

**CHAPTER 59**  
**HOUSING CODE**

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**59.001. Title.** This Chapter shall be known and may be cited as the Salem Housing Code. (Ord No. 30-13)

**59.002. Purpose.** The purpose of this Chapter is to provide minimum habitability requirements for the protection of life, limb, health and property and for the safety and welfare of the general public and the owners, occupants, and users of residential structures. Nothing in this Chapter shall be construed to authorize any work for which a permit is required under the Building Code other than in accordance with all applicable provisions of such code. (Ord No. 30-13)

**59.003. Scope.** The provisions of this Chapter shall apply to all residential structures located within the City of Salem. A residential structure lawfully in existence on September 9, 1975, may be continued provided it is maintained in compliance with the provisions of this Chapter or the provisions of a previously adopted building code under which it was constructed. Where any residential structure contains more than one dwelling classification, the provisions of this Chapter shall be applied to each separate dwelling classification as if each dwelling classification were a separate structure. (Ord No. 30-13)

**59.004. Effect of Compliance with New Construction Codes.** It is not the intent of this Chapter to impose any requirement more stringent than those contained in the Building Code. Therefore, any design, material, or method of construction which would satisfy all applicable requirements of the Building Code for identical new construction shall be deemed approved for use under this Chapter, notwithstanding any requirement herein which would appear to be more restrictive. (Ord No. 30-13)

**59.010. Definitions.** Except where the context otherwise specifically requires, as used in this Chapter, the following mean:

- (a) Accessory Structure means any structure not intended for human occupancy. Accessory structures may or may not be attached to a residential structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
- (b) Agent means any person who has charge, care or control of a residential structure or part of a residential structure.
- (c) Annual or annually means beginning on January 1 and ending on December 31 of any calendar year.
- (d) Attic means the unfinished, non-habitable part of the residential structure between the roof and the ceiling immediately below.
- (e) Basement means the usable portion of a residential structure which is below the main entrance story and is partly or completely below grade.
- (f) Bathroom means a room containing a toilet or toilet compartment, a lavatory, and a tub

and/or shower.

**(g)** Building Code means those provisions of the State Building Code, and any modifications thereof, adopted by the City pursuant to ORS 455.040(1), that are part of the building inspection program administered and enforced by the City.

**(h)** Carbon Monoxide Source means:

**(1)** A heater, fireplace, furnace, appliance, or cooking source that uses coal, wood, petroleum products, or other fuels that emit carbon monoxide as a by-product of combustion. Petroleum products include, but are not limited to, kerosene, natural gas, and propane.

**(2)** An attached garage with a door, ductwork, or ventilation shaft that opens directly into any living space.

**(i)** Court means a space, open and unobstructed to the sky, located at or above grade level and bounded on three or more sides by the walls of a residential structure.

**(j)** Director means the City Manager, or the department head charged by the City Manager with the enforcement of this Chapter, or that department head's designee.

**(k)** Dwelling Classification means the types of residential structures covered by this Chapter, and includes the following:

**(1)** Adult Foster Home means any family home or facility in which residential care is provided for five or fewer adults who are not related to the care provider by blood or marriage.

**(2)** Apartment House means any residential structure or portion of a residential structure containing three or more dwelling units.

**(3)** Homeless Shelter means a facility operated by a non-profit corporation where residence is provided to persons needing emergency shelter on a daily or weekly basis, and where individual bath and cooking facilities may be provided. As used in this Chapter, homeless shelters do not include residential homes or adult foster homes.

**(4)** Hotel or Motel means any residential structure containing three or more guest rooms where the period of occupancy does not exceed thirty consecutive days.

**(5)** Manufactured Dwelling means the following types of dwellings units. Manufactured Dwelling does not include any dwelling unit identified as a recreational vehicle by the manufacturer:

**(A)** Residential Trailer means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

**(B)** Mobile Home means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**(C)** Manufactured Home means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

- (D)** Park Model means a recreational home primarily designed as temporary living quarters for recreation, camping or seasonal use. A park model is built on a single chassis and mounted on wheels.
- (6)** Residential Care Facility means any facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in one or more residential structures on contiguous properties.
- (7)** Residential Home means a facility that provides, for five or fewer unrelated individuals with developmental or physical disabilities, residential care in one or more residential structures on contiguous properties
- (8)** Retirement Apartment means any residential structure or portion of a residential structure containing three or more dwelling units, the majority of whom are occupied or held out to be occupied by persons sixty-five years of age or older.
- (9)** Room and Board Facility means any facility which has three or more beds offered for rent or lease. As used in this Chapter, room and board facilities do not include residential homes or adult foster homes.
- (10)** Single-Family Dwelling means a residential structure containing one dwelling unit.
- (11)** Two-Family Dwelling means a residential structure containing two dwellings units, also known as a “duplex.”
- (l)** Dwelling Unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.
- (m)** Exit (Means of Egress) means a continuous, unobstructed means of escape to a public way, including intervening doors, doorways, exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, passageways, exterior courts and yards.
- (n)** Floor Area means the area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.
- (o)** Guard or Guardrail means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- (p)** Guest Room means a room or suite of rooms used for sleeping purposes and may also include provisions for living, eating, cooking, and sanitation. Such rooms or suites that are also part of a dwelling unit are not guest rooms.
- (q)** Habitable Room means a room for living, sleeping, eating or cooking, but does not include any bathroom, toilet compartment, closet, hallway, storage space, or utility space.
- (r)** Hearings Officer means the hearings officer appointed pursuant to SRC 2.035, or any other person designated and appointed by the City Council as a hearings officer for a particular proceeding or group of proceedings.
- (s)** Inspector means the authorized representative of the Director whose primary responsibilities are the inspection of multi-family dwellings and the enforcement of this Chapter.
- (t)** Kitchen means a room used or designed to be used for the preparation of food.
- (u)** Lavatory means a fixed wash basin connected to hot and cold running water and a drainage system, used primarily for personal hygiene and separate from the kitchen.
- (v)** Licensee means a person holding a license issued pursuant to this Chapter.
- (w)** Multi-Family Dwelling means any dwelling classification which has three or more dwelling units or guest rooms or any group of three or more dwelling units on one lot or contiguous lots wherein units or rooms beds, or spaces are offered or maintained for rent or lease.
- (x)** Occupant means any person (including an owner or agent) using a dwelling unit, or a

