closet shall be main-  
 2 tained in the cellar of any dwelling without a permit in writing from  
 3 the health officer, who shall have power to make rules and regulations  
 4 governing the maintenance of such closets. Under no circumstances  
 5 shall the general water closet accommodations of any multiple dwelling  
 6 be permitted in the cellar or basement thereof; this provision, how-  
 7 ever, shall not be construed so as to prohibit a general toilet room  
 8 containing several water closets, provided such water closets are  
 9 supplementary to those required by law.

1    **SEC. 62. Water closet accommodations.** In every dwelling existing  
 2 prior to the passage of this act there shall be provided at least one  
 3 water closet for every two apartments, groups or suites of rooms, or  
 4 fraction thereof, except that in multiple dwellings of Class B there  
 5 shall be provided at least one water closet for every twenty occupants  
 6 or fraction thereof.

1    **SEC. 63. Basement and cellar rooms.** No room in the cellar of any  
 2 dwelling erected prior to the passage of this act shall be occupied for  
 3 living purposes. And no room in the basement of any such dwelling  
 4 shall be so occupied without a written permit from the health officer.  
 5 No such room shall hereafter be occupied unless all the following  
 6 conditions are complied with:

7       (1). Such room shall be at least seven feet high in every part  
 8 from the floor to the ceiling.

9       (2). The ceiling of such room shall be in every part at least three  
 10 feet six inches above the surface of the street or ground outside of or  
 11 adjoining the same.

12       (3). There shall be appurtenant to such room the use of a water  
 13 closet.

14       (4). At least one of the rooms of the apartment of which such  
 15 room is an integral part shall have a window or windows opening  
 16 directly to the street or yard, with an aggregate of at least twelve  
 17 square feet in size clear of the sash frame, and which shall open readily  
 18 for purposes of ventilation.

19       (5). The lowest floor shall be waterproof and damp proof.

20       (6). Such room shall have sufficient light and ventilation, shall be  
 21 well drained and dry and shall be fit for human habitation.

1    **SEC. 64. Cellar walls and ceilings.** The cellar walls and cellar  
 2 ceilings of every multiple dwelling shall by the owner be thoroughly

3 whitewashed or painted a light color and shall be so maintained by  
4 him when required by the health officer.

1 SEC. 65. **Water closets and sinks.** In all two-family dwellings and  
2 multiple dwellings the floor or other surface beneath and around water  
3 closets and sinks shall be maintained in good order and repair and if  
4 of wood shall be kept well painted.

1 SEC. 66. **Repairs.** Every dwelling and all the parts thereof shall  
2 be kept in good repair by the owner, and the roof shall be kept so as  
3 not to leak, and all rain water shall be so drained and conveyed there-  
4 from as not to cause dampness in the walls or ceilings.

1 SEC. 67. **Water supply.** Every dwelling not exempted in section  
2 seven of this act shall have within the dwelling at least one proper  
3 sink with running water furnished in sufficient quantity at one or  
4 more places exclusive of the cellar. In two-family dwellings and  
5 multiple dwellings of Class A there shall be at least one sink on every  
6 floor, accessible to each family on the floor occupied by said family  
7 without passing through any other apartment. Where city water is  
8 not available the owner shall provide proper and suitable tanks, pumps  
9 or other appliances to receive and to distribute an adequate and suffi-  
10 cient supply of water at each floor in the said dwelling at all times of  
11 the year, during all hours of the day and night. But a failure in the  
12 general supply of city water shall not be construed to be a failure on  
13 the part of such owner, provided proper and suitable appliances to  
14 receive and distribute such water have been provided in said dwelling.

1 SEC. 68. **Catch basins.** In the case of dwellings where, because  
2 of lack of city water supply or sewers, sinks with running water not  
3 provided inside the dwellings one or more catch basins or some other  
4 approved convenience for the disposal of waste water, if necessary in  
5 the opinion of the health officer, shall be provided in the yard or court,  
6 level with the surface thereof and at a point easy of access to the  
7 occupants of such dwelling.

