

VILLAGE OF ALMONT

RENTAL ORDINANCE

ORDINANCE NO. 158

An ordinance establishing minimum standards governing the condition and maintenance of rental dwellings to make such dwellings safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners and occupants of such dwellings; authorizing the inspection of rental dwellings; and authorizing the condemnation of rental dwellings which are found to be unfit for human habitation;

THE VILLAGE OF ALMONT ORDAINS:

1. APPLICABILITY OF REGULATIONS: This Ordinance shall apply to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any building or premises used for rental dwelling purposes within the Village.

2. DEFINITIONS:

A. For the purpose of this Ordinance, certain terms are defined as follows:

Approved: Accepted by the code official or his authorized representative as a result of their experience, investigations, or tests.

Basement: A portion of a building located partly below grade and having less than half of its floor-to-ceiling height below the average grade of the adjoining ground.

Building: Any structure, framework or housing for the occupancy of persons, storage, or other use.

Cellar: A portion of a building located partly or wholly below grade, and having half or more than half of its floor-to-ceiling height below the average grade of the adjoining ground.

Code Official: The persons or agencies designated by the Village Council as the code official for the Village.

Dwelling: Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

Extermination: The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the code official.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable Room: A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

Human Habitation: The use of any room, rooming unit, dwelling, dwelling unit, building or premises for living, sleeping, cooking, or eating purposes by one or more families or persons.

Infestation: The presence of any insects, rodents, or other pests within or around a dwelling, building, or premises.

Multiple Dwelling: Any dwelling containing more than two dwelling units.

Occupant: Any person living in, or having actual possession of, a dwelling unit.

Manager or Operator: Any person who has charge, care or control of a building or part thereof, in which dwelling units are let.

Rubbish/Trash: Waste materials (except garbage) including but not restricted to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, plastic, crockery, dust and the residue from burning of combustible materials.

3. INSPECTION OF PREMISES:

A. The code official is hereby authorized and directed to make inspections to determine the condition of rental dwellings and rental dwelling units, within the Village in order that the safeguarding of the health and safety of the occupant of the dwelling and of the general public may be accomplished. For the purpose of making such inspections, the code official is hereby authorized to enter and inspect rental dwellings according to law, at all reasonable times. The owner or occupant of rental dwellings, or the person in charge thereof, shall give code

officials free access to such dwelling and its premises, at all reasonable times, for the purpose of such inspection. Every occupant of a rental dwelling shall give the owner thereof, or his agent, access to any part of such dwelling, at all reasonable times, for the purpose of making such repairs as are necessary to effect compliance with this Ordinance or with any lawful order issued pursuant to this Ordinance.

B. Inspections shall be conducted as required by Section 11 of this Ordinance.

4. SERVICE OF NOTICES AND ORDERS:

A. NOTICES AND ORDERS. Whenever the code official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation and orders for correction of violation to the persons responsible. Such notice shall:

1. Be in writing;
2. Include a statement of the conditions that constitute violations and what must be done to correct the same;
3. Specify a time limit for the performance of any act required;
4. Be served upon the owner or his agent or the occupant, as the case may require; PROVIDED, that such notice shall be deemed to be properly served upon such owner, agent, or occupant if a copy thereof is served upon him personally; or in the event that such personal service cannot be effected, then notice shall be given by a copy thereof sent by regular mail to such owner, agent, or occupant to his last known address; or in the event that neither personal nor service by mail can be effected, then notice shall be given by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice and publication of a copy of said notice.

B. EMERGENCY CLAUSE. Whenever the code official finds that an emergency exists which requires immediate action to protect the public health, he shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

5. STANDARDS FOR BASIC EQUIPMENT AND FACILITIES: No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

A. KITCHEN SINK. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewage system.

B. WATER CLOSET, LAVATORY AND BATH.

1. Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, a lavatory basin, and a bathtub or shower in good working condition and properly connected to a water and sewage system.
2. Said room shall be so located as to afford privacy of access and shall not require passage through a bedroom.

C. SMOKE DETECTORS. Every conversion rental unit shall be supplied with smoke detectors by the owner--one detector to be installed on each floor and/or one installed in each rental unit. The renter shall be responsible for upkeep and repair of battery-operated models and the owner shall be responsible for upkeep and repair of electrically-powered models.

D. WATER CONNECTIONS. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be connected with both hot and cold water lines. The hot water shall have a minimum temperature of one hundred forty degrees fahrenheit.

E. RUBBISH AND GARBAGE STORAGE FACILITIES. Every dwelling unit shall have adequate rubbish storage facilities whose type and location are approved by the code official.

F. MEANS OF EGRESS. Every dwelling unit shall have two remote means of egress.

6. STANDARDS FOR HEAT, ELECTRIC, LIGHT, AND VENTILATION: No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. HEATING FACILITIES. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein, to a temperature of at least 70 degrees fahrenheit, at a distance of three feet above floor level.