sleeping room for its lawful and intended purpose.

(y) Owner means the person whose name and address is listed as the owner of a property by the County Tax Assessor on the County Assessment and Taxation records.

(z) Person means an individual, corporation, limited liability company, partnership, or other entity in law or fact.

(aa) Plumbing or Plumbing Fixture means any water heating facilities, water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

(bb) Residential structure means a structure or building designed, built or intended to be used for human habitation.

(cc) Sink means a fixed basin connected to hot and cold running water and a drainage system and used primarily for the preparation of food and the washing of cooking and eating utensils.

(dd) Sleeping Room means any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

(ee) Toilet Compartment means a room containing only a toilet or only a toilet and lavatory. (Ord No. 30-13)

**59.020. Administration; Rulemaking.** The Director shall administer and enforce the provisions of this Chapter, and shall have the authority to render written and oral interpretations, and to adopt administrative rules and procedures necessary for its proper administration and enforcement. (Ord No. 30-13)

**59.100. General.**

(a) An owner may not maintain or permit to be maintained, in violation of this Chapter, any residential structure.

(b) All residential structures shall be maintained to the building, mechanical, plumbing and electrical code requirements in effect at the time of construction, alteration, or repair.

(c) Where construction, alteration or repair has been made to a residential property illegally without the benefit of a permit, all work shall be required to meet current requirements of the Building Code. (Ord No. 30-13)

**59.105. Accessory Structures.** All accessory structures on residential property shall be maintained in a structurally safe and sound condition and in good repair. Exterior steps and walkways shall be maintained free of obstructions or hazardous conditions. (Ord No. 30-13)

**59.110. Display of Address Number.** All residential structures shall have address numbers posted in a conspicuous place so that the address numbers may be read from the listed street or public way. Address numbers posted shall be the same as the number listed on the County Assessment and Taxation Records for the property. Dwelling units within apartment houses shall be clearly numbered, or lettered, in a logical and consistent manner. (Ord No. 30-13)

**59.115. Cleanliness and Sanitation.**

(a) All exterior property areas and interior common use areas shall be maintained in a clean and sanitary condition and kept free from any accumulation of solid waste.

(b) The owner of any multi-family dwelling shall provide, in a location accessible to all dwelling units, at least one thirty-two gallon receptacle for each dwelling unit or at least one receptacle with a cumulative capacity that allows for thirty-two gallons per dwelling unit, into

which solid waste from the dwelling units may be emptied for storage between days of collection. The owner of the Multi-Family Property shall subscribe to and pay for weekly solid waste management services by a person holding a valid franchise from the City of Salem. (Ord No. 30-13)

**59.120. Roofs.** All roofs shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or

interior portions of the residential structure and shall channel rainwater in an approved manner to an approved point of disposal. (Ord No. 30-13)

**59.125. Chimneys.** Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Vacated openings into the interior of the residential structure must be permanently sealed using approved materials and the chimney capped pursuant to the Building Code. Proof of regular chimney inspection, maintenance, and cleaning shall be provided to the Inspector upon request. (Ord No. 30-13)

**59.130. Foundations and Structural Members.**

- (a) Foundation elements shall adequately support the residential structure and shall be free of rot, crumbling elements, or similar deterioration.
- (b) The supporting members of every residential structure shall be maintained in a structurally sound manner and have no deterioration or decay which would substantially impair their ability to carry the imposed loads. (Ord No. 30-13)

**59.135. Exterior Walls and Exposed Surfaces.**

- (a) Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit rain or dampness into the interior portions of the walls or the occupied spaces of the residential structure.
- (b) All exterior wood surfaces shall be substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in the construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.
- (c) Exterior metal surfaces shall be protected from rust and corrosion.
- (d) Every section of exterior brick, stone, masonry, or other veneer shall be maintained in a structurally sound condition and shall be adequately supported and tied back to its supporting structure. (Ord No. 30-13)

**59.140. Stairways.**

- (a) Stairways on the interior, used as an exit, and connected to the structure shall be not less than thirty inches in width; except that stairways to basements or attics, neither of which contains a sleeping room, shall have not less than twenty four inches unobstructed width. Handrails shall not reduce the width of any stairway by more than four inches.
- (b) The rise of every step in a stairway shall not exceed nine inches, and the run shall be not less than eight inches. The run of treads and the height of risers within any flight of stairs shall have uniform dimensions within a one-half inch tolerance. Tread and riser dimensions of the bottom step of a stairway may vary from the dimensions of the next higher step by a

tolerance of not more than two inches.

(c) There shall be no enclosed usable space under exit stairways unless the space is completely enclosed in one-hour fire-resistant rated construction. Open space under exterior stairways may not be used for any purpose.

