

Southgate City Council Agenda

Council Chambers

14400 Dix-Toledo Rd., Southgate, Michigan 48195

Wednesday November 3, 2021

WEB MEETING @ <https://us02web.zoom.us/j/82415469746>

CALL-IN @ + 1-312-626-6799 Passcode:82415469746#

6:30pm Work Study Session

1. Proclamation
2. Officials Reports
3. Memo from Administrator; Re: American Rescue Plan Act(ARPA) Funds

7:00 pm Regular Meeting

Pledge of Allegiance

Roll Call: Colovos, Farrah, George, Graziani, Rauch, Rollet, Zamecki.

Minutes:
1. Work Study Session Minutes dated October 20, 2021
2. Regular City Council Meeting Minutes dated October 20, 2021

Scheduled Persons in the Audience:

Consideration of Bids:

Scheduled Hearings:

Communications "A" –

1. Memo from Dir. Of Public Safety; Re: Proposed Sale of Forfeited Property **Page 7**
2. Memo from Administrator; Re: Resolution to amend the purchase of the Fire Rescue **8**
3. Memo from Administrator; Re: **Waiver of Bid** to replace roof on Section 6 at Court **12**
Memo from Administrator; Re: Essential Worker Premium Pay/Hazard Pay **17**

Communications "B" – (Receive and File)

Ordinances:

1. Memo from Administrator; Re: Second Reading – Revised Ordinance – **18**
"Exterior Inspection upon Transfer"

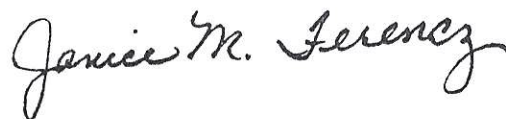
Old Business:

New Business:

Unscheduled Persons in the Audience:

Claims & Accounts: Warrant #1436 \$ 987,691.94

Adjournment:



Janice M. Ferencz, City Clerk

PROCLAMATION

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

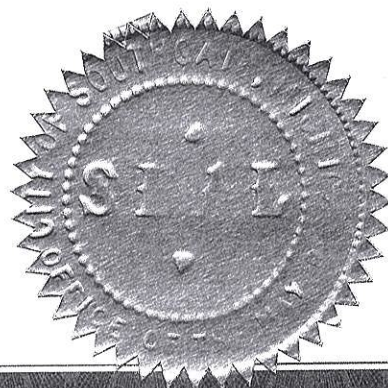
WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned;

NOW THEREFORE, I, Joseph G. Kuspa, by virtue of the authority vested in me as Mayor of the City of Southgate, Michigan do hereby proclaim November 2021 as the National American Indian Heritage Month, in the City of Southgate and urge all citizens to observe this month with appropriate programs, ceremonies and activities.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Southgate, Michigan be affixed this 3rd day of November, Two-thousand and Twenty-One.

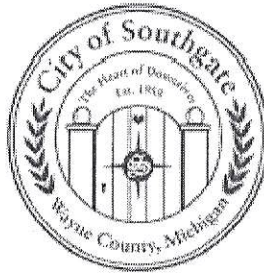
Mayor Joseph G. Kuspa



JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate
NORMA J. WURLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

KAREN E. GEORGE

MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: Dustin Lent, City Administrator

Date: October 29, 2021

Re: American Rescue Plan Act (ARPA) Funds

The City of Southgate is scheduled to receive a total of \$3,031,097 dollars in ARPA funding. Half of the money 1,515,548.50 was received September 30th 2021. The remaining 1,515,548.50 is projected to be received in the next fiscal year.

The ARPA funding has federal guidelines on how the money may be spent.

Currently Council has authorized \$962,335 of these funds for a new roof on the DPW building. In tonight's agenda Administration is recommending allocating the remaining 2021 ARPA funding on the following expenditures.

- 1) Provide covid-19 service premium/hazard pay for city employees approximately (\$260,000)
- 2) Reallocating the funds for the purchase of the new fire department rescue vehicle (\$143,541)
- 3) New roof on section 6 of the court house (\$134,435)

Resolutions for these items will be provided in tonight's agenda.

