

CITY OF HARTFORD
COUNTY OF VAN BUREN
STATE OF MICHIGAN
PROPOSED
SECOND READING

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FIRST TWO DIVISIONS OF CHAPTER 150 OF THE HARTFORD CITY CODE TO PROVIDE UPDATED BUILDING REGULATIONS TO ADDRESS NEW CONSTRUCTION, PROPERTY MAINTENANCE, AND DANGEROUS BUILDINGS

The City of Hartford ordains:

Section 1. Amendment. The first division of Chapter 15 of the Hartford City Code is amended to read in its entirety as follows:

ADOPTION OF REGULATORY CODES BY REFERENCE

Sec. 150.1. ~~2000 INTERNATIONAL RESIDENTIAL CODE~~ Administration and enforcement of Michigan Construction Code.

~~(A) Code adopted. A certain document, a copy of which is on file in the Office of the City Clerk of the City of Hartford, being marked and designated as the 2000 International Residential Code, as published and subsequently revised and amended by The Building Officials and Code Administrators International, Inc., and is hereby adopted as the Building Code of the City of Hartford in the State of Michigan for the control of buildings and structures as herein provided; and each and all regulations, provisions, penalties, conditions, and terms of the 2000 International Residential Code are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.~~

~~(1993 Code, '6.1)~~

~~(B) Agency designated. Pursuant to the provisions of the 2000 International Residential Code, in accordance with Public Act 230 of 1972, M.C.L.A. " 125.1501 through 125.1531, as amended, the Building Inspector of the City of Hartford is hereby designated as the enforcing agency to discharge the responsibilities of the City of Hartford, under Public Act 230 of 1972, M.C.L.A. " 125.1501 through 125.1531, as amended, State of Michigan. The City of Hartford assumes responsibility for the administration and enforcement of the Act throughout its corporate limits.~~

~~(1993 Code, '6.2)~~

The City has assumed responsibility for the administration and enforcement of the Michigan Construction Code, including the building, electrical, plumbing and mechanical codes, throughout its corporate limits. The City's building official is principally charged with the administration and enforcement of the codes. Any fees provided for in the codes shall be as prescribed by resolution of the City Commission.

Sec. 150.2. ~~MICHIGAN MECHANICAL CODE~~ Enforcement of the International Property Maintenance Code, 2015 Edition.

~~(A) Code adopted. A certain document, a copy of which is on file in the Office of the City Clerk of the City of Hartford, being marked and designated as the Michigan Mechanical Code, consisting of the 1990 B.O.C.A. Basic Mechanical Code, as amended, is hereby adopted as the Mechanical Code of the City of Hartford in the State of Michigan for the control of buildings and structures as herein provided; and each and all regulations, provisions, penalties, conditions, and terms of the Michigan Mechanical Code, are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.~~

~~(1993 Code, '6.15)~~

~~(B) Agency designated. Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Public Act 230 of 1972, M.C.L.A. ' ' 125.1501 through 125.1531, as amended, the Building Inspector of the City of Hartford is hereby designated as the enforcing agency to discharge the responsibilities of the City of Hartford, under Public Act 230 of 1972, M.C.L.A. " 125.1501 through 125.1531, as amended, State of Michigan. The City of Hartford assumes responsibility for the administration and enforcement of the Act throughout its corporate limits. (1993 Code, '6.16)~~

- (a) *Adoption of code.* The International Property Maintenance Code, 2015 Edition, including Appendix A, as promulgated and published by the International Code Council, Inc., is adopted by reference as the Property Maintenance Code of the City of Hartford, subject to the modifications provided herein and subject to such further modifications as the City shall adopt from time to time.
- (b) *Definitions.* Whenever the words "*city*," "*jurisdiction*" or "*governmental unit*" are used in the International Property Maintenance Code, 2015 Edition, they shall mean the City of Hartford. Whenever the word "*state*" is used in the International Property Maintenance Code, 2015 Edition, it shall mean the State of Michigan.
- (c) *Amendments to the Property Maintenance Code.* The International Property Maintenance Code, 2015 Edition, including Appendix A, is amended as follows:
 - (1) *Section 101.1* is amended to read in its entirety as follows:

