

House File No. 542.
BY COMMITTEE ON CITIES AND TOWNS.

Passed on file.
March 19, 1919.

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

14 inconsistent with those provided in this act for the enforcement
15 of said ordinance.

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

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

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

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

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

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

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

24 Class A. Multiple dwellings of Class A are dwellings

25 which are occupied more or less permanently for
26 residence purposes by several families and in which
27 the rooms are occupied in apartments, suites or groups.
28 This class includes tenement houses, flats, apartment
29 houses, apartment hotels, bachelor apartments, studio
30 apartments, kitchenette apartments, and all other dwellings
31 similarly occupied whether specifically enumerated or not.

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

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

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

48 (6) Mixed Occupancy. In cases of mixed occupancy, where a
49 building is occupied only in part as a dwelling, the part so
50 occupied shall be deemed a dwelling for the purposes of this act.

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

58 (8) Courts. A "court" is an open unoccupied space, other
59 than a yard, on the same lot with a dwelling. A court not
60 extending to the street or front or rear yard is an inner court
61 A court extending to the street or front yard or rear yard is
62 an outer court.

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

67 (10) Front, rear; and depth of lot. The front of a lot is
68 that boundary line which borders on the street. In case of a corner
69 lot the owner may elect by statement on his plans either street boun-
70 dary line as the front. The rear of a lot is the side opposite
71 to the front. The depth of a lot is the dimension measured from the
72 front of the lot to the extreme rear line of the lot. In case of irregu-
73 lar shaped lots the mean depth shall be taken.

74 (11) Public hall. A "public hall" is a hall, corridor or
75 passageway not within the exclusive control of one family.

76 (12) Stair hall. A "stair hall" is a public hall and includes

77 the stairs, stair landings and those portions of the building through
78 which it is necessary to pass in going between the entrance floor and
79 the roof.

80 (13) Basement, cellar, attic. (a) A "basement" is a story
81 partly underground but having at least one-half of its height above
82 the curb level, and also one-half of its height above the highest
83 level of the adjoining ground. A basement shall be counted as a
84 story.

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

92 (c) In the case of private dwellings and two family dwell-
93 ings an attic, or space in a sloping roof, if occupied for liv-
94 ing purposes, shall not be counted as a story; in the case of
95 multiple dwellings an attic room shall be counted as a story if
96 used for living purposes.

97 (14) Height. The "height" of a dwelling is the perpendicular
98 distance measured in a straight line from the curb level to the high-
99 est point of the roof beams in the case of flat roofs, and to the
100 average of the height of the gable in the case of pitched roofs;
101 the measurements in all cases to be taken through the center of the
102 front of the house. Where a dwelling is situated on a terrace above

103 the curb level such height shall be measured from the level of the
104 adjoining ground. Where a dwelling is on a corner lot and there
105 is more than one grade or level, the measurements shall be taken
106 from the mean elevation.

107 (15) Curb level. The "curb level" is the level of the estab-
108 lished curb in front of the building measured at the center of such
109 front. Where no curb has been established the city engineer shall
110 establish such curb level or its equivalent for the purposes of this
111 act.

112 (16) Occupied spaces. Outside stairways, fire towers, porches,
113 platforms, balconies, boiler flues and other projections shall be
114 considered as part of the building and not as a part of the yards or
115 courts or unoccupied spaces. This provision shall not apply to unin-
116 closed outside porches not exceeding one story in height which do
117 not extend into the front or rear yard a greater distance than ten
118 feet from the front or rear walls of the building, nor to any such
119 porch which does not extend into the side yard a greater distance
120 than twelve feet from the side wall of the building nor exceed
121 twelve feet in its other horizontal dimension, nor to an enclosed
122 rear porch or attached garage with or without sleeping porch above
123 and not exceeding 12x20 feet nor to cornices or eaves not exceeding
124 18 inches in width.

125 (17) Fire-resistive constructed dwelling: A dwelling of fire-
126 resistive construction is one with brick, stone, or concrete walls
127 and with brick, tile, concrete or terra cotta floors and roof. Floor
128 and roof supports to be of brick, concrete or metal with all metal

129 protected by tile, concrete or similar fire-resistant material. But
130 this definition shall not be construed as prohibiting the use of
131 wooden flooring on top of the fireproof floors or the use of wooden
132 sleepers, nor as prohibiting wooden hand rails or treads of hardwood
133 not less than one inch thick.

134 (18) Wooden Buildings. "A wooden building" is a building of
135 which the exterior walls or a portion thereof are of wood. Court
136 walls are exterior walls.