Work Study Session

October 20, 2021

An Informal Meeting of the Council of the City of Southgate was held on October 20, 2021 at 6:30 P.M. *(Due to the Covid-19 virus, this meeting was via Zoom pursuant to our Local State of Emergency to co-inside with Wayne County.*

Present: Bill Colovos (Southgate), Mark Farrah (Southgate), Phil Rauch (Southgate), Chris Rollet (Southgate)

Absent: *Karen George, *John Graziani, *Dale Zamecki, *excused

Also Present: Mayor Joseph G. Kuspa, City Administrator Dustin Lent, City Attorney Brandon Fournier, Assistant City Administrator/Finance Director David Angileri, City Clerk Janice Ferencz, City Engineer John Hennessey, Public Safety Director Joseph Marsh, Police Chief Mark Mydlarz, Fire Chief Marc Hatfield, Acting DPS Director Kevin Anderson, Building Inspections Director Tim Leach, Julie Goddard Recreation Director

Discussed the following agenda items:

- Wayne County Annual Permits
- Waiver of Bid/Purchase of a scissor lift for Recreation
- Letter to retain Garan Lucow Miller PC
- Proposed changes to Residential Exterior Inspection Upon Transfer - Revision

This meeting ended at 6:49 pm.

City of Southgate

Regular City Council Meeting

October 20, 2021

A Regular Meeting of the Council of the City of Southgate was held on Wednesday, October 20, 2021 and was called to order at 7:00 PM by Council President Pro-Tem Mark Farrah (**DUE TO COVID-19 VIRUS, THIS MEETING WAS HELD VIA ZOOM, PURSUANT TO WAYNE COUNTY AND LOCAL STATE OF EMERGENCY.**)

This meeting began with the Pledge of Allegiance, followed by roll call.

Present: Bill Colovos (Southgate), Mark Farrah (Southgate) Phil Rauch (Southgate), Chris Rollet (Southgate)

Absent: *Karen George, *John Graziani, *Dale Zamecki, *excused

Also Present: Mayor Joseph G. Kuspa, City Administrator Dustin Lent, City Attorney Brandon Fournier, Assistant City Administrator/Finance Director David Angileri, City Clerk Janice Ferencz, City Engineer John Hennessey, Public Safety Director Joe Marsh, Police Chief Mark Mydlarz, Fire Chief Marc Hatfield, Acting DPS Director Kevin Anderson, Building Inspections Director Tim Leach and Julie Goddard Recreation Director.

Minutes:

Moved by Rauch, supported Colovos, RESOLVED, that the minutes of the City Council Work Study Session dated October 6, 2021 be approved as presented. Carried unanimously.

Moved by Rollet, supported by Rauch, RESOLVED, that the minutes of the Regular City Council Meeting dated October 6, 2021 be approved as presented. Carried unanimously.

Communications "A":

1. Memo from DPS Director: Re: Resolution Request – Annual Permits a.) A-22154 Special Events, b.) A-22125 Pavement Restoration, c) A-22069 Annual Maintenance moved by Rauch, supported by Colovos, RESOLVED THAT the Southgate City Council hereby passes a blanket resolution for the a) Annual Permit for Special Events – A-22154, b.) Annual Pavement Restoration Permit – A-22124 and c.) Annual Maintenance Permit – A-22069 with Wayne County. BE IT FURTHER RESOLVED THAT Kevin Anderson, Acting Director of Public Services is authorized to sign the permits on behalf of the City of Southgate.

Motion Carried Unanimously.

2. Letter from Mayor; Re: Purchase of Used Scissor Lift – Recreation moved by Colovos, supported by Rollet, RESOLVED THAT the Southgate City Council waives the bid procedure and authorizes purchase of a used Scissor Lift to United Rentals (Branch 39E, 1120 John A Papalas Drive, Lincoln Park, MI 48146) in the amount \$8,600 plus a one-year warranty in the amount of \$1,204 for a total of \$9,804.