(d) Stairways constructed exclusively for landscaping purposes are exempt from this section. (Ord No. 30-13)

#### **59.145. Stairs and Porches.**

(a) Every stair, porch, and attachment to any stair or porch shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected. Every stair, porch, and attachment to any stair or porch shall be kept in good repair, including replacement as necessary of flooring, treads, risers, and stringers that are broken, warped, or loose.

(b) All stair and porch surfaces used as a means of egress shall have slip-resistant surfaces. (Ord No. 30-13)

#### **59.150. Handrails and Guardrails.**

(a) All unenclosed floor and roof openings; open and glazed sides of landings; balconies, decks, and porches which are more than thirty inches above grade; and roofs used as patios, decks, or similar service, and not exclusively for service or maintenance of the residential structure, shall be protected by guardrails not less than thirty-six inches in height.

(b) Guardrails shall be so constructed that no object four inches or more in diameter can pass through, and shall be maintained in a safe and usable condition, capable of withstanding all forces and loads to which they may be subjected in normal and panic situations.

(c) Handrails and guardrails required by building codes in effect at the time of construction shall be maintained in compliance therewith or, if removed, shall be replaced with handrails and guardrails meeting the requirements of the Building Code in effect at the time of replacement.

(d) Where not otherwise required by the building codes at the time of construction, exterior stairways of more than three risers which are designed and intended to be used as part of the regular access to any dwelling unit or guest room shall have handrails. Interior stairways of more than three risers shall have handrails. When handrails are installed, they shall be constructed to meet the applicable Building Code requirements in effect at the time of installation. (Ord No. 30-13)

#### **59.155. Doors.**

(a) Every dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment house, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.

(b) In hotels, motels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.

(c) Every exterior door shall comply with the following:

(1) Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.

(2) Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.

- (3) Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.
- (4) Door locks shall not be placed in excess of forty-eight inches above the floor or landing.
- (5) Double cylinder dead bolts are not permitted on an exit door.
- (d) Every interior door and doorframe shall be maintained in a sound condition for its intended purpose with the door fitting within the doorframe and having neither non-manufactured penetrations, nor any knob or lock requiring a key.
- (e) Access doors to all attic and under floor areas shall be provided by means of openings not less than fourteen inches by twenty four inches in size.
- (f) There shall be a floor or landing on each side of any door. The floor or landing shall be not more than one-half inch lower than the threshold of the doorway. Where a door opens over a landing, no dimension of the landing shall be less than the width of the door, or three feet, whichever is greater.
- (g) Notwithstanding subsection (f) of this section, in single family dwellings, a door may open on the top step of a flight of stairs or on an exterior landing provided the door does not swing over the top step or exterior landing, and the landing is not more than seven and one-half inches below the level of the floor on the opposite side of the doorway.
- (h) Doors which are part of a required exitway shall be so finished or marked that they are readily distinguishable from the adjacent construction.
- (i) Fire doors in exitway corridors must close securely upon release and latch. Fire doors designed to remain closed must not be propped open at any time. (Ord No. 30-13)

**59.160. Ventilation Requirements.**

- (a) Except where another approved ventilation device is provided, the total openable window area in every habitable room shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas need not be openable where the opening is not required for emergency escape and an approved mechanical ventilation system is provided capable of producing 0.35 air changes per hour in the room.
- (b) Every bathroom or toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms as required by this Chapter, except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.
- (c) All windows within ten feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.
- (d) Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:
  - (1) Every window sash shall be fully supplied with glass windowpanes or an approved substitute without open cracks and holes.
  - (2) Every window sash shall be in good condition and fit weather-tight within its frames.
  - (3) Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling unit.
  - (4) Every window shall be capable of being easily opened and held open by window hardware alone.
- (e) Mechanical clothes drying shall be:

- (1) Properly installed, connected, and maintained in safe condition and good working order;
- (2) Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. (Ord No. 30-13)

**59.165. Ceiling Heights.** Habitable rooms in existing single-family dwellings and two-family dwellings shall have a clear average ceiling height of at least seven feet. Habitable rooms in all other residential structures shall have a clear ceiling height of at least seven feet and six inches. (Ord No. 30-13)

**59.170. Interior Walls, Floors, and Ceilings.**

- (a) Every interior wall, floor, ceiling, and cabinet shall be capable of being maintained in a clean, sanitary, safe, and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint.
- (b) Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.
- (c) All installed carpeting shall be kept free from fraying or tears that can create a tripping hazard. (Ord No. 30-13)

**59.175. Bathroom Facilities.** Except as otherwise noted in this Chapter, every dwelling unit shall contain within its walls in safe and sanitary working condition:

- (a) A toilet located in a room that is separate from the habitable rooms and that allows privacy;
- (b) A toilet compartment separated from kitchen facilities, food preparation, and food storage areas by a tight fitting door;
- (c) A lavatory basin; and
- (d) A bathtub or shower located in a room that allows privacy. (Ord No. 30-13)

**59.180. Kitchen Facilities.**

- (a) Every dwelling unit shall contain a kitchen sink separate from the lavatory basin.
- (b) Except as otherwise provided for in this Chapter, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.
- (c) All appliances shall be:
  - (1) Properly installed, connected, and maintained in safe condition and good working order; and
  - (2) Capable of performing the function for which they are designed;
- (d) Cooking appliances shall have minimum clearance to cabinets as specified in the Building Code and/or manufacturers specifications.
- (e) Refrigeration appliances shall be placed only on non-combustible surfaces. (Ord No. 30-13)

