

HOUSING REGULATION

By authority of Act 306, P. A 1927, as amended, the Health Committee of the Cass County Board of Supervisors hereby adopts the following rules and regulations for the purpose of protecting the health and safety of the occupants of dwellings and dwelling units and of the general public; to provide minimum standards governing the condition and maintenance of dwellings or dwelling units; establishing minimum requirements for the provision of utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners and occupants; authorizing inspection of dwellings, and the condemnation of dwellings unfit for human habitation; fixing penalties for violations and providing for administration of the regulations.

Sec. 1.0 Title: These Regulations shall be known as the "Housing Regulation for Cass County".

Sec. 2.0 Scope: These regulations shall apply to all persons, firms, partnerships, associations and corporations owning or having control or management of any building or premises rented, leased, used or permitted to be used with or without remuneration as a dwelling by any person or persons other than the owner and his immediate family.

Sec. 3.0 Definitions: As used in these regulations

Approved: Shall mean acceptable for intended use to the health officer as judged by public health rules and regulations.

Dwelling: Shall mean any house, building, structure, tent, shelter, trailer, or vehicle or portion thereof, except a railroad car on tracks or right-of-way, which is occupied in whole or in part as the home, residence, living or sleeping place of one or more human beings, either permanently or transiently.

Dwelling Unit: Shall mean a room or group of adjoining rooms in a building occupied or intended for occupancy as living quarters by but 1 family and provided with living, sleeping and sanitary facilities.

Family: Shall mean a person, or group of persons related by blood, marriage or adoption, occupying a single dwelling unit.

Sec. 4.0 Inspection Authorization: The Health Officer is hereby authorized to ~~make~~ such investigations and **inspections**- necessary to determine the condition of dwellings, dwelling units, rooming units, and premises covered by this ordinance in order that he may perform his duty of safeguarding the health and safety of the occupants of the dwellings and the general public, and enforcing the provisions of this Ordinance.

Sec. 5.0 Notices and Orders: Whenever the Health Officer determines that there are reasonable grounds to believe that there exists 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 to correct the violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

- a. Be put in writing.
- b. Include a statement of the conditions that constitute violations of the Ordinance and what must be done to correct the same.
- c. Specify a reasonable time limit for the performance of any act it requires.
- d. Be served upon the owner or his agent, or the occupant as the case requires either personally, by certified mail to his last known **address** or by any other method authorized or required under laws of this State.

Sec. 6.0 Emergency Action: Whenever the Health Officer 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. Notwithstanding the other provisions of this Ordinance, such orders shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

Sec. 7.0 Appeals: Appeals from the rulings of the Health Officer shall be submitted in writing to the Chairman of the Health Committee of the Cass County Board of Supervisors setting forth the grounds therefore. The Committee shall investigate said appeal forthwith and by resolution of the majority of the Committee either affirm, modify, or reverse the action of the Health Officer. A signed copy of the action shall be served upon the appellant.

Sec. 8.0 Minimum Standards: No person shall let to another or permit the occupancy of any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating herein, which does not comply with the following requirements.

8.1 Every dwelling unit shall be provided with adequate sewer service and water supply; provided that, where adequate public services for water supply and sewage disposal are not available, private facilities shall be provided, the design and installation of which shall meet the approval of the Health Officer.

8.2 Every dwelling unit having 2 or more habitable rooms shall contain a kitchen sink in good working condition and properly connected to an approved water and sewer system.

8.3 Every dwelling having 2 or more habitable rooms shall contain at least one flush water closet, a lavatory and a tub or shower in good working condition, properly connected to an approved water and sewer system and so installed so as to afford privacy to the user. Provided further that, in the case of multiple dwelling units, the Health Officer shall permit the sharing of sanitary facilities where at least one flush water closet, a lavatory and a tub or shower are provided for each two dwelling units or fraction thereof.

8.4 Dwelling or dwelling units providing housing for farm workers, organized youth groups, and similar recreational or occupational interests are hereby exempted from the specific requirements of Section 8.2 and 8.3 but shall be required to provide alternate systems for toilets and washing facilities which meet the approval of the Health Officer.

8.5 All habitable rooms within a dwelling shall be provided with a window opening to the outside or with artificial means for adequately providing light and ventilation.

