

VILLAGE OF OTISVILLE
RENTAL PROPERTY INSPECTION ORDINANCE
Ordinance No. 173

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITION AND MAINTENANCE OF RENTAL DWELLINGS, FIXING CERTAIN RESPONSIBILITIES OF OWNERS AND OCCUPANTS OF SUCH DWELLINGS; AND AUTHORIZING THE INSPECTION OF RENTAL DWELLINGS; AND AUTHORIZING THE VACATION OF RENTAL DWELLINGS WHICH ARE FOUND TO BE UNFIT FOR HUMAN HABITATION;

THE VILLAGE OF OTISVILLE ORDAINS THAT:

1. **APPLICABILITY OF REGULATIONS:** This ordinance shall apply to all persons, firms, partnerships, and corporation owning, occupying, or having control or management of any 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 inspections.

Code Official: The persons 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 Units: Any room or group of rooms located within a dwelling and forming as single habitable units with facilities which are intended to be used for living, sleeping, cooking, and eating.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food. Garbage shall also include other trash or cast-off material.

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.

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 hereof, in which dwelling units are let.

Qualified Dwelling Unit: Any dwelling unit which is not designated on the village tax roll as being a homestead, and is not owner occupied shall be inspected, except that no dwelling unit shall be required to be inspected when it is occupied by a son, daughter, brother, sister or parent of the deed holder or the owner of record as listed on the village tax roll.

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 occupants of the dwelling and of the general public may be accomplished.

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, he shall give notice of such alleged violation and orders for correction of violation to the persons responsible. Such notice shall be in writing and shall:

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

B. EMERGENCY CLAUSE. Whenever the code official finds that an emergency exist which requires immediate action to protect the public health and safety, he shall, without notice or hearing, issue an order reciting the existence of such an emergency and required 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 rental unit shall be supplied with smoke detectors by the owners – 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 (140) degrees Fahrenheit.

E. RUBBISH AND GARBAGE STORAGE CONTAINERS. Every dwelling unit shall have adequate rubbish storage containers that are covered whose type and location are approved by the code official. Any dwelling or structure that generates an average equivalent of eight (8) thirty (30)

gallon or fifty (50) pound bags or more of solid waste each week, shall contract for a commercial dumpster waste removal service as per the Village Garbage Ordinance.

F. MEANS OF EGRESS. Every building containing dwelling units shall have two remote means of egress.

6. **STANDARDS FOR LIGHT, VENTILATION, AND HEATING:** 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 closets 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 insufficient number to adequately service the electrical devices and/or appliances located therein, without the use of unapproved wiring methods. Cords to appliance and devices shall not be run thorough doorways, under rugs, or staples to wood baseboards, door casings, or through holes in the partitions or floors.

C. LIGHTING PUBLIC HALLS AND STAIRWAYS. Every public hall and stairway in every dwelling containing two or more dwelling units shall be adequately lighted at all times.

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, ceiling, and roofs shall be kept in good repair.

B. EXTERIOR OPENINGS.

1. Every window, exterior door, and basement hatchway shall be kept weather tight, and rodent-proof, and shall be kept in sound working condition and good repair.

2. Any doors, windows, or other openings which may be used for ventilation 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, and have a handrail when the number of steps exceed two.

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. 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.

G. 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 repair or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the code official.

8. MINIMUM SPACE, USE, AND LOCATOIN 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. BASEMENT. No basement space shall be used as a habitable room or dwelling unit unless it meets the International Building Code, or other applicable State regulations.

9. RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

A. PUBLIC AREAS. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary conditions the shared or public areas of the dwelling and premises thereof. In the case of single-family dwelling, 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. 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 an approved garbage disposal container as required by Section 5 (E). It shall be the responsibility of the owner to supply a commercial dumpster for all dwelling units in a dwelling when the dwelling generates an amount of garbage or waste in excess of that allowed in the Village Garbage Ordinance as stated in Section 5 (E). In all other cases it shall be the responsibility of the occupants to furnish such containers.