137 (19) Nuisance. The word "nuisance" shall be held to embrace
138 nuisance as known at common law or in equity jurisprudence; and
139 whatever is dangerous to human life or detrimental to health; what-
140 ever dwelling is overcrowded with occupants or is not provided with
141 adequate ingress or egress to or from the same, or is not sufficient-
142 ly supported, ventilated, sewerred, drained, cleaned or lighted, in
143 reference to its intended or actual use; and whatever renders the air
144 or human food or drink unwholesome, are also severally, in contempla-
145 tion of this act, nuisances; and all such nuisances are hereby de-
146 clared illegal.

147 (20) Construction of certain words. The word "shall" is always
148 mandatory and not directory, and denotes that the dwelling shall be
149 maintained in all respects according to the mandate as long as it
150 continues to be a dwelling. Wherever the words "character" "ordinances,"
151 "regulations," "superintendent of buildings," "health department,"
152 "the board of health," "health officer," "commissioner of public
153 safety," "commissioner of public health," "department charged with
154 the enforcement of this act," "corporation counsel," "mayor," "city

155 treasury," or "fire limits" occur in this act they shall be construed
156 as if followed by the words "of the city in which the dwelling
157 is situated."

158 Wherever the words "health department," "health officer," or
159 "duly authorized assistant" or "board of health," "commissioner of
160 public safety," or "commissioner of public health" are employed in
161 this act, such words shall be deemed and construed to mean the
162 official or officials in any city to whom is committed the charge
163 of safeguarding the public health. The terms "superintendent of
164 buildings," "building department" and "inspector of buildings" shall
165 embrace the department and the executive head thereof specially
166 charged with the execution of laws and ordinances relating to the
167 construction of buildings. Wherever the words "occupied" or "used"
168 are employed in this act such words shall be construed as if follow-
169 ed by the words "or is intended, arranged, designed, built, altered,
170 converted to, rented, leased, let or hired out, to be occupied or
171 used."

172 Wherever the words "dwelling," "two family dwelling," "multiple
173 dwelling," "building," "house," "premises" or "lot" are used in this
174 act, they shall be construed as if followed by the words "or any
175 part thereof." Wherever the words "city water" are used in this act,
176 they shall be construed as meaning any public supply of water through
177 street mains; and wherever the words "public sewer" are used in this
178 act they shall be construed as meaning any part of a system of
179 sewers that is used by the public or by concerted action of several
180 users, whether or not such part was constructed at the public ex-

181 pense. Wherever the word "street" is used in this act it shall be
182 construed as including for the purpose hereinafter stated any public
183 alley sixteen feet or more in width, namely, for the sole purpose of
184 determining the required open space around and the allowable height
185 of any building abutting thereon. "Approved fire-resistive material"
186 means as set forth by ordinances, or if not so determined, as ap-
187 proved by the superintendent of buildings.

1 Sec. 3. Buildings Converted or Altered. A building not a
2 dwelling, if hereafter converted or altered to such use shall there-
3 upon become subject to such provisions of this act relative to
4 dwelling shall not be repaired or rebuilt except in conformity with
5 dwelling of one class if hereafter altered or converted to another
6 Provided, however, the owner shall be permitted to rebuild a build-
7 relative to such latter class as the board of health may require.

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

1 Sec. 5. Dwellings Damaged. If a dwelling be damaged by fire

2 or other cause to the extent of sixty-five per cent or more of its
3 original value, exclusive of the value of the foundations, such
4 dwelling shall not be repaired or rebuilt except in conformity with
5 the provisions of this act relative to dwellings hereafter erected.
6 Provided, however, the owner shall be permitted to rebuild a build-
7 ing of the same size as before subject to such reasonable provi-
8 sions regarding light, ventilation and sanitation, as the board of
9 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 re-
5 moval 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 questions
5 of the practicability of such sewer and water connections shall be de-
6 cided 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
2 provisions of the act shall be held to be the minimum requirements
3 adopted for the protection of health, welfare and safety of
4 the community. Nothing herein contained shall be deemed to invali-
5 date existing ordinances or regulations of any city imposing re-
6 quirements higher than the minimum requirements laid down in this

7 act relative to light, ventilation, sanitation, fire prevention,
8 egress, occupancy, maintenance and uses for dwellings; nor be deemed
9 to prevent any city subject to this act from enacting and putting in
10 force from time to time ordinances and regulations imposing require-
11 ments higher than the minimum requirements laid down in this act;
12 nor shall anything herein contained be deemed to prevent such cities
13 from prescribing for the enforcement of such ordinances and regula-
14 tions, remedies and penalties similar or additional to those pre-
15 scribed herein. And every city subject to this act is empowered to
16 enact such ordinances and regulations and to prescribe for their
17 enforcement; and to enact such other ordinances pertaining to the
18 housing of the people, not in conflict with the provisions of this
19 act, as shall be deemed advisable by the city council. No ordinance,
20 regulation, ruling or decision of any municipal body, officer or
21 authority shall repeal, amend, modify or dispense with any of the
22 said minimum requirements laid down in this act, except as specifi-
23 cally provided herein.