Motion carried unanimously.

3. Letter from City Administrator to retain Garan Lucow Miller P.C. moved by Colovos, supported by Rauch, RESOLVED THAT the Southgate City Council concurs with the administration's recommendation to retain the firm of Garan Lucow Miller P.C. to represent the City of Southgate in the Circuit Court Case Build to Suit Inc. v. The City of Southgate Board of Zoning Appeals, at \$200 per hour, not to exceed \$25,000.

Motion carried unanimously.

Regular City Council Meeting

October 20, 2021

Ordinances:

1. Councilman Rauch gave a first reading of an ordinance amendment to the Residential Exterior Inspection Upon Transfer.

Claims and Accounts:

Moved by Rauch, supported by Rollet, RESOLVED, that Claims and Accounts be paid as outlined on Warrant #1435 in the amount of \$2,040,640.34.

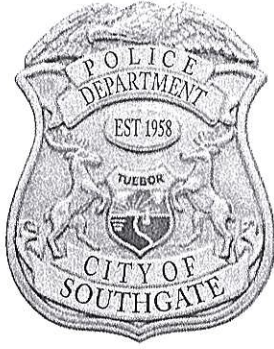
Motion carried unanimously.

Adjournment:

Moved by Colovos, supported by Rauch, RESOLVED THAT this Regular Meeting of the Southgate City Council be adjourned at 7:09 P.M. Carried unanimously.

Mark Farrah
Council President Pro-Tem

Janice M. Ferencz
City Clerk



SOUTHGATE POLICE DEPARTMENT MEMO

To: Honorable Mayor Kuspa

From: Joseph Marsh, Director of Public Safety

CC: City Administrator Lent, Finance Director Angileri

Re: Proposed Sale of Forfeited Property

Date: October 20th, 2021

Pursuant to Section 210.07 of the Codified Ordinances of the City of Southgate, I am requesting approval to offer for sale the following property that have been seized and forfeited pursuant to the State Forfeiture Statutes which may have a combined value in excess of five hundred dollars (\$500.00):

- 1. Krieger Black leather men's watch with diamonds**
- 2. Radiomir Black Sea Paneral men's watch**
- 3. Baume & Mercier Geneve men's watch**

With your concurrence the watches will be sold at the upcoming public auction held by Biddergy – Metro Detroit Auction Center located at 17000 Northville Road Unit 3 in Northville, MI 48168 on November 18th, 2021. Proceeds from the sale of these watches will be placed in the State Forfeiture account. I am requesting this to be placed on the November 3rd, 2021 City Council Agenda for their consideration.

Respectfully,

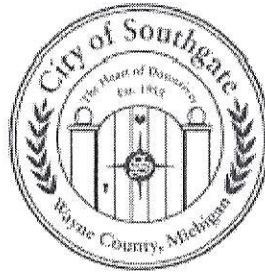
A handwritten signature in cursive script, appearing to read "Joseph L. Marsh".

Joseph L. Marsh
Director of Public Safety

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate
NORMA J. WURLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

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MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: Dustin Lent, City Administrator

Date: October 26, 2021

Re: Resolution to amend the purchase of the Fire Rescue

On September 1st the City Council approved a purchase of a Type 1 Rescue Vehicle to Medix Specialty Vehicles in the amount of \$136,924 with a rebate of \$6,617. The funds were to be used from the Capital Projects Funds.

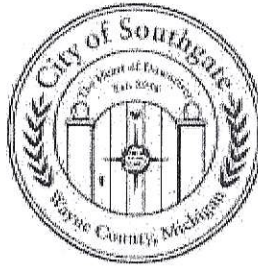
I am asking council to amend your resolution and use the funds from the American Rescue Plan Act (ARPA) in the amount of \$136,924.

If you have any questions about this recommendation please contact me.