D. EXTERMINATION OF PESTS. The presence of insects, rodents, or other pests within a dwelling or on the premises is a violation of this ordinance. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein. Whenever infestation exists in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

E. 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 dwelling or dwelling units as unfit for human habitation, the declaration of the same to be a public nuisance and provisions for their vacation or repair shall be carried out in compliance with the following requirements:

A. UNFIT FOR HUMAN HABITATION DEFINED. Dwelling 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 of 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 or injury.
3. Those having light, air, or sanitary 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 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 OR REPAIR. 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 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 unit for human habitation. Such notice shall be in writing and shall:

1. Identify the location of the dwelling or dwelling unit;
2. 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;
3. Set a reasonable time limit for making the repairs and improvements;
4. 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 work:
“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 forty-eight (48) hours of the time agreed upon by himself and the application to inspect such dwelling or dwelling unit. If such an inspection established that the dwelling or dwelling unit complies with this ordinance, the Inspector shall issue Certificate of Compliance for said dwelling unit, indicating the maximum number of occupants who may lawfully occupy each other.

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 re-inspect 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 all dwelling units of residential rental property in the Village. In no event shall the period between inspections be longer than three (3) years.

E. CERTIFICATE OF COMPLIANCE. One copy of the Certificate of Compliance 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. The Village of Otisville shall pay for the first inspection of all dwelling units in existence at the time of the adoption of this Ordinance. The property owner shall be responsible for the cost of any reinspection's, and the cost relating to the inability to enter the property to make inspections. The cost of all future inspections shall be the responsibility of the property owner. The cost for the services authorized under this ordinance shall be as follows:

First Inspection	\$52.00
Unable to Enter	\$52.00
First Reinspection	\$26.00
Additional Reinspection's	\$52.00

The Village Council shall review the fees annually, and shall set the fees for the next fiscal year by resolution. The resolution setting the fees shall be made prior to the beginning of the next fiscal year, and shall become effective only after a public hearing on such proposed fees.

12. RIGHT TO APPEAL

Any owner of a rental property who feels that they have been treated unfairly by an inspector, or that an inspection of their property exceeded the intent of this ordinance, may file an appeal with the Village. The following problem-solving procedures shall be used:

STEP ONE: The property owner wishing to discuss the problem must approach the village manager within fourteen (14) days following the action initiating the complaint and attempt to settle the difference on an informal basis. It shall be the property owner's responsibility to ensure that the Manager is aware of the nature and the seriousness of the problem. Every effort shall be made to satisfactorily settle the complaint in this manner.

STEP TWO: If the problem is not satisfactorily resolved through the verbal procedure, the property owner may reduce the problem to writing with all the facts outlined and present it to the village manager within seven (7) days after the verbal discussion. The village manager will have ten (10) working days in which to give the property a written answer.

STEP THREE: If the problem is not satisfactorily resolved in STEP TWO, the property owner must reduce the problem in writing, and refer to the Building Code and License Committee of the Village Council within seven (7) days after receiving the written answer from STEP TWO. If the Building Code & License Committee does not meet within fourteen (14) days to address the written request, or come to an agreement with the property owner, the process moves to STEP FOUR.

STEP FOUR: If the problem is not resolved, the property owner may present the problem to the village council at the next regularly scheduled meeting or at a special meeting called for that purpose. The Council will act on the grievance with fifteen (15) calendar day. The village council's decision will be the final and official ruling of the Village.

13. INSPECTION CHECKLIST & DUTY OF INSPECTOR

The Code Official shall look for the specific items that are found on the following Inspection Check List when making the inspection. Nothing in this Ordinance shall prohibit the Code Official from enforcing all applicable laws and ordinances when a gross hazardous condition exist that is not found in the Inspection Check List.

1. _____ KITCHEN SINK: Is the kitchen sink in good working condition and property connected to a water and sewage system?
2. _____ WATER CLOSET, LAVATORY AND BATH: Is there a flush toilet, a lavatory basin, a bath tub or shower in the dwelling unit, and are they in good working condition and properly connected to a water and sewage system?
3. _____ PRIVACY (A.): Are there doors in the bathroom which afford privacy to a person using that room?
4. _____ Privacy (B.): Is it necessary to pass through a bedroom to enter the bathroom?
5. _____ SMOKE DETECTORS: Is there a working smoke detector installed in the rental unit and on each floor of the unit?
6. _____ WATER CONNECTIONS: Are the kitchen sink, lavatory basin, and the bathtub or shower connected to both hot and cold water lines? Does the hot water have a minimum temperature of (140) degrees Fahrenheit?