B. ELECTRICAL OUTLETS. Every room shall contain at least two separate electrical convenience outlets or one such convenience outlet and one lighting fixture. Additional convenience outlets shall be provided in sufficient number to adequately service the electrical devices and/or appliances located therein, without the use of unapproved wiring methods. Cords to appliances and devices shall not be run through doorways, under rugs, or stapled to wood baseboards, door casing, or through holes in partitions or floors.

C. LIGHTING PUBLIC HALLS AND STAIRWAYS. Every public hall and stairway in every multiple dwelling containing three or more dwelling units shall be adequately lighted at all times. Every public hall and occupancy containing not more than two dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

D. 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 (8%) percent of the floor area of such room.

E. VENTILATION. Every habitable room shall have at least one (1) window or skylight which can be easily opened for adequate ventilation, except where there is supplied some other device or method affording adequate ventilation and approved by the code official.

7. GENERAL REQUIREMENTS FOR MAINTENANCE: No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. FOUNDATION, FLOOR, WALL, CEILING, AND ROOF. Every exterior foundation, wall, and roof shall be weather tight and rodent-proof, shall be capable of affording privacy, and shall be kept in good repair. All foundations, floors, walls, ceilings, and roofs shall be kept in good repair.

B. EXTERIOR OPENINGS.

1. Every window, exterior door, and basement hatchway shall be kept weather tight, watertight and rodent-proof, and shall be kept in sound working condition and good repair.
2. All openings shall be insect proofed by screening.

C. STAIRS, PORCHES. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. All stairs of four (4) or more risers shall have hand rails on one side. Hand rails shall be thirty

(30) inches to thirty-four (34) inches high measured to nosing of treads. All porches or balconies of more than thirty (30) inches above the floor or grade shall have guardrails not less than thirty-six (36) inches in height. Intermediate rails shall be not more than six (6) inches apart.

D. PLUMBING FIXTURES. 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.

E. FLOOR SURFACES. Every water closet compartment, bathroom, and kitchen floor surface shall be constructed and maintained so as to be water resistant and so as to permit such floor to be easily kept in a clean and sanitary condition.

F. SMOKE DETECTORS. One (1) battery-operated smoke detector shall be installed near each sleeping area. A battery-powered smoke detector shall also be installed near the building heating appliance.

G. SUPPLIED FACILITIES. Every supplied facility, piece of equipment, or utility which is required under this Ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

H. FACILITIES NOT TO BE SHUT OFF. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the code official.

8. MINIMUM SPACE AND USE REQUIREMENTS: No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. LIVING SPACE. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area. In no case shall any private dwelling be occupied which does not contain at least 480 square feet of habitable room area.

B. SLEEPING SPACE.

1. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room

occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.

2. Every room occupied for sleeping purposes shall be so located as to afford privacy of access and shall not require passage through another bedroom or bathroom.

C. CEILING HEIGHT. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

D. CELLAR. No cellar space shall be used as a habitable room or dwelling unit. This provision does not prohibit the use of cellar rooms for recreation purposes.

E. BASEMENT. No basement space shall be used as a habitable room or dwelling unit less it meets BOCA Code.

F. KITCHEN USE. No kitchen or cooking accommodations shall be permitted or maintained in any room or space of any building for the common or joint use of the individual occupants of a two-family or multiple-family dwelling.

G. TEMPORARY DWELLINGS. It shall be unlawful to erect or occupy any structure which is intended to be occupied in whole or in part as a temporary dwelling unless it complies with all the provisions of this chapter.

9. RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

A. PUBLIC AREAS. Every owner of a dwelling containing more than two dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. In all other cases it shall be the responsibility of the occupants.

B. DWELLING UNIT. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

C. RUBBISH. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish facilities required by Section 7(E). It shall be the responsibility of the owner to remove the rubbish, properly placed in containers, for all dwelling units in a dwelling containing more than two dwelling units. In all other

cases it shall be the responsibility of the occupants to remove the rubbish.

D. GARBAGE. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section 7(F). It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than two dwelling units. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

E. EXTERMINATION OF PESTS. The presence of insects, rodents, or other pests within a dwelling or on the premises is declared to be a violation of this chapter. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

F. PLUMBING FIXTURES. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

10. DWELLINGS UNFIT FOR HUMAN HABITATION: The designation of dwellings or dwelling units as unfit for human habitation, the declaration of the same to be a public nuisance and provisions for their vacation, removal, repair, condemnation, and demolition shall be carried out in compliance with the following requirements:

A. UNFIT FOR HUMAN HABITATION DEFINED. Dwellings or dwelling units which have any of the following defects, shall be deemed "unfit for human habitation".

1. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or general health and welfare of the occupants or the public.
2. Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which fail to provide amenities essential to decent living or are likely to cause disease.