1 SEC. 69. **Cleanliness of dwellings.** Every dwelling and every part  
2 thereof shall be kept clean and shall also be kept free from any accumu-  
3 lation of dirt, filth, rubbish, garbage or other matter in or on the  
4 same, or in the yards, courts, passages, areas or alleys connected with  
5 or belonging to the same. The owner of every dwelling and in the  
6 case of a private dwelling the occupant thereof, shall thoroughly  
7 cleanse or cause to be cleansed all the rooms, passages, stairs, floors,  
8 windows, doors, walls, ceilings, privies, water closets, cesspools, drains,  
9 halls, cellars, roofs and all other parts of the said dwelling, or part  
10 of the dwelling of which he is the owner or in case of a private dwelling  
11 the occupant, to the satisfaction of the health officer, shall keep the  
12 said parts of the said dwelling in a cleanly condition at all times.

1 SEC. 70. **Walls of courts.** In multiple dwellings the walls of all  
2 courts, unless built of a light color brick or stone, shall be thoroughly  
3 whitewashed by the owner or shall be painted to a light color by him,  
4 and shall be so maintained. Such whitewash or paint shall be renewed  
5 whenever necessary, as may be required by the health officer.

1 SEC. 71. **Walls and ceilings of rooms.** In all multiple dwellings  
2 erected prior to this act the health officer may require the walls and

3 ceilings of every room that does not open directly on the street to be  
4 kalsomined or painted so as to furnish adequate lighting of such room  
5 and may require this to be renewed as often as may be necessary.

1 **SEC. 72. Receptacles for garbage and rubbish.** The owner of  
2 every dwelling and in the case of a private dwelling the occupant shall  
3 provide for said dwelling, keep clean and in place, proper covered  
4 receptacles of non-absorbent material for holding garbage, refuse,  
5 rubbish and other waste matter. Garbage chutes are prohibited.

1 **SEC. 73. Prohibited uses.** No horse, cow, calf, swine, sheep, goat,  
2 chickens, geese or ducks shall be kept in any dwelling or part thereof.  
3 Nor shall any such animal be kept on the same lot or premises with  
4 a dwelling except under such conditions as may be prescribed by the  
5 health officer. No such animal, except a horse, shall under any cir-  
6 cumstances be kept on the same lot or premises with a multiple dwell-  
7 ing. No dwelling or the lot or premises thereof shall be used for the  
8 storage or handling of rags or junk.

1 **SEC. 74. Combustible materials.** No dwelling nor any part thereof,  
2 nor of the lot upon which it is situated, shall be used as a place of  
3 storage, keeping or handling of any article dangerous or detrimental  
4 to life or health; nor of any combustible article except under such  
5 conditions as may be prescribed by the fire commissioner, or the  
6 proper official, under authority of a written permit issued by him.

1 **SEC. 75. Certain dangerous businesses.** There shall be no tran-  
2 som, window or door opening into a public hall from any part of a  
3 multiple dwelling where paint, oil, gasoline or drugs are stored or  
4 kept for the purpose of sale or otherwise. This provision shall not  
5 apply to hotels.

1 **SEC. 76. Janitor or housekeeper.** In any multiple dwelling in  
2 which the owner thereof does not reside, there shall be a janitor,  
3 housekeeper or other responsible person who shall have charge of the  
4 same, if the health officer shall so require.

1 **SEC. 77. Overcrowding.** If any room in a dwelling is overcrowded  
2 the health officer may order the number of persons sleeping or living  
3 in said room to be so reduced that there shall be not less than four  
4 hundred cubic feet of air to each adult and two hundred cubic feet of  
5 air to each child under twelve years of age occupying such room.

1 **SEC. 78. Lodgers prohibited.** The health officer may prohibit in  
2 any multiple dwelling the letting of lodgings therein by any of the  
3 tenants occupying such multiple dwelling, and may prescribe condi-  
4 tions under which lodgers or boarders may be taken in multiple dwell-  
5 ings. It shall be the duty of the owner in the case of multiple  
6 dwellings to see that the requirements of the health officer in this  
7 regard are at all times complied with, and a failure to so comply on  
8 the part of any tenant, after due and proper notice from said owner  
9 or from the health officer, shall be deemed sufficient cause for the  
10 summary eviction of such tenant and the cancellation of his lease.  
11 The provisions of this section may be extended to private dwellings  
12 and two-family dwellings, as may be found necessary by the health  
13 officer.