1 Sec. 9. State Board of Health. The State Board of Health shall
2 have the power to examine into the enforcement of this act in each
3 city.

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

1 Sec. 11. Dwellings Affected. All the provisions of this
2 act shall apply to all classes of dwellings, except that in sections

3 where specific reference is made to one or more specific classes of
4 dwellings such provisions shall only apply to those specific classes
5 to which reference is made.

LIGHT AND VENTILATION.

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

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

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

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

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

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

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

22 (c) Distance between buildings on same lot: Where more
23 than one dwelling is erected upon the same lot, the distance
24 between them shall not be less than eight (8) feet in the case

25 of dwellings of one or two stories in height, this distance
26 to be increased two feet for each additional story above the
27 second.

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

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

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

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

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

13 No building of any kind shall be hereafter placed upon
14 the same lot with a dwelling so as to decrease the minimum
15 sizes of courts or yards hereinbefore prescribed, except that,
16 in case of a lot less than 75 feet deep, a one-story garage,
17 not more than 25 feet deep, measured lengthwise of the lot,
18 nor more than 25 feet in the other dimension, or other one-story
19 building, of like dimensions, used exclusively for domestic
20 purposes and not as a dwelling or for the shelter or habitation
21 of animals or fowls of any kind, may occupy one-third of the
22 depth of the open space in this section prescribed.

23 If any dwelling is hereafter erected upon any lot upon

24 which there is already another building, it shall comply with
25 all the provisions of this act, and, in addition, the space
26 between the said building and the said dwelling shall be of
27 such size and arranged in such manner as is herein prescribed,
28 the height of the highest building on the lot to regulate the
29 dimensions.

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

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

1 Sec. 22. Rooms, Size of. In every dwelling hereafter
2 erected all living rooms and bedrooms shall be of the following
3 minimum sizes: Every such room shall contain at least eighty
4 square feet of floor area, except that kitchenettes may be forty

5 square feet in area; no such room, except kitchenette, shall be
6 in any part less than seven feet wide. In multiple dwellings
7 of Class A in each apartment, group or suite of rooms there
8 shall be at least one room containing not less than one hundred
9 and twenty square feet of floor area.

1 Sec. 23. Rooms, Height of. No room in a private
2 dwelling hereafter erected shall be in any part less than
3 eight feet three inches high from the finished floor to
4 the finished ceiling downstairs and seven feet six inches
5 upstairs; except that an attic room in such private dwelling
6 need be seven feet six inches in but one-half of its area.

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

1 Sec. 24. Alcoves and Alcove Rooms. In every dwelling
2 hereafter erected an alcove in any room intended or used for
3 separate occupancy shall be separately lighted and ventilated
4 as provided for rooms in the foregoing sections. No part of
5 any room in a dwelling hereafter erected shall be enclosed or
6 subdivided at any time, wholly or in part, by a fixed partition
7 for permanent separate occupancy, unless such part of the room
8 so enclosed or subdivided shall be separately lighted and

9 ventilated as provided for rooms in the foregoing sections.

1 Sec. 26. Water Closet Compartments and Bathrooms, Lighting
2 and Ventilation of. In every dwelling hereafter erected every
3 water closet compartment and every bathroom shall have an
4 aggregate window area of at least four square feet between
5 stop beads opening directly upon the street, or upon a yard or
6 court of the dimensions specified in this act. Every such
7 window shall be made so as to open in all its parts. Nothing
8 in this section contained shall be construed so as to prohibit
9 a general toilet room containing several water closet compart-
10 ments separated from each other by dwarf partitions, provided
11 such toilet room is adequately lighted and ventilated to the
12 outer air as above provided, and that such water closets are
13 supplemental to the water closet accommodations required by
14 the provisions of section thirty-two.

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

1 Sec. 26. Public Halls and Stair Halls, Lighting and
2 Ventilation of. Every multiple dwelling, every public hall
3 and stair hall shall have adequate lighting and ventilation
4 as the board of health may require.

SANITATION.

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

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

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

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

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

7 suite or group of rooms.

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

26 multiple dwellings of Class B hereafter erected there shall
27 be provided at least one water closet for every twenty
28 occupants or fraction thereof. Every water closet compart-
29 ment hereafter placed in any dwelling shall be provided with
30 proper means of lighting the same at night. The provisions
31 of this section regarding windows in water closet compartments
32 shall not apply to dwellings that have a system of forced
33 ventilation as provided in section 25 of this act.

