

CHAPTER 3

HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS IN THE VILLAGE OF OOSTBURG, WISCONSIN¹

- 3.01 Definitions
- 3.02 Inspection Of Dwellings, Dwelling Units Rooming Units And Premises
- 3.03 Enforcement: Service Of Notices And Orders: Hearings
- 3.04 Adoption Of The Rules And Regulations By The Health Officer
- 3.05 Minimum Standards For Basic Equipment And Facilities
- 3.06 General Requirements Relating To The Safe And Sanitary Maintenance Of Parts Of Dwelling And Dwelling Units
- 3.07 Minimum Space, Use And Location Requirements
- 3.08 Responsibilities Of Owners And Occupants
- 3.09 Rooming Houses
- 3.10 Designation Of Unfit Dwellings And Legal Procedure Of Condemnation
- 3.11 Penalties
- 3.12 Conflict Of Ordinances: Effect Or Partial Invalidity
- 3.13 Effective Date

An ordinance establishing minimum standards governing the condition and maintenance of dwellings; establishing minimum standards, governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation; 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.

WHEREAS, in the Village of Oostburg, Wisconsin, there are, or may be in the future dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or unsanitary as to constitute a menace to the health and safety of the people of this Village, hereinafter referred to as the Municipality.

BE IT THEREFORE ordained by the Village Board of the Village of Oostburg, Wisconsin, as follows:

3.01 Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

¹Adopted as part of the Development Codes of the Village of Oostburg. Adopted by Ordinance 2-1974, on November 11, 1974. See Minutes of the Village Board, Vol. 4 pg. 422.

1. Basement or Cellar shall mean a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
2. Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants: Provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
3. Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
4. Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Health Officer.
5. Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
6. Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, operating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.
7. Health Officer shall mean the legally designed health authority of the Municipality or his authorized representative.
8. Infestation shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.
9. Multiple Dwelling shall mean any dwelling containing more than two dwelling units.
10. Occupant shall mean any person, over 1 year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.
11. Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
12. Ordinary Minimum Winter Conditions shall mean the temperature 15° F. above the lowest recorded temperature for the previous 10 year period.
13. Owner shall mean any person who, alone or jointly or severally with others:
 - a. Shall have legal title to any dwelling or dwelling unit, without accompanying actual possession thereof; or
 - b. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administrative, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
14. Person shall mean and include any individual, firm, corporation, association or partnership.
15. Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

16. Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
17. Rooming House shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
18. Rubbish shall mean combustible and non combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.
19. Supplied shall mean paid for, furnished, or provided by or under the control of, the owner or operator.
20. Temporary Housing shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.
21. Meaning of Certain Words. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "premises", are used in this Ordinance, they shall be construed as though they were followed by the words "or any part thereof".

3.02: Inspection Of Dwellings, Dwelling Units Rooming Units And Premises

1. The Health Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within this Municipality in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspection the Health Officer is hereby authorized to enter, examine, and survey at all reasonable times, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the Health Officer free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Ordinance.

3.03 Enforcement: Service Of Notices And Orders: Hearings

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 Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any such provisions which affects the safety of any such occupants or the safety of the general public, the Health Officer or the Building Inspector as the case may be, shall give notice of such alleged violation to the person or persons responsible therefore 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;
 - d. Be served upon the owner or his agent, or the occupant, as may the case 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 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.
 - e. Such notice must contain an outline of remedial action which, if taken, will affect compliance with the provision of this Ordinance.
2. Any person affected by any such notice issued by the Health Officer or the Building Inspector may request and shall be granted a hearing on the Matter before the Board of Appeals of the Municipality, provided that such person shall file in the office of the Health Officer or Building Inspector, as the case may be, within ten (10) days after service of the notice, a written statement of the grounds therefore. Upon receipt of such petition, the Health Officer or the Building Inspector, 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 therefore. 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. After such hearing the Board shall sustain, modify or withdraw the notice, depending upon the 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 Subsection 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 Building Inspector within ten (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 Building Inspector within ten (10) days after such notice is served.
 4. The proceedings at such hearing, including the findings and decision of the Board shall be summarized, reduced 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.
 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 shall be afforded a hearing as soon as possible, in the manner provided in Subsection 3.03 (2.). 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.

3.04 Adoption Of The Rules And Regulations By The Health Officer

1. The Health Officer is hereby authorized to make and after a public hearing has been held in accordance with the laws governing the conduct of public hearings by the Health Officer of this Village to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this Ordinance. Provided that

such rules and regulations shall not be in conflict with the provisions of this Ordinance. The Health Officer shall file a certified copy of all rules and regulations which he may adopt with the Clerk of this Municipality. Such rules and regulations shall have the same force and effect as the provisions of this Ordinance and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this Ordinance, as hereinafter provided.

3.05 Minimum Standards For Basic Equipment And Facilities

No person shall occupy as owner-occupant or 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:

1. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Health Officer.
2. 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.
3. 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.
4. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Subsections 1., 2. and 3. of Section 3.05, of this Ordinance, shall be properly connected with both hot and cold water lines.
5. Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are approved by the Health Officer.
6. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, type and location of which are approved by the Health Officer.
7. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Subsection 4. of Section 3.05 of this Ordinance, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower, at a temperature of not less than 120°. Such supplied water-heating facilities shall be capable of meeting the requirements of this Subsection when the dwelling or dwelling unit heating facilities required under the provisions of Subsection 5. of Section 3.06 of this Ordinance are not in operation.
8. Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the laws of this State and this Municipality.

