

ORDINANCE 2023-04
MINIMUM HABITABILITY STANDARDS AND REGULATION OF UNSAFE BUILDINGS

WHEREAS, insanitary and unsafe buildings, dwellings, and structures of all types and descriptions used for human habitation exist within the Town of Triana and that such insanitary and unsafe conditions arise from obsolescence, poor repair, maintenance, and the overcrowding and use of such buildings, dwellings, and structures used for human habitation and occupancy, and;

WHEREAS, such conditions are often compounded by inadequate provisions for light and air, insufficient protection against fire hazards, lack of living space and overcrowding and lack of heating, plumbing, and other facilities; that such insanitary and unsafe buildings, dwellings, and structures used for human habitation and occupancy constitute a danger to the health, safety, morals, welfare, well-being, and comfort of the inhabitants and general public of the Town of Triana and;

WHEREAS, such conditions cause an increase in and spread of disease and crime and are damaging and injurious to the inhabitants and general public of the Town of Triana, and;

WHEREAS, Alabama Code 11-53-2 authorizes municipalities within the State of Alabama in order to protect the health, safety, morals, welfare, well-being and comfort of their inhabitants and the public at large to enact, adopt, and enforce ordinances regulating the use, control, repair, and maintenance of buildings, dwellings, and structures of all types and descriptions used for human habitation or occupancy and, the number of occupants and the mode and manner of occupancy for the purpose of insuring the healthful, safe, and sanitary environment of the occupants of such structures and to compel the owners or persons in charge of such buildings to alter, reconstruct, or modify them or any room, compartment, or part thereof for the purpose of insuring the healthful, safe, and sanitary environment of the occupants thereof and to prohibit the use and occupancy of such buildings, dwellings and structures of all types and descriptions used for human habitation or occupancy until such rules, regulations, and provisions imposed by ordinance shall have been complied with.

THEREFORE; BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TRIANA, ALABAMA AS FOLLOWS:

ARTICLE I - GENERALLY

1. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined in this section shall have the meanings stated in the applicable building codes as may be adopted and amended by the Town of Triana. Words not defined in the standard codes or in this section shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised. Whenever, the terms "dwelling," "dwelling units,"

"rooming units," and "premises" are used in this article, they shall be construed as though they were followed by the words, "or any part thereof."

Abandoned motor vehicle means one that is in a state of disrepair or is incapable of being moved under its own power.

Accessory structure means any secondary structure, the use of which is incidental to that of the main dwelling or dwelling unit, used, designed or intended to be used for the storage of items or materials associated with human habitation or used, designed or intended to be used in support of human habitation, including but not limited to garages, sheds, barns and storage buildings.

Addition means any extension or increase in floor area or height of a building structure.

Alter and alteration mean any change or modification in construction or occupancy.

Apartment means any dwelling unit.

Apartment house means any building used as a multiple dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.

Applicable governing body means the town.

Approved means approved by the housing official, or other authority having jurisdiction, of the city.

Basement means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is less than the vertical distance from grade to ceiling; however, the distance from grade to ceiling shall be at least four feet, six inches.

Board means the housing board of adjustments and appeals.

Building(s) means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent or more of its perimeter. For the purpose of this article, each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

Building official means the Building Inspector of the town or the duly authorized representative of that official.

Cellar means that portion of a building the ceiling of which is entirely below grade or is less than four feet six inches above grade.

Chief administrator means the Mayor.

Department means the Building Department of the Town.

Department of law means the Town Attorney.

Dormitory means a space in a unit where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room, or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges.

Dwelling means, when used in this article without other qualifications, a building occupied exclusively for residential purposes by not more than two families.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Egress means an exit or means of getting out from a building, structure, dwelling, dwelling unit or room.

Extermination means the control and extermination of insects rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poisoning, spraying fumigating, trapping or by any other recognized and legal pest elimination method.

Family means one or more persons living together, whether related by birth, marriage or adoption, and having common housekeeping facilities.

Fire official means the chief of the fire department of the city or the duly authorized representative of that official.

Floor area means the total area of habitable space in a building or structure.

Garbage means the animal and/or vegetable waste resulting from the handling, storage, preparation, cooking, serving or consumption of food.

Habitable room means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable rooms.