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

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

FIRE PROTECTION.

1 Sec. 35. Fireproof Dwelling, When Required. No
2 dwelling shall hereafter be erected exceeding four stories

3 in height, unless it shall be of fire restrictive material ;
4 the building, however, may step up to follow the street
5 grade, provided no part of it is over four stories in
6 height.

1 Sec. 36. Means of Egress. Every multiple dwelling
2 hereafter erected exceeding two stories in height shall
3 have at least two independent ways of egress of which
4 shall extend from the ground floor to the roof, and shall
5 be located remote from each other, and each shall be arranged
6 as provided elsewhere in this act. One of such ways of egress
7 shall be a flight of stairs constructed and arranged as
8 provided in sections thirty-nine, forty, forty-one and forty-
9 two of this act. In multiple dwellings of Class A the second
10 way of egress shall be directly accessible to each apartment,
11 group or suite of rooms without having to pass through the
12 first way of egress. In multiple dwellings of Class B the
13 second way of egress shall be directly accessible from a
14 public hall. The second way of egress may be any one of the
15 following as the owner may select:

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

18 2. An additional flight of stairs, either inside or
19 outside, constructed and arranged as provided in sections
20 thirty-eight, thirty-nine, forty and forty-one of this act.

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

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

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

1 Sec. 39. Stair Halls. In multiple dwellings hereafter
2 erected which exceed two stories in height, the stair halls
3 shall be constructed of fire-resistive material through-out.
4 The risers, strings and balusters shall be of metal concrete
5 or stone. The treads shall be of metal, slate, concrete or
6 stone or of hardwood not less than two inches thick. Wooden
7 hand rails will be permitted if constructed of hardwood. The

8 floors of all such stair halls shall be constructed of iron,
9 steel or concrete beams and fireproof filling, and no wooden
10 flooring or sleepers shall be permitted. In multiple dwellings
11 hereafter erected which exceed two stories in height, at least
12 one flight of stairs shall be enclosed in fireproof walls from
13 the cellar to the roof.

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

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

1 Sec. 42. Chutes, Dumb Waiters, Ventilating and Mis-
2 cellaneous Shafts and Elevators. In multiple dwellings hereafter erected

3 all dumb waiters, chutes, ventilating and miscellaneous shafts
4 shall be enclosed in an enclosure of fire-resistive material
5 with self-closing fire doors at all entrances into same
6 including cellar entrances.

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

16 All entrances into elevator shaft shall be protected by
17 fire doors either self-closing or closed inside by elevator
18 operator.

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

1 Sec. 44. Closet Under First Story Stairs. In multiple
2 dwellings hereafter erected no closet of any kind shall be
3 constructed under any staircase leading from the entrance story
4 to the upper stories, but such space shall be left entirely
5 open and kept clear and free from incumbrance.

Sec. 45. Cellar Entrance. In every multiple dwelling
2 hereafter erected there shall be an entrance to the cellar or

3 other lowest story from the outside of the said building.

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

ALTERATIONS.

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

1 Sec. 48. New Courts in Existing Dwellings. An inner court
2 hereafter constructed in a dwelling erected prior to the passage
3 of this act, if extending only through one or two stories, shall
4 be not less than six feet by eight feet in size; and if it extends
5 through more than two stories, it shall be not less than eight
6 feet by ten feet in size. All inner courts shall be opened to
7 the sky, without skylight, or roof of any kind.

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

1 Sec. 50. Rooms and Halls, Lighting and Ventilation of.

2 No dwelling shall be so altered or its lot diminished that any
3 room or public hall or stairs shall have its light or ventilation
4 diminished in any way not approved by the health officer.

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

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

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

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

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

1 Sec. 55. Water Closet Accommodations. Any water closet
2 hereafter placed in a dwelling, except one provided to replace

3 a defective or unsanitary fixture in the same location, shall
4 comply with the provisions of sections twenty-five, thirty-
5 two and thirty-four of this act relative to water closets in
6 dwellings hereafter erected.

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

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

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

1 Sec. 59. Alcoves and Alcove Rooms. No part of any room
2 in a dwelling shall hereafter be enclosed or subdivided for
3 separate occupancy, wholly or in part by a fixed partition,
4 unless such part of a room so enclosed or subdivided shall

5 contain a window as required by sections nineteen, twenty and
6 twenty-four of this act, and have a floor area of not less
7 than eighty square feet.

MAINTENANCE.

1 Sec. 60. Public Halls, Lighting at Night. In every
2 multiple dwelling a proper light shall be kept burning by
3 the owner of the public hallways near the stairs upon each
4 floor every night from sunset to sunrise throughout the year
5 if so required by the health officer.