**59.185. Sleeping Room Requirements.** Every sleeping room:

- (a) Shall be a habitable room as defined in this Chapter;
- (b) Shall not be a kitchen;
- (c) Shall have natural light, ventilation, and windows or other means for escape purposes as required by this Chapter; and
- (d) Shall not be less than seventy (70) square feet in size. (Ord No. 30-13)

**59.190. Plumbing.**

- (a) Every plumbing fixture or device in a dwelling unit shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.
- (b) All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water and have a water pressure of at least fifteen psi. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all required sinks, lavatory basins, bathtubs and showers. Water heating facilities shall be capable of heating water enough to permit an adequate amount of water to be drawn at every required facility at a temperature of at least 120 degrees Fahrenheit at any time needed.
- (c) In every dwelling unit all plumbing or plumbing fixtures shall be:
  - (1) Properly installed, connected, and maintained in good working order;
  - (2) Kept free from obstructions, leaks, and defects;
  - (3) Capable of performing the function for which they are designed; and
  - (4) Installed and maintained so as to prevent structural deterioration or health hazards.
- (d) All plumbing repairs and installations shall be made in accordance with the Building Code and any required permits.
- (e) Plumbing fixtures shall be of approved nonabsorbent materials and all tile, tub, and shower penetrations (i.e. escutcheons, surrounds, pressure flanges, tub, and shower bases) sealed.
- (f) All fixtures shall be supplied with water that discharges above the flood rim of the fixture. There shall be at least a one inch air gap between the flood rim and the point of water supply.
- (g) All sanitary facilities, drain, waste, vent, and water piping shall be of approved materials, and shall be installed and maintained in a safe and sanitary condition, free from cross-connections and syphonage between fixtures, and free from any other condition which would allow impure water to enter the potable water supply system. Two examples of where this could occur are utility sinks with hose attachments or hose bibs without Automatic Vacuum Breaks (AVB).
- (h) All dishwashers must have the discharge hose connected to the sink drain before the p-trap to avoid the entry of sewer gases. The hose must be installed with a high loop under the sink.
- (i) All fixtures shall be equipped with drainage traps. P-traps are approved for standard installation. There shall be only one trap per trap arm. Fixtures may not be double or line trapped. Crown, Bell, and S-traps are not permitted. Drum traps may be permitted if conditions require such a device and if approved by the Director.
- (j) Strainer plates shall be required for drain openings larger than one-inch in diameter. The strainer openings shall not be larger than one half inch to prevent rodent entry.
- (k) Clothes washers shall be attached to approved hook-ups, including laundry tubs or indirect stand pipes equipped with a P-trap. Unused washer drains shall be capped to prevent rodent and sewer gas infiltration.
- (l) Water heaters shall be:
  - (1) Properly installed, connected, and maintained in safe condition and good working order;
  - (2) Free from leaks and kept functioning properly so as to be free from fire, health, and accident hazards;
  - (3) Capable of performing the function for which they are designed; and
  - (4) Installations shall be made in accordance with the provisions of the Building Code and with any required permits.

(5) Clearance between ignition sources and combustible materials shall be maintained in an approved manner. (Ord No. 30-13)

**59.195. Heating Requirements.**

- (a) All equipment used to heat a dwelling unit shall be:
  - (1) Properly installed, properly connected, and maintained in a safe condition and good working order; and
  - (2) Free from outflow and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
  - (3) Capable of performing the function(s) for which it was designed.
- (b) Every dwelling unit shall have permanently installed heating equipment capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit at a point three feet from the floor in all habitable rooms.
  - (1) Portable devices may not be used to meet the heating requirements of this Chapter.
  - (2) No inverted or open flame fuel-burning heaters shall be permitted in any dwelling unit. All heating devices or appliances shall be of an approved type.
- (c) Combustion air for fuel burning appliances shall be provided as required by the Building Code.
- (d) Clearance between ignition sources and combustible materials shall be maintained in an approved manner.
- (e) All mechanical repairs and installations shall be made in accordance with the provisions of the Building Code and with any required permits. (Ord No. 30-13)

**59.200. Electrical Requirements.** All residential structures shall be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the residential structure by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, lack of access to a dwelling unit's breaker or disconnect switch or similar reasons. In addition the following is required:

- (a) All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner and in accordance with the Building Code. All electrical equipment shall be of an approved type.
- (b) All light fixtures and outlets shall be properly installed and wired. Each room shall meet the following minimum requirements:
  - (1) Every habitable room shall contain at least two supplied electric convenience outlets, or one supplied electric convenience outlet and one supplied electric light fixture.
  - (2) Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar non-habitable rooms located in a dwelling unit shall have one supplied electric light fixture available at all times.
- (c) No occupant or owner shall install or use any equipment capable of overloading the provided circuits or outlets.
- (d) All outlets within ten feet of a water source must be GFCI (Ground Fault Circuit Interrupter) protected. This includes all outdoor outlets, even if under eaves, which also require weather-protecting covers.
- (e) Outlets in sleeping rooms are to be protected by AFCI (Arc Fault Circuit Interrupter).
- (f) All electrical repairs and installations shall be made in accordance with the provisions of the Building Code and with any required permits. (Ord No. 30-13)