Hotel means any building containing six or more guestrooms intended or designed to be used, or which are used, rented or let out to be occupied, or which are occupied for sleeping purposes by guests.

Housing official means the Building Inspector or the duly authorized representative of that official.

Infestation means the presence of any insects, rodents or other pests within or around a dwelling or dwelling unit.

Inspection division and department mean the Town's Building Inspector

Manufactured home means any mobile home, house trailer or any other structure, excluding modular homes or structures, transportable in one or more sections, which in the traveling mode, is eight or more feet in width and 40 or more feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating and electrical systems.

Multiple dwelling means any building which is occupied as the home or residence of more than two families living independently of each other and doing their own cooking in the building, and shall include flats and apartments.

Nuisance means and includes the following:

- 1) Any public nuisance known at common law or in equity jurisprudence.
- 2) Any attractive nuisance which may be detrimental to children, whether in a building or structure, on the premises of a building or structure, or upon an unoccupied lot. This includes but is not limited to abandoned wells, shafts, basements, or excavations; abandoned refrigerators or iceboxes; abandoned motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fence, debris, litter or vegetation which may prove hazardous for inquisitive minors.
- 3) Whatever is dangerous to human life or is detrimental to health or safety, as determined by the housing, building, or health official.
- 4) Overcrowding a room with occupants.
- 5) Insufficient ventilation or illumination.
- 6) Inadequate or unsanitary sewer or plumbing facilities.
- 7) Inadequate or obstructed means of egress.
- 8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the housing, building, or health official.

Occupancy means the purpose for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building or using or having possession of a space within a building.

Openable area means that part of a window or door that is available for unobstructed ventilation and which opens directly to the outdoors.

Operator means any person who has charge, care or control of a building in which dwelling units or rooming units are let.

Overcrowding means available dwelling space is less than is required for the number of occupants as defined in Paragraph 23 below.

Owner means the holder of the title in fee simple and any person, group of persons, firm, company, association or corporation in whose name tax bills on a property is submitted. It shall also mean any person who, alone or jointly or severally with others, has:

- 1) Legal title to any dwelling or dwelling unit, with or without accompanying actual possession; or
- 2) Charge, care or control of any dwelling or dwelling unit as owner, executor, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, or assignee of rents, lessee or other person in control of a building; or their duly authorized agents.

Any such person representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant to this article, to the same extent as if he were the owner. It is his responsibility to notify the actual property owner of the reported infractions or violations of the regulations pertaining to the subject property.

Person means an individual, corporation, partnership or any other group acting as a unit.

Plumbing means the practice, materials and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure or conveyance; also, the practice and materials used in the installation, maintenance, extension or alteration of storm water, liquid waste or sewage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

Premises means a lot, plot or parcel of land, including its building or structures.

Public area means an unoccupied open space adjoining a building and on the same property, that is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use the by fire department.

Repair means the replacement of existing work with the same kind or type of material used in the existing work, not including additional work that would change the structural safety of the building or structure, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring of heating installations, or that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" shall not apply to any changes of construction.

Required means required by some provision of this article or another applicable code of the city.

Residential building means a building in which families or households live or in which sleeping accommodations are provided, and all dormitories. Such building shall include but are not limited to dwellings, multiple dwellings and rooming houses.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rooming house means any dwelling, or that part of any dwelling, containing two or more rooming units in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rubbish means combustible and noncombustible waste materials, except garbage, including the residue from the burning of wood, coal, coke or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin can, metals, mineral matter, glass, crockery, litter, scrap and junk.

Stairway means one or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one story to another of a building or structure.

Story means that section or level of a building or structure included between the upper surface of a floor and the upper surface of the floor or roof next above.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work that is built, erected or composed of parts joined or fastened together in some manner.

Supplied means paid for, furnished or provided by or under the control of an owner or operator.

Temporary housing means any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 days.

Tenant means a person, corporation, partnership or group, whether or not the legal owner of record, occupying or using a building or portion thereof.

Unsafe equipment means equipment, which shall include but not be limited to any water heater, boiler, heating device, electrical wiring, electrical device or any other equipment on a premises or within a structure which is in disrepair, damaged, improperly installed, or in a condition that such equipment is a potential hazard to life, health, property or safety of the public or occupants of the premises or structure.

