

Chapter 261

HOUSING STANDARDS

§ 261-1. Adoption of standards by reference.

§ 261-2. Amendments.

§ 261-3. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Endeavor at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 198.

Fair housing — See Ch. 230.

§ 261-1. Adoption of standards by reference.

There is hereby adopted by the Village Board of the Village of Endeavor, for the purpose of establishing minimum standards governing the condition and maintenance of dwellings; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of dwellings; authorizing the inspection of dwellings and the condemnation of dwellings unfit for human habitation; and fixing penalties for violations, that certain Housing Ordinance known as "A Proposed Housing Ordinance prepared by the Committee on Hygiene of Housing and approved by the Committee on Research and Standards of the American Public Health Association," and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy is now filed in the office of the Clerk-Treasurer of the Village of Endeavor, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect the provisions thereof shall be controlling within the limits of the Village of Endeavor.

§ 261-2. Amendments.

The ordinance adopted in § 261-1 is amended and changed in the following respects:

- A. Section 3: Enforcement: Service of Notices and Orders: Hearings. Section 3 is deleted and recreated as follows:

- 3.1 Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance which affects the health of the occupants of any dwelling, dwelling unit or rooming unit or the health of the general public or whenever the Zoning Administrator determines that there are reasonable grounds to believe that there has been a violation of any such provision which affects the safety of any such occupants or the safety of the general public, the Health Officer or the Zoning Administrator, as the case may be, shall give notice of such alleged violation to the person or persons responsible therefor, and to any known agent of such person, as hereinafter provided. Such notice shall:
- a. Be put in writing;
 - b. Include a statement of the reasons why it is being issued;
 - c. Allow a reasonable time for the performance of any act it requires; and
 - d. Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.

Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provision of this ordinance.

- 3.2 Any person affected by any such notice issued by the Health Officer or the Zoning Administrator may request and shall be granted a hearing on the matter before the Zoning Board of Appeals of the Village of Endeavor, provided that such person shall file in the office of the Health Officer or Zoning Administrator, as the case may be, within 10 days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Health Officer or the Zoning Administrator, respectively, shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of request therefor. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.

- 3.3 After such hearing the Board shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this ordinance have been complied with. If the Board shall sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to Section 3.1 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer or the Zoning Administrator within 10 days after such notice is served. After a hearing, in the case of any notice suspending any permit required by this ordinance, when such notice has been sustained by the Board, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Health Officer or Zoning Administrator within 10 days after such notice is served.
- 3.4 The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reducing to writing and entered as a matter of public record in the offices of the Board. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.
- 3.5 Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring 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, but upon petition to the Health Officer a hearing shall be afforded as soon as possible, in the manner provided in Section 3.2 herein. After such hearing, depending upon the findings as to whether the provisions of this ordinance have been complied with, the Board shall continue such order in effect or modify it or revoke it.

B. Section 5: Minimum Standards for Basic Equipment and Facilities.

- (1) Section 5.1 is deleted and recreated as follows: "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 and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Health Officer."
- (2) Section 5.3 is deleted and recreated as follows: "Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Health Officer."
- (3) Section 5.4 is deleted.

§ 261-3. Violations and penalties.

Any person who shall violate any provision of this chapter or any provision of any rule or regulation adopted by the Health Officer pursuant to authority granted by this chapter shall, upon conviction, be punished as provided in Chapter 1, § 1-4 of this Code, and each day's failure to comply with any such provision shall constitute a separate violation.