**SEC. 79. Infected and uninhabitable dwellings to be vacated.**

1 Whenever it shall be certified by an inspector or officer of the health  
 2 department that a dwelling is infected with contagious disease or  
 3 that it is unfit for human habitation, or dangerous to life or health  
 4 by reason of want of repair, or of defects in the drainage, plumbing,  
 5 lighting, ventilation, or the construction of the same, or by reason of  
 6 the existence on the premises of a nuisance likely to cause sickness  
 7 among the occupants of said dwelling, the health officer may issue  
 8 an order requiring all persons therein to show cause why they should  
 9 not be required to vacate such house within a time to be set by him,  
 10 for the reasons to be mentioned in said order. In case such order is  
 11 not complied with within the time specified, the health officer may  
 12 cause said dwelling to be vacated. The health officer whenever he is  
 13 satisfied that the danger from said dwelling has ceased to exist, or  
 14 that it is fit for human habitation, may revoke said order or may  
 15 extend the time within which to comply with the same.

1 **SEC. 80. Repairs to buildings, etc.** Whenever any dwelling or  
 2 any building, structure, excavation, business pursuit, matter or thing,  
 3 in or about a dwelling, or the lot on which it is situated, or the plumb-  
 4 ing sewerage, drainage, light or ventilation thereof, is in the opinion  
 5 of the health officer in a condition or in effect dangerous or detri-  
 6 mental to life or health, the health officer may after notice and failure  
 7 to correct, declare that the same to the extent he may specify is a  
 8 public nuisance, and may order the same to be removed, abated, sus-  
 9 pended, altered or otherwise improved or purified as the order shall  
 10 specify.

1 **SEC. 81. Fire escapes.** The owner of every multiple dwelling  
 2 on which there are fire escapes shall keep them in good order and  
 3 repair, and whenever rusty shall have them properly painted with  
 4 two coats of paint. No person shall at any time place an obstruction  
 5 of any kind before or upon such fire escape.

1 **SEC. 82. Scuttles, bulkheads, ladders and stairs.** In all multiple  
 2 dwellings where there are scuttles or bulkheads, they and all stairs  
 3 or ladders leading thereto shall be easily accessible to all occupants  
 4 of the building and shall be kept free from obstruction and ready  
 5 for use at all times. No scuttle and no bulkhead door shall at any  
 6 time be locked with a key, but either may be fastened on the inside  
 7 by movable bolts or hooks.

**IMPROVEMENTS.**

1 **SEC. 83. Rooms—lighting and ventilation of.** No room in a  
 2 dwelling erected prior to the passage of this act shall hereafter be  
 3 occupied for living purposes unless it shall have a window of an area  
 4 of not less than eight square feet opening directly upon the street,  
 5 or upon a rear yard not less than four feet deep, or above the roof of  
 6 an adjoining building, or upon a court or side yard of not less than  
 7 twenty-five square feet in area open to the sky without roof or sky-  
 8 light, unless such room is located on the top floor and is adequately  
 9 lighted and ventilated by a skylight, opening directly to the outer  
 10 air; except that a room which cannot be made to comply with the  
 11 above provisions may be occupied if provided with a sash window of

12 not less than 15 square feet in area, opening into an adjoining room  
13 in the same apartment group or suite of rooms, which latter room  
14 opens directly on the street or on a rear yard of the above dimensions.  
15 Said sash window shall be a vertically sliding pulley-hung sash not  
16 less than three feet by five feet between stop beads, both halves shall  
17 be made so as to readily open, and the lower half shall be glazed with  
18 translucent glass, and so far as possible it shall be in line with windows  
19 in the said outer room opening on the street or rear yard so as to afford  
20 a maximum of light and ventilation.

