

VILLAGE OF CLIFFORD
HOUSING RENTAL AND SALE ORDINANCE

Ordinance No. 29

Section 1. APPLICABILITY OF ORDINANCE. This ordinance shall apply to all persons, firms, partnership, associations, and corporations owing or having control or management of any building or premises used for dwelling purposes. Any such buildings which are rented or which are sold after the effective date of this ordinance shall comply with all ordinance requirements. Owner occupied dwellings shall not be required to comply with this ordinance except upon sale.

Section 2. INSPECTION OF PREMISES. The Village Housing Inspector is hereby authorized and directed to make inspections to determine the condition of dwellings and dwelling units located within the Village of Clifford, in order that the safeguarding of health and safety of the occupants of dwellings and of the general public may be performed. For the purpose of making such inspections, the Inspector is hereby authorized to enter according to law, examine, and survey at all reasonable times all dwellings, dwelling units, and premises. The owner or occupant of every dwelling, dwelling unit, or the person in charge thereof, shall give such officer or officers free access to such dwelling, dwelling unit and its premises at all reasonable times for the purpose of such inspection, examination, and survey.

Section 3. SERVICE OF NOTICES AND ORDERS.

(a) Notices and Orders. Whenever the Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he shall give notice of such alleged violation and orders for correction of the violation to the person or 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 it requires, which shall be a reasonable time for the correction of the violation or violations;
4. Notify the owner or his agent or the occupant as the case may require, of his right to appeal from the notice or order to the Housing Board of Appeals.

Section 4. HOUSING BOARD OF APPEALS.

(a) Creation. In order that the provisions of this ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this ordinance, a Housing Board of Appeals is hereby created. The duty of the Board is to consider appeals from the decision of the Inspector and to determine in particular cases whether any deviation from the strict enforcement of the ordinance will violate the intent of this ordinance or jeopardize public health and safety.

(b) Membership. The Board shall consist of the members of the Village Board of Zoning Appeals.

(c) Appeals. Appeals from the rulings of the official charged with the enforcement of this ordinance may be made to the Board within such time as shall be prescribed by the Board. Such appeal may be taken by any person aggrieved or by any official of the Village. The appellant shall file with the Clerk a notice of appeal specifying the ground therefore. With each notice of appeal filed there shall be paid a fee to cover the Village's cost of handling the appeal. Such fees may be returned or retained after hearing in the discretion of the Board. The officer from whom such appeal is taken shall forthwith transmit to the Board the entire record together with a summary report of all previous action taken. The Board may at its discretion call upon the official from whom the appeal is taken to explain his action. The final disposition of such appeal shall be in the form of a motion, either reversing, modifying or affirming, wholly or partly, the decision or the determination appealed from.

(d) Hearings. The Board shall fix a reasonable time for the hearings of the appeal and give due notice thereof to interested parties and decide the same within a reasonable time. The Board may reverse or affirm, in whole or in part, or may make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the official from whom the appeal is taken.

(e) Meetings. The Board shall meet at such times as it may determine. All meetings shall be open to the public. The Board shall keep a record of its proceedings, showing the action of the Board, and vote of each members upon each question considered.

(f) Officers. The Board shall elect from its membership a chairman and a vice-chairman. A secretary shall be appointed whose duty it shall be to maintain a permanent public record of all its transactions.

Section 5. STANDARDS FOR BASIC FACILITIES. No person shall sell or rent 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. 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.

(c) Hot Water. 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 (140) degrees fahrenheit.

(d) Garbage Storage Facilities. Every dwelling unit shall have adequate garbage and rubbish storage facilities which prevent papers or other trash from blowing away, prevent animals from getting into the garbage, and which keep the garbage in a sanitary and neat manner.

(e) Outside Doors. Every dwelling unit shall have two separate means of outside egress. The doors shall lead to an open space at ground level.

Section 6. STANDARDS FOR LIGHT, VENTILATION, AND HEATING. No person shall sell or rent to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(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 ten per cent of the floor area of such room.