Unsafe building or structure means a building or structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by containing unsafe equipment, or lacks required safety or sanitary equipment or facilities, or other required essential facilities or equipment, or the building or structure or any part thereof has been damaged by fire, flood, earthquake, wind or other cause so that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement of the applicable building codes of the city, or is occupied without operable utility services, if required, or lacks permanent, properly installed, approved, heating facilities, or lacks egress of adequate size, or the egress is not arranged to provide a safe path of travel in case of fire or panic, or the means of egress or any part thereof, such as fire doors or closing devices, is in disrepair or nonworking condition and could be rendered

unsafe in case of fire or panic, or the building or structure is so damaged, decayed, dilapidated, structurally unsafe, or is of faulty construction so that partial or complete collapse is possible, or the building or structure is being maintained in violation of a health and safety code of the city, or the building or structure is unfit for human occupancy or use due to disrepair or lack of maintenance, or is unsanitary, or is vermin or rat infested, or contains filth and contamination, or the building or structure is vacant or abandoned and is standing open and accessible by the public, or the building or structure is in such condition as to constitute a public or attractive nuisance, or the building or structure constitutes a hazard to safety or health by reason of inadequate maintenance, disrepair, dilapidation, obsolescence, or abandonment.

Value and valuation, as applied to a building or structure, mean the estimated cost to replace the building or structure in kind.

Ventilation means the process of supplying and removing air by natural or mechanical means to and from any space.

Yard means an unoccupied open space other than a court.

2. Remedial.

This article is declared to be remedial and shall be construed to secure its beneficial interests and purposes, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use or occupancy of residential buildings and accessory structures.

3. Scope.

- a. The provisions of this article shall apply to all buildings, all accessory structures located on residential property, used or unused, designed or intended to be used for human habitation or the storage of materials associated with human habitation.
- b. This article establishes minimum standards for occupancy and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this article.
- c. Buildings or structures moved into or within the jurisdiction shall comply with the requirements of the applicable building code as adopted by the Town of Triana for new buildings to the extent determined by the building official.

4. Existing buildings.

- a. Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of this article provided the alteration, repair or rehabilitation work conforms to the requirements of this article for new construction. The housing official shall determine, subject to appeal to the board of adjustments and appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of this article for new construction.
- b. Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Paragraph 13.

- c. If the occupancy classification of an existing building or structure is changed, the building or structure shall be made to conform with the requirements for the new occupancy classification as determined by the building official.
 - d. Repairs and alterations, not covered by the preceding subsections of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed, but not more than 25 percent of the roof covering of a building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of this article for new buildings.
5. Maintenance.
- a. All buildings or structures, both existing and new, shall be maintained in a sanitary and safe condition. All devices or safeguards which are required by this article in a building when erected, altered or repaired shall be maintained in good working order. All fixtures, devices or attachments to a building or structure shall be properly installed, maintained and kept in good working order and free from defects. The owner or his agent shall be responsible for the maintenance of buildings, structures and premises.
 - b. All mobile homes, house trailers and manufactured homes, whether used or unused, designed or intended to be used for human habitation shall be maintained in a safe and sanitary condition. All devices, systems, facilities, safeguards, structural members or other parts shall be properly installed, maintained and kept in good working order. Unless otherwise required, repairs necessary to restore the structure to its original condition prior to any decay, deterioration or damage may be made with the same kind, type and size of materials with which the structure was constructed, provided such repairs and materials meet the minimum standards set forth by the Housing and Urban Development Manufactured Home Standards Program.
6. Application of zoning ordinance.
Nothing in this article shall be construed to cancel, modify or set aside any provision of the zoning ordinance of the authority having jurisdiction.
7. Violations and penalties.
Any person who shall violate a provision of this article, or fail to comply with this article, or with any of its requirements, or who shall erect, construct, repair, alter, demolish, or move any building or structure, or has erected, constructed, repaired, altered, demolished or moved any building or structure in violation of this article shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day, or portion of a day, during which a violation of any provision of this article is committed or continued, and, upon conviction of such violation, shall be punished as provided in Article IV of this ordinance.

ARTICLE II - ENFORCEMENT

8. Enforcement officer.

There is established by the applicable governing body provisions for the enforcement of this article by the Building Inspector.