SEC. 84. Public halls and stairs—lighting and ventilation of.  
1 In all multiple dwellings erected prior to the passage of this act the  
2 public halls and stairs shall be provided with as much light and  
3 ventilation to the outer air as may be deemed practicable by the board  
4 of health who may order the cutting in of windows and skylights and  
5 such other improvements and alterations in said dwellings as in his  
6 judgment may be necessary and appropriate to accomplish this result.  
7 All new skylights hereafter placed in such dwellings shall be of such  
8 size as may be determined to be practicable by said board of health.

1 SEC. 85. Sinks and water closets. In all multiple dwellings  
2 erected prior to the passage of this act the woodwork encasing sinks  
3 except sinks in butler's pantries, and water closets shall be removed  
4 and the space underneath said fixtures shall be left open. The floor  
5 and wall surfaces beneath and around the said fixtures shall be put  
6 in good order and repair, and if of wood shall be kept well painted.  
7 Defective and unsanitary water closet fixtures shall be replaced by  
8 proper fixtures, as defined by this act.

1 SEC. 86. Privy vaults—range closets and water closets. When-  
2 ever a connection with a sewer is possible, all privy vaults, range  
3 closets, cesspools or other similar receptacles used to receive fecal  
4 matter, urine or sewage, shall before July first, nineteen hundred and  
5 twenty, with their contents, be completely removed and the place  
6 where they were located properly disinfected under the direction of  
7 the health officer. Such appliances shall be replaced by individual  
8 water closets of durable non-absorbent material, properly sewer con-  
9 nected, and with individual traps and properly connected flush tanks  
10 providing an ample flush of water to thoroughly cleanse the bowl.  
11 Each such water closet shall be located inside the dwelling or other  
12 building in connection with which it is to be used in a compartment  
13 completely separated from every other water closet, and such com-  
14 partment shall contain a window of not less than four square feet in  
15 area opening directly to the street or rear yard or on a side yard or  
16 court of the minimum size prescribed in sections fourteen and fifteen  
17 of this act. Such water closets shall be provided in such numbers  
18 as required by section sixty-two of this act. Such water closets and  
19 all plumbing in connection therewith shall be sanitary in every respect  
20 and, except as in this act otherwise provided, shall be in accordance  
21 with the local ordinances and regulations in relation to plumbing and  
22 drainage. Pan, plunger and long hopper closets will not be permitted  
23 except upon written permit of the health officer. No water closet shall  
24 be placed out of doors.

1 SEC. 87. Basements and cellars. The floor of the cellar or lowest  
2 floor of every dwelling shall be free from dampness, and, when

3 necessary in the judgment of the health officer, shall be concreted  
4 with not less than two inches of concrete of good quality and with a  
5 finished surface.

1 SEC. 88. Shafts and courts. In every dwelling where there is a  
2 court or shaft of any kind, there shall be at the bottom of every such  
3 shaft and court a door giving sufficient access to such shaft or court  
4 to enable it to be properly cleaned out; provided, that where there  
5 is already a window giving proper access it shall be deemed sufficient.

1 SEC. 89. Egress. Every multiple dwelling exceeding two stories  
2 in height shall have at least two independent ways of egress con-  
3 structed and arranged as provided in section thirty-six of this act.  
4 In the case of multiple dwellings erected prior to the passage of this  
5 act where it is not practicable in the judgment of the building inspector  
6 to comply in all respects with the provisions of that section, said  
7 building inspector shall make such requirements as may be appro-  
8 priate to secure proper means of egress from such multiple dwellings  
9 for all the occupants thereof. No existing fire escape shall be deemed  
10 a sufficient means of egress unless the following conditions are com-  
11 plied with:

12 (1) All parts of it shall be of iron, cement or stone.

13 (2) The fire escape shall consist of outside balconies which shall  
14 be properly connected with each other by adequate stairs or stationary  
15 ladders, with openings not less than twenty-four by twenty-eight  
16 inches.

17 (3) All fire escapes shall have proper drop ladders or stairways  
18 from the lowest balcony of sufficient length to reach a safe landing  
19 place beneath.

20 (4) All fire escapes not on the street shall have a safe and ade-  
21 quate means of egress from the yard or court to the street or alley  
22 or to the adjoining premises.