101.1. Title. These regulations shall be known and may be cited as the "Property Maintenance Code of the City of Hartford," and will be referred to in this article as this "Code."
 - (2) *Section 102.3* is amended to read in its entirety as follows:

102.3. Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Michigan Building Code, the Michigan Residential Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code and any applicable fire codes. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the City of Hartford Zoning Ordinance.
 - (3) *Section 102.3.1* is added to read in its entirety:

102.3.1. Reference to other codes. Whenever the "International Building Code" or "building code" is referenced in this Code it shall mean the Michigan Building Code. Whenever the "International Mechanical Code" is referenced in this Code it shall mean the Michigan Mechanical Code. Whenever the "International Plumbing Code" is referenced in this Code it shall mean the Michigan Plumbing Code. Whenever the "International Electrical Code" or "NFPA 70" is referenced in this Code it shall mean the Michigan Electrical Code. Whenever the "International Zoning Code" is referenced in this Code it shall mean the City of Hartford Zoning Ordinance.
 - (4) *Section 103.1* is amended to read in its entirety as follows:

103.1. General. Whenever the terms "code official" or "building official" are used in this Code it shall mean the designated building official of the City.
 - (5) *Section 103.4* is amended to read in its entirety as follows:

103.4. Liability. The code official, member of the City of Hartford Construction Board of Appeals or City employee charged with the enforcement of this Code, while acting for the City, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not be rendered liable personally, and is relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an

act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by legal representative of the City until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

(6) *Section 103.5* is amended to read in its entirety as follows:

103.5. Fees. The City Commission shall by resolution from time to time, establish a fee schedule for permits under this Code.

(7) *Section 106.3* is amended to read in its entirety as follows:

106.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible for a municipal civil infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant to this Code. Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(8) *Section 106.4* is amended to read in its entirety as follows:

106.4. Violation penalties. Any violation of this Code shall be punishable as a municipal civil infraction as provided in and subject to the fines and penalties provided under Code of Ordinances of the City of Hartford.

(9) *Section 111.1* is amended to read in its entirety as follows:

111.1. Construction Board of Appeals. All appeals under this Code shall be brought before the City of Hartford Construction Board of Appeals which board is authorized and has jurisdiction to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this Code, using the rules of procedures adopted by the Construction Board of Appeals.

(10) *Section 111.2* is deleted in its entirety.

(11) *Section 111.2.1* is deleted in its entirety.

(12) *Section 111.2.2* is deleted in its entirety.

(13) *Section 111.2.3* is deleted in its entirety.

(14) *Section 111.2.4* is deleted in its entirety.

(15) *Section 111.2.5* is deleted in its entirety.

(16) *Section 111.3* is deleted in its entirety.

(17) *Section 111.4* is deleted in its entirety.

(18) *Section 111.4.1* is deleted in its entirety.

(19) *Section 111.5* is deleted in its entirety.

(20) *Section 111.6* is deleted in its entirety.

(21) *Section 111.6.1* is deleted in its entirety.

(22) *Section 111.6.2* is deleted in its entirety.

(23) *Section 111.7* is deleted in its entirety.

(24) *Section 111.8* is deleted in its entirety.

(25) *Section 112.4* is amended to read in its entirety as follows:

112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Code.

(26) *Section 201.3* is amended to read in its entirety as follows:

201.3. Terms defined in other codes. Where terms are not defined in this Code and are defined in the Michigan Building Code, the Michigan Residential Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code, any applicable fire code, or the City of Hartford Zoning Ordinance, such terms shall have the meanings ascribed to them as stated in those codes or ordinances.

(27) *Section 302.4* insert "eight (8) inches in height."

(28) *Section 304.14* insert "May 1 to October 31."

(29) *Section 602.2* is amended to read in its entirety as follows:

602.2. Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature as provided within the Michigan Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(30) *Section 602.3* is amended to read in its entirety as follows:

602.3. Heat supply. Every owner or operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish a heating system to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the City shall be 6 degrees F.