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate

- CITY COUNCIL -

JOHN GRAZIANI
Council President

MARK FARRAH

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PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: David Angileri, Assistant City Administrator/Finance Director 

DATE: October 26, 2021

RE: Recommendation for Fire Rescue

I have reviewed the above with Dustin Lent, City Administrator and concur with his recommendation to charge the Fire Rescue from Fund Balance to American Rescue Plan Act (ARPA).

Funding for this bid will come from **American Rescue Plan Act of 2021** the Coronavirus Local Fiscal Recovery funds.

City of Southgate
County of Wayne, State of Michigan

No. 91-21

RESOLUTION

At a Regular Meeting of the Southgate City Council called to order by Council President Pro-Tem Mark Farrah on September 1, 2021 at 7:00 pm the following resolution was offered:

Moved by Farrah, supported by Colovos.

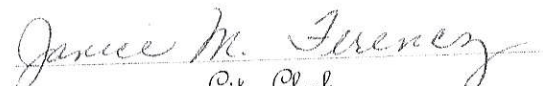
RESOLVED THAT the Southgate City Council hereby waives the bid procedure and authorizes purchase of a Type 1 Rescue Vehicle to Medix Specialty Vehicles (3008 Mobile Dr, Elkhart, IN 46514) in the amount of \$136,924, which includes a Ford Rebate of \$6,617.

Motion carried unanimously.

Present: Colovos, George, Graziani, Farrah, Rollet, Zamecki

Excused: Rauch

I, Janice M. Ferencz, City Clerk of Southgate, do hereby certify that the foregoing is a true, correct and complete copy of a resolution adopted by the Southgate City Council at a regular meeting held on September 1, 2021.


City Clerk

cc: Mayor, Finance, Medix Specialty Vehicles, Fire, files

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate

- CITY COUNCIL -

JOHN GRAZIANI
Council President

MARK FARRAH

KAREN E. GEORGE

HILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: David Angileri, Assistant City Administrator/Finance Director

DATE: August 25, 2021

RE: Recommendation for (1) Fire Rescue

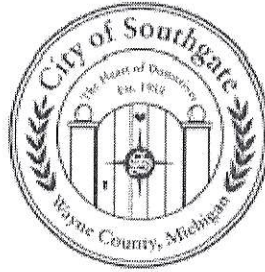
I have reviewed the above with the Fire Chief, for the 153 LTD Type 1 Rescue vehicle and concur with his recommendation to award this RFP to Medix Specialty Vehicles, Elkhart, Indiana, in the amount of \$143,541.00 less anticipated Ford Rebate of \$6,617.00 for a total cost of \$136,924.00

Adequate funds are available in the Capital Projects Fund for this purchase.

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
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PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: Dustin Lent, City Administrator

Date: October 28, 2021

Re: Waiver of Bid to replace the roof on Section 6 at the Court.

Administration has reviewed the letter from Matt Verhey from Garland Company and Todd Sumners from Royal Roofing and we are recommending to award the roof contract to Royal Roofing in the amount of \$116,900 plus a 15% contingency for a grand total of \$134,435.

The City had just went out to bid for the roof replacement for the DPW and Royal Roofing was the lowest Bid. Royal Roofing will be able to perform the work on the court building in conjunction with the work at the DPW building in order to avoid cost increases and fixed costs associated with roofing projects such as mobilization and set-up charges. Additionally, by "fast-tracking" the project, the City is able to avoid material cost increases that will go into effect January 1st, 2022.

Funds for this purchase are available in the American Rescue Plan Act (ARPA).

If you have any questions about this recommendation please contact me.

Your favorable consideration of this matter is requested.



GARLAND COMPANY, INC.

Matt Verhey

Mobile: 248-880-0896

Email: mverhey@garlandind.com

Learn More: www.garlandco.com

Thursday, October 28, 2021

City of Southgate
14400 Dix Toledo Road
Southgate, MI 48195

Attn: Dustin Lent

Re: Court Building
Section 6 Roof Replacement

Dear Dustin,

At your direction, I have had Royal Roofing review the scope of work and provide pricing on the Court Building Section 6 for the roof replacement. As you know, upon approval and award of the DPW Roof Replacement, the last remaining section of the court building began leaking at several areas. All other sections of the court and police station have been replaced over the last several years and this section was the last remaining section of older roofs on the building. Since Royal Roofing was the low bidder on the DPW building, we had asked them to provide a price for a replacement on this section.