23 (5) Prompt and ready access shall be had to all fire escapes, which  
24 shall not be obstructed by bathtubs, water closets, sinks or other  
25 fixtures, or in any other way.

1 SEC. 90. Additional means of egress. Whenever any multiple  
2 dwelling is not provided with sufficient means of egress in case of  
3 fire the building inspector shall order such additional means of egress  
4 as may be necessary.

1 SEC. 91. Roof egress, scuttles and bulkheads. Unless there  
2 is a bulkhead in the roof there shall be over every inside stairway  
3 used by more than one family, a skylight or scuttle not less than two  
4 feet by three feet in size. Every flat roof multiple dwelling, exceeding  
5 one story in height, shall have at least one convenient and permanent  
6 means of access to the roof located in a public part of the building and  
7 not in a room or closet.

#### REQUIREMENTS AND REMEDIES.

1 SEC. 92. Permit to commerce building. Before the construc-  
2 tion or alteration of a dwelling, or the alteration or conversion of  
3 a building for use as a dwelling is commenced and before the con-  
4 struction or alteration of any building or structure on the same lot

5 with a dwelling, the owner, or his agent or architect shall submit to  
6 the board of health a detailed statement in writing, certified by the  
7 affidavit of the person making the same, of the specifications for such  
8 dwelling or building, upon blanks or forms to be furnished by such  
9 board of health, and also full and complete copies of the plans of such  
10 work. With such statement there shall be submitted a plat of the lot  
11 showing the dimensions of the same, the location of the proposed  
12 building and all other buildings on the lot. Such statement shall give  
13 in full the name and residence, by street and number, of the owner  
14 or owners of such dwelling or building and the purposes for which  
15 such dwelling or building will be used. If such construction, alter-  
16 ation or conversion is proposed to be made by any other person than  
17 the owner of the land in fee, such statement shall contain the full  
18 name and residence, by street and number, not only of the owner of  
19 the land, but of every person interested in such dwelling, either as  
20 owner, lessee or in any representative capacity. Said affidavit shall  
21 allege that said specifications and plans are true and contain a correct  
22 description of such dwelling, building, structure, lot and proposed  
23 work. The statements and affidavits herein provided for may be  
24 made by the owner, his agent or architect, or by the person who pro-  
25 poses to make the construction, alteration or conversion or by the  
26 agent or architect of such person. No one, however, shall be recog-  
27 nized as the agent of the owner or of such person unless he shall file  
28 with said health officer a written instrument signed by such owner or  
29 person, as the case may be, designating him as such agent. Any  
30 intentional false oath in a material point in any such affidavit shall  
31 be deemed perjury. Such specifications, plans and statements shall  
32 be filed in said health department and shall be deemed public records,  
33 but no such specifications, plans or statements shall be removed from  
34 said health department. The health officer shall cause all such plans  
35 and specifications to be examined. If such plans and specifications  
36 conform to the provisions of this act they shall within five days be  
37 approved by the health officer or his duly authorized assistant, and  
38 a written certificate to that effect shall be issued by him to the person  
39 submitting the same. The health officer shall from time to time,  
40 approve changes in any plans and specifications previously approved  
41 by him, provided the plans and specifications when so changed shall  
42 be in conformity with law. The construction, alteration or conver-  
43 sion of such dwelling, building or structure, or any part thereof, shall  
44 not be commenced until the filing of such specifications, plans and  
45 statements, and the approval thereof, as above provided. No permit  
46 shall be granted and no plan approved by the department of buildings,  
47 where such exists, for the construction or alteration of a dwelling or  
48 for the alteration or conversion of any building for use as a dwelling  
49 until there has been filed in the office of the department of buildings  
50 a certificate of the health officer issued as above provided to the effect  
51 that such dwelling conforms to the provisions of this act. The con-  
52 struction, alteration or conversion of such dwelling, building or struc-  
53 ture shall be in accordance with such approved specifications and  
54 plans. Any permit or approval which may be issued by the health  
55 officer, but under which no work has been done above the foundation  
56 walls within one year from the time of the issuance of such permit  
57 or approval, shall expire by limitation. The health officer or his duly  
58 authorized assistant shall have power to revoke or cancel any permit  
59 or approval in case of any failure or neglect to comply with any of

60 the provisions of this act, or in case any false statement or repre-  
61 sentation is made in any specifications, plans or statements submitted  
62 or filed for such permit or approval.

