

ORDINANCE NO. 10-1271

AN ORDINANCE TO AMEND THE HOUSING CHAPTER
(CHAPTER 11) OF THE CODE OF THE CITY OF DEARBORN
BY AMENDING SECTIONS 11-41, 11-42 AND 11-43 OF
ARTICLE II ENTITLED "MINIMUM HOUSING STANDARDS"

THE CITY OF DEARBORN ORDAINS TO:

Amend Chapter 11 of the Code of the City of Dearborn by amending Section 11-41, Section 11-42 and Section 11-43 of Article II to read as follows:

Sec. 11-41. Right of entry, access.

(a) The **residential services department** director or his/her designee **is** hereby authorized and directed to make inspections to determine the conditions of dwellings, dwelling units, rooming units and premises, located within the city, in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the **residential services department** director or his/her designee, is hereby authorized to enter, examine and survey at any reasonable time all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give free access to such dwelling, dwelling unit or rooming unit and its premises, at any reasonable time, for the purpose of such inspection, examination and survey.

(b) 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 any reasonable time, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this article.

Sec. 11-42. Inspection and Occupancy Requirements.

(a) **It shall be unlawful for anyone, including, but not limited to, the owner, attorney, representative, lending institution, title company, real-estate firm, broker, or salesman to assist in consummating a sale, transfer, or other transaction involving real property in the City of Dearborn regardless of where the closing of the sale occurs, without first presenting the purchaser with a copy of an inspection report or certificate of occupancy issued by the residential services department within six (6) months prior to the date of such sale or transfer.**

(b) If the real property is sold without a certificate of occupancy then the purchaser must sign a pre-occupancy agreement agreeing to correct all violations shown on the inspection report within six (6) months of the date of the pre-occupancy agreement. Pre-occupancy agreements may be used for closing purposes only and do not allow occupancy of the premises.

(c) This section does not apply to the individual transfer of property through inheritance where no bona fide sale is intended and the property is occupied by the person or persons receiving the inheritance.

(d) It shall be unlawful for any person to occupy or reoccupy or for any owner or agent thereof to permit the occupation or reoccupation of any building or addition thereto, or part thereof, for any purpose, until occupancy has been approved by the residential services department.

- 1) A certificate of occupancy is issued when all violations noted on the inspection report issued by the residential services department have been corrected and required repairs have been made.**
- 2) In the event an owner, prospective purchaser, or transferee, requests that occupancy be permitted prior to correction of all violations noted on the inspection report, and if the absence of such complete conformance does not, in the judgment of the residential services department, constitute material health or safety hazards, a conditional occupancy agreement may be issued upon the condition that complete conformance be achieved within a reasonable time specified by the residential services department, but in not more than 90 days. The residential services department may grant an extension of an additional 90 days for good cause; an extension may be granted only for owner-occupied property.**

(e) Non-owner occupied residential property, or portions thereof, shall be inspected and a new certificate of occupancy obtained every three years, or upon change in ownership. Non-owner occupied residential property with three or more units shall be inspected annually.

Sec. 11-43. Failure to comply.

Violation of this division by any person, firm and/or corporation shall be a misdemeanor punishable as provided under section 1-9 of this code. Each day that the violation continues shall constitute a separate and distinct violation.

Nothing in this division constitutes a waiver of the City's right to petition the circuit court for the right to take action to prevent occupancy of a property.

Secs. 11-44 -- 11-55. Reserved.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing Ordinance adopted on May 3, 2010 and published on May 12, 2010 effective the day following publication.

John B. O'Reilly, Jr., Mayor

Kathleen Buda, City Clerk