**59.205. Lighting Requirements.**

- (a) Each habitable room, bathroom, and toilet compartment shall be provided with natural light by means of windows or skylights with an area of not less than five square feet for each 100 square feet of superficial floor area or fraction thereof.
- (b) In lieu of natural light as provided in subsection (a) of this section, interior rooms, bathrooms, and toilet compartments may be provided with artificial light equivalent to one forty watt incandescent bulb for each 100 square feet of superficial floor area or fraction thereof, provided the light is so located as to illuminate all foot traffic areas of the room and the interior of any tub or shower stall.
- (c) Each laundry room, utility room, storage room, closet, workshop, service room, and cellar having more than twenty square feet of superficial floor area shall be provided with natural or artificial light, or any combination thereof, equivalent to that specified in subsection (a) or (b) of this section.
- (d) Every hallway, corridor, and stairway in apartment houses shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least one half-foot candle at other points. Measurement of illumination shall be taken at points not more than four feet above the floor. (Ord No. 30-13)

**59.210. Exits and Egress.**

- (a) Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools. Windows used to meet this requirement shall have a minimum net clear opening of at least twenty inches wide and at least twenty two inches high. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.
- (b) All below grade windows used to meet this requirement shall have a window well the full width of the window, constructed of permanent materials with a minimum three feet by three feet clearance in front of the window measured perpendicular to the outside wall. If the bottom of the window well is more than forty four" below the ground level, approved steps or an approved permanently attached ladder shall be used.
  - (1) The step must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.
- (c) The required exit door and egress windows shall be free of encumbrances or obstructions that block access to the exit.
- (d) Exit pathways that open into an enclosed yard or court shall have unimpeded access to the public way.
- (e) Basements and sleeping rooms below the fourth story above grade plane shall have no less than one exterior emergency escape or rescue opening in accordance with this section. (Ord No. 30-13)

**59.215. Smoke Alarms.** Smoke alarms shall be installed and maintained in every residential dwelling at all of the following locations:

- (a) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms.
- (b) In each room used for sleeping purposes.
- (c) In each story within a dwelling unit, including basements.

(d) In every shared laundry facility.

(e) In any common rooms where cooking or smoking is allowed.

Where another approved configuration of smoke alarms was permitted, that configuration may be maintained. All hard-wired smoke alarms must remain hard-wired. They may not be replaced with a battery powered smoke alarm. All solely battery powered smoke alarms must contain a ten-year lithium battery. Smoke alarms shall be installed and maintained in accordance with the manufacturer's specifications and shall be replaced at 5 or 10 year intervals as instructed by the manufacturer. (Ord No. 30-13)

**59.220. Carbon Monoxide Alarms.** An alarm which produces an audible alert when carbon monoxide is detected is required in all residential structures containing a carbon monoxide source. Carbon monoxide alarms shall be installed according to the manufacturer's specifications and in the following locations:

(a) In each bedroom or within fifteen feet outside of each bedroom door; and

(b) In any enclosed common area within a residential structure if such common area is connected by a door, ductwork, or ventilation shaft to a carbon monoxide source. (Ord No. 30-13)

**59.225. Tampering with Required Protection Devices.** It shall be unlawful to tamper with any required protection device, including any smoke alarm or carbon monoxide alarm. (Ord No. 30-13)

**59.230. Fire-Resistive Separation.**

(a) When a residential structure contains more than one dwelling classification, each part of the residential structure comprising a separate or distinct occupancy shall be separated from each other occupancy in the residential structure by not less than a one hour fire resistive occupancy separation meeting the requirements for such occupancy separations as specified in the Building Code.

(b) In all residential structures, each room containing a boiler or central heating plant shall be separated from the rest of the residential structure by not less than a one hour fire resistive occupancy separation.

(c) An approved fire sprinkler system may be used in lieu of fire-resistive separation as otherwise required by this section. (Ord No. 30-13)

**59.235. Insect and Rodent Harborage.** Every residential structure shall be kept free from insect and rodent infestation. When insects and rodents are found in any residential structure, they shall be promptly exterminated. After extermination proper precautions shall be taken to prevent reinfestation. The Inspector may require that the residential structure be professionally treated if other forms of extermination are not sufficient to eradicate the infestation. (Ord No. 30-13)

**59.300. Bathroom Facilities.** In hotels, motels, homeless shelters, and room and board facilities where private toilets, lavatories, or baths are not provided, there shall be on each floor of the residential structure at least one toilet, one lavatory, and one bathtub or shower each provided at the rate of one for every twelve residents or fraction of twelve residents. Required toilets, bathtubs, and showers shall be in a room or rooms that allow for the privacy of the user. (Ord No. 30-13)

**59.305. Lighting Requirements.** Every public hallway, public corridor, and public stairway in any multi-family dwelling shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, and exit doorways, and at least one-half foot candle at other points. Measurement of illumination shall be taken at points not more than four feet above the

floor. (Ord No. 30-13)

**59.310. Emergency Exits.**

- (a) All required fire escapes shall be kept in good order and repair and shall be painted so as to prevent corrosion of any metal, in a manner approved by the Fire Marshal.
- (b) Every fire escape or stairway, stair platform, corridor or passageway which may be one of the regular means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind.
- (c) Where doors to stair enclosures are required by the Building Code to be self-closing, the self-closing device shall be maintained in good working order and the doors shall not be wedged or propped open.
- (d) Windows leading to fire escapes shall be secured against unwanted entry with approved devices.
- (e) Directional signs indicating the way to exit doors and fire escapes shall be placed in all public hallways and public stairways of multi-family dwellings. Emergency exit doors and windows shall be clearly labeled as such. (Ord No. 30-13)