1 SEC. 93. **Certificate of compliance.** No part of a building here-  
2 after constructed as or altered into a dwelling shall be occupied in  
3 whole or in part for human habitation until the issuance of a cer-  
4 tificate by the health officer that such part of said dwelling conforms  
5 to the requirements of this act relative to dwellings hereafter erected.  
6 Such certificate shall be issued within three days after written appli-  
7 cation therefor if said dwelling at the date of such application shall  
8 be entitled thereto.

1 SEC. 94. **Unlawful occupation.** If any building hereafter con-  
2 structed as, or altered into, a dwelling be occupied in whole or in  
3 part for human habitation in violation of the last section, during such  
4 unlawful occupation no rent shall be recoverable by the owner or lessee  
5 of such premises for said period, and no action or special proceeding  
6 shall be maintained therefor or for possession of said premises for  
7 non-payment of said rent, and said premises shall be deemed unfit for  
8 human habitation and the health officer may cause them to be vacated  
9 accordingly.

1 SEC. 95. **Penalties for violations.** Every person who shall vio-  
2 late or assist in the violation of any provision of this act shall be  
3 guilty of a misdemeanor punishable by a fine of not less than ten  
4 dollars or more than one hundred dollars, and in default in payment  
5 thereof, by imprisonment in the county jail for not more than thirty  
6 (30) days. The owner of any dwelling, or of any building or structure  
7 upon the same lot with a dwelling, or of the said lot, where any viola-  
8 tion of this act, or a nuisance as herein defined, exists who has been  
9 guilty of such violation or of creating or knowingly permitting the  
10 existence of such nuisance, and any person who shall violate or assist  
11 in violation any provision of this act, shall also jointly and severally  
12 for each such violation and each such nuisance be subject to a civil  
13 penalty of fifty dollars to be recovered for the use of the health  
14 department in civil action brought in the name of the municipality  
15 by the health officer. Such persons and also said premises shall also  
16 be liable in such case for all costs, expenses and disbursements paid  
17 or incurred by the health department, by any of the officer, agents  
18 or employees thereof in the removal of any such nuisance or violation.  
19 Any person who having been served with a notice or order to remove  
20 any such nuisance or violation shall fail to proceed in good faith to  
21 comply with said notice or order within five days after such service,  
22 or shall continue to violate any provisions or requirements of this act  
23 in the respect named in said notice or order, shall also be subject to  
24 a civil penalty of fifty dollars. For the recovery of any such penalties,  
25 costs, expenses or disbursements, an action may be brought in any  
26 court of competent civil jurisdiction. The existence of a nuisance in  
27 or upon such dwelling, structure on the same lot with a dwelling or  
28 on such lot, which the owner thereof has created or permitted to exist  
29 and any violation of this act as to such dwelling, structure and lot of  
30 which the owner has been guilty shall in such proceeding subject such  
31 dwelling, structure and lot respectively to a penalty of fifty dollars,  
32 which shall be a lien thereon until paid; and any violation of an order  
33 made or a notice given by the health officer permitted or committed

34 by the owner of a dwelling, structure on the same lot with a dwelling  
35 or such lot, shall be in such proceeding subject the dwelling, structure  
36 and lot respectively to a penalty of fifty dollars, which penalty shall  
37 be a lien thereon until paid.