3. Those having light, air or sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who may live therein.
4. Those having inadequate means of egress.
5. Those which have parts thereof which are so attached that they may fall and injure persons or property.
6. Those in which the owner or occupant fails to comply with orders of the code official, based on the provisions of this Ordinance.

B. ORDER TO VACATE, REPAIR OR DEMOLISH. Any dwelling or dwelling unit may be condemned as unfit for human habitation if, in the opinion of the code official, the dwelling or dwelling unit fails to meet the requirements and standards of this Ordinance. Whenever the code official determines a dwelling or dwelling unit as unfit for human habitation, he shall give notice to the owner that the dwelling or dwelling unit shall be condemned and of his intent to placard the same as unfit for human habitation. Such notice shall:

1. Be in writing;
2. Identify the location of the dwelling or dwelling unit;
3. Include a description of the repairs and improvements required to bring the condemned dwelling or dwelling unit into compliance with the provisions of this Ordinance;
4. Set a reasonable time limit for making the repairs and improvements;
5. Be served upon the owner in accordance with this Ordinance.

C. PLACARDING OF CONDEMNED DWELLINGS. If the owner fails to make the repairs and improvements required within the specified time limit, the code official shall post, in a conspicuous place, a placard or placards bearing the following words: "Condemned As Unfit For Human Habitation".

D. VACATING OF CONDEMNED DWELLINGS. Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the code official shall be vacated within a reasonable time, as required by the code official. No owner or operator shall let to any person for human habitation and no person shall occupy any dwelling or dwelling unit which has been condemned and placarded by the code official after the date on

which the code official has required the dwelling or dwelling unit to be vacated.

E. REMOVAL OF VACATING ORDER AND PLACARD. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the code official. The code official shall remove such placard whenever the defect or defects, upon which the condemnation and placarding action were based, have been eliminated.

F. UNLAWFUL REMOVAL OF PLACARD. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

11. RENTAL DWELLING REGISTRATION AND INSPECTION:

A. REGISTRATION OF RENTAL DWELLINGS.

1. Every owner of a rental dwelling unit must file with the code official the name and address of the owner and the name and address of the person in charge of such dwelling unit, for the purpose of receiving service of process, together with a description of the property containing the rental dwelling unit by street number or otherwise. Re-registration shall be required upon any change of ownership.
2. No owner shall let or rent to any person a vacant dwelling unit unless it has been inspected and granted a current Certificate of Compliance.
3. It shall be unlawful for any person to occupy any rental dwelling unit unless a Certificate of Compliance has been issued with respect to said dwelling unit. In the event the code official revokes the Certificate of Compliance with respect to any dwelling unit, it shall be the responsibility of the occupant thereof to vacate such dwelling unit within the time prescribed by the code official.

B. INSPECTION OF RENTAL REAL ESTATE. Upon the request of the tenant or owner of a dwelling or dwelling unit and payment of the inspection fee by the person requesting the inspection, the code official shall perform an inspection within twenty-four (24) hours of the time agreed upon by himself and the applicant to inspect such dwelling or dwelling unit. If such an inspection establishes that the dwelling or dwelling unit complies with this Ordinance, the Inspector shall issue a Certificate of Compliance for said dwelling unit, indicating the maximum number of occupants who may lawfully occupy each unit.

C. REINSPECTION. If said dwelling or dwelling unit does not comply with this Ordinance, the code official shall notify the applicant as provided in this Ordinance, and shall reinspect the dwelling or dwelling unit for compliance within a reasonable time considering the circumstances.

D. PERIOD OF INSPECTION. The code official shall inspect on a periodic basis such dwelling units of residential rental property in the Village. In no event shall the period between inspections be longer than one (1) year.

E. CERTIFICATE OF COMPLIANCE. One copy of the Certificate shall be handed to or be mailed to the applicant and a second copy for the information of the tenant shall be posted by the code official on the inside of the main entrance door of the dwelling or dwelling unit so certified and shall not be removed by or at the discretion of anyone other than the tenant or owner.

F. FEES. Fees for registration, inspections, reinspections, and other services authorized under this Ordinance shall be established by motion of the Village Council.

G. RECORDS TO BE MAINTAINED. Adequate inspection records indicating the condition of all rental dwelling units shall be kept on file by the code official for inspections by the Village.

12. PENALTY FOR VIOLATION: Any person, persons, firm or corporation, or anyone acting on behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than Five Hundred (\$500.00) Dollars and Court costs, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

The undersigned President and Clerk of the Village of Almont hereby certify that this Ordinance was duly adopted by the Almont Village Council at a meeting held on the 5th day of April _____, 1994 and that _____ the Ordinance was published in the Tri-City Times on the 13th day of April, 1994. This Ordinance was made effective twenty (20) days after its date of publication.

Joann Bartlett-Loftis
Joann Bartlett-Loftis, President

Sally McCrea
Sally McCrea, Clerk