(b) Ventilation. Every habitable room shall have at least one 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 Inspector.

(c) 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 in every dwelling until located therein to a temperature of at least 70° F., at a distance three feet above floor level.

(d) 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 base boards, door casings or through holes in partitions or floors. All installations and repairs are to be made in a manner that conforms to the Electrical Code and is approved by the Electrical Inspector.

(e) Lighting Public Halls and Stairways. Every public hall and stairway in every multiple dwelling shall be supplied with conveniently located light switches which control an adequate lighting system.

Section 7. GENERAL REQUIREMENTS FOR MAINTENANCE. No person shall sell or rent 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 weathertight 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. Every window, exterior door, and basement hatchway shall be weathertight, watertight and rodent proof, and shall be kept in sound working condition and good repair. 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.

(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.

(g) Facilities Not to be Shut Off. No owner, operator or occupant shall cause any water, sewer, or utility service to be shut off or discontinued for any occupied dwelling, except for such temporary interruption as may be necessary while actual repairs or alterations are in process.

Section 8. MINIMUM SPACE, USE AND LOCATION REQUIREMENTS. No person shall sell or rent 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 habitable room area for the first occupant thereof and at least 100 additional square feet of habitable room area for every additional occupant. 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. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of additional floor space for each occupant thereof.

(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. 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.

(d) Basement. No basement space shall be used as a habitable room or dwelling unit unless the floors and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(e) 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.

(f) 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 complied with all the provisions of this chapter.

Section 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.

(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 and Garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner. 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) Extermination of Pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein. Notwithstanding the foregoing provisions, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof 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.

Section 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, morals or the general health and welfare of the occupants or the people of the Village of Clifford.

2. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide conditions essential to decent living or are likely to cause sickness, disease, or injury to the health, safety, or general welfare of those living therein.

3. Those having light, air, or sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

4. Those having inadequate means of egress.

5. Those in which the owner or occupant fails to comply with orders of the Inspector, 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 the dwelling or dwelling unit fails to meet the standards of this ordinance. When the Inspector determines a dwelling or dwelling unit is 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. Include a description of the real estate sufficient for identification;
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 chapter and any rules or regulations adopted pursuant thereto;
4. Set a reasonable time limit for making the repairs and improvements;
5. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Housing Board of Appeals.

(c) Placarding of Condemned Dwellings. If the owner fails to make the repairs and improvements within the specified time limit, the Inspector shall post, in a conspicuous place or places, 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 shall be vacated within a reasonable time. 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.

(e) Occupancy Prohibited Until Removal of 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 Inspector.

(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 and placarded as such.

(g) Order to Demolish. A dwelling or building which has been designated as unfit for human habitation and/or damaged by wear and tear, deterioration, depreciation, fire, collapse, or an act of God to such an extent that the cost of repair and rehabilitation to place it in safe, sound, and sanitary condition exceeds 100 per cent of the assessed valuation of the dwelling or building at the time when the repairs or rehabilitation are to be made, shall not be so repaired or rehabilitated unless made to comply in all respects to the Building Code. In case such dwelling or building is not so repaired and rehabilitated within six months of the date on which it was designated as unfit for human habitation, it shall be ordered demolished and removed.

(h) Recovery of Expenses of Demolition. In the event of expense being incurred in the work of demolishing or removing any dwelling or building, the Inspector shall report the amount thereof to the Clerk who shall collect the amount from the owner. If the bill is not paid, it shall be assessed against the property involved.

Section 11. RENTAL DWELLING REGISTRATION AND INSPECTION.

(a) Registration of rental dwellings.

1. Every owner of a rental dwelling unit must file with the Clerk of the Village of Clifford a notice containing 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 or process, together with a description of the property containing the rental dwelling unit by street number or otherwise. Reregistration and payment of the appropriate fee shall be required for any change of ownership.

2. No owner shall let or rent to any person a dwelling unit unless it is safe, clean and fit for human occupancy, complies with all of the applicable provisions of this ordinance, and has been inspected and granted a Certificate of Compliance by the duly appointed Inspector.