(31) *Section 602.4* is amended to read in its entirety as follows:

602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F during the period the spaces are occupied.

Exceptions: Processing, storage and operation areas that require cooling or special temperature conditions or areas in which persons are primarily engaged in vigorous physical activities.

(d) *Copies of code.* A complete copy of the International Property Maintenance Code, 2015 Edition, including Appendix A, is available for public use, inspection and purchase at the offices of the City Clerk.

Section 2. Amendment. The second division of Chapter 150 of the Hartford City Code, which is currently named "Certificate of Occupancy," is hereby renamed "Dangerous Buildings" and is amended to read in its entirety as follows:

Dangerous Buildings

Sec. 150.20. Dangerous building and structures ordinance.

~~150.20 PURPOSE.~~

~~The City Commission finds that a certificate of occupancy program is in the public interest for the following reasons:~~

~~(A) The City of Hartford is a mature community with much of the housing stock and commercial buildings being in excess of 40 years of age.~~

~~(B) Based on past experiences with building inspections, many of these buildings have serious code violations which are a threat to the health, welfare, and safety of the residents of the city.~~

~~(C) It takes special training and knowledge, which is beyond the expertise of the average property owner, to recognize many of these code violations.~~

~~(D) In order to preserve the value of existing construction, to safeguard the public, and to prevent blight, it is necessary to inspect every building in the city.~~

~~(E) The least intrusive method, which should result in eventual inspection of all residential properties, is to require a certificate of occupancy upon sale, transfer to the property, or change in occupancy.~~

~~(1993 Code, ' 6.28)~~

This ordinance is specifically authorized by the housing law, 1917 PA 167, as amended, and shall be known and cited as the City of Hartford Dangerous Buildings Ordinance.

Sec. 150.21. Dangerous building unlawful.

~~150.21 CERTIFICATE OF OCCUPANCY REQUIRED.~~

~~(A) It shall be unlawful to occupy any premises, except as identified as exempt under ' 150.24 and 150.25; in the City of Hartford unless there is an unexpired certificate of occupancy in effect which covers the specific use for which the premise are being occupied.~~

~~(B) A violation of this section is a misdemeanor. Each day that the unlawful occupancy continues shall be a separate offence.~~

~~(C) In the case of tenant occupied commercial property, the owner or the tenant, or both, may be cited for the violation in addition to the corporation.~~

~~(D) In the case of a corporation, the president or managing agent shall be personally responsible for the violation in addition to the corporation.~~

~~(E) In the case of a partnership, any general partner may be cited for the violation.~~

~~(1993 Code, ' 6.28) Penalty, see ' 150.99~~

It shall be unlawful for any owner, agent, lessee or party in interest to keep or maintain any building or part thereof which is a dangerous building or structure as defined in this ordinance.

Sec. 150.22. Dangerous building defined.

~~150.22 APPLICATION.~~

~~(A) All owners or occupants of commercial property shall apply for a certificate of occupancy, as required in ' 150.29.~~

~~(B) Owners of tenant occupied residential property shall apply for a certificate of occupancy, as required in ' 150.28.~~

~~(C) Owners of all owner occupied residential property shall apply for a certificate of occupancy when the property is sold or transferred and thereafter, as required in ' 150.28.~~

~~(1993 Code, ' 6.28) Penalty, see ' 150.99~~

As used in this ordinance, the term “dangerous building” means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

(a) A door, aisle, passageway, stairway, or other means of exit does not conform to the requirements of applicable fire codes.

- (b) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is significantly impaired and the structure does not meet the minimum requirements of the housing law or the Michigan Building Code for a new building or structure, purpose, or location.
- (c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (d) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the housing law or the Michigan Building Code.
- (e) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (f) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (g) The building or structure is damaged by fire, wind, or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (h) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (i) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

Sec. 150.23. Notice of dangerous building.