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

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

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

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

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

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

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

21 (5) The lowest floor shall be water proof and damp proof.

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

1 Sec. 64. Cellar Walls and Ceilings. The cellar walls
2 and cellar ceilings of every multiple dwelling shall by the owner

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

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

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

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

16 and distribute such water have been provided in said dwelling.

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

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

1 Sec. 70. Walls of Courts. In multiple dwellings the walls
2 of all courts, unless built of a light color brick or stone,
3 shall be thoroughly whitewashed by the owner or shall be painted

4 to a light color by him, and shall be so maintained. Such
5 whitewash or paint shall be renewed whenever necessary, as may
6 be required by the health officer.

1 Sec. 71. Walls and Ceilings of Rooms. In all multiple
2 dwellings erected prior to this act the health officer may
3 require the walls and ceilings of every room that does not open
4 directly on the street to be kalsomined or painted so as to
5 furnish adequate lighting of such room and may require this to
6 be renewed as often as may be necessary.

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

1 Sec. 73. Prohibited Uses. No horse, cow, calf, swine,
2 sheep, goat, chickens, geese or ducks shall be kept in any
3 dwelling or part thereof. Nor shall any such animal be kept
4 on the same lot or premises with a dwelling except under such
5 conditions as may be prescribed by the health officer. No
6 such animal, except a horse, shall under any circumstances be
7 kept on the same lot or premises with a multiple dwelling.
8 No dwelling or the lot or premises thereof shall be used for
9 the 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
2 transom, window or door opening into a public hall from any part of
3 a multiple dwelling where paint, oil, gasoline or drugs are stored
4 or kept for the purpose of sale or otherwise. This provision shall
5 not 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
3 the same, if the health officer shall so require.

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

1 Sec. 78. Lodgers Prohibited. The health officer may prohibit
2 in any multiple dwelling the letting of lodgings therein by any
3 of the tenants occupying such multiple dwelling, and may prescribe
4 conditions under which lodgers or boarders may be taken in
5 multiple dwellings. It shall be the duty of the owner in the case
6 of multiple dwellings to see that the requirements of the health
7 officer in this regard are at all times complied with, and a

8 failure to so comply on the part of any tenant, after due and
9 proper notice from said owner or from the health officer, shall be
10 deemed sufficient cause for the summary eviction of such tenant and
11 the cancellation of his lease. The provisions of this section may
12 be extended to private dwellings and two-family dwellings, as may
13 be found necessary by the health officer.

1 Sec. 79. Infected and Uninhabitable Dwellings to be Vacated.
2 Whenever it shall be certified by an inspector or officer of
3 the health department that a dwelling is infected with contagious
4 disease or that it is unfit for human habitation, or dangerous
5 to life or health by reason of want of repair, or of defects in
6 the drainage, plumbing, lighting, ventilation, or the construct-
7 ion of the same, or by reason of the existence on the premises
8 of a nuisance likely to cause sickness among the occupants of
9 said dwelling, the health officer may issue an order requiring
10 all persons therein to show cause why they should not be required
11 to vacate such house within a time to be set by him, for the
12 reasons to be mentioned in said order. In case such order is not
13 complied with within the time specified, the health officer may
14 cause said dwelling to be vacated. The health officer whenever
15 he is satisfied that the danger from said dwelling has ceased to
16 exist, or that it is fit for human habitation, may revoke said
17 order or may 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
3 thing, in or about a dwelling, or the lot on which it is situated,

4 or the plumbing, sewerage, drainage, light or ventilation thereof,
5 is in the opinion of the health officer in a condition or in
6 effect dangerous or detrimental to life or health, the health
7 officer may after notice and failure to correct, declare that the
8 same to the extent he may specify is a public nuisance, and may
9 order the same to be removed, abated, suspended, altered or
10 otherwise improved or purified as the order shall 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
3 and repair, and whenever rusty shall have them properly painted
4 with two coats of paint. No person shall at any time place an
5 obstruction of any kind before or upon such fire escape.

1 Sec. 82. Scuttles, Bulkheads, Ladders and Stairs. In all
2 multiple dwellings where there are scuttles or bulkheads, they
3 and all stairs or ladders leading thereto shall be easily
4 accessible to all occupants of the building and shall be kept free
5 from obstruction and ready for use at all times. No scuttle
6 and no bulkhead door shall at any time be locked with a key, but
7 either may be fastened on the inside 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
3 be occupied for living purposes unless it shall have a window
4 of an area of not less than eight square feet opening directly
5 upon the street, or upon a rear yard not less than five feet
6 deep, or above the roof of an adjoining building, or upon a court.

