

# ORDINANCE NO. 04-445-2

Revised July 19, 2005

AN ORDINANCE TO AMEND ORDINANCE 04-445-1, SALE INSPECTION AND REAL PROPERTY CERTIFICATE OF COMPLIANCE TO INCORPORATE PREVIOUS AMENDMENTS AND TO CLARIFY CERTAIN REQUIREMENTS THERETO.

THE CITY OF RIVER ROUGE ORDAINS:

The City Commission for the City of River Rouge adopts a new ordinance to require sale inspection and requirements for the issuance of Certificates of Occupancy for all residential, commercial and light industrial property within the corporate limits of the city when a property is transferred as follows:

## REAL PROPERTY CERTIFICATE OF OCCUPANCY

### SECTION 1. PURPOSE

In an aging community, properties are often in a state of disrepair and/or neglected to the point where it threatens the safety, health and welfare of the neighborhoods and its residents.

### SECTION 2. INSPECTION REQUIREMENTS

Section 2.1. Inspection required. It shall be unlawful for any person, firm or corporation, to sell or transfer any real property situated within the city limit of the City of River Rouge without first apply for and paying the required fee for a building inspection conducted by the building department of the city. The inspection shall be in accordance with the applicable building, mechanical, plumbing, structural, electrical, fire and other codes adopted by the city.

Section 2.2. Occupancy. It shall be unlawful for any person, firm or corporation, to occupy or be allowed to occupy a residential dwelling, apartment house, commercial or light industrial building, or any other structure required to be inspected and to obtain a certificate of occupancy.

Section 2.3. Bond requirement. A purchaser of a structure posed as "condemned" or "uninhabitable" shall be required to post a bond in the amount of the most recent demolition bid received by the city. In addition to the bond, the purchaser must pull required permits to correct violations within twenty (20) days following the transfer of ownership. Structure(s)

must be brought up to code within 120 days from the posting of the bond unless extended by the building official. Failure to do so may result in the forfeiture of the bond.

Section 2.4. Temporary Certificate of Occupancy. For structures not posted “condemned or uninhabitable” if, after inspection, the chief building official determines that any violation pending in the structure does not pose a threat to the safety and welfare of the occupants and/or public, he/she may issue a temporary certificate of occupancy for a period of not more than ninety (90) days, subject to the following requirements:

- a. Owner shall post a bond in amount of the chief building official determines would be the cost of correcting defects.
- b. If all violations are not corrected within the period of time stated on the temporary permit, or as extended by the building official, owner or occupants must vacate the premises, forthwith; or, in the case of rental property, tenants must be evicted forthwith. Failure to comply shall be a violation of this Ordinance and subject to the penalties herein. The structure(s) shall not be occupied again until all violations are corrected and a Certificate issued.

### SECTION 3. APPLICATION

Section 3.1. Application contents. The owner, or new purchaser, shall complete an application for sale or transfer of property on a form provided by the building department. The information required will be, at minimum, the following:

- a. Name and official mailing address of the seller or purchaser. No post office box number; and
- b. The phone number of the seller or purchaser; and
- c. Copy of a valid Michigan operator license or Michigan Identification Card; and
- d. The date of birth of the seller or purchaser, as the case maybe; and
- e. The name, number and familial relationship of all occupants of the subject property.

### SECTION 3 (A). HOME OWNER AFFIDAVIT

A person claiming “ownership with intent to occupy” must complete a Home Owner Affidavit as prepared by the building department. “Owner occupant” shall be defined as a person purchasing a home for the purpose of occupying the same of a period of not less than one year.

The person signing the same who fails to occupy the structure, as stated, shall be guilty of “fraudulent application” and shall be subject to the penalties set forth in this Ordinance. In addition thereto, the person violating this ordinance may be required to pull permits and have certified contractors inspect and certify the work requiring permits are done in accordance to the applicable code.

#### SECTION 4. INSPECTION FEE

Section 4.1 Required fees. Sales inspection fees are as follows: (Please note the following fee is for preliminary inspection and follow-up inspection only. If, upon follow-up inspection, the work is not completed in accordance to the applicable code, a re-inspection fee shall be required. Permit fees for repairs and inspections may be required in accordance with the applicable code.)

- A. Single family residence: \$275.00 plus \$100.00 for each additional unit.
- B. Commercial building: \$350.00
- C. Light industrial: \$450.00 plus \$100.00 per structure to be inspected.

#### SECTION 5. VIOLATIONS

Section 5.1. It shall be unlawful for any person, firm or corporation, to sell or transfer any real property within the city without first having applied for, paying the required fee to obtain a Sale Inspection, unless the real property has received a Certificate of Occupancy within the year prior to sale. The Sale Inspection will inform the Purchaser what corrections are necessary to obtain a Certificate of Occupancy and any bond that is required to insure the requisite repairs are made. The Purchaser must sign a “Pre As Is” agreement prior to closing, provide their Identification to the Building Department and pay a fee of \$100.00. Any violation of this section as required in this Ordinance shall, upon a finding of responsibility, be subject to a municipal civil infraction and a fine of >>>>>>?

Section 5.2. Penalty. Persons, firms or corporations violating this provisions of this Ordinance shall, upon conviction, be quality of a misdemeanor punishable by a fine of not less than \$200.00 or more than \$500.00, 90 days in jail, or both. Each day that the violation continues shall constitute a separate offense.

Section 5.3. Eviction. In addition to any penalty imposed by the court, the city attorney may take any action in law or equity to cause the persons occupying any building, structure or dwelling not having first obtained a Certificate of Occupancy to be evicted from the property.

#### SECTION 6. EFFECTIVE DATE

Section 6.1. Effective date. This Ordinance shall become effective upon the date of adoption and publication. The City Clerk shall cause a summary of this Ordinance to be published in a paper of general circulation within the City of River Rouge.

#### SECTION 7. SEVERALBILITY

Should any word, sentence or paragraph of this Ordinance be found invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of the Ordinance and the City Commission states that they would have adopted the remainder as stated herein and those portions shall remain in full force and effect.

First reading: July 21, 2005

Final reading: July 19, 2005

Adopted: July 28, 2005