1     **SEC. 96. Procedure.** Except as herein otherwise specified, the pro-  
2 cedure for the prevention of violations of this act or for the vacation  
3 of premises unlawfully occupied, or for other abatement of nuisances,  
4 or for the bringing of action therefor, shall be in accordance with the  
5 existing practice and procedure. In case any dwelling, building or  
6 structure is constructed, altered, converted or maintained in violation  
7 of any provision of this act or of any order or notice of the health  
8 officer, or in case a nuisance exists in any such dwelling, building or  
9 structure or upon the lot on which it is situated, said health officer  
10 may institute any appropriate action or proceeding to prevent such  
11 unlawful construction, alteration, conversion or maintenance, to  
12 restrain, correct or abate such violation or nuisance, to prevent the  
13 occupation of said dwelling, building or structure, or to prevent any  
14 illegal act, conduct or business in or about such dwelling or lot. In  
15 any such action or proceeding said health officer may by petition duly  
16 verified, setting forth the facts, apply to the district superior or muni-  
17 cipal court, or to any judge thereof in term time or vacation, for an  
18 order granting the relief for which said action or proceeding is  
19 brought, or for an order enjoining all persons from doing or permitting  
20 to be done any work in or about such dwelling, building, structure or  
21 lot, or from occupying or using the same for any purpose until the  
22 entry of final judgment or order. In case any notice or order issued  
23 by said health officer is not complied with, said health officer may apply  
24 to the district superior or municipal court or to any judge thereof in  
25 term time or vacation for an order authorizing him to execute and  
26 carry out the provisions of said notice or order, to correct any viola-  
27 tion specified in said notice or order, or to abate any nuisance in or  
28 about such dwelling, building or structure or the lot upon which it is  
29 situated. The court or any judge thereof is hereby authorized to make  
30 any order specified in this section.

1     **SEC. 97. Tenant's responsibility.** If the occupant of a dwelling  
2 shall fail to comply with the provisions of this act after due and proper  
3 notice from the health officer, such failure to comply shall be deemed  
4 sufficient cause for the eviction of such tenant by the owner and the  
5 cancellation of his lease.

1     **SEC. 98. Registry of agent's name.** Every owner, agent or lessee  
2 of a dwelling may file in the health department a notice containing the  
3 name and address of an agent of such dwelling, for the purpose of  
4 receiving service of all notices required by this act, and also a descrip-  
5 tion of the property by street number or otherwise as the case may be,  
6 in such manner as will enable the health department easily to find the  
7 same. The name of the owner or lessee may be filed as agent for this  
8 purpose.

1     **SEC. 99. Service of notices and orders.** Every notice or order  
2 required by this act shall be served at least ten days before the time  
3 for doing the thing in relation to which it shall have been issued,  
4 unless otherwise herein provided. The posting of a copy of such notice  
5 or order in a conspicuous place in the dwelling, together with the mail-

6 ing of a copy thereof on the same day that it is posted, to the owner  
7 and lessee of the dwelling effected thereby, and each person, if any,  
8 whose name has been filed with the health department in accordance  
9 with the provisions of Section 98 of this act at his address as filed,  
10 shall be sufficient service thereof.

1 **SEC. 100. Service of summons and subpoena.** In any action brought  
2 by the health officer in relation to a dwelling for injunction, vacation  
3 of the premises or abatement of nuisance, or to establish a lien thereon  
4 or to recover a civil penalty, service of notices shall be served in the  
5 manner provided by law for the service of original notices; provided,  
6 that if the address of any agent whose name and address have been  
7 filed in accordance with the provisions of Section 99 of this act is in  
8 the county in which the dwelling is situated, then such notice may be  
9 served upon such agent.

1 **SEC. 101. Enforcement.** The provisions of this act shall be  
2 enforced in each city by the health officer, except that the department  
3 of buildings, where such department exists in a city, shall enforce the  
4 provisions herein contained under the title "Fire Protection" and the  
5 provisions contained in Sections 89, 90, and 91 hereof.

1 **SEC. 102. Powers conferred.** The powers conferred by this act  
2 upon the public officials heretofore in this act mentioned shall be in  
3 addition to the powers already conferred upon said officers, and shall  
4 not be construed as in any way limiting their powers except as pro-  
5 vided in Section 8.