7 or side yard of not less than twenty-five square feet in area
8 open to the sky without roof or skylight, unless such room is
9 located on the top floor and is adequately lighted and ventilated
10 by a skylight, opening directly to the outer air; except that a
11 room which cannot be made to comply with the above provisions may
12 be occupied if provided with a sash window of not less than 15
13 square feet in area, opening into an adjoining room in the same
14 apartment group or suite of rooms, which latter room opens
15 directly on the street or on a rear yard of the above dimensions.
16 Said sash window shall be a vertically sliding pulley-hung sash
17 not less than three feet by five feet between stop beads, both
18 halves shall be made so as to readily open, and the lower half
19 shall be glazed with translucent glass, and so far as possible
20 it shall be in line with windows in the said outer room opening
21 on the street or rear yard so as to afford a maximum of light
22 and ventilation.

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

11 health.

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

1 Sec. 86. Privy Vaults. Range Closets and Water Closets.

2 Whenever a connection with a sewer is possible, all privy vaults,
3 range closets, cesspools or other similar receptacles used to
4 receive fecal matter, urine or sewerage, shall before July first,
5 nineteen hundred and twenty, with their contents, be completely
6 removed and the place where they were located properly dis-
7 infected under the direction of the health officer. Such
8 appliances shall be replaced by individual water closets of
9 durable non-absorbent material, properly sewer connected, and
10 with individual traps and properly connected flush tanks pro-
11 viding an ample flush of water to thoroughly cleanse the bowl.
12 Each such water closet shall be located inside the dwelling
13 or other building in connection with which it is to be used in
14 a compartment completely separated from every other water closet,
15 and such compartment shall contain a window of not less than
16 four square feet in area opening directly to the street or rear

17 yard or on a side yard or court of the minimum size prescribed,
18 in sections fourteen and fifteen of this act. Such water
19 closets shall be provided in such numbers as required by section
20 sixty-two of this act. Such water closets and all plumbing in
21 connection therewith shall be sanitary in every respect and,
22 except as in this act otherwise provided, shall be in accordance
23 with the local ordinances and regulations in relation to plumb-
24 ing and drainage. Pan, plunger and long hopper closets will not
25 be permitted except upon written permit of the health officer.
26 No water closet shall be placed out of doors.

1 Sec. 87. Basements and Cellars. The floor of the cellar
2 or lowest floor of every dwelling shall be free from dampness,
3 and, when necessary in the judgment of the health officer,
4 shall be concreted with not less than two inches of concrete
5 of good quality and with a finished surface.

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

1 Sec. 89. Egress. Every multiple dwelling exceeding two
2 stories in height shall have at least two independent ways of
3 egress constructed and arranged as provided in section thirty-
4 six of this act. In the case of multiple dwellings erected
5 prior to the passage of this act where it is not practicable

6 in the judgment of the building inspector to comply in all
7 respects with the provisions of that section, said building
8 inspector shall make such requirements as may be appropriate
9 to secure proper means of egress from such multiple dwellings
10 for all the occupants thereof. No existing fire escape shall
11 be deemed a sufficient means of egress unless the following
12 conditions are complied with:

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

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

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

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

24 (5) Prompt and ready access shall be had to all fire escapes,
25 which shall not be obstructed by bathtubs, water closets, sinks
26 or other 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
3 of fire the building inspector shall order such additional means
4 of egress as may be necessary.

1 Sec. 91. Roof Egress, Scuttles and Bulkheads. Unless

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

REQUIREMENTS AND REMEDIES.

1 Sec. 92. Permit to Commerce Building. Before the con-
2 struction or alteration of a dwelling, or the alteration or con-
3 version of a building for use as a dwelling is commenced and be-
4 fore the construction or alteration of any building or structure
5 on the same lot with a dwelling, the owner, or his agent or
6 architect shall submit to the board of health a detailed state-
7 ment in writing, certified by the affidavit of the person making
8 the same, of the specifications for such dwelling or building,
9 upon blanks or forms to be furnished by such board of health,
10 and also full and complete copies of the plans of such work.
11 With such statement there shall be submitted a plat of the lot
12 showing the dimensions of the same, the location of the pro-
13 posed building and all other buildings on the lot. Such state-
14 ment shall give in full the name and residence, by street and
15 number, of the owner or owners of such dwelling or building and
16 the purposes for which such dwelling or building will be used.
17 If such construction, alteration or conversion is proposed to be
18 made by any other person than the owner of the land in fee, such