3. It shall be unlawful for any person to occupy any rental dwelling unit in the Village of Clifford unless a Certificate of Compliance has been issued with respect to said dwelling unit, and in event the Inspector of the Village 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 Inspector.

(b) Inspection of Rental Dwellings.

1. Upon request of a tenant, owner, or any other interested person and payment of the inspection fee by the individual requesting the inspection, the Inspector shall perform an inspection.

2. Reinspection. If a dwelling or dwelling unit does not comply with the ordinance, the Inspector shall notify the applicant and shall reinspect the dwelling or dwelling unit for compliance within a reasonable time.

3. Period of Inspection. The Inspector shall inspect on a periodic basis each dwelling unit of residential rental property in the Village. In no event shall the period between inspections be longer than three (3) years.

4. Certificate of Compliance. If 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. One copy of the Certificate shall be delivered to the applicant and a second copy for the information of the tenant shall be posted on the inside of the main entrance door of the dwelling or dwelling unit or shall be delivered directly to the tenants. The Certificate shall state that it expires three (3) years from the date of issuance or upon violation of this ordinance, whichever occurs first.

(c) Fees.

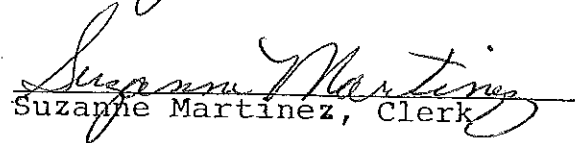
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|--------------------------------------|---------|
| 1. Registration of a rental building | \$10.00 |
| 2. Inspection or reinspection | 5.00 |

(d) Records to be Maintained. Adequate inspection records indicating the condition of all rental dwelling units shall be kept on file in the Village Clerk's office.

Section 12. VIOLATION PENALTY. Any person, persons, firm, or corporation, or anyone acting in behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions of the Housing Board of Appeals adopted pursuant hereto, 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 Clifford hereby certify that this ordinance was adopted by the Village Council at a meeting held on March 12, 1984 and a synopsis of the ordinance was published in the Marlette Leader on March _____, 1984. This ordinance shall take effect twenty (20) days after said date of publication.


George DeGroot


Suzanne Martinez, Clerk

VILLAGE OF CLIFFORD
CERTIFICATE OF COMPLIANCE
HOUSING RENTAL AND SALE ORDINANCE

The undersigned Housing Inspector for the Village of Clifford hereby certifies that the the dwelling unit(s) located at _____ have been inspected and have been determined to be in compliance with the Housing Rental and Sale Ordinance of the Village of Clifford. This Certificate shall remain valid for three (3) years from the date of issuance or until the dwelling unit no longer complies with the ordinance, whichever occurs first. A copy of this Certificate shall be delivered by the owner to the tenants.

Date: _____

Housing Inspector
Village of Clifford

VILLAGE OF CLIFFORD

NOTICE OF ORDINANCE ADOPTION

HOUSING RENTAL AND SALE ORDINANCE

PLEASE BE NOTIFIED that the Clifford Village Council adopted a Housing Rental and Sale Ordinance on March 12, 1984. The ordinance applies to all dwellings within the Village of Clifford which are rented or sold. The Ordinance provides for inspection of such dwellings, issuance of violation notices and orders, appeals to a Housing Board of Appeals, standards for basic facilities, size, plumbing, windows and doors, heating, lighting, electrical service, maintenance, and utility service. The ordinance further provides for the responsibility of tenants and owners to comply with the ordinance requirements. The ordinance also provides for the registration and inspection of rental dwelling units and the payment of registration and inspection fees. Finally, the ordinance provides a procedure for condemning unfit dwellings and for issuing misdemeanor citations for violations. The ordinance will take effect twenty (20) days after the date of this Notice of Publication. Complete copies of the Ordinance may be obtained from the Village Clerk during regular Village office hours.

Suzanne Martinez
Clifford Village Clerk