~~150.23 ENFORCEMENT.~~

~~(A) If a residence is found to be vacated, or occupied without an occupancy permit, and material health or safety hazards exist, water service will be discontinued until all bills are paid and an occupancy permit is obtained. Any charges for delinquent water charges or turn-on or turn-off fees connected with obtaining an occupancy permit will be issued and before water service will be continued.~~

~~(B) If the violations are not corrected within the time limits set by the building official, charges may be brought against the responsible party.~~

~~(C) The owner or occupant will be contacted and an inspection will be requested.~~

~~(D) If permission is refused, a search warrant shall be requested from the district court.~~

~~(E) If the warrant request is granted, the premises will be inspected and the owner or occupant will be given written notice of any violations. The owner or other responsible party will be billed for the regular inspection fee, any court costs, and attorneys fees incurred in securing the search warrant. If not paid, these amounts will become a lien on the property.~~

~~(1993 Code, '6.28)~~

- (a) The City's building official may issue a notice pursuant to this section upon finding that a building or structure is a dangerous building. The notice shall be served on the owner, agent, or lessee registered with the City. If an owner, agent, or lessee is not registered with the City, the notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

- (b) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (c) The hearing officer shall be appointed by the mayor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the City shall not be appointed as hearing officer. The City shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.
- (d) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

Sec. 150.24. Hearings and other proceedings.

~~150.24 EXEMPTION; MULTIPLE HOUSING.~~

~~A certificate of occupancy is not required for an apartment building, condominium, and cooperative or other multiple residential property that is already covered under the Rental Property Registration and Inspection Ordinance. (1993 Code, '6.28)~~

- (a) At the hearing, the hearing officer shall take testimony of the City, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- (b) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the building is a dangerous building under the provisions of this ordinance, the order may require the owner or agent, to bring and maintain the exterior of the building and adjoining grounds into compliance including, but not limited to, the maintenance of lawns, trees, and shrubs.
- (c) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (b), the hearing officer shall file a report of the findings and a copy of the order with the City's construction board of appeals not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in Section 150.23.
- (d) The construction board of appeals shall set a date not less than 30 days after the hearing prescribed in subsection (a) for an appellate hearing on the findings and order of the hearing officer. The construction board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed in Section 150.23 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The construction board of appeals shall either approve, disapprove, or modify the order. If the construction board of appeals approves or modifies the order, the City shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the construction board of appeals of the City determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or

lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires expedited demolition exists.

- (e) The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this ordinance. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the City to bring the property into conformance with this ordinance shall be reimbursed to the City by the owner or party in interest in whose name the property appears.
- (f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the City shall have a lien for the cost incurred by the City to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, as amended.
- (g) In addition to the other remedies provided under this ordinance, the City may bring an action against the owner of a dangerous building or structure for the full cost of demolition, of making the building safe, or of maintaining the exterior or grounds adjoining a dangerous building or structure. The City shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

Sec. 150.25. Enforcement of judgment against other assets.

~~150.25 PARTIAL EXEMPTIONS; OWNER OCCUPIED RESIDENTIAL.~~

~~(A) A certificate of occupancy is not required for a single family housing unit, which was occupied by the owner as the owner's principal residence on the effective date of this subchapter for as long as that occupancy continues. If the housing is sold, or if the owner no longer occupies it, a certificate of occupancy shall be required, except as provided in division (B) below. A land contract purchaser shall be considered an owner.~~

~~(B) Application for a certificate of occupancy is not required when owner occupied residential property is transferred to a member of the household of the owner, provided the transferee has resided in the property for at least 1 year immediately before the transfer, and the transfer is for a nominal consideration.~~

~~(C) A certificate of occupancy is not required when an owner occupied house has been inspected as a requirement for mortgage or bank approval for the house before a real estate closing. A copy of the inspection report is sufficient evidence for the purpose of this subchapter.~~

~~(D) No part of this section shall be so construed as to prevent the city from investigating any complaint of hazardous conditions in any building, brought to the city's attention by a responsible party, nor to prevent any code official from acting on violations discovered or suspected under the plain view doctrine.~~

~~(1993 Code, '6.28)~~

- (a) A judgment in an action brought pursuant to subsection 150.24(g) may be enforced against assets of the owner other than the building or structure.