19 statement shall contain the full name and residence, by street
20 and number, not only of the owner of the land, but of every per-
21 son interested in such dwelling, either as owner, lessee or in
22 any representative capacity. Said affidavit shall allege that
23 said specifications and plans are true and contain a correct de-
24 scription of such dwelling, building, structure, lot and pro-
25 posed work. The statements and affidavits herein provided for
26 may be made by the owner, his agent or architect, or by the
27 person who proposes to make the construction, alteration or con-
28 version or by the agent or architect of such person. No one,
29 however, shall be recognized as the agent of the owner or of
30 such person unless he shall file with said health officer a
31 written instrument signed by such owner or person, as the case
32 may be, designating him as such agent. Any intentional false
33 oath in a material point in any such affidavit shall be deemed
34 perjury. Such specifications, plans and statements shall be
35 filed in said health department and shall be deemed public re-
36 cords, but no such specifications, plans or statements shall be
37 removed from said health department. The health officer shall
38 cause all such plans and specifications to be examined. If such
39 plans and specifications conform to the provisions of this act
40 they shall within five days be approved by the health officer or
41 his duly authorized assistant, and a written certificate to that
42 effect shall be issued by him to the person submitting the same.
43 The health officer shall from time to time, approve changes in
44 any plans and specifications previously approved by him, pro-

45 vided the plans and specifications when so changed shall be in
46 conformity with law. The construction, alteration or conversion
47 of such dwelling or structure, or any part thereon,
48 shall not be commenced until the filing of such specifications,
49 plans and statements, and the approval thereof, as above pro-
50 vided. No permit shall be granted and no plan approved by the
51 department of buildings, where such exists, for the construction
52 or alteration of a dwelling or for the alteration or conversion of
53 any building for use as a dwelling until there has been filed in
54 the office of the department of buildings a certificate of the
55 health officer issued as above provided to the effect that such
56 dwelling conforms to the provisions of this act. The construct-
57 ion, alteration or conversion of such dwelling, building or struct-
58 ure shall be in accordance with such approved specifications
59 and plans. Any permit or approval which may be issued by the
60 health officer, but under which no work has been done above the
61 foundation walls within one year from the time of the issuance of
62 such permit or approval, shall expire by limitation. The health
63 officer or his duly authorized assistant shall have power to re-
64 voke or cancel any permit or approval in case of any failure or
65 neglect to comply with any of the provisions of this act, or in
66 case any false statement or representation is made in any specif-
67 ications, plans or statements submitted or filed for such permit
68 or approval.

1 Sec. 93. Certificate of Compliance. No building here-
2 tofore constructed as or altered into a dwelling shall be occupied

3 in whole or in part for human habitation until the issuance of a
4 certificate by the health officer that such part of said dwelling
5 conforms to the requirements of this act relative to dwellings here-
6 after erected. Such certificate shall be issued within three days
7 after written application therefor if said dwelling at the date
8 of such application shall be entitled thereto.

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

1 Sec. 95. Penalties for Violations. Every person who
2 shall violate or assist in the violation of any provision of this
3 act shall be guilty of a misdemeanor punishable by a fine of not
4 less than ten dollars or more than one hundred dollars, and in de-
5 fault in payment thereof, by imprisonment in the county jail for
6 not more than thirty (30) days, and each day that such violation
7 continues shall constitute a separate offense. The owner of any
8 dwelling, or of any building or structure upon the same lot with
9 a dwelling, or of the said lot, where any violation of this act,
10 or a nuisance as herein defined, who has been guilty of such vio-
11 lation or of creating or knowingly permitting the existence of

12 such nuisance, and any person who shall violate or assist in vio-
13 lating any provision of this act, shall also jointly and severally
14 for each such violation and each such nuisance be subject to a
15 civil penalty of fifty dollars to be recovered for the use of the
16 health department in civil action brought in the name of the
17 municipality by the health officer. Such persons and also said
18 premises shall also be liable in such case for all costs, expenses
19 and disbursements paid or incurred by the health department, by any
20 of the officer, agents or employes thereof in the removal of any
21 such nuisance or violation. Any person who having been served
22 with a notice or order to remove any such nuisance or violation
23 shall fail to proceed in good faith to comply with said notice
24 or order within five days after such service, or shall continue
25 to violate any provisions or requirements of this act in the re-
26 spect named in said notice or order, shall also be subject to a
27 civil penalty of fifty dollars. For the recovery of any such
28 penalties, costs, expenses or disbursements, an action may be
29 brought in any court of competent civil jurisdiction. The ex-
30 istence of a nuisance in or upon such dwelling, structure on the
31 same lot with a dwelling or on such lot, which the owner thereof
32 has created or permitted to exist and any violation of this act
33 as to such dwelling, structure and lot of which the owner has been
34 guilty shall in such proceeding subject such dwelling, structure
35 and lot respectively to a penalty of fifty dollars, which shall
36 be a lien thereon until paid; and any violation of an order made
37 or a notice given by the health officer permitted or committed by

38 the owner of a dwelling, structure on the same lot with a dwelling
39 or such lot, shall be in such proceeding subject the
40 dwelling, structure and lot respectively to a penalty of fifty
41 dollars, which penalty shall be a lien thereon until paid.