9. Right of entry.

- a. The building inspector shall enforce the provision of this article; and he, or his duly authorized representative, upon presentation of proper identification to the owner, agent or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case these limitations do not apply.
- b. No person, owner, or occupant of any building, structure, or premise shall refuse to permit entry into any building, structure, or premises or onto any property by the building inspector or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspections pursuant to this article. Any person violating this section shall be guilty of a misdemeanor and subject to the fines and penalties as stated in Article IV of this ordinance.

10. Requirements not covered by article.

Any requirement, not specifically covered by this article found necessary for the safety, health and general welfare of the occupants of any dwelling shall be determined by the housing official subject to appeal to the housing board of adjustments and appeals.

11. Inspections.

The housing official, fire official, building official, or other authorized representatives shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public. For the purpose of making such inspections, the housing official, or his agent, is authorized to enter, examine and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge shall give the housing official free access to such residential building and its premises at all reasonable times for the purpose of such inspection, examination and survey.

12. Hardships.

Where the literal application of the requirements of this article would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this article or any of the regulations in this article have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the housing official to the housing board of adjustments and appeals, as set forth in section Paragraph 16.

13. Substandard residential buildings.

- a. Substandard shall mean a structure that does not meet the requirements of Article III, Minimum Standards for Basic Equipment and Facilities, of this article. For a structure in violation of the minimum standards as set out in Article III of this article

to be classified as substandard, the deficiencies which are present must not be so severe as to create an unsafe condition.

- b. Whenever the housing official determines that there are reasonable grounds to believe there has been a violation of this article or any rule or regulation adopted pursuant to this article, which causes a property to be in a substandard condition, he shall give notice of such alleged violation to the responsible person. Such notice shall:
 - i. Be in writing.
 - ii. Include a listing of the violations.
 - iii. Allow 120 days from the date the notice is issued to make the required repairs.
 - iv. State that, if violations are not corrected within the stated time, the housing official may institute legal proceedings charging the person with a violation of this article.
- c. Service of notice shall be as follows:
 - i. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
 - ii. By depositing the notice in the United States Postal Service addressed to the owner at his last known address with postage prepaid; or
 - iii. By posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises to be repaired.
- d. When a residential building is to be demolished, it shall be done in accordance with the provisions of Alabama Code Section 11-40-30 et seq., as may be amended.

14. Designation of unfit dwellings and legal procedure for condemnation.

Any dwelling, dwelling unit or accessory structure which is so damaged, decayed, dilapidated, unsanitary, vermin-infested or unsafe that it creates a hazard to the health or safety of the occupants or the public, or one which lacks illumination, ventilation, or sanitary facilities adequate to protect the health or safety of the occupants or the public, or otherwise meets the definition of unsafe building as defined in this article shall be condemned as unfit for human habitation and shall be declared an unsafe building. Procedures for such condemnation and abatement shall be carried out in the following manner:

- a. *Notice.* The housing official shall prepare and issue a notice of unsafe building directed to the owner or mortgagee of record of the building or structure. The notice shall contain, but not be limited to, the following information:
 - i. The street address and legal description of the building, structure or premise.
 - ii. A statement indicating that the building or structure has been declared unsafe by the housing official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe.
 - iii. A statement advising that the owner has the option to repair or demolish the structure, and
 - 1. If the building or structure is to be repaired, all necessary permits shall be acquired and work commenced within 30 days from the issue date of the notice and work completed within 60 days from the issue date of the notice.
 - 2. If the building or structure is to be demolished, all required permits for demolition shall be acquired and work commenced within 30 days

from the issue date of the notice and the demolition completed within 60 days from the issue date of the notice.

- iv. A statement advising that any person having legal interest in the property may appeal the notice by the housing official to the housing board of adjustments and appeals.
- b. *Service of notice.* Service of notice shall be as follows:
 - i. By delivery to the owner or mortgagee personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
 - ii. By certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on file with the tax collector's office. If the addresses are not available on any person required to be served notice, the notice addressed to such person shall be mailed to the address of the building or structure which is the subject of the notice; or
 - iii. By posting, within three days of the date of the mailing, a copy of the notice within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted in any conspicuous place on the premises which are the subject of the notice.