7. _____ RUBBISH & GARBAGE STORAGE FACILITIES: Does the unit have adequate trash containers that are covered?
8. _____ MEANS OF EGRESS: Does the structure have two (2) remote means of egress?
9. _____ HEATING FACILITIES: Are the heating facilities properly installed, are they safe, in good working condition and capable of heating all habitable rooms, bathrooms, and water closets compartments in the unit to a temperature of at least 70 degrees Fahrenheit, at a distance of three feet above floor level?
10. _____ ELECTRICAL OUTLETS: Does every room have at least two (2) separate electrical outlets, or one (1) such outlet and one (1) lighting fixture?
11. _____ ADDITIONAL ELECTRICAL OUTLETS: Are there a sufficient number of outlets to adequately service the electrical devices and or appliance located in the unit?
12. _____ UN-APPROVED WIRING METHOD: Are there electrical cords to appliances running through doorways, under rugs, or stapled to wood baseboards, door casings, or through holes in partitions or floors?
13. _____ LIGHTING IN PUBLIC HALLS AND STAIRWAYS: Is the public hall and stairway adequately lighted?
14. _____ FOUNDATION, FLOOR, WALL, CEILING, AND ROOF: Are the exterior foundations, walls and roof weather tight, rodent proof, capable of affording privacy, and in good repair?
15. _____ EXTERIOR OPENINGS: Are the windows, exterior doors and basement hatchways weather tight, water tight, rodent proof, and in sound working condition and good repair?
16. _____ SCREENING: Are all doors, windows, and other openings that may be used for ventilation insect proofed by screening?
17. _____ STAIRS & PROCHES: Are the stairs, porches and every appurtenance safe to use, capable of supporting normal loads, and in good repair?

18. _____ HAND RAILS: Do all stairways having more than two (2) steps have a handrail?
19. _____ PLUMBING FIXTURES: Are all plumbing fixtures, water and waste pipes properly installed, in good working condition, free from defects, leaks, and obstructions, and maintained in a clean and sanitary condition?
20. _____ FLOOR SURFACES: Are the floor surfaces in the water closet compartments, bathrooms, and kitchen water resistant and able to be maintained in a clean and sanitary condition?
21. _____ LIVING SPACES: Does the dwelling unit have a minimum of 480 square feet of living space? (NOTE: areas having a ceiling height of less than five (5) feet shall not be considered as part of the floor area when computing maximum permissible occupancy).
22. _____ SLEEPING SPACE: (for units with two or more rooms) One (1) occupant sleeping in a room requires seventy (70) square feet of floor space, each additional occupant sleeping in a room required a minimum of fifty (50) square feet of floor space?
23. _____ CEILING HEIGHT: Does at least one-half (1/2) of the floor area in each habitable room have a minimum ceiling height of seven (7) feet?
24. _____ BASEMENTS: If used as a habitable room, does the basement meet the International Building Code, and or other applicable State regulations?
25. _____ GENERAL SANITATION: Is the dwelling unit clean and maintained in a sanitary condition?
26. _____ SANITATION OF PUBLIC AREAS: (for dwellings containing two or more dwelling units). Are the shard public areas in a clean and sanitary condition?
27. _____ EXTERMINATION OF PEST: Is the dwelling free of insects, rodents, or other pests?

14. PENALTY FOR VIOLATOINS:

Any person or persons violating any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of up to \$100.00 or imprisonment for up to ninety (90) days, or both. Each violation of this Ordinance shall be deemed a separate

violation for the purpose of this section.

15. SEVERABILITY:

If any paragraph, sentence, clause or phrase of this Ordinance shall be held invalid, the same shall not affect any other part of this Ordinance.

16. REPEAL OF PREVIOUS ORDINANCES:

This Ordinance shall replace Ordinance No. 169

17. DATE OF EFFECT:

The Ordinance shall take effect Ten (10) days after the publication set forth below.

18. PUBLICATION:

This Ordinance was approved by a vote of the Village Council, a quorum being present on the 3rd day of June, 2002 and ordered published in three public places in the Village of Otisville.

(Signed) Andrea Barden, Village Clerk
Tom Bess, Jr, Village President