TOWNSHIP OF GOODLAND

RENTAL DWELLING ORDINANCE NO. 2200-05

An Ordinance to establish minimum standards for rental dwelling units to provide for health and safety; to provide for inspections; and to provide for enforcement and administration.

THE TOWNSHIP OF GOODLAND ORDAINS:

SECTION 1. GENERAL REQUIREMENTS

A. APPLICABILITY. The provisions of this Ordinance shall apply to any person owning, occupying, managing, or controlling any rental dwellings in the Township. All rental dwellings shall comply with the standards set forth in this Ordinance.

B. INSPECTIONS REQUIRED. Rental dwelling units shall be periodically inspected to maintain compliance with this Ordinance. An inspection shall be conducted in the following circumstances:
(1) Probable cause exists to believe there is a violation of this Ordinance.
(2) There is a need to determine compliance with an order or notice issued by the Township.
(3) A safety emergency is observed or reasonably believed to exist.
(4) A request for an inspection is made by a tenant, owner or responsible party.
(5) A periodic inspection conducted at least once in any three (3) year period.
(6) An inspection must be made upon occupant change.

SECTION 2. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES:

. RAILINGS. Any side of a floor, porch, stoop or patio that is more than thirty (30) inches above the immediate adjacent ground or floor shall be bounded by a railing in good repair.

. STAIRWAY HANDRAILS AND GUARDRAILS. All stairways with three (3) steps or more shall be bounded by railings which are properly installed and in good repair.

. DRAINS. All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceiling or floors of any habitable room.

. EXTERIOR SURFACES. All exterior surfaces shall be weather tight, waterproof, vermin proof and shall be kept in good and sanitary condition. Exterior surfaces, which deteriorate from exposure to the weather, shall be protected by a properly applied water-resistant paint, waterproof finish or other weatherizing treatment.

. EXTERIOR ATTACHMENTS. Exterior attachments to basic structural elements, including but not limited to gutters, down spouts, screening, vents, antennae, awnings, and utility connections, shall be in good repair.

. INTERIOR FIXTURES. All interior fixtures shall be in good repair.

. MEANS OF EGRESS GENERALLY.
() All means of egress from any point in a dwelling to a public way shall be maintained in good repair, available for immediate use and free of all obstructions.
() All egress doors shall open from the side in which egress is made without the use of a key or special knowledge or effort.

. EMERGENCY ESCAPE REQUIRED. All sleeping rooms in a dwelling unit shall have a minimum of one (1) operable window or exterior door approved for emergency egress or rescue in accordance with the following:
() Where windows are provided as a means of egress or rescue the sill height shall not exceed forty-four inches (44") above the floor and be free of obstructions;
() Bars, grills, or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool, or excessive force;

() All locking devices on exterior doors shall be properly installed and in good repair. All doors which provide entry to rental dwellings from a common hall shall be provided with a properly installed locking device in good repair without interior keyed locks or dead bolts.

. INTERIOR SURFACES.
() All floors in any room where any water faucets are present shall be protected by some unbroken waterproof or water-resistant covering such as paint, tile, or linoleum.
() Any wall in a dwelling unit or rooming unit in which a water faucet is present shall be made of some waterproof material or shall be completely covered by some waterproof or water-resistant coating or covering. Such coating or covering shall be in good repair.

. ATTIC ACCESS. Every dwelling unit shall contain an attic access with a minimum size of 22″ x 36″.

. KITCHEN FACILITIES REQUIRED. Every dwelling unit shall have a kitchen or kitchenette. A kitchen or kitchenette shall have a sink, cabinets, and counter or table, all of which shall be in good repair.

. KITCHEN APPLIANCES REQUIRED. Every occupied dwelling unit shall contain a working stove, oven, and refrigerator maintained in good repair. Food prepared or cooked indoors shall be done only in a kitchen.

. MAINTENANCE. All materials, fixtures, equipment, appliances, or facilities required by this Ordinance otherwise present in a dwelling shall be in good repair.

. SMOKE DETECTOR REQUIRED. A minimum of one (1) single station smoke detector shall be provided and maintained in good repair for each bedroom area of a dwelling unit or rooming unit and every level of a dwelling.