15. Occupancy prohibited.

- a. Once the housing official designates a building or structure as unsafe he shall immediately post a placard of such finding at the location of the building or structure. Any person who shall remove or who shall allow the removal of the placard designating the premises as unsafe shall be guilty of a misdemeanor and subject to the fines and penalties as stated in Article IV of this ordinance.
- b. Any person who shall occupy a designated unsafe structure or any owner or other person responsible for the premises who allows any person or animal, to occupy or enter a designated unsafe structure shall be guilty of a misdemeanor and subject to the fines and penalties as stated in Article IV of this ordinance of this Code.

16. Housing Board of Appeals

The Triana Board of Adjustments shall serve as the Housing Board of Appeals for all appeals under this ordinance.

17. Appeals.

Any person receiving written notice from the housing official of deficiencies in his property under this article may, within 21 days following the date of such notice, enter an appeal in writing to the housing board of adjustments and appeals. Such appeal shall be signed by all appellants and shall:

- a. Identify the subject building or structure by street address or legal description;
- b. Identify the appellant's legal interest in the subject building or structure;
- c. Identify the specific housing official order or the specific section of these articles being appealed and the number of the official notice issued by the housing official;
- d. Identify the official mailing address of all appellants.

If a variance or modification is requested, the appellant must state the variance or modification requested, the reasons, and the hardship or conditions upon which the appeal is made.

18. Violations, interference, and failure to comply with final order.

- a. Any owner, person, agent, manager, operator, firm or corporation who shall violate a provision of this article, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any building or structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this article shall be guilty of a separate offense for each and every violation of the provisions of this article and for each and every day that the violation continues, and shall be guilty of a misdemeanor and subject to the fines and penalties as stated in Article IV of this ordinance of this Code.
- b. Any person who obstructs or interferes with the implementation of any action required by the final order of the housing official or the board of adjustment shall be guilty of a misdemeanor and subject to the fines and penalties as stated in Article IV of this ordinance.
- c. Any owner who after an order of the housing official or the decision of the board of adjustment becomes final fails or refuses to comply with such order shall be guilty of a misdemeanor and shall be subject to the fines and penalties as set forth in Article IV of this ordinance.

ARTICLE III – MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

19. Compliance required.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating; nor shall any vacant dwelling building be permitted to exist which does not comply with the requirements of this division.

20. Facilities required.

- a. *Sanitary facilities.* Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet, all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks and obstructions.
- b. *Location of sanitary facilities.* All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants. The water closet, tub or shower, and lavatory shall be located in a room affording privacy to the user by means of a properly installed and fitted door, complete with proper hardware in good working order. Bathrooms shall be accessible from habitable rooms, hallways, corridors, or other protected or enclosed areas. Bathrooms shall not open directly into or from a kitchen or other food preparation area.
- c. *Hot and cold-water supply.* Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold and hot water. All water shall be supplied through an approved distribution system connected to a potable water supply.
- d. *Water heating facilities.* Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a

temperature not less than 120 degrees Fahrenheit. Minimum storage capacity of such water heating facilities shall be equivalent to 30 gallons (104l). Such water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the applicable plumbing code as adopted by the Town to not less than 120 degrees Fahrenheit.

- e. *Heating facilities.*
 - i. Every dwelling unit shall have permanent heating facilities which are capable of safely and adequately heating all habitable rooms and bathrooms to a temperature of 68 degrees Fahrenheit at a distance three feet above floor level, under minimum winter conditions.
 - ii. All heating appliances, equipment and systems and their parts shall be properly installed and maintained in accordance with the provisions of the applicable code of the inspection division of the city, whether gas, electric, mechanical, or any other.
 - iii. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 Btu per hour per cubic foot of room content. Unvented fuel burning heaters shall be prohibited in bedrooms or in any area used for sleeping.
- f. *Kitchen facilities.* Every dwelling unit shall have a kitchen area equipped with the following minimum facilities:
 - i. Food preparation surfaces that are impervious to water and free from defects which might trap food or liquids.
 - ii. Cabinets, shelving or drawers for the storage of food, cooking utensils and eating utensils.
 - iii. Properly installed facilities for the installation of a permanent or freestanding cookstove, either electric or gas. Portable electric cooking equipment shall not fulfill this requirement.
 - iv. All cooking equipment shall be maintained in a safe and good working condition. Portable cooking equipment employing flame shall be prohibited.
- g. *Garbage disposal facilities.* Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, of a type and location approved by the city.
- h. *Fire protection.* A person shall not occupy as owner-occupant or let to another for occupancy any building or structure which does not comply with the applicable provisions of the fire prevention code of the town.
- i. *Smoke detector systems.* Every dwelling unit shall be provided with an approved smoke detector, continuously powered by the electrical service of the dwelling unit, and installed in accordance with the electrical and fire prevention codes of the town. When activated, the detector shall initiate an alarm which is audible in all rooms used for sleeping. Single-family dwellings constructed prior to August 1, 1985, that are occupied by the owner may use smoke detectors powered by batteries.