- (b) The City shall have a lien for the amount of a judgment obtained pursuant to subsection 150.24(g) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens or encumbrances.

Sec. 150.26. Penalties.

~~150.26 APPLICATION PROCEDURE.~~

~~(A) A certificate of occupancy may be obtained by submitting a written application to the City of Hartford on the prescribed form and by paying the standard inspection fee of \$45.~~

~~(B) Before issuing a certificate of occupancy, the building official shall inspect the property and determine whether the property is in substantial compliance with all material provisions of the most recent edition of the B.O.C.A. National Property Maintenance Code and H.U.D. Section 8 housing quality inspection form, as amended and adopted by the city. The building official shall give the applicant a list of all violations found as a result of the inspection.~~

~~(C) The building official shall issue a certificate of occupancy immediately if no violations are found. If violations are found to exist, a certificate of occupancy shall be issued after the building official is satisfied that all violations have been corrected. If the premises are occupied without a valid certificate of occupancy, the city may proceed under '150.21.~~

~~(D) Upon any reinspections, should the building official discover any other violations or defect not first observed in an earlier inspection, the building official shall have the authority to require compliance within a specific time limit determined by the building official.~~

~~(E) If an inspection appointment is made and no one is there when the building official goes for the inspection, a \$20 fee will be charged before another inspection appointment is made.~~

~~(F) The certificate of occupancy shall state that the building official has inspected the dwelling or structure and has determined that the dwelling or structure may be occupied. The existence of an unexpired certificate of occupancy shall not bar enforcement of or excuse compliance with any building code or other ordinance of the city. The certificate of occupancy shall bear this legend in capital letters of bold face type: AThe city of Hartford does not warranty or guarantee that there are no defects in the premises covered by this certificate and the city shall not be held responsible for defects not noted in the inspection report. Interested persons are advised and encouraged to make their own inspection of the premise in order to determine their condition. @~~

~~(G) The person applying for a certificate of occupancy shall sign an inspection agreement on a form prescribed by the city. The inspection agreement shall disclose the scope of the inspection, state the limitation on the inspection, and shall prohibit disclosure of the inspection report unless the scope and limitation of the inspection are also disclosed. In the case of a sale of the property, both the buyer and the seller shall sign and acknowledge receipt of completed inspection report. (1993 Code, '6.28) Penalty, see '150.99~~

- (a) A person who violates any provision of this dangerous building ordinance shall be responsible for a municipal civil infraction.
- (b) A person who fails or refuses to comply with an order approved or modified by the construction board of appeals is guilty of misdemeanor punishable by imprisonment for not more than 120 days or a fine of not more than \$1,000 or both.

Sec. 150.27. Appeal of circuit court.

~~150.27 LIMITATION OF INSPECTIONS.~~

~~(A) All occupancy inspections shall be made to determine substantial compliance with the B. O. C. A. National Property Maintenance Code and H.U.D. Section 8 housing quality inspection form, as amended.~~

~~(B) All inspections shall be visual, or those which may require nondestructive testing to the extent of removal of covers and plates or the checking of electrical voltages or grounding conditions, as is deemed~~

necessary by the building official.

~~(C) A list of all defects, if any, shall be made at the initial inspection. Any additional defects or code violations discovered or uncovered during repair or made known to the building official, prior to the issuance of the occupancy permit, shall be noted and will require repair within the time limits established by the building official.~~

~~(1993 Code, '6.28)~~

An owner or party in interest aggrieved by any final decision of the construction board of appeals may appeal the decision or order to the Van Buren County Circuit Court by filing an appeal within 20 days from the date of such decision.

Section 3. Publication and Effective Date. The City Clerk shall cause this ordinance or a notice of adoption of this ordinance to be published. This ordinance shall take effect upon such publication.

First Reading: July 24, 2023
Second Reading: August 8, 2023
Adopted:
Published:

CERTIFICATION

This true and complete copy of Ordinance No. _____ was declared adopted at a regular meeting of the Hartford City Commission held on _____, 2023.

Richard A. Hall, Mayor

RoxAn Rodney-Isbrecht, City Clerk