. CARBON MONOXIDE DETECTOR REQUIRED. Each dwelling unit shall contain at least one (1) carbon monoxide detector that shall be maintained in working order at all times.

. INFESTATION. Every dwelling shall be kept free of uncaged rodents, uncaged birds, cockroaches, fleas, lice, bedbugs, or vermin.

. SANITATION. All rooms, room surfaces, systems, fixtures, facilities, equipment, appliances, and furnishings shall be kept in a sanitary condition.

SECTION 3. MINIMUM STANDARDS FOR ELECTRICAL SERVICE:

. ELECTRICAL SYSTEM REQUIRED. Every dwelling shall have an electrical system, components and safety devices which are properly installed and in good repair.

. ELECTRICAL SYSTEM INSPECTION. If visual inspection by the Housing Inspector that the wiring system of an existing dwelling unit is inadequate or if code certification for any reason is required or requested, the following minimum standards shall be complied with:

(24864) Entrances and Exits. Where two (2) or more entrances and/or exits, at least two (2) shall be illuminated by exterior lights. Exterior lights shall be controlled by interior wall switches, located for convenient and readily accessible use.

(24865) Living Room. The living room shall be provided with a conveniently located wall switch controlled light or receptacle. The switch receptacle may be one of the required receptacles in the room. Duplex receptacles shall be equally spaced around the walls of the room, one duplex receptacle on each wall; unless the space is more than twelve (12) feet.

(24866) Kitchen. The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch located for convenient and readily accessible use. A separated kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding-type duplex receptacle outlets. Two (2) of these receptacles shall be readily accessible and spaced for convenient use of portable appliances. New appliance circuits shall be 20-ampere maximum capacity with a Ground Fault Interrupter.

(24867) Bathroom. The bathroom shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. The receptacle shall be at least thirty (30) inches and not more than forty-eight (48) inches above the floor, adjacent to the wash basin and not more than forty-eight (48) inches from the basin.

(24868) Service and/or Feeder. The service or feeder to an existing dwelling unit shall be a minimum of three-wire, one hundred ampere capacity. Service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. All plug type fuses shall be Type S. Exception: An existing properly installed fifty-five ampere capacity, three-wire service and feeders of thirty ampere, two-wire are acceptable if adequate for the load being served.

(24869) Existing Wiring and Equipment. Existing wiring and equipment shall be in good repair. Circuit extensions made with flexible cord wiring in lieu of permanent wiring shall be eliminated.

. EVIDENCE OF ELECTRICAL SYSTEM INADEQUACY. Any of the following shall be considered evidence of inadequacy:
(25380) Use of cords in lieu of permanent wiring.
(25381) Over-sizing of over-current protection for circuits, feeders or service.
(25382) Unapproved extensions to the wiring system in order to provide light, heat or power.
(25383) Electrical overload.
(25384) Misuse of electrical equipment.
(25385) Lack of lighting fixtures in the bathrooms, laundry room, furnace room, stairway or basement.

SECTION 4. MINIMUM STANDARDS FOR PLUMBING SERVICE:

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to meet both daily requirements and hourly peak loads of the occupants of the building.

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. SEWER SYSTEM REQUIRED. Every dwelling shall have a sewage disposal system which is in good repair and free of leaks.

SECTION 5. MINIMUM STANDARDS FOR HEATING:

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RRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRR. HEATING SYSTEM REQUIRED. Every dwelling shall have a heating system. Every heating system shall be properly installed, in good repair and free of leaks and obstructions.

SECTION 6. GARBAGE AND RUBBISH:

A. Every occupant of a dwelling regulated by this Ordinance shall dispose of all his garbage and rubbish in a clean and sanitary manner by placing it in the rubbish facility provided by the owner.

B. It shall be the responsibility of the owner of every rental dwelling to provide garbage and rubbish removal service a minimum of once weekly.

SECTION 7. MINIMUM SPACE, USE AND LOCATION REQUIREMENTS:

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floor area of the room for the purpose of determining the maximum permissible occupancy thereof or the required habitable floor area.