8.6 Where there is electric service available, every habitable room shall contain at least two separate floor or wall-type convenience outlets or one such outlet and one supplied ceiling electric light fixture.

8.7 Every dwelling unit-occupied between November 1 and April 1 shall have heating facilities which are properly installed, maintained in good working condition and are capable of safely and adequately heating all habitable rooms within the dwelling under ordinary winter conditions.

8.8 Every floor, foundation, exterior wall, roof, window, exterior door and other exterior openings or entryways shall be reasonably weather tight, watertight, and vermin proof and shall be capable of affording privacy.

8.9 Every plumbing fixture, water line and waste pipe shall be properly installed and maintained in good sanitary condition free from defects, leaks, and obstructions.

8.10 No cellar or basement space located partly or wholly underground and having half or more than half of its clear floor to ceiling height below the average grade of adjoining ground shall be used as a dwelling unit unless:

- a. The floors and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness.
- b. The required window and ventilating openings are entirely above grade.
- c. The dwelling unit otherwise conforms to the requirements of this Ordinance.
- d. All dwelling units having more than two habitable rooms shall be provided with two means of egress to outside yard area.

8.11 Every occupant of a dwelling or dwelling unit shall keep in a reasonably clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls; provided, however, that nothing herein shall be construed to relieve the owner of his responsibility to provide and maintain in operating condition the basic sanitary facilities required by the regulations.

8.12 No dwelling unit shall be used or permitted to be used for housing more than one person per 60 square feet of habitable floor area, or fraction thereof, except for those dwelling units occupied by transient recreational or agricultural labor users between April 1 and November 1, in which case space requirements are waived.

Sec. 9.0 Dwelling Units for Human Habitation: It being the intention of this Ordinance to prevent the occupancy and use of dwellings which are unfit for human habitation, the Health Officer shall declare unfit for human habitation and a public nuisance any dwelling or dwelling unit which shall have any of the following defects:

- 9.1 Those which have been damaged by fire, wind, or other causes so as to become dangerous to life, safety and the general health and welfare of the occupants or the people of Cass County.
- 9.2 Those which have become or are so decayed, unsafe, unsanitary or which so utterly fail to provide the basic amenities essential to healthful living or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein.
- 9.3 Those failing to otherwise comply with the requirements of Section 8.0 of this Ordinance.
- 9.4 Those, which because of their condition, are unsafe, unsanitary or dangerous to the health and general welfare of the public.
- 9.5 Those in which the owner or occupant fails to comply with the orders of the Health Officer based upon the provisions of this Ordinance or on rules and regulations pursuant thereto.

Sec. 10.0 Placard and Vacating of Dwellings and Dwelling Units Unfit for Human Habitation.

- 10.1 After the owner fails to make the improvements and repairs required to bring a dwelling unit or units into compliance with this Ordinance and upon proper notice as set forth in Section 5.0, the Health Officer shall post in a conspicuous place or places, a placard or placards bearing the following words: "CONDEMNED AS UNFIT FOR HUMAN HABITATION".
- 10.2 Any dwelling or dwelling unit which has been condemned and placarded by the Health Officer as required by this Ordinance shall be vacated within a reasonable time, as required by said Health Officer. No owner or agent 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 Health Officer, after the date on which said Health Officer has required the affected dwelling or dwelling unit to be vacated.
- 10.3 No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned and placarded as such. Provided further, however, that such placards shall be removed by the Health Officer whenever the defect or defects, upon which such condemnation and placarding acting were based, have been eliminated.
- 10.4 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 Health Officer.

Sec. 11.0 Violations and Penalty: Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be punished for each offense upon conviction by a fine or not less than \$25.00 or more than \$100.00 and costs of prosecution, or by imprisonment in the County Jail for a period of not exceeding 90 days, or by both fine and imprisonment in the discretion of the court Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 12.0 Severability Clause: Should any section, clause or provision of these regulations be declared by the courts to be invalid, the same shall not affect the validity of the regulations as a whole or any part thereof except the part so declared to be invalid.

Sec. 13.0 Effective Date: This regulation shall be effective on and after June 28, 1965.

Officially promulgated and adopted by the Health Committee of the Cass County Board of Supervisors on June 28, 1965, and referred to the Board of Supervisors for their approval