**59.315. Additional Requirements for Doors.**

- (a) All exit doors shall swing in the direction of exit travel when serving an occupant load of fifty or more in any multi-family dwelling.
- (b) Double acting doors shall not be used in exits serving a tributary occupant load of more than 100; nor shall they be used as part of a fire assembly, nor equipped with panic hardware. Except within individual dwelling units in apartment houses and guest rooms in hotels, double acting doors shall be provided with a view panel of not less than 200 square inches.
- (c) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.
- (d) Glass doors shall conform to the requirements specified in the Building Code.
- (e) Every doorway in a required exit shall be of a size such as to permit the installation of a door not less than three feet in width and not less than six feet eight inches in height. Doors installed therein shall be capable of opening at least ninety degrees and shall be so mounted that the clear width of the exitway is not less than twenty-eight inches.
- (f) The ceiling height of every room, corridor, or other portion of a multi-family dwelling forming part of a required exit shall be not less than six feet ten inches, except as provided for stairways in this Chapter.
- (g) No leaf of an exit door shall exceed four feet in width.
- (h) Revolving doors, sliding doors, or overhead doors shall not be used as exit doors. Approved power-operated doors may be used for exit purposes. (Ord No. 30-13)

**59.320. Existing Fire Alarm, Smoke Control and Suppression Systems.** All fire protection systems required at the time of construction of any multi-family dwelling are to be maintained in good working order and are not to be removed or disabled without the proper permits and authorization of the Fire Marshall. An inspection report and proof of repair shall be provided to the Inspector upon written request. (Ord No. 30-13)

**59.325. Fire Extinguishers.** Portable fire extinguishers with a minimum rating of 2A10BC shall be provided at all multi-family dwellings. Portable fire extinguishers must be supplied as follows:

- (a) Portable fire extinguishers shall be located in clearly-marked, conspicuous locations where they will be readily accessible and available for use.
- (b) Portable fire extinguishers shall be installed on hangers or brackets and securely anchored

- to the mounting surface in accordance with the manufacturer's installation instructions.
- (c) Where portable fire extinguishers may be subject to malicious use or damage, they may be housed in cabinets designed for fire extinguishers with a glass front and breaker bar or a breakable plastic front as provided by the manufacturer.
  - (d) The top of the portable fire extinguisher or cabinet containing it shall be no higher than five feet above the floor.
  - (e) Portable fire extinguishers shall be located on each floor of a multi-family dwelling and have a maximum travel distance of no more than seventy-five feet from any dwelling unit.
  - (f) All portable fire extinguishers required at multi-family dwellings must be inspected yearly and tagged showing the date of inspection. (Ord No. 30-13)

**59.400. License Required.** Unless specifically exempt by SRC 59.405, a license shall be required for the operation of any multi-family dwelling. Any person desiring to engage in the operation of any multi-family dwelling shall obtain a license before engaging in the activity. A license to engage in the operation of any multi-family dwelling shall be issued annually and shall be effective until December 31 of any calendar year unless sooner suspended or revoked. (Ord No. 30-13)

**59.405. Exempt Properties.** The following properties and dwelling classifications are exempt from the licensing requirements set forth in this Chapter:

- (a) Any bona fide hospital or clinic where sick or injured persons are kept for medical treatment.
- (b) Any nursing home.
- (c) Any place which would otherwise be deemed a multi-family dwelling which is owned or operated by a religious, fraternal, charitable, or other nonprofit organization and which is inspected pursuant to the requirements of the Federal Housing and Urban Development Department (HUD).
  - (1) In order for a religious, fraternal, charitable, or other nonprofit organization to qualify for an exemption under this subsection, the nonprofit organization shall file written confirmation that each unit of the multi-family dwelling has been so inspected by Federal Housing and Urban Development Department (HUD) within the past five years. This written confirmation shall be filed with the Inspector on or before January 1 of each calendar year and shall be accompanied by a copy of the completed HUD inspection report.
  - (2) A listing of all multi-family dwellings, their respective addresses and any changes in their rental status shall be attached to the written confirmation.
- (d) Any adult foster home.
- (e) Any residential care facility.
- (f) Any residential home. (Ord No. 30-13)

**59.410. License Fees; Proration.**

- (a) Fees for licenses issued pursuant to this Chapter shall be set by resolution of the City Council.
- (b) As licenses are issued on an annual basis, three-fourths of the fee shall be required if an application is filed on or after July 1 and on or before September 30 of any calendar year; one-half of the license fee shall be required if the application is filed on or after October 1 of any calendar year. (Ord No. 30-13)

**59.415. New License Application.**

- (a) A person desiring to obtain a new license to engage in the operation of any multi-family

dwelling shall apply to the Director on such forms and in such manner as the Director may prescribe. Such application shall include the following information:

- (1) The applicant's name;
  - (2) The names and residence addresses of all persons who are principals, partners, and corporate officers for any applicant that is not a natural person;
  - (3) The address to which all mail concerning the license may be sent;
  - (4) All business addresses maintained or to be maintained by the applicant in the State of Oregon;
  - (5) Telephone and facsimile numbers of the applicant;
  - (6) E-mail address of applicant (if applicable);
  - (7) If the applicant has a registered agent, the registered agent's name, address, and all contact information;
  - (8) A description of the property to be licensed including the following:
    - (A) Its physical address;
    - (B) Number of residential structures on site;
    - (C) Total number of dwelling units;
    - (D) Number of dwelling units per residential structure;
    - (E) The name of property.
  - (9) The signature of the applicant, if a natural person, or the signature of an authorized agent of the applicant, if the applicant is other than a natural person; and
  - (10) Such other information as the Director may require.
- (b) The Director may impose conditions on the approval of a license.
- (c) The application shall be accompanied by a non-refundable application fee. (Ord No. 30-13)