It is fiscally logical to have Royal Roofing perform the work on the court building in conjunction with the work at the DPW building in order to avoid cost increases and fixed costs associated with roofing projects such as mobilization and set-up charges. Additionally, by "fast-tracking" the project, the City is able to avoid material cost increases that will go into effect January 1st, 2022.

Royal Roofing has provided a cost for Section 6 at the Court Building for the sum of \$116,900 should the project be awarded and materials ordered by November 30, 2021. They also provided an estimate should the project not be awarded immediately, for a cost of \$135,800.

My recommendation is to award the contract to Royal Roofing for the proposed work immediately so it can be ordered and shipped to avoid further material cost increases.

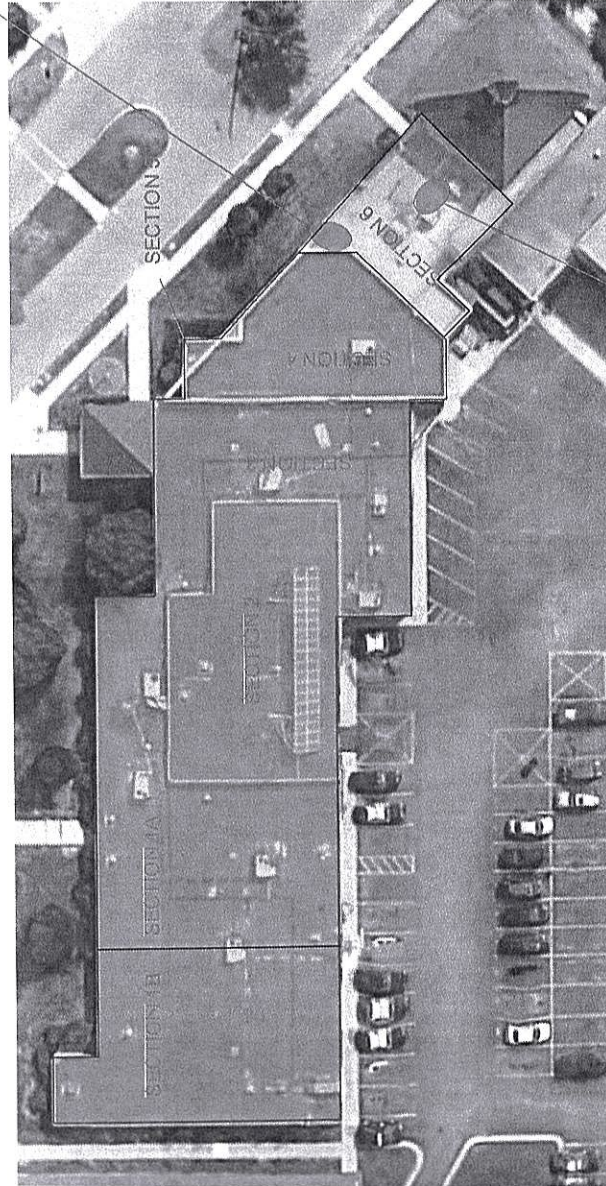
Should you have any questions, please do not hesitate to contact me. I look forward to working with you on this project.

Respectfully,

Matt Verhey
The Garland Company

CITY OF SOUTHGATE SOUTHGATE, MI

LEAK AREA
#1



BUILDING LAYOUT

LEAK AREA
#2

- ☒ - COMPLETED SECTIONS
- ☐ - REMAINING SECTIONS

GENERAL ROOF NOTES:

- Roof access by penthouse
- Sections 1A, 1B, 2, 3, 4 & 5 have been completed and are under warranty through Garland.
- Section 6 has not been replaced and is no longer under warranty from the original manufacturer.
- Section 6 does have some leak issues and is estimated to be approximately 20+ years old.