21. Light and ventilation.

- a. *Windows.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room.

Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall be equal to at least 15 percent of the total floor area of the room.

- b. *Ventilation.*
 - i. Every habitable room shall have at least one window or skylight which can easily be opened, or such device as will adequately ventilate the room. The total openable window area in every habitable room shall equal at least 45 percent of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation.
 - ii. Year-round mechanically ventilating conditioned air systems may be substituted for windows, as required in this section, in rooms other than rooms used for sleeping purposes. Window-type air conditioning units are not included in this exception.
- c. *Bathroom.* Every bathroom shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilating system.
- d. *Electric lights and outlets.* Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote electrical receptacle outlets. Bedrooms shall have, in addition, at least one wall switch controlled lighting fixture or outlet. In kitchens, two separate and remote electrical receptacle outlets and a wall or ceiling type lighting fixture controlled by a wall switch shall be required. An electrical receptacle outlet rendered inaccessible by appliances shall not be considered as one of the required outlets in a kitchen area. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one wall or ceiling type light fixture. In bathrooms and water closet compartments, the light fixture shall be controlled by a wall switch. In addition to the light fixture in every bathroom and laundry room, there shall be provided at least one electrical receptacle outlet. Any bathroom, kitchen or outside electrical receptacle outlet shall have ground-fault circuit interrupter (GFI) protection.
- e. *Light in public halls and stairways.* Every common hall and inside stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least one footcandle intensity at the floor in the darkest portion of the normally traveled stairs or passageway.

22. Electrical systems.

- a. Every electrical outlet and fixture, all electrical wiring and equipment, and their components shall be installed, maintained and connected to a source of electric power in accordance with the electrical code as adopted by the city, as administered by the inspection division.

23. Dwelling space requirements.

- a. Required space in dwelling unit. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of

floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

- b. Required space in sleeping rooms. In every dwelling unit, any room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space. Any room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant.
- c. Minimum ceiling height.
 - i. Habitable (space) rooms other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than seven feet. Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling.
 - ii. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only half the room area. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum room area.

24. Occupancy of dwelling unit below grade.

No basement or cellar space shall be used as a habitable room or dwelling unit unless:

- a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
- b. The total window area in each room is equal to at least the minimum window area size as required in section 21(a)
- c. Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
- d. The total of openable window area in each room is equal to at least the minimum as required under section 21(b)(i).

25. Sanitation requirements.

- a. Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises.
- b. Every tenant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises which he occupies or which is provided for his particular use.
- c. Every tenant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.
- d. It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed in this subsection, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the housing official.
- e. Every occupant of a single-dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of

any insects, rodents or other pests within the building or premises; however, the extermination of wood-destroying organisms, insects or pests shall, in all cases, be the responsibility of the building owner.

- f. Every tenant of a dwelling unit shall keep all plumbing fixtures in the unit in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

26. Foundation.

- a. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed on the system.
- b. Every manufactured home shall be secured to the ground by means of an anchoring system, or other foundation system, that is designed to resist overturning, uplift and lateral movement of the manufactured home from wind or other forces.

27. Exterior walls.

Every exterior wall shall be free of holes, cracks, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the building. All siding material shall be kept in good repair and sound condition.

28. Roofs.

- a. Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls, ceilings or interior portion of the building.
- b. All portions, additions or sections of a roof, including but not limited to fascia, eaves, soffit, sheathing, rafter tails, barge rafters, vent screening, gutters, downspouts, roof jacks, and lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with common building practices. No item shall display signs of deterioration, abuse or improper installation that could be construed to affect the purpose of that item or cause damage to the immediate area or roof structure, that could allow dampness or admit rain to the interior of the building.