() Hallways, corridors, bathrooms, water closets, and kitchens shall have a minimum ceiling height of seven (7) feet measured to the lowest projection from the ceiling.

SECTION 8. MINIMUM STANDARDS FOR VENTILATION:

. WINDOWS, DOORS, AND SCREENS. All windows and exterior doors, including storm windows and doors shall be weather tight and in good repair. All screen doors and screens shall be in good repair.

. REQUIRED WINDOW AREA. Each habitable room shall contain window or skylights which have a combined area equal to or exceeding eight (8%) percent of the floor area of the room, except for kitchens and bathrooms. The required window area in a basement of a cellar being used as a habitable room shall be located entirely above grade.

. NATURAL LIGHTING. All required windows or skylights specified in Section 8.B. must be maintained in working order as to be able to open and close safely.

. MECHANICAL VENTILATION. Properly installed mechanical ventilation controlled by the occupant may be used in place of required natural ventilation in any habitable room. Such mechanical ventilation shall be maintained in good repair.

. KITCHEN VENTILATION. Kitchens and kitchenettes shall have a minimum of one required window opening directly to the outdoors or be provided with mechanical ventilation. When the kitchen is not provided with required natural ventilation, mechanical ventilation shall be provided (a) in the ceiling or wall close to the range and not more than four (4) feet from the center line of the range off the side or front of the range; or (b) in the wall directly above the range between wall cabinets and range, provided a metal collector hood is installed.

SECTION 9. GENERAL REQUIREMENTS AND RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

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BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB. RESPONSIBILITY OF OWNERS. It shall be the responsibility of the owner to keep and maintain each dwelling so as to comply with the minimum basic requirements of this Ordinance. If the owner is prevented from complying with such requirements by the actions of a tenant, it shall be the right of the owner to terminate the tenancy and evict the tenant in accordance with applicable state law. It is the owner's responsibility to inform tenant of inspection and to allow the inspector access of the rental dwelling.

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OCCUPANTS. Every occupant shall cooperate with the owner or responsible party and shall be responsible for keeping and maintaining the dwelling in a safe and sanitary condition, except for normal wear and tear, and for meeting the minimum requirements of this Ordinance.

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DDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDD. ANIMALS IN DWELLINGS. Animals kept or allowed within a dwelling shall not be permitted by the occupant or responsible party to create any unsafe, odorous or unsanitary condition or to cause any damage to the dwelling or structure.

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EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE. UNSAFE DWELLING. No responsible party shall keep or maintain a dwelling that is in an unsafe condition due to, but not limited to the

following:

(29928) Unsanitary conditions.

(29929) Inadequate exit facilities.

(29930) Existence of fire hazard.

(29931) Any condition which is dangerous to human life or the public welfare.

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bank-ups, and sewage hazards, mud slides, or excessive noise, vibration, or vehicular traffic.

SECTION 10. INSPECTIONS, ADMINISTRATION, ENFORCEMENT AND PENALTY:

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PPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPP. COMPLIANCE. If a dwelling unit complies with this Ordinance said unit shall be exempt from further inspection for three (3) years unless an event specified in Section 1.B. occurs. Noncompliance will require an inspection the following year.

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QQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQ. RE-INSPECTION. If a dwelling unit does not comply with this Ordinance, the Inspector shall notify the applicant and re-inspect the dwelling unit for compliance within ninety (90) days.

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RRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRRR. FEES FOR INSPECTIONS AND RE-INSPECTIONS. Fees for inspections and re-inspections and all administrative fees shall be in accordance with a fee schedule adopted by the Township.

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SSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSS. RIGHT OF ENTRY GENERALLY. Authorized inspections inside a dwelling shall be made during reasonable hours. Entry without the consent of an occupant or responsible party shall require an administrative search warrant.

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NONCOMPLIANCE WITH AN ORDER OR NOTICE. Upon failure of the responsible party to comply with an Order or Notice, the Housing Inspector shall issue an appearance ticket or refer the matter to the Township Attorney for Prosecution or other appropriate legal action.