EXISTING ROOF COMPOSITION

- Sections 1A - 5: 2 Ply HPR Modified Roofing Membrane with C/P Flood and gravel / 1/2" DensDeck / 2 1/2" Polysocyanurate Insulation / Metal Decking (30 year warranties on all roofs)
- Section 6: Single-Ply TPO membrane / 2 1/2" Polysocyanurate Insulation / Metal Deck

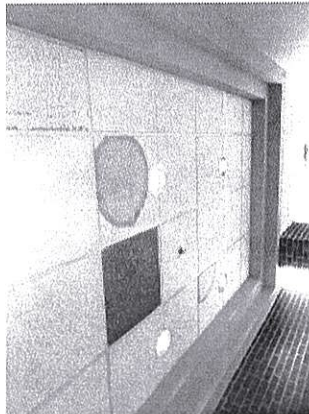
EXISTING ROOF

- Section 1A - 7,275 SF
- Section 1B - 5,950 SF
- Section 2 - 4,975 SF
- Section 3 - 4,400 SF
- Section 4 - 2,825 SF
- Section 5 - 90 SF
- Section 6 - 2,600 SF



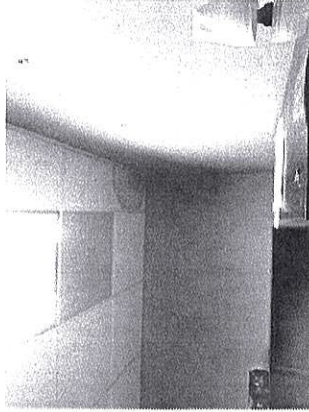
CITY OF SOUTHGATE SOUTHGATE, MI

LEAK AREA #1

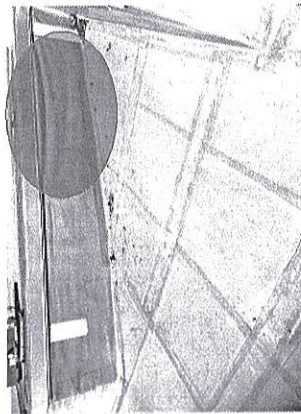


LEAK IN HALLWAY UNDER SECTION 6, WHICH HAS NOT BEEN REPLACED.

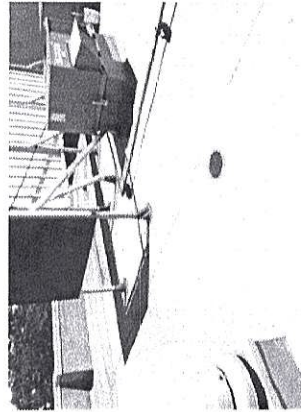
LEAK AREA #2



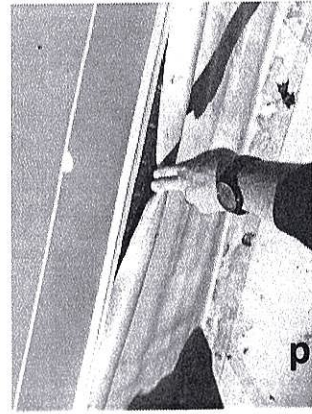
LEAK IN OFFICE AREA IS DIRECTLY BELOW THE MECHANICAL UNIT/SCREEN WALL ABOVE ON SECTION 6.



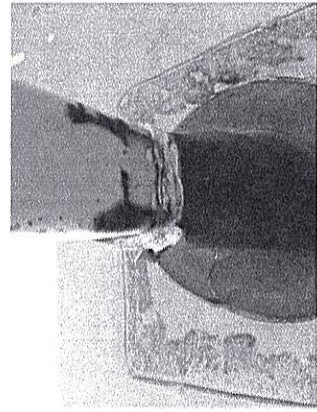
DIRECTLY ABOVE LEAK, A LOOSE FLASHING WAS FOUND ALONG THE PARAPET WALL.