29. Means of egress.

Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level. In a multi-family building or structure a safe, continuous and unobstructed path of travel to a safe and open space or public way shall be provided. All means of egress doors shall be readily openable from the side from which egress is made without the use of keys or tools, and shall be equipped with the proper hardware.

ARTICLE IV – PENALTIES

30. Penalties

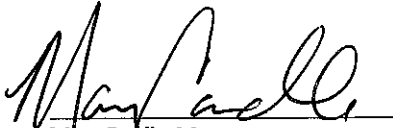
For violations of this Ordinance the following penalty shall be imposed:

- a. Over a 24-month period, upon first conviction, a fine of not less than \$100.00 or more than \$500.00, or imprisonment for not more than ten days.
- b. Upon a second conviction, a fine of not less than \$200.00 or more than \$500.00, or imprisonment for not more than 30 days, or both such fine and imprisonment.

Ordinance 2023-04 Minimum Habitability Standards

- c. Upon a third or subsequent conviction, a fine of not less than \$500.00 and imprisonment in jail for a period not to exceed six months. Such sentence shall include a mandatory sentence of not less than two days in jail, which shall not be subject to suspension or probation.
- d. Notwithstanding the provisions of subsection (c) of this section, the penalty imposed upon a corporation shall consist of the fine only, plus costs of court.

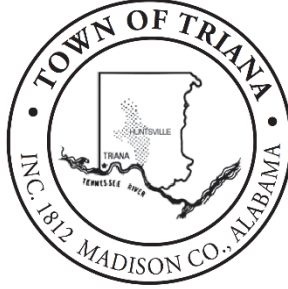
APPROVED and ADOPTED this 18 day of Dec 2023.


Mary Caudle, Mayor

ATTEST:


Sharron Humphrey, Clerk

Appendix A – Notice Placards



**TOWN OF TRIANA, ALABAMA
BUILDING INSPECTION & CODE ENFORCEMENT
640 6TH STREET, TRIANA AL 256-772-0151**

UNSAFE DO NOT ENTER

In accordance with Town of Triana Ordinance 2023-03 this building is deemed condemned /**UNSAFE**. It is a misdemeanor to occupy or allow a person or pet to occupy this structure or to deface/remove this notice. The penalties for these violations are a \$500 fine and/or 10 days in jail. The owner of this structure must obtain permits to repair or demolish this structure within 30 days and commence repairs within 60 days or be subject to further legal action.

Pursuant to Paragraph 17 of the Town of Triana Ordinance 2023-03, you have the right to appeal this notice of violation. Any action taken by the Town on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Address

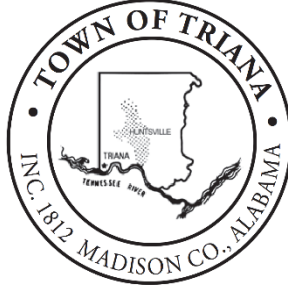
Date

Code Enforcement Officer

256-772-0151

Phone Number

Repairs or corrections to the property shall be made only between the hours of 7:00AM to 4:00PM Monday – Friday unless written authorization is given by the Building Department / Code Enforcement.



TOWN OF TRIANA, ALABAMA
BUILDING INSPECTION & CODE ENFORCEMENT
640 6TH STREET, TRIANA AL 256-772-0151

RESTRICTED USE

In accordance with Town of Triana Ordinance 2023-03 this building is deemed **SUBSTANDARD**. Pursuant to Town of Triana Ordinance 2023-03, the owner of this building must remedy the substandard conditions within 120 Days or be subject to further legal proceedings. It is a misdemeanor to deface/remove this notice. The penalties for these violations are a \$500 fine and/or 10 days in jail.

Pursuant to Paragraph 17 of the Town of Triana Ordinance 2023-03, you have the right to appeal this notice of violation. Any action taken by the Town on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Address

Date

Code Enforcement Officer

256-772-0151

Phone Number

Repairs or corrections to the property shall be made only between the hours of 7:00AM to 4:00PM Monday – Friday unless written authorization is given by the Building Department / Code Enforcement.