1 **SEC. 103. Inspection of dwellings.** The health officer or such other  
2 appropriate public official as the mayor may designate, shall cause an  
3 inspection to be made of every multiple dwelling at least once a year.  
4 Such inspection shall include thorough examination of all parts of  
5 such multiple dwelling and the premises connected therewith. The  
6 health officer or such other official so designated is also hereby empow-  
7 ered to make similar inspections of all dwellings as frequently as may  
8 be necessary; and shall make inspection at any time on complaint of  
9 the owner, tenant or other person concerned.

1 **SEC. 104. Right of entry.** The health officer and all inspectors,  
2 officers and employes of the board of health, and such other persons  
3 as may be authorized by the health officer, may without fee or  
4 hindrance enter, examine, make necessary records, and survey all  
5 premises, grounds, erections, structures, apartments, dwellings, build-  
6 ings and every part thereof in the city. The owner or his agent or  
7 representative and the lessee and occupant of every dwelling and  
8 every person having the care and management thereof shall at all  
9 reasonable times when required by any such officers or persons  
10 give them free access to such dwellings and premises. The  
11 owner of a dwelling and his agents and employes shall have right of  
12 access to such dwelling at reasonable times for the purpose of bring-  
13 ing about compliance with the provisions of this act or any order  
14 issued thereunder.

1 **SEC. 105. State board of health.** The state board of health shall  
2 have power to aid as far as may be necessary to secure the enforce-  
3 ment of this act; and to that end said board may apply to any court  
4 or judge of competent jurisdiction for an injunction mandatory or

5 prohibitive and the county attorney or attorney general shall prose-  
 6 cute such action in the name of the state of Iowa. The county attorney  
 7 may also prosecute an action in equity for injunction in the name of  
 8 the state of Iowa upon the request of any local board of health where  
 9 said act is being violated.

1 SEC. 106. **Mining camps.** Before any person or persons shall be  
 2 permitted to lay out or attempt to construct a mining camp wherein  
 3 is contemplated the erection of more than five houses, the said person  
 4 or persons shall first file with the state board of health a plat of the  
 5 camp, showing in detail the geographical location of same, the char-  
 6 acter of houses to be erected, the provisions made for drainage,  
 7 sewerage, outside toilets, and the provision made to secure water. If  
 8 after investigation, the said board of health is convinced that the  
 9 camp, if built, will comply with the general provisions of this act so  
 10 far as the same may be reasonably applicable, and practicable under  
 11 the circumstances, he shall within three weeks from the date of appli-  
 12 cation, issue a written permit for the erection of same. Whenever the  
 13 health conditions in any mining camp in the state are or become a  
 14 menace to the health of the inhabitants thereof, such state board of  
 15 health is hereby authorized to apply and enforce the provisions of this  
 16 act in so far as the same may be reasonably applicable and practicable  
 17 of enforcement in such camp.

1 SEC. 107. **Laws repealed.** All statutes or parts thereof in conflict  
 2 with the provisions of this act are hereby repealed. All charter pro-  
 3 visions, regulations and ordinances of cities are hereby superseded in  
 4 so far as they do not impose requirements other than the minimum  
 5 requirements of this act, and except in case of such higher local  
 6 requirements, this act shall in all cases govern.

1 SEC. 108. **Right of appeal.** From any order of the local board of  
 2 health there lies the right of appeal to the state board of health, which  
 3 latter board shall have the power to hear and determine such appeal,  
 4 and enforce their orders in the manner hereinbefore provided.

Approved March 31, A. D. 1919.

## CHAPTER 124.

### CITY OF BURLINGTON.

S. F. 330.

AN ACT to legalize certain warrants of the city of Burlington, Iowa and the issuance and sale of negotiable bonds funding said warrants.

WHEREAS, the city of Burlington issued warrants upon its general fund in the sum of forty thousand dollars and thirty-two cents (\$40,000.32) to evidence the indebtedness incurred in making said expenditures, said warrants being numbered as follows, viz:

3203, 3217, 3025, 3028, 3247 to 3256, 3260, 3265 to 3284, 3286 to 3306, 3318 to 3320, 3408, 3528, 3591 to 3600, 3608, 3610 to 3642, 3644 to 3656, 3706 to 3714, 3741, 3754, 3766, 3767, 3780, 3782, 3785, 3786, 3789, 3792,