SCREEN-WALL AREA ABOVE THE OFFICE LEAK.

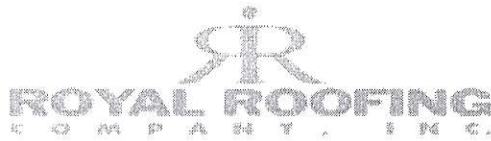


AREA OF WATER INFILTRATION. THE FLASHING WILL NEED TO BE RE-ATTACHED TO THE WALL. BENEATH THE COPING, TECHNICALLY, THE FLASHING SHOULD GO UP AND OVER THE COPING DURING INSTALLATION OF THE ROOF.



IT IS SUSPECTED THAT THE LEAK IS COMING FROM ONE OF THE STANCHIONS AT THE SCREEN WALL. IT IS RECOMMENDED THAT A CONTRACTOR INSPECT AND MAKE MINOR REPAIRS TO SEAL THESE AS WELL AS THE CURB AT THE ADJACENT UNIT.





October 22, 2021

Attn: Dustin Lent

Re: Court Building, Southgate - Section 6

Bid Includes:

- 1) Tear off and dispose of the existing TPO membrane and flashings. The existing insulation will remain.
- 2) Furnish and install one layer of ¼" cover board mechanically fastened through the existing roof insulation to the metal deck.
- 3) Furnish and install one layer of ¼" cover board adhered.
- 4) Furnish and install a base sheet and Stress Ply smooth cap sheet torched down. Install a cold flood coat and gravel.
- 5) Furnish and install 2 ply flashing system in Green Lock adhesive.
- 6) Furnish and install aluminum coating on all flashings.
- 7) Furnish and install new 22 gauge prefinished galvanized copings, counter flashings, gutters, and downspouts, standard color. The gutters will be box style and not "K-style".
- 8) Furnish the owner with a thirty year manufacturer's warranty.

Excludes: Removal of existing insulation, lumber, interior protection, cost for permit (will still apply though), and snow/ice removal

Today's Price: \$116,900.00

Estimated Spring 2022 Price: \$135,800.00 (subject to change)

Unit Price:

- 1) Wet insulation replacement= \$3.00 a SF (each layer)

Respectfully Submitted,

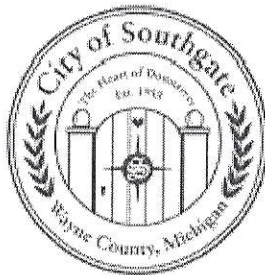
A handwritten signature in black ink, appearing to read 'Todd Sumners', written in a cursive style.

Todd Sumners/ Project Manager

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

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CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: Dustin Lent, City Administrator

Date: October 28, 2021

Re: Essential worker Premium Pay/Hazard Pay

Administration is recommending that a price not to exceed \$260,000 of Southgate's ARPA money go back to city employees in the form of "premium pay" — a direct payment to employees (essential worker) who worked through the pandemic. Full-time employees will receive \$100 per month that they worked during the pandemic from March 3 2020 through October 31 2021. For full-time employees that worked every month that will equate to \$2,000 per employee. Part-time hourly employees (essential worker) will be paid out 0.50 per hour for each hour worked from March 3 2020 through October 31 2021. For permanent part-time employees that worked during the pandemic this equates to about \$800.

Every employee that worked during the pandemic played an essential role in the city continuing to operate and provide services to the public.

Funds for this purchase are available in the American Rescue Plan Act (ARPA).

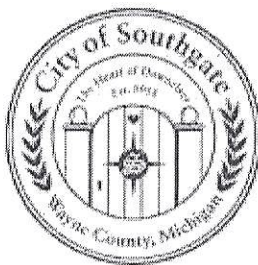
If you have any questions about this recommendation please contact me.

Your favorable consideration of this matter is requested.

