

**STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF ALLEN PARK**

**ORDINANCE #04-2019**

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, BY THE ADDITION OF ARTICLE 10 “MINIMUM HOUSING STANDARDS” AND SECTIONS 10-400 THROUGH 10-405, TO PREVENT BLIGHT BY INSURING MINIMUM MAINTENANCE OF DWELLINGS.**

**The City of Allen Park Ordains:**

**SECTION 1. Amendment to Code.**

Chapter 10, Buildings and Building Regulations, is hereby amended to hereafter read as follows:

Chapter 10, Buildings and Building Regulations

Article X, Minimum Housing Standards

**Article X. – Minimum Housing Standards.**

**Sec. 10-400. - 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 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.

**Sec. 10-401. - Definitions.**

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

*Bedroom* or *room occupied for sleeping purposes* shall mean a room characterized by the following traits:

- (1) A room not normally used for the preparation or consumption of food.
- (2) A room so arranged that it is not necessary to go through this room in order to gain access to the principal bathroom of the dwelling unit or any other room with the exception of a secondary bath or toilet room serving that sleeping room only.
- (3) A room with solid swing-type door with stop moldings to afford privacy.
- (4) A room with adequate ventilation.
- (5) A room normally with a closet.

*Dwelling* shall mean any building which is wholly or partly used, or intended to be used, for living or sleeping by human occupants; provided that temporary housing shall not be regarded as a dwelling.

*Dwelling unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

*Multiple dwelling* shall mean any dwelling containing more than two dwelling units.

*Occupant* shall mean any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

*Owner* shall mean any person 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.

*Rooming house* shall mean any dwelling or that part thereof containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother to the owner or operator.

*Rooming unit* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Whenever the words "dwelling," "dwelling unit," "rooming house," or "residential premises," are used in this article, they shall be construed as though they were followed by the words "or any part thereof and may be referred to as "real property".

#### **Sec. 10-402. - 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.

#### **Sec. 10-403. - Right of entry, access.**

(a) The building 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 building 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. 10-404. - 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 a dwelling, dwelling unit, multiple dwelling or residential premises on 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.

(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.

(e) A certificate of occupancy shall not be issued until all violations noted on the inspection report have been corrected and required repairs have been made.

(f) 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 entered into with the condition that complete conformance be achieved within a reasonable time specified by the building department, but in not more than 90 days. The building department may grant an extension of an additional 90 days for good cause; an extension may be granted only for owner-occupied property.

#### **Sec. 10-405. - Failure to comply.**

Violation of this article by any person, firm and/or corporation shall be a misdemeanor punishable as provided under section 1-14 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.

Further, any violation of this article is hereby declared to be a nuisance. In addition to any other relief provided by this article, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

**SECTION 2. Repeal.** All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. Saving Clause.**

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 4. Severability.**

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**SECTION 5. Codification; Scrivener's Errors:**

- (a). Section 1 of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator, or designee, without the need for a public hearing.

**SECTION 6. Publication.**

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

**SECTION 7. Adoption.**

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 8<sup>th</sup> day of October, 2019.

WILLIAM MATAKAS, Mayor  
City of Allen Park

MICHAEL I. MIZZI, City Clerk  
City of Allen Park