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UNSAFE. The Housing Inspector may declare a dwelling unsafe when the responsible party has failed to comply with the Ordinance. If the Township Inspector declares a dwelling unsafe and is unable to personally serve the responsible party with a Notice of Unsafe Conditions, the Administrator shall send the responsible party the Notice by regular mail and shall post a sign in a conspicuous place on or near the affected premises.

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OCCUPANCY OF UNSAFE DWELLING PROHIBITED. No person shall occupy or permit or allow another person to occupy a dwelling which has been declared unsafe.

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SECTION 11. REGISTRATION, COMPLIANCE, AND ENFORCEMENT

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business telephone number of a responsible party, if other than the owner;

(32) The name, residence address, business address and business telephone number of the property owner;

(33) Date of birth of the owner and the responsible party.

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granted a Certificate of Compliance, or a temporary or conditional Certificate of Compliance, by a duly appointed inspector of the Township.

() No responsible party shall let or rent to any person a vacant dwelling unit unless it is safe, clean and fit for human occupancy, and complies with all of the applicable provisions of this ordinance.

() It shall be unlawful for any person to occupy any rental dwelling unit unless a Certificate of Compliance, or temporary or conditional Certificate of Compliance, has been issued with respect to said dwelling unit.

() A Certificate of Compliance shall expire one year from the date of its anniversary date. A temporary or conditional Certificate of Compliance shall expire on the date specified thereon, but in no event more than one year from the date of its issuance.

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affected dwelling of the time and date of the Township Board hearing.

H. NOTICE.

(1) The Township shall provide notice to the interested parties and those persons who own any real property within three hundred (300) feet of the premises in question, according to the latest assessment records, and the occupants of all single and two-family dwellings within three hundred (300) feet of said premises in question.

(2) Such notice may be delivered either personally or by mail addressed to said respective owners as disclosed by the most current assessment records and to tenants. If the tenant's name is not known, the term "occupant" may be used.

I. FEES. The Township shall establish a reasonable schedule of fees to be charged to applicants for appeals. At the time the notice of appeal is filed, said fee shall be paid to the Township Treasurer.

J. DECISIONS.

(1) The Township Board shall render a decision on the appeal without unreasonable delay either reversing, modifying or affirming, wholly or partly, the decision appealed from or may make such orders, requirements, or determination as ought to be made, and to that end shall have the powers of any officer, or department board or commission of the Township of Goodland.

(2) Appeal to Circuit Court by an unsuccessful appellant to the Township Board shall be made within twenty-one (21) days of the date of the meeting at which the vote was taken.

K. CONTINUATION OF EXISTING USE. The legal use and occupancy of a rental dwelling existing on the date of adoption of this Ordinance may be continued without any construction changes, providing that the rental dwelling unit has been registered with the Township and has passed an inspection prior to the date of adoption of the Ordinance.

L. CIVIL REMEDIES FOR VIOLATIONS.

(1) If a dwelling is constructed, altered, converted or maintained in violation of any provisions of this Ordinance or any order or notice given hereunder, or if a nuisance exists at any dwelling, the Township may

institute an action in the Circuit Court to prevent such unlawful construction, alteration, conversion or maintenance, or restrain, correct or abate such violation of nuisance, to prevent the occupation of such dwelling or to prevent any illegal act or conduct of any business in or about such dwelling. Whenever the Township has incurred any expense for the enforcement of this Ordinance or the judgment of the Court, the Township may institute and maintain a suit against the responsible party of the dwelling in respect to which such expense was incurred and may recover the amount of such expense in addition to the costs of the suit.

(2) The Township shall have a lien upon the premises for the expenses necessarily incurred in the execution of such judgment, which lien shall have priority over all other liens or encumbrances except taxes, assessments or mortgages recorded previous to the existence of such lien. Such a lien may be foreclosed as in the case for foreclosure of mortgages in Circuit Court.

M. PENALTY. Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than fifty ($50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided by Ordinance No.1801.

The undersigned Clerk of the Township of Goodland hereby certifies that this ordinance was duly adopted on the 8th day of February 2005, and was published in the Tri-City Times on the 2nd day of March, 2005. This ordinance is effective thirty (30) days after said date of publication.

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Mavis Roy
Goodland Township Clerk

*****This ordinance is effective as of April 2, 2005*****