1 Sec. 96 Procedure. Except as herein otherwise specified,
2 the procedure for the prevention of violations of this act or for
3 the vacation of premises unlawfully occupied, or for other abate-
4 ment of nuisance, or for the bringing of action therefor, shall
5 be in accordance with the existing practice and procedure. In case
6 any dwelling, building or structure is constructed, altered, con-
7 verted or maintained in violation of any provision of this act or
8 of any order or notice of the health officer, or in case a nuisance
9 exists in any such dwelling, building or structure or upon the lot
10 on which it is situated, said health officer may institute any
11 appropriate action or proceeding to prevent such unlawful construc-
12 tion, alteration, conversion or maintenance, to restrain, correct
13 or abate such violation or nuisance, to prevent the occupation of
14 said dwelling, building or structure, or to prevent any illegal
15 act, conduct or business in or about such dwelling or lot. In any
16 such action or proceeding said health officer may by petition
17 duly verified, setting forth the facts, apply to the district,
18 superior or municipal court, or to any judge thereof in term
19 time or vacation, for an order granting the relief for which
20 said action or proceeding is brought, or for an order enjoin-
21 ing all persons from doing or permitting to be done any work
22 in or about such dwelling, building, structure or lot, or from

23 occupying or using the same for any purpose until the entry of
24 final judgment or order. In case any notice or order issued by
25 said health officer is not complied with, said health officer
26 may apply to the district superior or municipal court or to
27 any judge thereof in term time or vacation for an order author-
28 izing him to execute and carry out the provisions of said
29 notice or order, to correct any violation specified in said
30 notice or order, or to abate any nuisance in or about such
31 dwelling, building or structure or the lot upon which it is
32 situated. The court or any judge thereof is hereby authorized
33 to make any order specified in this section.

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

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

1 Sec. 99. Service of Notices and Orders. Every notice

2 or order required by this act shall be served at least ten days
3 before the time for doing the thing in relation to which it shall
4 have been issued, unless otherwise herein provided. The posting
5 of a copy of such notice or order in a conspicuous place in the
6 dwelling, together with the mailing of a copy thereof on the
7 same day that it is posted, to the owner and lessee of the dwell-
8 ing affected thereby, and each person, if any, whose name has
9 been filed with the health department in accordance with the
10 provisions of Section 98 of this act at his address as filed,
11 shall be sufficient service thereof.

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

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

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

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

1 Sec. 104. Right of Entry. The health officer and all
2 inspectors, officers and employes of the board of health, and
3 such other persons as may be authorized by the health officer,
4 may without fee or hindrance enter, examine, make necessary
5 records, and survey all premises, grounds, erections, structures,
6 apartments, dwellings, buildings and every part thereof in the
7 city. The owner or his agent or representative and the lessee
8 and occupant of every dwelling and every person having the care
9 and management thereof shall at all reasonable times when required
10 by any such officers or persons give them free access to such
11 dwellings and premises. The owner of a dwelling and his agents

12 and employes shall have right of access to such dwelling at
13 reasonable times for the purpose of bringing about compliance
14 with the provisions of this act or any order issued thereunder.

1 Sec. 105. State Board of Health. The state board of health
2 shall have power to aid as far as may be necessary to secure the
3 enforcement of this act; and to that end said board may apply to
4 any court or judge of competent jurisdiction for an injunction
5 mandatory or prohibitive and the county attorney or attorney
6 general shall prosecute such action in the name of the state
7 of Iowa. The county attorney may also prosecute an action in
8 equity for injunction in the name of the state of Iowa upon the
9 request of any local board of health where said act is being violated.

1 Sec. 106. Mining Camps. Before any person or persons
2 shall be permitted to lay out or attempt to construct a
3 mining camp wherein is contemplated the erection of more than
4 five houses, the said person or persons shall first file with
5 the state board of health a plat of the camp, showing in detail
6 the geographical location of same, the character of houses to
7 be erected, the provisions made for drainage, sewerage,
8 outside toilets, and the provision made to secure water. If
9 after investigation, the said board of health is convinced that
10 the camp, if built, will comply with the general provisions
11 of this act so far as the same may be reasonably applicable,
12 and practicable under the circumstances, he shall within three
13 weeks from the date of application, issue a written permit
14 for the erection of same. Whenever the health conditions in

15 any mining camp in the state are or become a menace to the health
16 of the inhabitants thereof, such state board of health is hereby
17 authorized to apply and enforce the provisions of this act in
18 so far as the same may be reasonably applicable and practicable
19 of enforcement in such camp.

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

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