**59.420. License Term and Renewal.**

- (a) A license issued pursuant to this Chapter shall be valid from the date of issuance until December 31 of the year during which it was issued unless sooner suspended or revoked.
- (b) A license issued pursuant to this Chapter must be renewed annually. An application for license renewal shall be submitted by December 31 in order to renew by January 1 of the subsequent year. An application for license renewal shall be accompanied by a non-refundable license renewal fee and shall include the following information:
  - (1) The applicant's name;
  - (2) The physical address of the property to be licensed;
  - (3) Any changes concerning the registered agent of the applicant or any property manager acting on the applicant's behalf.
  - (4) The signature of the applicant, if a natural person, or the signature of an authorized agent of the applicant, if the applicant is other than a natural person.
- (c) An application for license renewal shall be approved and a renewal license issued effective January 1 following receipt of the application unless:
  - (1) Any licensing or re-scheduling fees for the subject property have not been paid in full;
  - (2) The applicant provided any untrue or incomplete information on the application for license renewal; or
  - (3) The subject property is in violation of any federal, state, or local law or regulation.(Ord No. 30-13)

**59.425. Transferability.** Licenses issued under this Chapter may not be transferred to any other person. (Ord No. 30-13)

**59.430. Right of Inspection.**

- (a) The Inspector is hereby authorized to make inspections and re-inspections of multi-family dwellings and, in furtherance thereof, to seek administrative warrants as provided in SRC Chapter 4.
- (b) Inspections of homeless shelters, hotels, motels, and room and board facilities shall be conducted not less than once per calendar year.
- (c) Inspections of apartment houses and retirement apartments shall be conducted as proscribed by the Director.
- (d) It is the owner's responsibility to notify tenants of a multi-family dwelling not less than twenty-four hours in advance of any inspection and to provide the inspector with adequate access to all areas of the multi-family dwelling necessary for inspection. (Ord No. 30-13)

**59.435. Re-scheduling Fee.** The owner of a multi-family dwelling shall be assessed a re-scheduling fee if the owner or the authorized agent of the owner fails to meet the Inspector at a previously scheduled time for inspection for a second or subsequent time. The amount of the re-scheduling fee shall be set by resolution of the City Council. (Ord No. 30-13)

**59.440. Certificate of Inspection.** A certificate of inspection for a multi-family dwelling shall be issued to the owner after inspection and after it has been determined by the Inspector that the multi-family dwelling satisfies all applicable requirements of this Chapter.

- (a) A certificate of inspection shall contain the following:
  - (1) The address of the multi-family dwelling;
  - (2) The name and address of the owner;
  - (3) A description of that portion of the multi-family dwelling for which the certificate is issued;
  - (4) A statement that the described portion of the multi-family dwelling complies with the requirements of this Chapter;
  - (5) The original signature of the Inspector; and
  - (6) The date of inspection upon which the certificate of inspection is based.
- (b) A certificate of inspection shall be retained by the owner for viewing upon request and until replaced by a new certificate of inspection. (Ord No. 30-13)

**59.500. Responsibility.**

- (a) Notwithstanding any other responsibility imposed upon a tenant of a residential structure pursuant to this Chapter, or pursuant to any contract or agreement between the owner and a tenant of a residential structure, every owner remains personally and severally liable for failing to maintain any residential structure in full compliance with the provisions of this Chapter.
- (b) Where an owner has appointed an agent or manager with substantial power to act on the owner's behalf in maintaining and supervising any residential structure, any such agent or manager shall be personally and severally liable to the same extent as the owner for failing to maintain any such residential structure in full compliance with the provisions of this Chapter; provided, however, such agent or manager shall have no responsibility to make any alterations or repairs to a residential structure in direct disobedience of the written direction of the owner.
- (c) Where the residential structure is owned by an estate, a trust, a person whose assets are in receivership, a ward whose assets are subject to a guardianship or conservatorship, or any other person or entity the subject of some similar legal disability whose assets are being administered by a fiduciary, the trustee, administrator, personal representative, receiver, guardian, conservator, or other fiduciary responsible for administering the assets shall be personally and severally liable to the same extent as the owner for failing to maintain any residential structure which is one of the assets in full compliance with the provisions of this

Chapter; provided, however, such person shall have no responsibility to make any alterations or repairs to a residential structure in disobedience of any written order of a court having jurisdiction over the assets.

(d) Every tenant of a residential structure who is not the owner or other responsible person as defined in subsections (b) or (c) of this section, shall be personally and severally responsible for maintaining those portions of the residential structure occupied by him or her in full compliance with the provisions of this Chapter; provided, however, no such tenant shall be responsible for making any alterations or repairs for which a permit is required pursuant to the Building Code. (Ord No. 30-13)

**59.600. Enforcement Order.** Whenever the Inspector has determined, after inspection, that any provision of this Chapter is not met by a particular residential structure, the Inspector may issue an enforcement order and cause it to be served as provided in SRC 20J.100. The enforcement order shall be dated and shall contain the elements set forth in SRC 20J.090(d), and the following:

- (a) The street address of the premises upon which the residential structure is located;
- (b) A designation sufficient to identify any separate dwelling unit in a multi-unit residential structure to which the enforcement order applies;
- (c) A notice that in lieu of taking the action or actions required to remedy the violation, the owner may cause the residential structure to be demolished and the premises made safe and sanitary as required by the Salem Revised Code, provided that permits are obtained and the work is completed within the established time limits. (Ord No. 30-13)

**59.605. Appeal of Enforcement Order.** Any person who has been issued an enforcement order may appeal such enforcement order as provided in SRC 20J.110. (Ord No. 30-13)

**59.700. Suspension of License.**

- (a) A license issued pursuant to this Chapter may be suspended if:
  - (1) The licensee has been assessed a civil penalty and fails to pay the penalty within the time required; or
  - (2) The licensee is maintaining the licensed premises in violation of any provision of this Chapter; or
  - (3) The licensee or the licensee's agent or manager refuses to permit any inspection of the licensed premises by the Inspector, or refuses to provide reasonable cooperation and assistance to the Inspector in connection with the inspection of the licensed premises. As used in this paragraph, "reasonable cooperation and assistance" includes, but is not limited to:
    - (A) Providing a means of ingress and egress to and from the licensed premises, and any part thereof, not then lawfully possessed by a tenant, at a reasonable time;
    - (B) Arranging introductions and appointments with tenants or other persons in charge of the licensed premises, or any part thereof; or
    - (C) Informing tenants or other persons in charge of the licensed premises, or any part thereof, that the Inspector acts with the consent of the licensee.
- (b) Suspension shall take effect immediately upon notice of the suspension being received, and shall remain in effect until the reason for the suspension has been cured, the license has been revoked, or the license has been re-stated after a hearing as provided in SRC Chapter 20J.
- (c) Nothing in this Chapter shall affect the Director's ability to suspend any license issued hereunder in an emergency as provided in SRC 20J.230. (Ord No. 30-13)

**59.705. Revocation of License.**

- (a) A license issued pursuant to this Chapter may be revoked if:
  - (1) The licensee allows the licensed premises to be a public nuisance property as defined in SRC 98.140.
  - (2) The licensee is maintaining the licensed premises in a manner that endangers or threatens to endanger property or public health, safety, or welfare.
  - (3) The application for the license, or any renewal thereof, contains any misrepresentation or any false statement.
  - (4) The licensee commits any violation of a federal, state, or local law or regulation that may indicate that the licensee is unfit to conduct licensed activity.
  - (5) The licensee, or of any agent or employee of the licensee, refuses to permit any inspection of the licensed premises by the Inspector as authorized by this Chapter.
- (b) Revocation shall take effect immediately upon notice of the revocation being received.
- (c) A licensee who has had his or her license revoked may, after ninety or more days from the date the notice of revocation is received, apply for a new license in the manner provided by this Chapter.
- (d) Nothing in this Chapter shall affect the Director's ability to revoke any license issued hereunder in an emergency as provided in SRC 20J.230. (Ord No. 30-13)

**59.800. Appeals.**

- (a) Any person who has been denied a new multi-family dwelling license, a renewal of an existing multi-family dwelling license, or who has had a multi-family dwelling license suspended or revoked may appeal the decision to the Hearings Officer as set forth in SRC 20J.220. The hearing on the appeal shall follow the contested case procedures set forth in SRC Chapter 20J.
- (b) Failure of any person to appeal the denial, suspension, or revocation of a multi-family dwelling license in the manner provided in SRC 20J.220 shall constitute a waiver of all right to administrative or judicial review of the denial, suspension, or revocation. (Ord No. 30-13)

**59.805. Proceedings by City Attorney.** The City Attorney may, upon request of the Director, institute any legal proceedings necessary to enforce the provisions of this Chapter. Proceedings may include, but are not limited to, injunctions to prohibit the continuance of the licensed activity or to prohibit any use or occupation of a residential structure in violation of this Chapter. (Ord No. 30-13)

**59.810. Remedies not Exclusive.** The remedies provided in this Chapter are cumulative and not mutually exclusive and are in addition to any other rights, remedies, and penalties available under any other provision of law. (Ord No. 30-13)

**59.990. Violations and Penalties.**

- (a) Violations.
  - (1) It shall be unlawful for a person to maintain any residential structure or dwelling unit in violation of any provision of this Chapter. Except as provided in subsection (d), a violation of this subsection is an infraction. Each day that a violation continues shall constitute a separate violation. In addition to any other penalty provided by law, a person adjudged responsible for a violation of any of the provisions of this Chapter may be ordered by the court to correct the violation.
  - (2) It shall be unlawful for a person to operate a multi-family dwelling without first obtaining a license therefor. A violation of this section is an infraction. Each day that a violation continues shall constitute a separate violation.
  - (3) It shall be unlawful for any person to continue the operation of a multi-family

dwelling after the person's license has expired, has been suspended, or has been revoked. A violation of this section is an infraction. Each day that a violation continues shall constitute a separate violation.

**(4)** A second or subsequent violation of SRC 59.225 within six months of having been convicted of a violation of SRC 59.225 is a misdemeanor.

**(b)** Civil Penalty. Any person who fails to comply with the requirements of this Chapter or the terms of a license issued hereunder, who undertakes an activity regulated by this Chapter without first obtaining a license, or who fails to comply with an enforcement order issued pursuant to this Chapter shall be subject to a civil penalty as provided in SRC Chapter 20J, not to exceed \$2,000 per violation. Each day that a violation continues shall constitute a separate violation.

**(c)** Civil Penalty Against Agents. Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty. (Ord No. 30-13)