

ALMONT TOWNSHIP

RENTAL INSPECTION ORDINANCE

ORDINANCE NO. 35

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 rented for dwelling purposes within the Township. Any dwellings which are rented after the effective date of this ordinance shall comply with all requirements contained in this ordinance.

SECTION 2. INSPECTION OF PREMISES.

The building inspector is hereby authorized and directed to make inspections to determine the condition of rental dwelling units located within the Township in order that the safeguarding of health and safety of the occupants and of the general public may be accomplished. For the purpose of making inspections, the inspector is hereby authorized to enter according to law, examine, and survey at all reasonable times all rental dwellings. The owner or occupant of every rental dwelling unit, or the person in charge thereof, shall give the inspector access to such dwelling unit and its premises at all reasonable times for the purpose of inspection.

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 an order for correction of the violation to the renter and the owner. 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. Give notice of the right to appeal from the order to the Board of Appeals.

SECTION 4. 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 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 Township 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. Such appeal may be taken by any person aggrieved. The appellant shall file with the Clerk a notice of appeal specifying the grounds therefore. With each notice of appeal filed there shall be paid a fee established by the Township Board to cover the cost of handling the appeal. 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 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.

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.

SECTION 5. STANDARDS FOR BASIC FACILITIES.

No person shall 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 an approved 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 an approved 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 twenty (120) degrees fahrenheit.

D. 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 herein, 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 eight (8%) percent 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 deg. 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 new electrical 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 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 goundation, floor, wall, ceiling and roof 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.

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 4 or more risers shall have had rails on one side. Hand rails shall be 30 inches to 34 inches high measured to nosing of treads. All porches or balconies of more than 30 inches above the floor or grade shall have guardrails not less than 36 inches in height. Intermediate rails shall be not more than six 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. 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.

G. SMOKE DETECTORS. One (1) battery operated smoke detector shall be installed near each sleeping area. Also a battery powered smoke detector shall be installed near the building heating appliance.

SECTION 8. MINIMUM SPACE, USE AND LOCATION REQUIREMENTS.

No person shall 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 twenty (20) 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. Any such basement room shall have two adequate means of egress.

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 complies 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 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.

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 Township.
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 who 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.

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 percent 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 AND INSPECTION.

A. 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.

B. 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 conduct an inspection.

C. RE-INSPECTION. If a dwelling or dwelling unit does not comply with this ordinance, the inspector shall notify the applicant and shall re-inspect the dwelling or dwelling unit for compliance within a reasonable time.

D. FEES. Inspection fees shall be established by motion of the Township Board.

E. RECORDS TO BE MAINTAINED. Adequate inspection records indicating the condition of all inspected rental dwelling units shall be kept on file in the building inspector's office.

SECTION 12. PENALTY FOR VIOLATION.

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 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 Supervisor and Clerk of the Township of Almont hereby certify that this ordinance was adopted by the Township Board at a meeting held the 13th day of April, 1987 and that the ordinance was published in the Tri-City Times on the 22nd. day of April, 1987. This ordinance was made effective thirty (30) days after said date of publication.

LeVern Tucker, Supervisor

Gloria Howe, Clerk

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