3.06 General Requirements Relating To The Safe And Sanitary Maintenance Of Parts Of Dwelling And Dwelling Units

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:

1. Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight, watertight, and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.
2. Every window, exterior door and basement hatchway shall be reasonably weather-tight, watertight and rodent proof; and shall be kept in sound working condition and good repair.

3. 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 any load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
4. 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.
5. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
6. 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.
7. 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 repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Officer.
8. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

3.07 Minimum Space, Use And Location 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:

1. 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.
2. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant, shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
3. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
4. At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 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.

3.08 Responsibilities Of Owners And Occupants

1. Every Owner Of A Dwelling Containing Two Or More Dwelling Units Shall Be Responsible For Maintaining In A Clean And Sanitary Condition The Shared Or Public Area Of The Dwelling And Premises Thereof.

2. 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.
3. Every Occupant Of A Dwelling Or Dwelling Unit Shall Dispose Of All His Rubbish In A Clean And Sanitary Manner By Placing It In The Rubbish Containers Required By Subsection 5.6 Of Section 5 Of This Ordinance.
4. Every Occupant Of A Dwelling Or Dwelling Unit Shall Dispose Of All His Garbage And Any Other Organic Waste Which Might Provide Food For Rodents, In A Clean And Sanitary Manner, By Placing It In The Garbage Disposal Facilities Or Garbage Storage Containers Required By Subsection 7. Of Section 3.05 Of This Ordinance. It Shall Be The Responsibility Of The Owner To Supply Such Facilities Or Containers For All Dwelling Units In A Dwelling Containing More Than Four Dwelling Units And For All Dwelling Units Located On Premises Where More Than Four Dwelling Units Share The Same Premises. In All Other Cases It Shall Be The Responsibility Of The Occupant To Furnish Such Facilities Or Containers.
5. Every Occupant Of A Dwelling Or Dwelling Unit Shall Be Responsible For Hanging All Screens And Double Or Storm Doors And Windows Whenever The Same Are Required Under The Provisions Of This Ordinance Or Of Any Rule Or Regulation Adopted Pursuant Thereto, Except Where The Owner Has Agreed To Supply Such Services.
6. Every Occupant Of A Dwelling Containing A Single Dwelling Unit Shall Be Responsible For The Extermination Of Any Insects, Rodents, Or Other Pests Therein Or On The Premises; And Every Occupant Of A Dwelling Unit In A Dwelling Containing More Than One Dwelling Unit Shall Be Responsible For Such Extermination Whenever His Dwelling Unit Is The Only One Infested. Notwithstanding The Foregoing Provisions Of This Subsection Whenever Infestation Is Caused By Failure Of The Owner To Maintain A Dwelling In A Rat-Proof 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-Shared Or Public Parts Of Any 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.
7. 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.

3.09 Rooming Houses

No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house except in compliance with the provisions of every section of this Ordinance except the provisions of Section 5 and Section 6.

1. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Health Officer in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the Health Officer for such permit which shall be issued by the Health Officer upon compliance by the operator with the applicable provisions of this Ordinance and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the Health Officer within 24 hours after having sold, transferred, given away or otherwise disposed of, interest in, or control of any rooming house. Such notice shall include the name and address of the persons succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

2. Any person whose application for permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the Health Officer, under the procedure provided by Section 3.03 of this Ordinance.
3. Whenever upon inspection of any rooming house the Health Officer finds that conditions or practices exist which are in violation of any provisions of this Ordinance or of any rule or regulation adopted pursuant thereto, the Health Officer shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the Health Officer, the operator's rooming house permit will be suspended. At the end of such period the Health Officer shall reinspect such rooming house and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein.
4. Any person whose permit to operate a rooming house has been suspended, or who has received notice from the Health Officer that this permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the Health Officer under the procedure provided by Section 3.03 of this Ordinance.

Provided that if no petition for such hearing is filed within 10 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.

5. At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Health Officer and in a good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Health Officer.
6. The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
7. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.
8. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this State and this Municipality.
9. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
10. Every provision of this Ordinance which applies to rooming houses shall also apply to hotels except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State Board or Agency.

3.10 Designation Of Unfit Dwellings And Legal Procedure Of Condemnation

The designation of dwellings or dwelling units as unfit for human habitation and the procedure the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

1. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer
 - a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - b. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - c. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
2. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer shall be vacated within a reasonable time as ordered by the Health Officer.
3. 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. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action where based have been eliminated.
4. 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, except as provided in Section 3.10 (3.)
5. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Health Officer, under the procedure set forth in Section 3 of this Ordinance.

3.11 Penalties

1. Any person who shall violate any provision of this Ordinance, or any provisions of any rules or regulations adopted by the Health Officer pursuant to authority granted by this Ordinance, shall upon conviction be punished by a forfeiture of not less than Ten Dollars (\$10.00) or more than Twenty Dollars (\$20.00) and in default of payment of such forfeiture by imprisonment for not less than 5 days or more than 20 days; and each day's failure to comply with any such provision shall constitute a separate violation.

3.12 Conflict Of Ordinances: Effect Or Partial Invalidity

1. In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this Municipality existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of this Municipality existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall

be deemed to prevail and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

2. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

3.13: Effective Date

This Ordinance shall take effect upon adoption, publication, or posting as provided by State Law.