

ARTICLE VIII. - RESALE AND/OR CHANGE OF OCCUPANCY

DIVISION 1. - INSPECTION UPON TRANSFER OF COMMERCIAL, INDUSTRIAL, OR MULTIPLE FAMILY RESIDENTIAL PROPERTIES

Sec. 18-321. - Purpose.

- (a) The purpose of this division is to maintain quality structures for the public health, safety and welfare.
- (b) This article will set safeguard controls for resale and/or change of occupancy of all multiple-family residential, commercial and industrial structures within the city.
- (c) This enforcement of this division will be according to the provisions of this chapter and the provisions in Chapter 46, regarding Fire Prevention and Protection.

(Code 1974, § 4-31; Ord. of 4-18-2000)

Sec. 18-322. - Permits.

The following permits will be required upon resale and/or change of occupancy, or change of use for all multiple-family residential, industrial and commercial structures: building, electrical, plumbing, mechanical and fire protection.

(Code 1974, § 4-32; Ord. of 4-18-2000)

Sec. 18-323. - Inspections.

- (a) For structures built before September 27, 1965, the International Property Maintenance Code shall be used for inspection standards.
- (b) Structures built after September 27, 1965, shall be inspected using the building code that was in place at the time of construction, the International Property Maintenance Code and the Fire Prevention Code.
- (c) This inspection of the land use, exterior posture and interior accessories of the structure is limited to visual inspection only. The city does not guarantee or approve by inference any latent, structural or mechanical defects thereto, or such other items that are not apparent by such visual inspection.

(Code 1974, § 4-33; Ord. of 4-18-2000)

Sec. 18-324. - Temporary occupancy.

Upon written acceptance by the buyer of any or all violations, a 30-day occupancy will be issued. Permits shall be drawn and repairs made within such time limit.

(Code 1974, § 4-34)

Sec. 18-325. - Final occupancy.

Final occupancy permits will be issued only after all required repairs are completed.

(Code 1974, § 4-35)

Sec. 18-326. - Disclaimer of liability by city.

The city shall not assume any liability to any person by reason of the inspections required by this division or the code adopted in this division, or the issuance of a certificate of compliance or a certificate of occupancy.

(Code 1974, § 4-36)

Secs. 18-327—18-330. - Reserved.

## DIVISION 2. - INSPECTION UPON TRANSFER OF RESIDENTIAL PROPERTIES

Sec. 18-331. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means a garage, shed, pool, gazebo, pigeon coop, doghouse, playhouse, or similar use.

Certificate of occupancy means a certificate issued by the city in accordance with the provisions of chapter 110, pertaining to zoning, for an approved use or occupancy.

Certificate of review means a certificate issued by the city's building official which certifies that a preliminary inspection has been conducted and that the dwelling meets the minimum standards required to permit the transfer of a one- or two-family dwelling, as best as can be determined. A current certificate of review is a certificate which has been applied for not more than 30 days before a unit covered by this division is listed for sale, and received prior to the date of transfer.

Dwelling means a one- or two-family residential structure and accessory uses located in the city, or any individual family unit cooperatively owned but individually occupied pursuant to a trust, common tenancy or stock ownership in accordance with sections 99 through 109 of Public Act No. 327 of 1931 (MCL 450.99—450.104) or as a unit in a residential condominium project. A rental dwelling that has a current certificate of compliance issued to it is not included in this definition.

New dwelling means a one- or two-family dwelling unit which has never been occupied.

Transfer means the sale or conveyance of title to another for consideration (other than nominal consideration), or the execution of a land contract, the exercise of an option to purchase a dwelling, or, in the case of a cooperative, the change of occupancy in conjunction with a transfer of an interest. A conveyance by lease, gift, devise, or lien foreclosure is not included in this definition. A transfer subject to the terms of a purchase agreement entered into prior to January 22, 1992, is not included in this definition.

(Ord. No. 10-095, § 2, 4-6-2010)

Sec. 18-332. - Certificate of review required.

It shall be unlawful for any person to transfer a dwelling or for any person to act as a broker for the transfer of a dwelling which has not been issued a current certificate of review for such dwelling, except as otherwise permitted by this division.

(Ord. No. 10-095, § 2, 4-6-2010)

Sec. 18-333. - Issuance of certificate of review; revocation.

- (a) The building official shall issue a certificate of review only after a preliminary inspection of the dwelling has been conducted and when the dwelling meets the minimum requirements necessary to permit the transfer of the property. An inspection report shall be completed after the inspection of the property is complete. The report shall note all violations found in the dwelling.
- (b) A new dwelling shall be issued a certificate of review upon final inspection and approval of the new construction work.
- (c) The city's building official or director of public service and engineering may revoke a certificate of review for a violation of any code, ordinance, rule or regulation of the city.

(Ord. No. 10-095, § 2, 4-6-2010)

Sec. 18-334. - Disclaimer of liability.

- (a) A certificate of review is not a warranty or guarantee that there are no defects in the dwelling and the city shall not be held responsible for hidden or latent defects, or those not noted in the inspection report.
- (b) This inspection of the land use, exterior posture and interior accessories of the structure is limited to visual inspection only. The city does not guarantee or approve by inference any latent, structural, or mechanical defects therein, or such items that are not apparent by visual inspection.
- (c) The city shall not assume any liability to any person by reason of the inspections required by this division or the code adopted in this division or the issuance of a certificate of review or a certificate of occupancy.
- (d) This inspection is solely for the purpose of permitting the city to continually assess the condition of the city's housing stock, to monitor compliance with the building code, and to encourage owners to improve their properties. Purchasers must rely solely upon the representations and disclosures made by the seller, their own judgment and experience, and the advice of consultants and advisors of their own selection. Purchasers may not rely upon the city's inspection and reports to represent a full and comprehensive itemization of defects or assume that a certificate of review means that the structure is in full compliance with all applicable codes.

(Ord. No. 10-095, § 2, 4-6-2010)

Sec. 18-335. - Dangerous conditions.

Upon a determination that there are conditions which constitute an imminent danger to health and safety, the building official may revoke the certificate of approval, order the conditions to be remedied and may limit or prohibit occupancy.

(Ord. No. 10-095, § 2, 4-6-2010)

Sec. 18-336. - Registration; fees.

Any person intending to transfer a dwelling must first register and make arrangements with the building official for an inspection of the dwelling, to occur prior to the date of transfer. The fee for the registration and inspection shall be as established by the city council.

(Ord. No. 10-095, § 2, 4-6-2010)

Sec. 18-337. - Correction of violations by buyer; period of validity of inspection report; issuance of certificate of approval.

- (a) The buyer may assume the responsibility of correcting violations, provided such corrections are completed within a six-month period, by executing a notarized agreement to this effect and submitting the agreement to the building official.
- (b) If a property is inspected and the sale does not occur, the inspection report is valid for a six-month period. If the owner corrects all violations, a certificate of approval will be issued.

(Ord. No. 10-095, § 2, 4-6-2010)

Sec. 18-338. - Penalty.

Any person who shall fail to obtain a certificate of approval as required by this division, or who shall fail to correct any violations within the time required by this division, or who shall violate any of the terms of this division, shall be guilty of a misdemeanor.

(Ord. No. 10-095, § 2, 4-6-2010)

Secs. 18-339—18-360. - Reserved.