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate

- CITY COUNCIL -

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PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: Dustin Lent, City Administrator

Date: October 29, 2021

Re: Second Reading- Revised Ordinance "Exterior Inspection upon Transfer"

The revision of this ordinance is to help clarify and explain the process and procedure in more detail.

The Administration recommends City Council's favorable consideration.

I look forward to City Council's questions and comments.

PART FOURTEEN– BUILDING AND HOUSING CODE

TITLE SIX- Miscellaneous Building Regulations

Chapter 1468 RESIDENTIAL EXTERIOR INSPECTION UPON TRANSFER

1468.01- Purpose.

The purpose of this article is to help protect the health, safety and welfare of the citizens by attempting to prevent blight, avoid the creation and maintenance of a nuisance (**section 660**) and insure minimum maintenance of dwellings through recognition of how the conditions set forth in this article can affect the general well-being and property values of residents.

1468.02- 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 building department which certifies that a preliminary inspection by the building department 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 occupancy is a certificate which has been applied for not more than 30 days before a unit covered by this article 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).

***Inspection Report* means the complied finding from the inspector which shall include all known requirements to issue a certificate of occupancy. The Inspection Report shall have an itemized list of any identified violations of the International Property Maintenance Code, State of Michigan Building Code and Local Code.**

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

***Nuisances* see chapter 660**

Owner shall mean any person, corporation, DBA, or any other legal entity who, alone or jointly or severally with others:

- (1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, possession or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, 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 article, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Transfer means the sale or conveyance of title to another for 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 the effective date of this article, is not included in this definition.

Whenever the words "dwelling," "dwelling unit," or "premises," are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

1468.03 - Conflict with other ordinances and laws.

When a provision of this article is found to be in conflict with a provision of any state statute or any zoning, building, fire, safety or health ordinance or code of the city, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. If a provision of this article is found to be in conflict with a provision of a state statute or any other ordinance or code of the city which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this article shall be deemed to prevail.

1468.04- Right of entry, access.

(a) The building department director or his/her designee is hereby authorized and directed to make exterior inspections to determine the conditions of dwellings, dwelling 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 building department director or his/her designee, is hereby authorized to examine and survey at any reasonable time all exterior dwellings, dwelling units, and premises. The owner or occupant of every dwelling, dwelling unit, or the person in charge thereof, shall give free access to the areas of the exterior premises, including spaces which are enclosed by fencing or other screening described above, at any reasonable time, for the purpose of such exterior 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 remedy any violation to its exterior premises, including spaces which are enclosed by fencing or other screening described above 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.

1468.05– Exterior 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 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 building department within six 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 preoccupancy agreement agreeing to correct all violations shown on the inspection report within six months of the date of the preoccupancy agreement. Preoccupancy agreements may be used for closing purposes only and do not allow occupancy of the premises. The purchaser may assume the responsibility of correcting violations by executing a notarized affidavit to this effect and submitting the affidavit to the building department.

(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 building department.

(1) A certificate of occupancy is issued when all violations noted on the inspection report issued by the building department have been corrected and required repairs have been made. **These requirements shall include, but are not limited to compliance with the International Property Maintenance Code and that the structure is in full compliance with all local codes.** 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 local codes.

(2) Escrow Agreement 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 building 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 building department may grant a one-time 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 or tenancy.
(1422.03e)

1468.06- Disclaimer of liability.

(a) A certificate of occupancy 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 and exterior posture 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 article or the code adopted in this article 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 (1420), 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 local codes.

1468.06 - Registration; fees.

Any person intending to transfer a dwelling must first register and make arrangements with the residential inspection department 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 building department and listed in section 1444.04.

1468.06- Period of validity of inspection report; issuance of certificate of occupancy.

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 occupancy will be issued.

1468.06- Failure to comply; penalty.

Violation of this article by any person, firm and/or corporation shall be a misdemeanor punishable as provided under section 1420.99 of this Code. Each day that the violation continues shall constitute a separate and distinct violation. Nothing in this article 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.

1468.07- Appeals

Any person intending to appeal may do so in accordance with chapter 264 with the Building Code Board of Appeals.